

City Council Work Session Transcript – 2/13/2018

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 2/13/2018 6:00:00 AM

Original Air Date: 2/13/2018

Transcript Generated by SnapStream

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>> Mayor Adler: All right. We have a quorum so we're going to gavel this thing up. Today is Tuesday, February February 13th, the day before Valentine's day. It is 9:08. We have a quorum present, we're in the boards and commissions room here at city hall, 301 west second street, Austin, Texas. And we have with us here for his first meeting, good news, the city manager has come back for a second day. [Laughter]. Not entirely without doubt. But you come to a city that is so ready to welcome you and to -- is looking forward to your leadership in this city, great expectation, great anticipation, tons of goodwill that you should take advantage of. Here is your start. [Laughter]. And we're just really excited to have you. Would you like to say anything before we start? >> Thank you, mayor. First I'll get the mic working. Thank you, mayor, mayor pro tem and councilmembers. , citizens and members of the Austin -- city of Austin employees. I just am thrilled to be here. I know that in my first few weeks and months I'll be doing a lot of listening and engagement with the community and I just appreciate your patience. And as I get my feet on the ground here I'm just excited to be part of this Austin community and I really want to thank everyone for including me in that. So I'm looking forward to meeting you, engaging with you, and this is going to be great. I appreciate that. >> Mayor Adler: Great. So colleagues, there were several things that -- that

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some of us, different ones of us wanted to have go first this morning. And obviously everything can't go first. So in talking with the mayor pro tem we thought that what we would do is we would start with the echo presentation, hopefully get the presentation done within 15 minutes and then have conversation that would do another 15 to 30 minutes so that we can get into codenext, so that we can have the codenext presentation this morning, the ability for people to be able to ask questions. My sense is -- then we have an executive session that we need to do today over lunch. My sense is that probably means that we'll get to the pulled items probably right after lunch would be my best guess. Okay? So we'll proceed that way. Mr. Howard, do you want to introduce yourself and started with our first presentation. >> Good morning, my name is liane Howard. I'll do that again. Good morning. My name is

Ann Howard and I am the executive director of echo, the ending community homelessness coalition. And I think it's appropriate that on manager cronk's second day in your first work session that together we're tackling one of our most difficult situations. I'm thinking of the first shall be last and last shall be first. And behind me you see advocates, experts, professionals, public servants who are working and have worked for years to address the needs of the poorest among us, those who are suffering homelessness. And -- who are suffering homelessness. And today is a great day. About a year ago mayor Adler and mayor pro tem tovo gathered a bunch of us upstairs and said could you give us a plan and tell what it would cost if we really wanted to get people

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off the streets. If we wanted to be able to offer people safe and decent housing and the supports they need to maintain that housing. And we got to work. We accepted the challenge and over the months we've put together a plan with about 50 different organizations, giving input to the plan, including different departments here from the city, under assistant city manager Sarah Hensley's leadership. This is a picture really of what's going on today because it wasn't just a year ago that we started working together. For several years now we are using a shared assessment tool and really creating a triage system for every person experiencing homelessness. We talk with them, we figure out what it is they need. Then we set on a course to match them with the non-profit that can meet that need that can help end their homelessness. So a lot of the folks you see outside that you wish you didn't that are tired and messy, those folks have done everything this community has asked of them and they are waiting for our help. Some of you were participating in the count a few weeks ago and while I can't tell you the exact numbers, I want you to look at this heat map. It shows us where we found folks living, folks sleeping outside. You know, find your district and see what color the spot is. There are folks experiencing homelessness all over this community. This is what it looks like up north and this is what it

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looks like in central and a little bit further south. My guess is what we'll be coming out with the numbers in a week or so, and it's about five to 10% increased. We had fewer folks sleeping in shelter and more sleeping outside. That is something we need to wrestle with. I mentioned this assessment that we do. We know a lot about the people experiencing homelessness. It's no longer just a mystery. We know what their health looks like, we know what their happiness factor looks like. We know their criminal history. We know their employment history. We know their addiction history. We also know what they need. That assessment tells us what's the level of intervention this community needs to be able to offer them to end their homelessness. About a third of them need the most intensive support. We call that permanent supportive housing. And about twice that many need a less intensive support, but one at the beginning looks very familiar. It will require rental assistance and access to services. We also need the housing -- we know the housing units we need because we know the makeup of their families. Could they make it in a single room occupancy or a one bedroom apartment? Do they need a two or three or

four bedroom apartment because of the size of their families? This allows us to become very strategic and start looking at the housing needs across this community. So here's the situation. If you picture a bathtub overflowing, it's not about draining a swamp, but it's about unclogging the drain.

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We've got to be able to help more people exit homelessness so that the inflow begins to look like the outflow. Or the outflow matches the inflow. You get that? This is what we have and this is what we need to become. And what we've worked together to do is to develop sort of the key components that. Will allow that to happen? And why are those the key components? They are the components that work, they work here in Austin, they work across the country, but we're not doing them to the scale we need to alleviate the suffering and the misery of all of us. So the next few slides talk about more specific ideas around outreach and shelter, around housing and support services, addressing disparities, effective system response and the public-private partnership we will need to pull this off. But I'm going to use any time sort of focused on the next three slides. This one talks about the estimated funding gap: We've created a projection tool working with Ryan Robinson, working with the national alliance to end homelessness, the United States interagency council on homelessness, and the really smart people sitting at the table and behind me to look at what are the programs we have, what's our capacity to end homelessness right now. What do we need to end homelessness for the people we know? And when you not only end their homelessness, they require some level of continued support. And you don't just move them

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into housing and let them go. You have to help them stabilize and connect to the job training, the education, the health care they need and at the same time deal with whatever other inflow we're experiencing. So while this looks like an expensive proposition, I want to remind you that our local that for the folks cycling in and out of the health care system and the criminal justice system and our social services, we're spending upwards of \$225,000 per person per year. That's millions. That's millions and millions being spent for the statistic cuss quo. We're smarter than that and more passionate than that. We have to figure out how to get there to end homelessness. I'm really excited because behind me are people who know how to spend the money, our social service non-profit partners. But we also have funders behind us who are leaning in and will help us I'm confident solve this problem problem. This is not a prioritized list. These are things lifted right out of the community plan. I'll run through them and mayor, I'll be ready for questions. I think I beat the 15 minutes. So excited to be here. First of all, I want you guys to adopt this action plan. As Barbara Jordan said it's a living document. It will change over time as we learn more together. It's a working document. It's a working draft. We have to get comfortable on working on goals and working together and knowing that as we learn we will

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make edits. Then we need to invite Travis county and the funding community to join with us. We need to end the chronic homelessness and invest at the level that will meet the goal. We need to identify dedicated funding streams. You've helped us in leaps and bounds on the project and I'm confident that the health care community and the county government will join you in that effort. The most recent memo from the budget office introduced this new concept of municipal management districts. I don't care the acronym. We need to figure out how to raise the money. Support better outreach through permanent shelters and supportive housing. We've got to connect the dots. Rescope -- I shouldn't skip over it. Rescope the arch to really model shelter transformation. Align and actively manage all city of Austin homelessness contracts that are funding with local, state and federal funds to focus on achieving strong outcomes with systemwide performance. The plan includes those performance measures. Expand housing strategies that incentivize housing. We're doing that now and need to scale it up. Two more. Facilitate connection between city funded programs related to employment, direct financial assistance, and education with these echo partners. And lastly, finish the work on existing resolutions related to employment, to city owned land for housing and shelter, and for community engagement. All in relation to the action plan. We're ready for your

[9:24:31 AM]

questions. >> Mayor Adler: Colleagues. Councilmember kitchen? Ms. Kitchen first, I know it was hard work to put this together and it's a recognition of the ongoing work that you and all the service providers do on an ongoing basis. And so I want to say thank you for the work that you do. So I see you've answered one question, where the action plan is available. So we'll look at that. More detail in your action plan. So I wanted to comment on -- and just reiterate the steps that you have as suggested actions related to engaging with the health care community. I think I noticed somewhere there's a large number of people who have experienced trauma or abuse and that access to health care is primarily through the emergency room or they don't access health care at all. So I'm certain this is in your plan. But I think that our community partners include central health, the managed care organizations in town that serve low income folks and lots of other health care community folks. Because I'm excited that as a community we can work on that aspect as well as the housing because that makes a huge difference, as I know you know. So I guess I'll just make it a question. I'm sure your report recognizes and talks about connecting with the health care community? >> It does. And I will probably have to beef that part up. The greatest needs we hear from our shelters and from those who are in tune with the health care needs is something near and dear to your heart, but that is the respite beds. >> The respite care. >> And I know some of the providers with central

[9:26:32 AM]

health and community care and integral care and front steps, you know, are committed to respite beds and looking for ways to scale that up. For those of you who aren't as familiar with this work, we often find folks being discharged from hospital with the IV bag, still with very fresh, you know, surgical incisions with bandages and the first person I picked up with the bandage, she said the doctor told me to stay off my feet. You know, we've got to do better and we can do better. And it saves us money to do better. >> Kitchen: Okay. Thank you. Mayor Adler mayor pro tem. >> Tovo: I really appreciate you being here today to present this to the full council. I've had an opportunity through the echo membership council to address a lot of my questions. I just want to express my appreciation to all the members here. I think it's extremely important for our community and does provide a guide forward. So it is my intention to bring this forward for council to adopt at the next earliest available opportunity, which will probably be our context council meeting. So again, thank you and thank you to the partners here who are working on this issue everyday to end homelessness in our community, but thanks especially for the extra effort to provide us with a real clear sense of what we as a city need to do. One of the important initiatives that is, as you mentioned, ongoing, is the pay for success model, which we did fund through our last budget. And city manager, I look forward to talking with you about the progress because it's really tremendous and the response has been great from the health care community as well as our other potential partners. So I look forward to seeing that executed here soon. Thanks again. >> And mayor pro tem, if I may, I would offer that any of the folks behind me, as well as the echo team, would be very willing to come and

[9:28:32 AM]

visit with councilmembers, with you and your staff or any of your constituents who want to have a better understanding of the plan and to know what we're all working towards. I'm sure that the folks behind me can all make that happen. >> Mayor Adler: Councilmember pool? >> Pool: Thank you. And I just want to echo and thank -- echo mayor pro tem's comments and thank her for the many years of work she's been doing to bring the issues surrounding homelessness to the attention of our community. And I agree we need to do more work to make sure people understand. And I am curious on your page 20 you have item 7, expand housing strategies and incentivize property owners to offer low barrier rental units. And we've been working hard on doing that and find that there are limited opportunities for that. And it's hard to incentivize in some areas. I'm curious when you say that you must have some ideas that we haven't already done. And if you could just touch on three maybe. And then I think that that should be something that we should maybe put some meat on the bones of these items that you're talking about because, you know, I've been concerned about this for a really long time, homelessness, but for all the efforts that everybody has put to and the projects and the contracts and the money spent and the efforts and the concern and helping people with their mental illness issues, we haven't been able to eliminate it. And so from a practical standpoint to measure our successes, hopefully this will help so that we can know where we started, what we've done in the past that has been maybe less than efficient or effective, and then how we can really move the needle.

[9:30:35 AM]

So in the spirit of looking for specifics, because it's been years and this same -- we could have made this presentation probably 10 years ago. In the spirit of specifics, what ideas do you have? Because I think you may have some. >> So three is the magic number. We've been piloting three different strategies to help bring private landlords to the table. Clearly we want to build additional affordable housing in this community and we will be working very hard to make sure that that new housing is accessible to folks who have eviction history, criminal history, health issues, low barrier concerns. But that particular bullet is talking about the three strategies that we piloted during the ending veterans homelessness, that mayor Adler helped raise private dollars so we could help pilot these initiatives. And one was to create a risk mitigation pool to really have the backs of the landlords and property managers and property owners owners. So we've gone into partnership. I think we have signed about 17 mous with private property management companies and landlords. And to be there, that if they're waiting for one of our housing programs to get the client in the unit, we will pay rent while they wait. Or if there's unforeseen damages to a unit. That's what everybody is afraid of, right? If that happens we will pay a limited amount, but be a risk mitigation pool for the private sector. And that has opened the door and allowed us to get to know and build relationships with property owners. A second one is one that we've been piloting with neighborhood. We did it on our own with private money and now we're doing more of it with neighborhood housing. And that's called an availability payment. And it sort of creates affordable housing on the

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spot where we've used this money to provide gap funding for rent. So if we know the client can pay 650, but the apartment rent is 750 and that landlord or property owner will work with us, we will pay the gap amount of the \$100 so that the rent is actually offered at a lower amount. The third one is barrier busting. And this is where -- like our names? We found a whole bunch of apartments that don't have bathroom vent fans, but if we put in the vent fan, they can get the inspection needed with the housing authority. So we've paid for vent fans. You know, so it's a two-pronged approach, right? It's looking for new affordable housing to be built that will accommodate our clients, but it's also creating affordable housing with creative financing tools. >> Pool: That's really great. And if we could get the specifics behind it like the amount of money that was raised and spent and the success, that would be great. And that would give us I think the level of specificity that would be necessary for us to really know with the funds that we invest, how closely we are targeting it and how surgical it is and how successful it is. >> We can do that. >> Great. Thank you. >> Mayor Adler: Mr. Flannigan and then Ms. Houston. >> Flannigan: This is great and I'm looking forward to using every tool we have in the toolbox to get this done. Despite most of my district being left off your map, which you know is an issue for me, even those people care about homelessness in all parts of the city. So as I often have to remind folks when you show a map of the city, please show the whole city. Half of my district is not on this map and I don't know that there aren't homeless people up there.

[9:34:37 AM]

There probably are. There's huge green field still up in those areas. There's a train station and a park and ride. I hope the next time this analysis is done it includes the whole city. >> Thank you. We apologize for the map not showing it all. In the recent point and time count, our responsibility was Travis county and another group has the responsibility for Williamson county, but we will get with them and make sure we have the full picture. >> Mayor Adler: Ms. Houston? >> Houston: Thank you. And I want to ditto the accolades. I'm not going to run through them again. I'm smiling at the people out there who do it. Please know that I appreciate your work. And this is a ministry for you all. It's not a job. So I appreciate that. On slide 19, however, I do have a concern because we talk about inviting Travis county and the private sector to strategize on plan implementation and we continue to leave out the state of Texas. And I continue to say that one of the reasons that we have such a large population of people on our streets with behavioral health disorders is because a discharge from the 39 counties that the Austin state hospital serves and they don't go home. They stay here. Because Groesbeck doesn't have the kind of support services that we have here. And some of the other small towns. So we continue to leave them out. And I think they're an integral part in helping us at least work with and try to mitigate some of the unintended consequences of not having the kinds of state support that we used to have when people were discharged from the state hospital that money would follow them into their community and the community could provide the kinds of supports and services. But that has stopped. So now we're left with -- when I'm on the streets and I'm on the streets often, and I'm talking to people and I'm asking them where they're from, some are from Travis county, some are from Austin. But the great majority of them come from other places. And so I think we need to make sure that the state of

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Texas is a partner as we try to deal with this approach. It's not just our problem. It's Travis county's problem and it's the state's problem. >> Mayor Adler: I want to join real quickly in again thanking you and the stakeholders for the important study and for everybody getting together to kind of point in one direction. The work that you all did this summer in testing and piloting ideas was another example of the community coming together to really advance this ball. The work on the pay for success that the paper has led us with on the council, I'm real excited about too. And when you bring this back, mayor pro tem, I would love to be part of that and to help support you in doing that. I think it's real important. I would just say just to say out loud, because people might be looking at this, that the risk mitigation fund that you all put together to help assuage the concerns of the landlords because it's easier to rent in the market we have to people who have an address when they fill out the application. But that risk fund has helped mitigate that. And with far fewer actual claims than -- it's good to have the fund, makes people feel better, but important for landlords to know that very few of them actually ever had to access the fund because it's just not a real problem that in real life shows itself. And then I just guess bottom line, \$30 million more a year is an awful lot of money for us to try to come up with a dedicated income stream. The pay for success model seems to be a really big chunk of that. And I would support the mdms or whatever those other things are. And I would support as many different other things as we can find.

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And I look forward to this fall after we've heard back from the university of Texas so that we can reengage on the conversation about the tipid or the self tax that hotels would put on themselves that our staff says would turn up \$10 million a year in dedicated income money. It's just a big nut. So as many different places as we could find money, I pledge to work with you and colleagues to see how many different places we can get to cobble together what we need to actually be able to do this in a meaningful way. So thank you all. Yes, councilmember alter? >> Alter: Thank you. And I would like to co-my colleagues accolades with the pun intended this time and thank all of you. I appreciate the slides where it had the suggested items for the city of Austin and it's been awhile since I went through the plan. And I don't remember it being laid out that way in the plan. And I'm wondering if there's a way to carry that through so we can have clarity on sort of what is the city's role on this so that when we're going to try to check off the boxes if we've done the part that we've promised, that we can really see it in a way. And I'm not sure if that's in the plan and maybe you can point that out to me if it is. The other piece on the city actions that I'm not sure of is in the plan and maybe it is and you can clarify for me, is the part about the city's contracts. I just saw that a second ago. Number 6, align and actively manage all city of Austin homelessness contracts. So we have a lot of things that we're already doing. They -- adding up to \$30 million or something like that already.

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And just as we talked about in other areas of social services, we have a responsibility to make sure that those contracts are effectively producing outcomes and also are working together and not duplicating each other. So I think that's an important piece. There's already money in there. And the last is a question for you on -- so part of the finances is the fact that we are spending a lot of resources elsewhere. And you very quickly mentioned how much we're spending to help the same population just to stay in the status quo. Can you say a little bit more about that number, repeat the number and share with us? Because ultimately, you know, these may be investments where we ultimately have a return on investment, not just in the people who we help, but also from a financial perspective if we can cut down on the need to go to the emergency room and other things. >> Right. So the pay for success initiative has really allowed us to dig into the data because it promises to avoid costs by recognizing that once somebody is housed, they're not homeless anymore and their behavior can change. We can connect them to a health home and they can go to their doctor instead of calling -- going to the emergency room all the time, which can really save us money. It will cost health care cost money, but there's a better way to provide health care than just having someone call ems and go to the emergency room. And then looking at the costs related to criminal justice. And all we're doing is slicing like jail bed days, not looking at all the court costs and all that stuff. So we were able to do a match between the sheriff's office, the icc, our integrated care collaborative, which is the local health information exchange that gathers hospital data.

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Some, not all. And then our homeless management information system data. So when we did a match on that, this is now about a year and a half ago, we looked at the top 250 individuals and that's where the dollar was coming in, about \$22,000 a year per top 250. When you look at the top 500 the cost reduced to about \$100,000 per person per year year. There's all different kinds of data. We're redoing the data right now with sheriff's data and health care data and homeless information system data to get -- to really identify the target population for this pay for success project. So that's not even counting up police time, ems -- I think ems costs were in there. So I think also that assistant city manager Hensley has looked at some time, other time spent across the city and what that's costing the city to sort of manage homelessness. And we want to get our thinking around let's spend money to end it and not manage it. And the last thing I would like to say, if I may, I need you to understand that I'm talking about additional \$30 million. Not taking away the -- we need to align and make sure we're getting every efficiency out of the contracts and grants and federal dollars and all that come to Austin, but we've got to find additional resources to scale this up. >> Alter: And I was trying to just in a way underscore that there is a savings of other money that will offset that additional 30 million. Can you just tell me since you probably have the

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calculations if we are spending on 250 people, \$250,000, how much -- >> Like the 70-million-dollar figure? >> Alter: And that's on an annual basis? >> Yes. >> Alter: Between all of our governmental entities because that's not all money that the city of Austin would be -- would be -- >> There's folks here from central health and maybe Seton and whatnot. Like we're scrubbing those numbers as best we can to really get -- the point is we all know that health care is really expensive and we know that once somebody is housed -- and our own data from our own local programs, there's a significant as well as to cycle in and out of jail, to continue using APD time. Obviously some people will need to be hospitalized to care for their illness that has gone unattended. >> Alter: Thank you. >> Mayor Adler: Mayor pro tem and then Mitch. >> Pool: I just had a follow on to councilmember alter. >> Mayor Adler: If you can make it real fast. >> Pool: I would also like to get specific information from central health on the monies they were spending and the programs they have in place that are addressing homelessness because you mentioned that they're one of the partners. So that would be great. Thanks. >> Mayor Adler: Mayor pro tem? >> Tovo: Very quickly, because I acknowledged that we have a lot of social service providers in the audience. I just wanted to recognize that this is really a partnership, a collaboration that involves our business community as well and the downtown Austin alliance has really led on some important initiatives in this. We appreciate their initiatives as well. One of the things that your plan lays out so well is we need to invest in different programs across the spectrum because those experiencing homelessness may need rapid rehousing, they may be chronically homeless and need a different kind of support. So as we get funds and as we

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are able to raise that \$30 million, we need to invest across the spectrum of need, but also that it -- it has to be a community effort, not just with the entities that we've discussed, but also with the business and individuals who want to help. Again, thanks for your work. >> Mayor Adler: Mitch and then maybe to -- Ms. Kitchen and then maybe to codenext. >> Kitchen: I'll keep it to maybe two questions and then I'd like to sit down and talk with you in detail once I with go through the report. I just want to point out one of the two things is the reference to community engagement on number nine. I think some of the things we have in the works, like the resolution that we passed awhile back that I sponsored relating to things like text to give in other cities. If we're going to hit the dollars that we need we need to engage our community and we need to engage the community anyway. There are many folks out there who want to be helpful and don't know how. So I'm assuming that when you talk about finishing the work on existing resolutions you're talking about those kinds of resolutions also. So if we can take advantage of what other cities have done that allows more connected ways for people to give than just giving on the street. So I wanted to mention that. And then I have a question about on page 18 the chart of the dollars. So this is representing the city dollars, right? Or what is this -- total community dollars? >> That would be the total additional funding we need from the public-private partnership. And you see the black line is -- shows us if we want to reach functional zero, which is across that bottom horizontal axis, we would need to have that kind of additional funding. >> Kitchen: Okay.

[9:48:43 AM]

And so it includes everything that the community needs to bring to the table? >> All the additional money that the -- >> Kitchen: I'm sorry, I mean additional. So it would include -- so I want to be sure that it includes things in -- and we can talk in more detail later. Like the need for additional respite care beds. So at this point in time would it include that kind of -- >> It would include some of that. It's not going to pay for all the health care. We're looking -- this is a partnership, right? We've got to count on there being the health care there, but it would pay for the bed beds. What we have a projection tool that we'd like for you guys to wrestle with in that it shows us, you know, for the dollar investment sort of what does that do to the level of homelessness still on the street? So I sort of like I think where you might be thinking that if we need \$30 million and we could look to the city to do 10 and the county to do 10 and the private sector to do 10, you know, like we need to -- we need to figure this out now so that it doesn't spiral out of control. >> Kitchen: Yeah. Where I'm going with this is that I think this is really good. I want to make sure we're including everything we need to and I want to make sure that we're remembering the health care side of it because there are payers. Central health is a payer, which means that they pay for services for people. And there are other organizations or entities in town that pay for services that these folks are eligible for. So that helps us with bringing bars to the table. But I want to make sure -- obviously you can't put the whole health care needs here. I'm not talking about that. I'm talking about the intersection of there's this term in health care, social determinants of health, which is what you've been talking about. The housing part of that, which includes respite care,

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I'd like to see reflected in these dollars. So we can talk in more detail, but I think that that's important to include. >> Thank you. I'd like to brag on the St. David's's foundation if you look at their new strategic plan, they're addressing sort of the wraparound service needs, but they're also looking to scale up the safety net. They're looking to make sure that folks are connected to health insurance and have the benefits and some of the work that our partners are doing is to make sure that we're connecting clients to health care. We've had a pilot with united health to get folks connected back to them. We're also working along with integral care and others to make sure clients who are eligible for medicaid end up on medicaid. And to make sure that folks have social security benefits if they're deserving of that based on current policy. And so this is an all out effort to scope. And that's why the echo board endorsed the paid sick leave initiative because we're looking for every -- what is smart policy to help folks get into housing and stabilize in that housing. >> Kitchen: One last related question -- >> It's not me, mayor. [Laughter]. >> Kitchen: This is important. I'm talking about the dollars here. I'm just wanting to understand what is included. I'm not suggesting it needs to be included. So things like psychiatric hospital services or vibe beds and substance abuse services, and those are beds. I'm not talking about the health care bed. Are those included in here or are those considered separate? >> I would say that would still be separate. But there is some inclusion of treatment for mental health concerns for substance abuse, detox beds

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that we're woefully short on. So we have worked with integral care to add some of that to this plan. But, you know, from our work with the psychiatric stakeholders in this community and -- we've got to scale up a lot of things to meet the need, but to address the needs of the people experiencing homelessness, we believe this plan will advance the ball tremendously. Ms. Kitchen that's fine. I know it will. We can talk about the detail when we look at the report. I think it's a great report. I just think that we need to acknowledge that these other kinds of -- they're housing. These other kinds of beds are necessary and needed and just want to make sure that we'll put a pin in that somewhere. Okay. >> Renteria: Mayor, I just want to say a quick thing. I really want to thank you for this report. This is something that is dear to my heart and we've been working on this for many years. And I know the struggle that's out there, there's people that has non-s on their backs -- demons on their backs that they just can't get rid. I have friends who have gone in and out of services and I talk to them and I say when you're ready to get off the street, let me know because there's an excellent service out here in the Austin and Travis county. So I really want to thank you for all that you've done. >> Thank you, sir. >> Mayor Adler: Thank you. Thank you for being here and we thank all the service providers who have been in the trenches here for years and are here today. We thank the downtown Austin alliance, real important because their work on this is critical as well as looking forward on some of the potential for the tpid and some of the other funding streams. It's also important to recognize the city staff that have worked on this. There are several

different departments that touch this and have been involved. APD with the -- in many instances is our first ambassador as we approach

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these issues you guys are doing phenomenal work as well. Thank you for that. If there ever was an interdisciplinary, interdepartment, community team effort, this is the one. So again, thank you so much, Ms. Howard, and thank you. We'll now go to codenext. Ms. Garza? >> Garza: Mayor, I apologize for being late. I was sitting on a panel for the hispanic impact furnished. I would like to pull -- is that not happening until this afternoon. >> Mayor Adler: My thought is we will do codenext next. I think that will take us to executive session at lunch so we'll do pulled items after lunch. If this goes more quickly, then it may get done before lunch. >> Garza: I want to pull 53 and 54. >> Mayor Adler: What are those items? >> Garza: The police items. >> Mayor Adler: Are you ready? >> We're ready. While the rest of the codenext team is coming in and we're getting the presentation pulled up I'll do a brief intro. As most of you -- >> Mayor Adler: Would you introduce yourself. >> Joe pantalion, interim assistant city manager. As most of you are aware, codenext was released yesterday and it is the staff's policy recommendation. This is the starting point for the commissions, the historic landmark commission, environmental commission and then finally zap, the zoning and platting commission and planning commission. I want to thank those of you who attended our open house yesterday. This has truly been a multidepartmental effort. We had a lot of our experts there able to interact with the community. The draft 3 is available

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online, hard copies are being printed as we speak and should be to your offices by the end of the week. We do have the codenext team here, and I really want to congratulate them and thank them for getting us to this point. It's been a long and tremendous effort. And again, I think it's something that as we start to go over draft 3, just remembering that this is the starting point for the commissions and ultimately their comments will be annotated in the draft that then subsequently sent to council for your review and consideration. So with that short intro it looks like we have everyone set and I'll turn it over to Greg Guernsey, the director of the planning and zoning department, and the executive lead for the project. >> Thank you, mayor and council. I'm really happy to be here and glad that we've gotten to this point. This is really now the hard part begins for boards and commissions and for council. Today we're going to give you a briefing on the staff recommendation, the policy recommendation. This is draft 3. And as Joe mentioned, it's available right now for the public. Let me just kind of go through. We'll talk a little bit about an introduction, how we got here and then we'll go right into the code text and the code map and I'll wrap up with some next steps. So at this time I'm going to really turn it over to Peter park, Peter park consulting. He's one of our subconsultants to opticos, and Peter will talk a little bit about what lead us to this point. >> Thank you, Greg. Good morning, everyone. >> Thank you, Greg. Good morning, everyone. This has been an extraordinary process. We expect it to continue as an extraordinary public process. As you all know the foundation of this work comes from imagine Austin,

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the recommendations from imagine Austin. We started in 2013 . On the project with a year of listening, a little bit more than a year of listening, and the consultant team prepared a code diagnosis, looking at what was not working and what was working in your current land development code. This then was followed in 2014 with a community character manual, an analysis, which is really a crowd-sourced piece of work that we got thousands of images and input from folks from across the community. That helped us develop some alternative approaches to the code, which we get direction from city council. And that is what led up to the creation of draft one at the beginning of last year. We got a lot of comments. We got over 4,000 comments from draft one, a whole bunch of responses that went into the creation of draft two, eight months later. Now, I would like to point out that draft two difference between draft one and draft two, draft one, the overall structure and format for draft one is significantly different. Again, that was in response to a lot of public comment. So that new architecture of a code is what draft two introduced and that is still serving as the foundation of draft three. Draft three is still -- has benefited significantly from this continued public input. Now, one of the things that was produced in the diagnostic was the identifying of ten primary issues with the code. Many of these issues that were identified at that time had a lot to do with the navigation of the code, the complexity of the structure, just things that weren't working in the code. And I think we would just like to reinforce that

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through this process, through this public process, and a lot of listening over these years, the refinement of these issues identified in the diagnostic has happened, and our presentation today is organized around sort of five areas of significant improvement that draft three brings compared to your current code. And, again, all of this as a function of a lot of input that's been received to date. I'll hand it over back to Greg, and he'll share with us what has happened so far in terms of feedback, as well as what the various platforms are going forward to collect more input on draft three. >> Thank you, Peter. And so we've had a great deal of feedback. And as you've seen over the last year, I know many of you have actually participated in some of the events, but we've heard a lot from citizens and residents and utility customers of Austin and outside of Austin. This kind of reflects this. Both in the text and the tool. But we've also had position papers that have been submitted by neighborhood organizations from ANC, from the -- and that's Austin neighborhoods council, American institute of architects. But we have had several of that actually provided comments. We've had 200 -- over 200 hours of office hours where we have staff meet with property owners kind of talking about what's happening on their property or niche. We've had numerous meetings throughout the city just to talk about the text, talk about the map. We've gone to each one of your districts, and I know that many of you participate in those events. Some of you more than once, and we greatly appreciate that. And we've heard a lot. This slide is not in the paper version, but you have this up here on the screen.

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And people aren't shy in Austin. They like to talk to us. They like to give their opinion and share that willingly, openly, and there are diverse opinions that come to us all the time. So we're really hoping that we have captured and listened to our citizens but also paid attention to imagine Austin, that Peter touched on, and all those other plans, the strategic housing blueprint. That's all been very important. We do have an outreach tool kit that we've provided, and these are materials that could help folks if they want to look at some of the documents on their own. They have that ability to do that. We still have a comment tool, and that was activated last night. Folks can still comment on the text. Those comments will be given to your commissions and will be given to you as well. We have an ability to actually kind of organize them by topics that might be helpful to you. Folks that don't have access to the computer can go to their local library and make comments online at the library. And that also goes for the mapping tool. And we still expect there will be comments on the map as well. We did have some that were in the atrium area last night for the open house, but people can actually zoom in, see what the zoning is today, see what is proposed under the staff recommendation. Office hours are going to continue. We'll start this back up in March, give people some time to look at the text, look at the code, and these one on one meetings. We do plan still to go back out to the community. So we'll have meetings that will be all over Austin that people can sign up to, and we have these in libraries in the past and we'll probably use those facilities or district offices as they may exist. And position papers. These have been very helpful. I know some groups have gone in and tested different

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parts of the previous code with the map, and those were helpful to inform some of the decisions that we made as we move forward. So at this point I'm going to turn it back over to Peter. He has a couple comments and then we'll dive into the code and the text. >> Thanks, Greg. We would like to move into really the heart of the presentation. We've organized it in basically two parts. First the code, the code text, and then the zoning map. And in terms of the code text, what we'd like to share with you is how the code is much easier to navigate and that this improved navigation and simplicity of format and organization of the code makes it easier to use and understand, which will support a much more predictable and consistent permitting process, development review process, and enforcement. Neighborhood character and protection of neighbor character has loomed significant in the conversations we've held so far. And so we'd like to point out how the code -- the new code is much better in supporting protection of neighborhood character, carries forward elements in your current code that work, and adds new standards that guide more context-sensitive design. In terms of environment, the code has new protections, enhances protections to protect this precious environment you have in your city. In terms of mobility and connectivity we'd like to explain how the new code expands upon and supports more mobility choice beyond how your current code works and enhances connectivity standards to make Austin as imagine Austin imagined more compact and connected. And finally in terms of housing supply and affordability, a very significant issue in Austin, the code has many ways in which it expands housing supply and affordability and overall diversity and

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supports the strategic housing plan's goals of having the capacity for 135,000 additional units in the future. Then we'll shift to describing the zoning map, and some of the elements in the map and particularly how the map performs. And just like to remind folks that the creation of the map in draft three is the result of significant amount of analysis object part -- on the part of the staff and consultant team and public comments. And reconciling all of this information always against imagine Austin and your adopted policies. So the starting point are your adopted policies plus the mapping criteria plus public input. And all of this informed and improved the staff recommendation map that will be presented today. We'd also like to mention that the PC mapping working group has been invaluable to creating a much better map. This process contributed to the creation of really a new approach, and Austin has helped developed for the benefit of cities everywhere a different and very sophisticated tool for evaluating the relative trade-offs between different priorities and their effects in your case especially on the potential of housing capacity. So we expect, as the conversations continue with the PC and the zap and with city council, that this new tool will continue to inform further refinements to the map throughout the deliberations by the commissions and the council. But particularly in today's presentation, we'd like to point out how mapping of the improved new Zones strengthens and supports, protects neighborhood character, while also providing more housing supply and diverse choices,

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how mapping of the improved Zones prioritizes adding capacity, adding housing capacity, especially in Austin corridors and centers, to support more mobility options and more compact and connected Austin. And how mapping of the improved Zones applies contextilely appropriate parking, use, and design standards, much better than your current code. Your current code has a lot of what's described in the diagnostic kind of a one size fits all approach to these things, and the new code gives you a much broader menu to do a better job. Finally, how the improved mapping of the approved Zones contributes and provides for the 135,000 housing capacity goal that's identified in the strategic housing plan. And so we look forward to sharing this and discussing the code and the map with you, and right now I'll hand it over to John and he'll get into the code. >> Mayor Adler: As John is picking that up, some of the staff that are here for the pulled items, the question is should we let them go and tell them to come back for lunch and when we're done just go into executive session, let people go? So we would let -- maybe we'd let staff go. We'll do this and then go into executive session. John, go ahead. >> Tovo: Mayor, do you suppose we'll be back in this room about 1:00? >> Mayor Adler: That would be my best guess. Guess. >> Troxclair: If there is staff here specifically for item 33, my staff was going to try to correct with them because I think a related item is being postponed so if they're going to both be postponed then I don't need to pull it. >> Mayor Adler: Good. So folks outside on that number should try to find councilmember troxclair's staff. >> Troxclair: Yes, thank you. >> Mayor Adler: That would be great. Thanks. John. >> Thank you. So as Peter was saying, I'll be talking today about the code and a lot of the improvements

that have occurred throughout the process of really draft one, draft two, and draft three, recognizing that, again, all of the improvements are being looked at in terms of the mobility, minimum

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mobility, community, housing, and the permitting process. So as Peter described earlier, the easier to use and understand. So remember that in the new code, we're taking your code that was first written in 1985, has 30 years of amendments to it. If one wanted to understand what one could build in a sf-zone district today one has to look at ten different parts of the code. If one halves to be in a sf-3 district, one would have to look at 13 different places in the code today. These are 13 parts of the code that one has to understand that they have to navigate and kind of weave their way through your existing code. The new code proposes to bring all the information that a user needs into one location. So consolidating as much as possible so that today someone who wants to build a house really can look on a six-page spread and understand the vast majority of the standards that they have to abide by. Making it much easier for a user, making it much easier for staff to use, making it easier for everyone to understand. And understanding that this means that standards about compatibility, residential compatibility standards and commercial design standards now all of these things are integrated into the zone district so one doesn't, again, have to look in various places for standards. Consistent format and language. This was an improvement that was made in draft two and we're carrying forward in draft three. Based on public input and staff comments there are additional refinements that happened, each district presents the information in a similar fashion. One always sees the minimum height one can build, placement of buildings, encroachments, all the standards are phrased in a similar fashion and presented in a similar fashion. Again, it just helps with having everyone have a more consistent and easier use of the code.

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It helps in there's always a learning curve to working with a land development code, but, again, by presenting everything in a more consistent fashion and using the same terminology it assists in that process. Clear zone district names. We recognize that draft three and draft two presented new paradigm for naming but what we felt was that your existing code today has many zone districts where the naming doesn't necessarily always match up with what's the intent. So you have single family zoned districts today 1-6, one might assume those numbers mean either the number of units you can build, sf-1 is one, sf-2 is two units. It really has no correlation to the number of units you can build. It also in some ways doesn't always mean single family. So in sf-5 and sf-6 you can build townhouses which are not technically considered single family in the sense of the way they're organized or the use. So there are a lot of kind of issues with the way that you're zoning works today in terms of naming. Even the fact that you have carryovers -- at one point you had general retail, at one point renamed community commercial but the abbreviation was left gr so one might scratch their head when looking for the community commercial on existing title 25 map today and not find something that might be labeled CC but has to look for something called gr. There are these issues in the existing title 25 we are proposing a new

system in draft three, and we think that the new system, the abbreviations now relate back to the name of the actual district and particularly in the residential house scale zoned districts the number in the name represents the number of units you can get on a lot, the primary units you can get on a lot. The Zones are arranged along the single spectrum so I think this is important. This is something that we definitely heard very loud and clear after draft one, that there was a desire to be able to understand how all the zone districts work

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across the spectrums. Draft two brought them into one spectrum and draft three with input has had an opportunity to further refine that spectrum, make it so that it's much more understandable, much clear. Again, in comparison to our existing code, this now is a much cleaner spectrum. It's much better organized in terms of the way that the districts are put together. And so we have proposed these categories we've talked about in the past, residential house scale, really the single family zoned districts that allow duplexes and other small house form buildings, your residential multi-unit zone, multi-family uses, primarily mixed use, main street, regional center, commercial industrial and other zoned districts. We'll talk further in the presentation about some of these districts in more detail. Again, there are -- in these categories all the zone districts are organized in the category, grouped together by similar traits. And then there are variations. I think this is something that as draft two came out there was a lot of concern about what does a, B, C, D, E mean. I think the importance here is understanding in each of these variations are based on either found conditions in the city of Austin or based on regulations that y'all as a community have today. So while we add an a, B, C at the end of a district, one can think of today an sf-3 you have multiple variations of sf-3, you have sf-3 that is maybe outside the core of the city of Austin where it really only has the basics of height standards and setbacks but then you have sf-3 that applies within the core of the city of Austin, has the residential compatibility and design standards. That have a completely different set of regulations. The height regulations are different, there are additional setbacks. Then you add on top of that neighborhood planning which add another layer of variability in terms of what can be done in a zone district. In today's zoning map one

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looks at a map and it says sf-3. Like if you just look at your base zone district it says sf-3. The reality is that doesn't mean the same thing. That was consistently an issue we found. That one read on a zoning map was not consistent across the city. You have to understand all the other things that were appended to that, oh, sf-3 with a residential design compatibility with a neighborhood plan with the co. And once one got through all of those things one -- understanding that it's different, but even when one understood that it was different, it didn't always mean the same thing. Even when we saw all the same acronyms. This is a consistency issue where a, B, C, either means a changes in uses allowed or sometimes it's a change in the form that's allowed in a zone district. So we felt that this presents much more clearly to the public that there's a difference between different -- between zone districts. Again,

just here an example of the different ways in which one can combine both the categories, the groups, and the Zones. We also wanted to talk more about predictable review process. By having zone districts that more clearly state what is allowed to be done in them, it's easier for you to understand what happens. >> Having clear land use tables that say we'll be more controlling in what kind of uses are allowed, whereas in other parts of the city you can have other uses. This primarily shows up with what a lot of the neighborhood plans standard for. A lot of the neighborhood plans said we're fine with commercial uses, fine with retail uses but we want to be a little more careful about the automotive related uses or more cautious about bars and restaurants immediately adjacent to our neighborhood. So these variations, again, this helps with the predictability, needing to request variances or cos.

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There is a new residential review process for three to six unit projects. The different -- the standards that applied to them vary. But that process has been refined and is in the new draft three that you have today. And this really helps in the ability to think of these smaller scale contextual new buildings that can be put into new developments. Again, this reorganization of the code in a more predictable manner. Moving on, particularly thinking about neighborhood character and how the code works with that, we retain and improve upon compatibility standards that exist today. We're really looking at how we can balance the -- both the regulations on land use, introduction of additional landscape standards required within the compatibility standards, and also, again, balancing the needs of providing some additional protection to the neighborhoods. But also thinking about how we can grow along the corridors. We'll talk more about growing along the corridors in a second. Title -- here's just a diagram showing using title 250, where one can see the different regulations where you have 25 feet in which you could erect a building. There was a long far reaching stair stepping in terms of height that you could do. In draft three we've refined some of the recommendations we had in draft two where we are talking about in the first 30 feet there's no buildings, in the first 15 feet there's a landscape buffer required. This is different from the existing code, much more prescriptive about what type of landscaping, style of buffering and screening required. Then we talk about within the first, you know, 30 to 25 feet how high of a building you can build, and then depending on the zone and height in the district we regulate between 50 and 100 feet from a triggering property. We also improved the small

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lot amnesty program. Today you have a small lot amnesty program. I find it interesting that you call it amnesty, but what we do in the code today is -- in draft three we say, wait a minute, there is a pattern, especially in historic parts of Austin where the lots are sometimes smaller than 5750 so as a general rule we've said that single-family houses, where it was 5750 in the past it's 5,000. Why is this important? This takes thousands of units of housing in your city and makes them conforming, completely conforming. They are legal, completely legal now. If the resident of that property wants to do an addition, if they want to build an accessory dwelling unit they are now legal. They can do these things without having to

have something called amnesty. Right? They are by their nature in the zone district legal. And so this really helps existing residents stay in place, it makes it easier for them to get a loan and, again, as I mentioned easier for them to do additions or renovations. We also are providing additional incentives for retention of existing houses when adding an accessory dwelling unit. We heard loud and clear through draft one and two that there wanted to be controls on the the amount of development that could happen, particularly in mcmansion standards or residential compatibility and design standards. What we were proposing in the code and I'll see in table a in each of the zone districts that allows an Adu that has floor area ratio maximums what we're proposing is if an applicant preserves a house that is existed for at least ten years, their accessory dwelling unit does not count against their floor area ratio requirement. Why is this important? It's important because in many parts of the city, particularly in the older parts of the city, many of the houses are already at .35, .4, or they're already

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at their maximum far limit. What this means is those single-family houses today, there's no way for them to add an accessory dwelling unit, for us to be able to add this small-scale residential infill. This incentive does two things. One it helps us preserve those existing houses but also lets us grow, let's the city grow in terms of number of units provided. The important thing here to remember, though, is because of the way it works, it has hob houses ten years old, at least existing for at least ten years old. If one was to come in and build an Adu under this new regulation and then tear down the house afterwards, their far limit would, again, drop down to .4 because they would no longer be preserving that existing house. So we think this is a great incentive that allows you to grow, it allows you to take existing houses today and add additional housing capacity without having to demolish a house. It's important to remember we retain impervious cover limits that exist today in the code. Particularly impervious cover are very important regulations both for the character of the neighborhoods but also for the environment here in Austin. And then we heard really loud and clear about the floor area ratio and maintaining that as a tool. It's important to recognize also that all of the zoned districts that we are providing talked they really are a toolbox for helping you all in future planning. So we are providing a diverse set of Zones, both in the residential house scale, residential multi-unit, mixed-use and main street, all of these districts will assist you as you move forward with future planning. In terms of the environment, we're really enhancing the protection of the natural resources so, again, your staff has been doing an incredible job working through watershed protection, water quality. A lot of new regulations that are kind of adding and

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really helping improve the environment in Austin. In addition to draft three, we are releasing additional information on the functional green portion of the code. That portion of the code has been -- was released as part of draft two but the details that will be going to the environmental criteria manual were not ready at the release of draft two. We now have more information that's being the released with that

as well, really about bringing ecological benefits and stormwater benefits to more urban development, so developments proposing over 80% impervious cover. These are usually situations where the existing landscape code or many times the environmental code needed some additional standards and additional abilities. It's always important to emphasize that functional green provides flexibility for the applicant. The applicant has many options and ways to meet the functional green requirements and there will be additional resources released this week on functional green. In terms of the landscape, again, a lot of effort was put into looking at the landscape standards and seeing how those could be strengthened across the city, both for development -- landscape elements on a site but also, again, primarily thinking about this functional green thing, about how landscape can be incorporated into more urban projects. Strengthening the tree protection ordinance that y'all have today, again, increasing accessibility by reducing jargon, really thinking about how we can help preserve more of the trees that really make many of Austin's neighborhoods really iconic and beautiful. In terms of the code on mobility and connectivity, you know, I think the big key here for one -- one of the really big keys is thinking about connectivity. Staff has been working really hard on this, and thinking about new requirements both on street trees so when one is walking along the street or shopping

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along a street that it's more enjoyable but also thinking about the connectivity, the number of streets, the intersections that occur, and really thinking about this both from a automotive use but also pedestrians, bicyclists and transit use as well. Supporting transit ridership through enabling more housing, so this is one of those elements that crosses over between thinking about housing, thinking about affordability, also thinking about transit. This is what I mentioned earlier about the mixed-use zone districts where they're allowing residential more across -- more of the corridors in Austin, providing the ability to provide more housing, providing the ability to provide more affordable housing as well is very important. And I think in terms of really getting to the technical details, the transportation department has been thinking really hard about their transportation impact analysis, but thinking about it beyond the car, right? So how can we think about what are the impacts and the needs of both bicyclists, pedestrians, transit users, so really thinking of a multimodal approach, how when we analyze a project can we think about its impacts across all these spectrums of users. Last on the mobility and connectivity is really talking about the minimum parking requirements. So in the minimum parking requirements, we looked in draft three we looked at an approach that looked across the different zone categories at the different parking centers and this differs from your existing code, in that your existing code today really just sets one set of standards that are applied across the city. We carry forward many of your really I think important parking reduction abilities. So whether you're within a quarter mile or eighth of a mile transit being able to get a parking reduction, whether you provide car share, additional bicycle infrastructure, being able to get some reductions. I think an important thing to note in draft three is one item we had proposed in the public redraft or draft one was an allowance for

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small businesses. Small businesses that are under 2500 square feet that the parking requirement, especially in the main street, is zoned districts, is set lower or in some cases set to zero. And this really allows existing buildings and existing users that may have lots that don't have parking to more easily do additions or renovations, allows transition along the older streets in Austin why parking is not always provided. And so, again, I think in draft three I'll see a lot of improvements and a lot of refinements to really thinking more contextually about parking throughout the city. And with that I'm going to ask Ian Carson to come up to talk about the housing supply, affordability, and equity. >> How do you do? Good morning. Ian Carlton with -- focused on affordability. In this section I want to talk to you about increasing opportunities for housing and in particular increasing the opportunities for income-restricted housing that were made available within this draft three code and the text in particular. So the first area in which the text approaches an expanded set of opportunities for housing supply in the city is through ads. The current code, while allowing ads in many places, is actually relatively restrictive compared to how other cities approach the problem. In looking at benchmark cities the new code borrows from those and begins to apply some of these lessons learned. In particular, allowing ads in more of the residential Zones and making the size of the ads vary with lot size. So it is more contextile --

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contextual versus the current policy which is a more one size fits all approach. Further, moving beyond the sort of residential Adu is in larger scale, furthering opportunities for developing housing, particularly on corridors, the concept of allowing mixed use in Zones that are currently commercial, which are prevalent along the corridors in Austin. And so the text really looks to allow residential development opportunities in Zones that in today's code would be commercial only. And so this is a big shift, one of the big levers for providing more housing opportunities in this draft three code. And it gets a little bit more nuanced when we begin to talk about incorporating affordability into this. So as we think about income-restricted housing opportunities, so this is where the occupant of the home is of a air median income, earner of a certain level, and in this case the code focuses on 60% of Ami for renters and 80% for homeowners and focus ons providing housing opportunities in units that are restricted in their affordability over 40 years for rental units and 99 years for ownership units. And the tools used here to accomplish these collide creating more context--- include creating more context-sensitive uses for bonuses in Zones. We've taken draft two Zones and feedback from draft two and considered how we could make the bonuses work better in more of those Zones. In addition to that we've looked at enhancing the effectiveness of these bonuses. So these bonuses offer developers new entitlements above and beyond their base

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entitlements in exchange for providing these income-restricted affordable units, and we have proposed in the text a variant on the mixed-use Zones that were presented in draft two. This variant looks a lot like today's vmu policy that you have. Where the bonus is essentially on the entire building. And this is in response to the fact that the new mixed-use zoning that is being applied to parcels today that only have commercial entitlements are being granted significant new entitlements. The goal is to take advantage of that and provided this income-restricted affordable housing on these sites, typically on corridors where your commercial zoning is applied today. And, further, we are working with nhcd to develop the implementation tools necessary to carry out the work of building income-restricted affordable units in your future code. The program here focuses on bonuses. It is but one of many tools identified in your city's policy to address affordable housing. Again, we are only implementing one piece of your affordable housing blueprint through codenext. It is a small sliver of the overall need that can be addressed through bonuses so your housing blueprint identifies a litany of potential opportunities and a small subset that currently exist in your city today. And you can see the arrow here on this is pointing to a slice of the overall housing need that could be accommodated by your current bonus programs if they were

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to continue to perform in the same way they have for the last ten years. So there's significantly more that needs to be done when it comes to providing income-restricted affordable housing and these bonuses within codenext and some of the other actions taken within codenext to expand housing opportunities are but one measure to needs to be taken to address housing issues in the city of Austin. We are retaining in this proposed draft the existing bonus programs that you have in downtown, east Riverside, north burnet, the tods, as well as vmus that have these specific nuanced cos. So those will be retained, and in addition we will be adding new bonuses. So currently when you look at how these context-sensitive Zones can be applied, it's applied on top of, in addition to your current bonus programs. These -- this map shows you the current bonus programs concentrated in the center city. And when you have a text like we have in draft three that has these bonuses that are nuanced, they can be applied in more places. And the bonuses, when they are applied in the map that's associated with draft three, basically increases the area where bonuses would be offered to landowners 6-fold. The bonuses that are offered vary by zone and by the context in which those bonuses would be -- where those Zones would be applied. So you'll see in this map that some of the bonuses are height bonuses, which are associated with Zones where a height increase when mapped is appropriate. So there's a lot going on here with the confluence of the text and the maps to

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make this work. There are also unit bonuses. So this is the concept of pouring more units into the same building structure and allowing developers to build more units on the same piece of land. And there are bulk bonuses. This is the ability to increase one's far on the sites. The developer could build more

development on the same parcel. And each of these, when they are summed together, add up to a much larger area where bonuses are applicable. And in particular, it means that bonuses are available in more places that are high opportunity. So with the current code and density bonus programs, roughly a quarter of the bonus area is located in high-opportunity locations. And in this draft three, the bonus areas increase tremendously and also the proportion of that area that is located in high-opportunity areas increases. So I think this is a good segue from the text to the maps, which I think is the next focus of the presentation. Moving away from sort of what's happened with the zoning text into how it's applied in the proposed map. >> Thank you. I'm Jerry rusthoven, assistant director of planning and zoning. The map is of course the application of all the things that John and Ian and Peter have been discussing up to now and applying them to actual geographic locations within the city. It's very important, obviously, because without the map all of this means nothing. And it's the thing of course that attracts most attention because people want to know how exactly the zoning is changing in their particular neighborhood. I'm going to discuss what are the criteria and factors that went into us preparing

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the staff recommended map for draft three. The first thing we considered are the existing adopted council policies. Those may be standalone ordinances, may collide neighborhood plans, may include a variety of different ways that the council approves different policies and we in fact have interpreted those and made sure we carry those over into draft three. We have also applied the -- our professional judgment, as well as the recommendations that we had received from the consultants, and we have received a lot of public input. When we started this several years ago the very first thing we did was a listen to the community exercise. In 2014 and 2015 we worked on the community character manual. All of these things were ways people were able to communicate to us and tell us how they felt with regard to what the zoning should be in a particular neighborhood. We have of course had a lot more public input since we released draft one and more in draft two, and we factored that input into coming up with our decisions for the draft map for draft three. We also are working with the PC working group on developing a different tool that I believe Ian is going to speak about or Alex, with regard to having different -- what's referred to as policy levers and how different policy decisions would affect the map and would affect the housing capacity. This is something we've been working with them on for the past several months, and it's been very valuable to providing us input as well as showing the commissioners how different policy decisions affect different things such as housing capacity and the map. We will continue to use all of these tools as we go through the boards and commissions process and coming back to the city council. We also have provided to you in the past a list of the mapping criteria that we've iced, which little more detailed than what I went into right now and I'd be happy to share with y'all again if you would like. So neighborhood character, as I referred to earlier, we

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did comply a community character manual. And preserving neighborhood character is something we've heard repeatedly through this process, people want to be able to preserve the character of their neighborhoods. We have to face the reality that we are a growing city and need to accommodate people that are moving here and we also want to accommodate the desire of people to have more diverse housing types that what had traditionally been provided in the city of Austin. As we've gone through this we've tried to meet those goals which some people think are inherently conflicting. While there maybe conflicts between the two of them we feel we have created a map that achieves more diverse housing, increased housing capacity, while still maintaining neighborhood character. The other thing we worked hard to do is to try to comply with one of the primary goals of imagine Austin which is encourage a more compact and connected Austin in the future. There ever we have emphasized providing additional capacity along the imagine Austin corridors as well as centers and, frankly, taking some of the capacity that was perhaps lost and trying to maintain neighborhood character and transferring that capacity over to corridors to try and achieve the goal of compact and connected by increasing opportunities for people, increasing frankly the viability of mass transit and allowing people to walk more and take bicycles. We've also worked hard to address what we call context-based standards. So the new code through a variety of different means, a lot of which John hit, allows us to consider things such as use, parking, design standards, in a much more refined manner. So as John alluded to, to give an example, for example, along south congress, say, a car wash at south congress and, say, Mary street I think we would all probably agree is not an appropriate use. Take that same car wash, move it further down the

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same street, put it down near -- somewhere near slaughter and south congress and it may be an appropriate use. The only way we have to do that right now is apply gr zoning to both sides and use a conditional overlay to prohibit the car wash for the site at Mary as opposed to the site at slaughter. What codenext does it allows different Zones without having to go through and do that co process that would allow it one place and not the other. Likewise at Mary street for instance we would be very concerned about design standards, perhaps less so in a supersituation. Parking lot, currently the zone has a -- whereas in the inner core we want less surface parking we're less concerned about that outside the urban core. We actually change it by Zones. So we're trying to use the Zones to be more refined about meeting city goals and policies, as opposed to trying to apply the same zone and customize it with every single zoning case as we go through the process. We also of course have considered, as Ian was speaking about, the strategy housing blueprint recent approved by the council and making sure as we go through the map that we are in fact complying with that adopted policy. And I can tell thought draft three certainly meets that policy of providing at least 135,000 additional units of housing capacity through the proposed draft three map. And next I'm going to have Alex Steinberger discussing the housing supply and affordability outcomes and how we're meeting those goals. >> Good morning, council, mayor. My name is Alex Steinberger with [indiscernible], and we were tasked with assessing

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the housing capacity of draft three relative to current code and also looking at beyond capacity, what is it doing to get us closer to the goals set out in imagine Austin. Before we get into that, though, I want to talk a little bit about what it means when we talk about capacity. So this graphic you see up here on the screen that I've edited is from the city of Seattle's most recent code update ask they recognize that they wanted to make a distinction between maximum far allowed by zoning, which is all the land in your city multiplied by the densities you can build to in your code and what development capacity is relative to that, which is where we take all the land that's definitely not up for development in the next ten years and take it out of capacity. That's what we're measuring with in vision tomorrow, which is the tool my firm developed to help measure the capacity of the code. If you think about the other side of this, which is the planning target, that's how many people and households you expect to be moving to this region over the planning horizon and that's similar to your strategic housing blueprint. So if you look up here you can see there's often a difference between development capacity and planning targets. You want to have more capacity than you have people because people have different choices, they have different preferences, they want to live in different types of housing in different parts of the city. So to have exactly enough capacity to meet that need is kind of a dangerous proposition. What we found by looking at cities across the country who have done this type of thing, they typically go two times, even three times, above their expected forecast when they're zoning their capacity for their city. So capacity does not equal forecast. That's really important to remember. So at a high level, this is draft three. And just, you know, bottom line, it provides more capacity in almost every

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measure than nearest equivalency. Nearest equivalency is basically your current code with updated codenext language. It's the nearest translation we can make. You can see from this table it provides about 50% more housing in the base, which is the number of units you can build without a bonus. It also provides far and away more opportunities for bonuses because there's an expanded bonus program that now allows bonuses to happen in more parts of the city, and it provides about four times as much affordable unit capacity, which is a presuming improvement over current code. What that will get you is about double the housing capacity that you have today. And in the powerpoint version of this there's a switch of maps between nearest equivalency in draft three but what you're seeing in the darker blue tones are where there's more capacity, so that's opportunity for housing construction between today and your forecast horizon housing capacity is important, right? We want to know we have enough capacity to meet future need but code can be evaluated in much more than that, and we did that by looking at imagine Austin. Imagine Austin gives us eight priority programs of which codenext is one. The other seven are organized into these four priority groupings, thriving Austin, complete communities, nature in the city, and paths to prosperity. We used the envision tomorrow to calculate indicators or performance metrics that relate to these groupings to help us understand are we moving the needle forward and getting closer to the goals in imagine Austin. First priority grouping, thriving Austin, this is about trying to broaden access to key services and things that will help austinities to thrive and encourage growth of small businesses.

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We looked at housing unit capacity within a half mile of grocery stores, found that draft three provides more than double the capacity than current code does around those things. We also found that draft three provides 20% more housing unit capacity around public schools, which could provide opportunities for teachers to live near schools and for school enrollment to grow. And the biggest kind of show stealer we found from this is that draft three provides a lot more opportunities for employment space in mixed-use development, and so that could encourage small business growth. That also puts more jobs near housing, which shortens trips and helps vice miles traveled. The second grouping is nature in the city. This one gets at sustainability and access to open space. So we looked at water consumption per household, we looked at both internal consumption and external consumption, which use indoors and outdoors. And what we found is that draft three, because there's more compact development options in the code, you're likely to have less water-intensive uses. So per capita water use goes down. We also looked at the number of properties -- the number of parcels and amount of development in the capacity from draft three and nearest equivalency that would be impacted by floodplains and we found that draft three points less of that capacity in areas that are come backed by floodplains. And finally we looked at the number of units that would be made possible near parks, within a quarter mile of parks. We found that draft three more than doubles the number of units. Interestingly, it almost qua reducedles the number of affordable units near parks so that's a really positive outcome. The third grouping is paths to prosperity. This one deals with access to -- broadening access to

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housing and jobs. So just in terms of affordable housing capacity, draft three provides four times the amount of capacity that nearest equivalency does. And where those units are possible matters. And so we looked at how many of those units were near -- within a half mile of frequent transit because transportation costs are a major part of the household budget. So broadening access to public transportation can help keep those costs down. We found that draft three provides double the amount of affordable capacity near frequent transit that -- than the nearest equivalency. We also found that to some extent draft three also improves the number of jobs that are accessible within a 30-minute transit trip. Over nearest equivalency. Compact and connected, this is the last priority grouping, this one is all about growth and city form. A lot of the geographies mentioned in imagine Austin, corridors and centers, gauging how much growth we are projecting or allowing in those priority areas. So we looked at unit capacity within a half mile of current and future rapid transit as defined by cap metro's connections 2025 plan. We found that it provides about 30% more capacity around those stops and lines. We also found we also found that it almost doubles the amount of units around Austin corridors and nearly trip else the corridors in imagine centers. So we are getting closer to the recommendations and priorities in imagine Austin. So where do we go from here? The entire consultant team is here at your disposal to

help you understand and work through all of the complex changes in the code. So to do that we've been working with the mapping working group of the commission to develop a list of priorities that Jerry has

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mentioned that we'll be using to score draft 3 and get a sense of where they are in terms of what they want to see in the code. And we'll also be producing a housing report card, similar to the one that was released for draft 2, but this one will include additional indicators such as vehicle miles traveled, household transit use, tax revenue capacity, impervious cover and more. So we'll definitely be getting back to you towards the end of this month and beginning of March with those deliverables when they're available. And to finish things up I'll hand it over to Greg Guernsey. >> Thank you, Alex. So I think you can see by the presentation this really advances us much further to being a better Austin. The document itself, how we've gone about the mapping, how we've achieved many of the goals that have been set out in imagine Austin and those area area plans that we have. It is a much better product than we have today. So I'm very proud that we've been working and all the third-party has been put in by our citizens across Austin, our boards and commissions, you council, as well as your commissions to get us to this point. But our work is not over. There's some next steps. We're going to talk about the text and the map and we're starting in a venture going to our different boards and commissions, specifically zoning and platting and planning commission, by a previous resolution you've asked us to make sure we go to the allergic commission, -- the environmental board, landmark commission. The input we've received from the public about the mapping tools and text tools we've talked about will be given to those commissions and will be presented to

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you. I don't have a date when it comes to you because it's really dependent on your commissions. But we're excited about this process and getting us to this point. If you have any questions I've got the full consultant team here and my staff and some other staff as well that can help you out with any questions you may have now. And if there are opportunities we would like to probably come back and delve in further, we would like to come back to you at future work sessions if you will have us to talk about those topics. >> Flannigan: There's a lot to dig in, but I wanted to say on slide 66 you referred to schools as aid schools and there are nine or 10 or 11 public schools that you have marked on that map, not aid schools, public schools. >> Mayor Adler: Councilmember Renteria. >> Renteria: Thank you for that hard work. I was very impressed about the -- finding out that they are correcting some of the mistakes in the zoning of some of the land. Take, for example, ab Cantu pan am, that whole area was zoned as single-family 3, I believe, and now it's being corrected back to parkland. We've had some development that was going on there in that area and they said we had to set back down 2 because it was zoned single-family 2. And I said that's the hillside there where we have our concerts. That can't be zoned single-family 2. So I'm glad that this is going to correct these kind of mistakes that we have on our maps. >> Mayor Adler: Ms. Houston. >> Houston: Thank you. And this feels a lot less intrusive, as the first two

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drafts do, but there's still some concerns that I have. And I'm not going to go through all of them today, but at some point I'll need to talk to the consultant that just did the presentation because if you look on draft 64, the density is still in district 1 and there's some assumptions about how close people will be to transit and these dense developments, and there were 13 routes just eliminated, and they can't be within a quarter mile because there are no more transit there. So there are some things there that are just out of sorts, and there's another one that's on 68 where you talk about within half a mile of frequent transit, all the residential densities are going to be in one area. There's no frequent transit in their district. So there are just some things that I really need to talk with you one on one about, district 1 and some of the assumptions that you've made and how you've been projecting that. And then I have other questions, but I'll let someone else talk for a minute. >> Mayor Adler: Ms. Kitchen? >> Kitchen: Thank you all. I know you all have been working really hard on this and really appreciate efforts that y'all made in putting this together. There's a lot for us to dig into, so I don't have specific comments today, so don't need to go into detail. I do want to point out that a number of us put out a document. The key goals for successful new land development code, which I passed out on the dais. It's on the message board. And the purpose behind this is to provide a framework for some, but not all. It's certainly not all of the things that I will be looking at and others may be looking at in terms of seeing if these this new code meets our goals.

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But I will need your assistance, Mr. Guernsey, in taking these goals and making sure that I'm looking in the right place in the draft to see how these subjects are addressed. And as you know, these goals cover a wide range of the land development code, all the way from housing, more housing, affordable housing, the green infrastructure and the environmental issues that you all touched upon. You know, as well as neighborhood and flood risk and those sorts of things. I know you will be able to help us as we sit down and go through this. Is that going to be possible for you? >> Yes. >> Kitchen: Okay. Thank you. >> Mayor Adler: Councilmember Garza and then councilmember pool. >> Garza: Picking up off of that comment, if you looked at this map you would assume anything just north wildfire it says Austin and north and west of I-35 is super dense area that can no longer take capacity. Is it because those are neighborhoods that have restrictive neighborhood plans and that's why there's no -- there's no added capacity in that part of town? >> Sorry, which slide are you looking at? >> Garza: 64. >> Kitchen: Which part of town did you speak to? I can't hear that. >> Garza: Right above the word Austin and west of 35. I mean really west of 35 all the way to -- between 35 and 360. >> It's possible that the way that this was printed that the colors didn't show through, but there is a light green shade there, and that doesn't mean that there's no capacity there, just it's kind of a relative scale of considerable capacity down to some capacity. >> Garza: But is that less than the dark blue because of restrictive neighborhood plans? Does this take into effect what's allowed by

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neighborhood plans or does it account? >> It does to the extent that those neighborhood plans were taken into account when the code was mapped for this draft. >> Garza: Okay. So could that be one of the reasons why there's not any dark blues west of 35? >> Yes. Again, I would -- >> Garza: East of 360. >> The neighborhood plans in and of themselves do not cause a prohibition of density, but they do -- they are used to inform the zoning, both the existing zoning today as well as the zoning that we are proposing in draft 3. So it's more based upon the proposed zoning than it is upon neighborhood plan. >> Garza: But a proposed zoning could allow more or less units. >> Correct. A future land use map that's part of a neighborhood plan could allow for more intense or less intense zoning. >> Garza: Okay. Thanks. I have a lot of questions, but I'll just ask one or two more just to pass the mic along. The predictable review process on slide 27. So is one to -- so is the zone or I guess the category that's allowing adus more predictable? Because I guess I would assume that 1 through 6 would be predictable or 2 through 6. Why is 2 left out of this 3 to 6? >> Because currently under the code you can go get what we call a residential permit for either a house or a duplex. So it's one or two. And for three or more you have to go through the more formal, lengthy complicated site plan process. This would allow 3 to 6 to go through the simpler residential review process. >> Garza: And on slide 31 it says improves the small lot amnesty. How many does that affect changing it from 5,250 to 5,000? >> Well, the existing small

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lot amnesty program is a neighborhood plan tool that you have to have the neighborhood plan adopted and you have to have chosen to use that tool. So it allows you to build on existing vacant lots that are on the 5750. One of the things we are proposing in codenext is take the minimum lot size citywide, mostly citywide, the predominant single districts and take it from 5750 down to 5,000. >> Garza: Do you know how many that effects? >> I was asked that last night actually and I think it's something we're going to work on is getting that locked down. >> Garza: Is there any changes -- as mentioned, the reasoning behind not mentioning Adu and F.A.R. Is even when they're allowed right now you can't even build them because of issues with that specific lot. So does reducing to 5,000, are there any changes in like set becomes and anything else, Baugh I'm assuming they would have the same issue of not being able to build as much because of the setbacks. Do the setbacks apply to them the same? >> Yes, the setbacks would still apply. Than the setbacks that we're proposing in the code today. >> However, we're not requiring parking for an Adu accessory dwelling so that might be helpful to provide some relief for that. >> Garza: Okay. All right. Thanks for your work. I look forward to digging into it. And I have concerns that we've stepped away from providing more housing options in our neighborhoods neighborhoods, but I look forward to the process and see what happens. >> Mayor Adler: Councilmember pool. >> Pool: Let's see. On page 64, I'll gob back to that one. That one seems to be popular. The first column says the nearest equivalency, your starting point was draft 2 language. Can you give us that equivalency with the current

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code? Because the language did increase the density that was possible so I think there may be even -- so I think those numbers will be different. >> That's a great question. We did peel back the elements of draft 2 that differed from current code, so this number is based on a current code estimate. >> Pool: But it says with draft 2 language? >> It does. But we hold back things like mixed use Zones that were included in draft 2 that don't exist uniformly in current code just so that we would have a way to compare the two. >> Pool: So is that -- okay. So maybe when I meet with folks, I think it will be this week, you can explain that to me, because that's really confusing. Either it includes draft 2 language or it doesn't. So maybe just the label is wrong. But if it does include -- if it does not include draft 2 or if it does, folks are going to ask about the differential between with or without the draft 2. Okay. On page 66 what I like about this is it shows that there's more opportunity for people to live throughout the city and closer to where they may be working, which means they may be able to move closer to where they work. And I think that's often, if not always, often a goal for folks to reduce the amount of commute time. Of course there's also folks who really want to be away from the city when they're not working and they really want their weekends to be in a different place than where we work. So I think this is increasing the opportunity for people to be able to relocate if they want to move closer to where they work. So that's -- and I had been hearing some really good things about the draft 3. On slide 67 is my last two comments. You talk about more people being near the existing parks, which means that if

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they use them -- if they're used the same level of usage now that we will then have issues with loving our parks to death, which we already have. So my question to you all, did you identify land that could be used to expand the open space available to residents? >> Councilmember, we did not identify possible new parks. As you know, the council recently adopted an update to the parkland dedication ordinance, which we're now proposing to change with codenext, but it was not a part of this exercise to identify where that additional parkland would be acquired using those funds. >> Pool: When will that information come to us? >> I believe I'd have to refer to the parks department for that information. >> Pool: Okay. I think that would be a good conversation to integrate into this because if we are looking to establish places for new parks, I don't want to be in conflict with people who may want to develop there. I think the two go hand in hand and it increases the quality of life and the likelihood that somebody would want to move to a new neighborhood if they knew they had a place to go outside where the kids could run or they could just walk. I know when we were doing the pud exercises last year near my district, having that parkland was a key selling feature for the owner of that land and the developer. They really -- and also for -- that was for the grove. And also for the Austin oaks pud, having the parkland -- aside from the fact that we were requiring it, the developers really understood the importance and the value add. So I want to continue that conversation because it's not a zero sum gain.

We can have both and they don't have to be in conflict. And then the last item on 67, the smaller units and there's less consumption of water. Was this also calculated with more people in the

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smaller units or were you just assuming that the units were smaller. So it's a density question as well. >> We used research that was done relative to housing unit size and type, which in most places does bake in assumptions about the number of people living in those units. What you will notice in this graph is the primary change, at least percentagewise, is external water use, which less landscaping, less intensive, big lawns and stuff. >> Pool: And we're also encouraging rain gardens and on-site water detention, which is huge. >> To make up for the impervious surface. >> Pool: And the city has been working on that for, gosh, 10 or 15 years. Anyway, we can ramp up that encouragement is also good. Do you have numbers then where you have your equivalency? When we meet this or next week can you give me numbers that are associated with the the more people living in those areas versus what's -- >> By unit type, we can absolutely do that. >> Pool: And others may want to see those numbers as well. Thank you so much. I appreciate the work. And I did stop by the open house last night and I noticed the atrium was mobbed. So this has been long-awaited and I look forward to us refining things. And so migrateful thanks to staff and the consultants for bringing this work to us us. >> Mayor Adler: Councilmember Casar. >> Casar: Thank you for the hard work so far. I have a comment and then a question. Commentswise, I think what I've been hearing since the release of the draft is there are place where's it looks like things are getting better, but the thing that's most encouraging to me is the levers and scenario planning work that's being done because I think that gives us the opportunity to calibrate the zoning and the outcomes to what it is that the community is asking for. So I think that is really important and a really big

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step forward for us to be able to deliberate thoughtfully on the questions. So for example, just speaking about the income restricted units number, the existing one and a half thousand capacity is terrible and it seems like with this draft we've done much better by doing four times more, but 6,000 is still really short compared on the 40 something thousand that the strategic housing plan puts together, wants us to do, and then city bonus in smart housing units. But I saw that there were levers that could potentially make that 1500 number not just go to five or six thousand but to go to 15 or 16 or 20,000. So figuring how if we can pull those levers to get the number to our strategic housing blueprint is a real goal that I'm hearing in the community and that I will have for myself. So it looks like we're on the right path, but some of those scenario planning and levers maybe can get us to the end point where we're trying to go. I also was really encouraged by the lever to protect existing older level housing stock. I think pushing new housing to not be on top of existing affordable housing is really productive so I'm glad that the consultants developed that and would really urge our planning commission to just bake that in from the onset. And again, I think that this map is really encouraging showing that we are trying to put more

housing and high opportunity areas. The bonus area being currently only 25% of our on bonuses being in high opportunity and this draft being us up to 50% is really important. But I take councilmember Garza and councilmember Houston's comments really seriously that I think currently looking at the housing capacity map it doesn't look fully balanced between gentrifying areas and those high opportunity areas that could handle it with less potential impact. So I think that's a lever again that we should push.

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And then tiny on missing middle housing types, I think having bonus areas for missing middle, I appreciate that, but I through there are something missing between draft 2 and draft 32. I'd like to see what changes we can make to produce the more affordable housing types that we can make being less restrictive. I think the things are on track and where I might have disagreements it looks like you've set up the ability for us to hash those questions out amongst the boards and commissions and amongst council and I applaud you for that. The one question I have, it's a bit of a -- may seem kind of out of the blue, but it's been in the news recently and I've been talking to our planning staff for five or six months. Maybe you mentioned it when I walked out for a moment. One thing that I've been pushing for is to make sure that all of our licensed mobile home communities are indeed zoned back to mobile home. Codenext I don't think was actually zoning them away from it. I think it was actually the city did not have mobile home zoning in some places because it was not sometimes seen as the most desirable use. But I see it and I think many folks see it as important to preserve. Have you gone through. I tried to check the ones in my district. It looked like you did nail it, go through and make sure that we are rezoning all mobile home communities that are licensed back to mh zoning to keep them that way. >> Councilmember, we did try to do that. I was speaking with a member of your staff yesterday and she shared with me the list from code. So I have my staff going through and double-checking and making sure that we've captured all the of the licensed mobile home parks, but I wanted to make sure we did. >> Casar: I appreciate it. Thank you. >> Mayor Adler: I'd say that codenext has been an absolutely massive effort for a long time and I want to appreciate the staff and the community for staying as engaged as everybody has been. This is a process so it obviously doesn't end today and this process now

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continues. And I'd urge everybody to stay engaged. This obviously just came out yesterday. Everybody is poring over it. Our staffs included. But at a really high level it appears as if this process is moving forward in a way that is getting us closer to the Austin that we all want. At a high level looking at this, it looks like it provides for more housing and for more housing choices. It seems to focus even more on the environmental priorities that we have and the mobility priorities that we have. It appears that it could be more predictable and easier to apply, making it easier for people to add ads to their homes to help them stay in place if that's something that they want. It also appears to have greater neighborhood sensitivity, and in that regard with those elements while we really have people getting into this, it looks like this is a process that is getting us to closer alignment with imagine Austin and with the strategic plan

that the city has set. I think one takeaway from this at a really high level is you guys are listening, the consultants and the staff, to the things that the neighborhood has raised, and you can see a lot of changes that seem to be responsive. Obviously there's still tons more work to be done in

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this, but when I -- I want to thank councilmember kitchen for taking the lead on the key goals and was really happy to join in with this. Councilmember alter. To me this document represented kind of a list of things that I think there's a lot of consensus over in the community from wherever people start from. And my sense is that overlap of almost like veteran diagrams that are -- Venn diagrams that are overlapping each other. The consensus are really encouraging to me. And I do believe -- I just have faith in the people in this community's ability to be able to listen to one another and to find those ways that we can move forward and together. And when I think about the conversations that we had together as a council when the first draft came out. And I remember some of the conversations really well and some of the things that we were having difficulty with or didn't feel like things were being addressed or approached, as you've gone through this here today it seems like a lot of those things now are working today resolution. I think that the conversation has moved a lot. From -- a lot from draft 1 to now. And obviously a lot of work to do. I'm excited about the planning commission, I was excited looking at the presentation that was made to the planning commission in terms of here are the levers, here are the different things that you can move and here's the impact because it's getting us now to a more data driven analysis of the choices that we have. And I think that's a better place for the community and

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for all of us to be. I appreciate the work done from that planning commission work group that was working with Mr. Fregnazi. And that working group had a wide range of views where people came from and started. And to see so many elements or levers where there was consensus within that planning commission work group, and I recognize it's just a work group, it's not even a planning commission, much less the council, and we still have this process to go through. But I'm really encouraged by the number of those levers and tools that within that group had everybody or almost everybody saying this is what we want to take a look at. We want to thank you for your work, I want to thank the community. I want to in advance thank the planning commission and zap for now this mammoth work product that is being placed on their lap and wishing and hoping for them the best in their deliberations to further move this process forward as it comes back to the council. Councilmember alter and then the mayor pro tem. >> Alter: Thank you. I too want to thank our commissioners and the people of Austin who really dove in and tried to understand this mammoth set of questions. And I want to say thank you to the staff for the opportunity to do draft 3. When I advocated for us to create a place in this process for draft 3, what I was hoping for was this would be version 3.0 and before the time we got to version 3.0 we would be in a better place, and at first glance it looks like we're in a better place, and I look forward to diving into that. I want to thank staff and the consultants. I also want to highlight

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that interim city manager Joe pantalion who kind of walked into this midway. I really want to say thank you for listening to the concerns, getting things moving where they've been installed and getting us the information that we need. With respect to the information that was shared today, I wanted to ask if when you present maps like we see with the high capacity, it would be really helpful if we could go through and exercise similar to the one that I asked you to go through for district 10 with respect to draft 2. So I met with the consultants and with respect to draft 2, we worked out a map that showed all of the constraints that were constraining capacity in district 10. Because not all of those constraints have to do with policy discretion. We have very steep slopes, we have bcp, we have a lot of planned unit developments. And so there are a lot of things. We only have one neighborhood plan in district 10 so it's not the neighborhood plans that are causing the disparity, but there are a lot of things that are completely beyond the control of us to be looking at if you're trying to build that capacity and they're also beyond the market. I think it would be really helpful if we had maps like that that helped us to understand that not just for district 10, but for the whole city because they're just places where we don't have the policy discretion and we need to know that. It looks like there's this big red in west Austin it but you have a lot of things and they take up huge swaths. So it's important to have that context. The other thing that I wanted to just ask to clarify, can you say again what the increase in housing capacity is between draft 2 and draft 3?

[11:23:47 AM]

It's about double but that's a complicated question or can be. >> Or which slide? There's a lot of material. >> Slide 64 is where that information is. And if you're just considering base unit capacity, which is everything besides the bonus, you're adding about 65 units of capacity over the capacity you have now. And if you're talking about that plus the bonus, you're eating about 1,040,000 -- 140,000 units of capacity over what you have today. >> Alter: So there's an increase in capacity across draft 2 and draft 3. So we should make sure that we're recognizing that. One of the things that I'm excited to explore as I look through this is the context specificity that seems to be built into this. And I'm really excited to see that as part of the approach. I think people were trying to have a one size fits all and that was created a lot of heartburn and trying to understand how does this play out. In reality it probably wouldn't have been a good policy. So I'm looking forward to explaining that. One of the things that I'm trying to understand and some of the language you used confused me even more, is what will be the role of conditional overlays potentially moving forward? I'm understanding that the code setup is so that we don't have to use that tool but I'm confused whether we will have that tool if we so chose or not. >> Councilmember, obviously for the f-25 Zones as was explained, we've been keeping the additional conditional overlays for cases that have already been approved. In draft 3 or in codenext there is not a proposal to carry over the conditional overlay system. So right now that is not in draft 3. >> Alter: All

right. I will take a look -- >> I think it's a policy decision obviously that the council faces down the road.
>> Alter: And I'm trying to understand that. Thank you.

[11:25:47 AM]

>> Mayor Adler: Mayor pro tem. >> Tovo: Just to pick up on that point. Have you adjusted -- you've also adjusted the use classification so some of the uses that are typically in a conditional overlay are no longer sort of part of the menu. >> We see the same uses being taken out of the categories over and over again on the cases we do Thursday at council. We have the cs for a self storage place and we always take out all the auto related uses. Or frequently we do gr and take out all the auto related uses. We tried creating new Zones that instead of taking this zone and stripping things out of it over and over again, create a new zone that those things taken out so the council can choose to apply that new zone without having to customize it every single time. >> Tovo: Okay. I look forward to reviewing that. I wanted to start with a few general comments. I appreciate -- I haven't dug into the details yet so I'm not sure how some of the other changes play into this, but I appreciate the change that brought the map, the proposed map into better alignment with the existing zoning and the existing neighborhood plans. As I've said, probably lots of times here in this room, that was the commitment we made to the city and in imagine Austin, and I appreciate and applaud your ability to make those adjustments while still increasing the amount of density we can achieve by directing it to the corridors, which again was part of the -- part of the vision and I'm glad to see that it's successful in terms of the numbers that you've presented us with that would be increases over that. Something else I like a lot, again I haven't dug into the details, but I am really happy to see the shift in the density bonus program so that it is -- as I understand what you said, it sounds more like along our commercial corridors those properties are also more or less at their existing zoning with the mu ability, but the mu ability would trigger density bonus, and I think that is terrific.

[11:27:51 AM]

We really I think will stand in the best position to get more affordable housing units that way and it's good for the property owners as well because they're getting more entitlements than they currently have, but it works out well for all of us. And I like that you've reconfigured the density bonus to be on all of the development rather than just the gaps. So thank you so much for listening to those -- that feedback and actualizing it in your draft. I really look forward to reviewing this. One quick question. The third part of the feedback that I provided on density bonuses had to do with the administrative versus council approval on fee-in-lieu. So I wonder whether you could address if there were any changes to that in the affordable housing density bonus section so that our on-site units are the expectation and anything other than an on-site, the creation of an on-site unit would trigger a waiver that would need to be approved by council? >> You'll find on the codenext site where draft three is available for download, another document which is the proposed general administrative procedures for nhcd to apply article 233-e, the codenext affordability chapter. Within that document you have an enumeration of the

procedures that would be undertaken and as described in the code itself, anyone applying to an alternative to on-site units would have to go through a review process. So it would not be sort of a defacto fee-in-lieu opportunity. They would have to go through an nccd and make the case that the fee-in-lieu was appropriate. And furthermore, the fees have been calibrated to reflect the cost of providing affordable housing. So the fee structure is proposed within this

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document as it is today, and this will obviously continue to evolve as the code evolves and as recommendations are made to adapt us from draft 3.0 and beyond. >> Tovo: Thanks for that reference. It sounds as if the review process is similar to draft 2 in that it's an administrative one rather than a council weighing in, but I look forward to what the review process would consist of, but if these fees are set -- those fees are set closer to the level of what it would cost to actually cost those units. >> For nhcd based on their history to make a market rate unit and buy it down to an affordable rate. So based on the history and triangulating from the marketplace and how much it would cost to ask a market rate developer to develop a unit in their building as affordable, as an affordable, income restricted unit. Based on the terms of 40 years at 60% Ami for rental and 99 years at 80% Ami for ownership units. >> Tovo: I see. So that's better than -- that's better than the way we currently calibrate our fees, but it won't be the amount that we would need to actually construct those units elsewhere. But again, it is certainly a step in the right direction and I'll take a look at that. Parking, I want to be sure I'm understanding correctly some of the details. As I understand the residential parking requirements would go down to zero for accessory dwelling units and one spot per residence, is that accurate? Okay. And that's throughout the entire city? >> Yes, mayor pro tem. >> E it's two per? >> Two per. >> So we would be have it for one and no requirement for an Adu.

[11:31:55 AM]

>> That's correct. >> Is it accurate that some of the residential categories are not triggering compatibility or did I misread that? >> No. The multi-family categoryies would not, but the categories such as R 3 and lower, R 1, R 2, R 3, would trigger compatibility. >> Tovo: Okay. I will need help to understand the line I was just looking at, but thank you for that clarification. And if possible, I like the analysis of where the new units will be in relationship to different considerations like parkland and other. That's really helpful and I look forward to learning more about that. In particular I was interested in the ones around schools and I wondered if you had detailed information that would show us how it increased -- not right this minute, but in the future. How that increased -- how those increased number of housing units near schools divide interview up into ads versus other kinds of housing. >> We can flag that and provide that information. >> Tovo: Thank you. Thank you so much for your work on this ongoing effort and thanks to -- as others have said, thanks to the boards and commissions who have really spent countless hours along with you working on it. >> Mayor Adler: Councilmember kitchen and then pool and then Houston. >> Kitchen: I wanted to add a few comments to what others have said, including what the mayor

pointed out in terms of the document that we put out with the key goals for successful land development code. You know, we've talked about in this document that -- it lists nine broadly stated goals. And I wanted to point out that we've talked a lot about affordability and housing choices, permitting time and costs as well as transportation choices and

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preserving the neighborhood. But one of the things that I think that the code does a good job is the whole breadth of issues that we face as a community as we grow. So I think that the code has the potential to actually address many of the challenges that we have as we're growing and I wanted to point out some of the others that we point out as goals in this document. So for example, we need a code that will better manage the cost of growth so I think that we have more effective planning tools as a potential in this code. We also, as you touched on, we had the ability to use this code to help us reduce fire and flood risk and I think you talked some about flood risk. The code also in terms of what we are doing in terms of paying attention where it is and the space to grow with, we have the ability to grow our small local businesses, which I think you guys spoke to, as well as the creative community and as well as spaces for our artists and musicians so we can continue to live here. And finally we talked about transportation choices and environmental protections and that sort of thing. I just point that out because I think from my perspective we have a real opportunity here with the code. If we get it right in terms of meeting our goals for imagine Austin, and this document sets out the goals that I'll be looking to, is that we really have the opportunity to better address the challenges that we have for growth and that our existing code simply doesn't give us those tools. So I really appreciate -- I will be delving into the detail in a lot of these areas, but I do think as the mayor mentioned that we already have a consensus on a lot of other areas. And I just want to point that out that I think it's important for the public to understand that we have some

[11:35:56 AM]

real opportunity hear to help us address our growth. Thank you. >> Mayor Adler: Councilmember pool. >> Pool: I want to go back to 64. And I think what's missing on here are maybe two things. One is the level of density that's already providing because what you're showing is the increase over and above that. So the lighter green areas doesn't mean that it's not dense, it's that this is the additional capacity that it can take. And then it also doesn't show where the puds are. And for example, the domain area that looks like it's really light, did you calculate the impact of the puds or did we hold those out? >> Just for this map we did not visualize the capacity in puds, but they were certainly included in our capacity estimates, which were in the table. >> Pool: Right, to get to the larger numbers. We call the domain a second downtown and it's significantly dense. It was built that way. And then there is also new development that is happening up in that area that that is significant as well, which this panel hasn't yet seen those -- we haven't seen those zoning cases yet. So do you have -- you had a heat map in here that shows the current density and this would be overlaid on top of that? >> What is in the powerpoint

presentation is the same analysis done for current code. So both of them show capacity, not existing density. >> Pool: What is that area that's the really deep blue? I can't read the cross streets. Is that like near east downtown area? Is that what that is? >> It's downtown and then near east -- >> Pool: Is that near east? >> Primarily focused along first. >> Pool: Great. Thank you. And I just wanted to say the papers that were put up

[11:37:57 AM]

on -- this is I guess for legal counsel, if I were to add my name to the goals document that councilmember kitchen and alter and mayor Adler worked on, is that a quorum issue or can I put my name on that? Can I be added to that? >> I think if some of you have some quorums that you're working on various things on codenext, I think the overall goals is probably different from those, so I think it would probably be appropriate. >> Pool: Mayor, would you as my name please to work with with the three of you on those goals. >> Mayor Adler: And also if you want to post, so people see that stream listing understood where you were and then it would be contained right there too. >> Pool: Very good. Thanks for adding me. >> Mayor Adler: Thank you. >> Alter: I needed to follow up on here's. >> Mayor Adler: Really quick. >> Alter: I think it would be really helpful to understand how you did handle the puds in the capacity analysis. Is touchdowns like the numbers were included, but they're not on the map and we have a lot of really significant increases from puds on the west side and north that are not in there. And obviously with the domain. Just so that we can really get a better picture. And I don't know whether that's done by a separate one that shows that we also have this pud capacity that shows that or what, but just so that we can get that fuller picture of where the density -- really is. Because I know they create a challenge, but if we have 1500 units going in here and another thousand going over there and we don't count them, that we see them, then we're not getting a true picture of how we're growing. >> Mayor Adler: All right, thank you. Councilmember kitchen and then councilmember Houston. That's how I called it several minutes ago. I'm going in the order.

[11:39:57 AM]

>> Houston: She already spoke, so I thought it was me. >> Kitchen: I'm done. >> Houston: That's what I thought. >> Mayor Adler: Okay, good. >> Houston: [Inaudible]. Since we're on 64 let's stay on 64. I think it would be helpful for me to have a map. It's really hard to see the concentration. And you say it's down on Cesar Chavez, but I know it's deeper into east Austin than just downtown. And it's called east Austin, not east downtown. So I just want to make that clear. But it would be helpful to see where that map is in a larger version so we can actually see where it is. And I just want to make sure that I remember this correctly. The majority of the city does not have neighborhood plans, is that correct? >> That's correct, councilmember. >> Houston: So when we're talking about areas east of I-35 over to -- past 360, there are no neighborhood plans that are prohibiting more density. And I understand from councilmember alter that sometimes it's the topography, sometimes it's other kinds of things about wildlife preserves and that kind of thing. Could it be deed restrictions also? >> It can be. We did not factor in deed

restrictions into the capacity analysis, but that is a factor obviously because these rules exist alongside city rules. So while the city may allow a duplex or the construction of an Adu, you may have a deed restriction that prohibits that that we cannot change as a part of the codenext process. But we have not -- I believe have not included that in that analysis that you're looking at right now. >> But that's a reason why some people had the ability to write deed restrictions into their deeds and other people did not have that ability to do that. So that's another one of those inequities that we're still struggling with in the city. I just want to make sure that where there's an opportunity that that density is spread out more

[11:42:02 AM]

equitably because if you look at the map with the schools, especially the aid schools in the area that you're targeting, all of those tools are title I schools. So when we talk about high opportunity areas, they're not there. Educationally they're not there. So that's why I want to talk with the consultants about some of the assertions that are being made. And then on page 49 where we talk about transit oriented districts, the one transit oriented development that I have in district 1, the city council several years ago opted out of housing affordability. Is there any way we can put that back in to that area? >> You're referring to the mlk tod? >> Uh-huh. >> We could. We're not at this time proposing making changes to the existing tods. They're kind of left out of this. But I think we could either include that as part of codenext or maybe ideally since we're not touching tods with codenext maybe handle it as a separate thing. >> Houston: But I think it shows the disconnect on what we want as affordability where we have transit. Is train stops right there. There will be development north of the current situation. And so -- but yet -- not this council, but a prior council decided not to include affordable housing in that very critical transit oriented development. So the faster we can get that included, then as those new developments go up, then there will be some affordable housing there that's not being captured in this discussion today. >> Mayor Adler: Got it. Anyone else to speak? Before we break for executive session.

[11:44:04 AM]

All right. Again, thank you for all the work and move forward. It is 11:44. We're going to take -- we're going to go into executive session now to take up four items pursuant to 551.074 of the government code we're going to take up e-2, which is employment duties of the city manager. Pursuant to 551.071 of the government code we're going take up legal matters related to e-3, which is ethics review suspect authority. E-4, planning commission legal issues. E 13, which is the ordinance with respect to the champions tract. E 1 is withdrawn. So without an objection, we will now head over to executive session.

[11:57:50 AM]

[Executive session]

[12:00:08 PM]

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Austin energy.

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>> Mayor Adler: So are we ready to pull this back up? Today is still February 13th of 2018. We are now out of closed session. In closed session we discussed personnel matters related to e-2 and legal matters related to matters e-3, e-4 and 13. It is 2:50. We are back. We have a quorum so now we are to pull the items. Councilmember troxclair, you pulled the one about the contract with workforce solutions. This is number 33. >> Troxclair: I don't know if -- did y'all -- were y'all able to connect with my staff? Is there staff here for it? I pulled -- so I pulled this item because it was related to another item that's being postponed. Those of you in the the audit and finance committee remember that there was an audit that revealed some. Issues in our workforce programs and that we didn't want to increase those contracts until we could have a more thorough plan. So I guess I just wanted to know what the -- if you're postponing the first one, are you planning on postponing this one as well? >> Good morning. Because this contract deals

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specifically with childcare subsidies and training for childcare centered directors and staff to meet the accredited gold standards, we felt it was a different issue than the issues that were brought up in the workforce audit. So the decision was made to put this one forward so the agency can pin to provide those service -- can continue to provide those services to families. >> Troxclair: I mean, this is an increase in the contract so we wouldn't be discontinuing this, right? True. But as pointed out, the agencies need to be able to provide cost of living increases for the level of service that people are accustomed and we wanted the agency to have that opportunity. A copy here. It does specifically say that these programs also include include childcare. I'm just trying to figure out, obviously if there's --3 I don't want to continue to increase money that's being spent on programs that we don't have a handle on their efficiency at this point in light of the recent audit. And it seemed -- I made a motion to that to that extent in the audit and finance committee that we would hold off on those contracts until we could get more information. To me it seems like this is a part of this conversation, but I don't need to take up any more time with it if you feel strongly that-- >> Stephanie Hayden, interim director, Austin public health. The thing that we would like you to know is when we are

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looking at the contracts that are truly workforce development, this is not workforce development. The vendor is workforce solutions and as far as how we have this classified, it is classified up under a child and youth issue area. So we have issue areas and this is classified up under that. So as far as the conversations that we've had about workforce development, this has not been -- initially we talked about it, but we moved this out of the conversation. So this contract would not be a part of that conversation because it is childcare. >> Troxclair: Okay. I'll look at it more. I don't need to take up any more time with it today. I'll look at it between now and Thursday. >> Okay. If you have any more questions Brian can call me or you can call me. I'll be glad to talk with me. Okay, thank you. >> >> Mayor Adler: Thank you. Item number 43, Mr. Casar, you pulled this one? By the way, we skipped over owe item no. 19 was the item about major league soccer that the staff is withdrawing or indefinitely positive postponing. >> Kitchen: They're withdrawing it is any m.d.ing. >> Mayor Adler: Just for the public, it's not going to come up. People shouldn't come down to talk about the soccer fields because that item will not be coming up. Okay. Mr. Casar. >> Casar: Thank y'all. Just to be clear, I'm supportive of this item, but because of the public concerns around the existence of the sexual assault kit backlog, I just wanted to make sure my questions were asked in public in here so that anybody with questions about the item can just watch this type and hopefully the item just passes on Thursday. But I just had two questions to make sure my expectations on the items and everyone's expectations are clear.

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So first if we approve the items on this week's agenda, when will all of the backlogged sexual assault evidence kits be sent out to labs for testing? And then number two, by what date do we expect all of those backlog kits will be fully processed by the labs and the results provided back to the department. >> Great. Brian Manley, police chief. If I could take a moment, I would like to introduce to you all Dr. Dana Cataved. And he is the new director for the Austin police department's forensic's lab. This was an amazing opportunity we had to bring in an expert from the field to take over our forensics operation. So I know your staff has been interacting, but I haven't had an opportunity yet to introduce her to you all. And with all the discussions we've been having about the DNA lab I thought it was important to take that opportunity here today. As far as the backlog, where we are at right now is with the passing of this item that is before you this week, this will allow us to move additional funds over to the Sorenson contract because they have the capacity to work on the backlog kits. My understanding is we will have all the labs out for processing by the end of May and the labs have a 60 to 1 day turnaround time due to capacity at that moment. So we're looking at everything out for processing by the end of May and as long as those labs are operating at capacity with the 60 to 120 day turnaround, that's when they will have them returned. >> Casar: Thank you. So the understanding would be through passage of these items we'll have the backlog cleared by sending stuff out by May, but then all of the results will be back from the backlog by end of September at the 120 day -- at the longer of the 120 day mark. >> That is the expectation, barring something happening at the lab, but we will have everything to them and then if they perform to their expectations, then yes, we will have everything back. >> Casar: Thank you. Thank you for coming back after our executive session to answer those

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questions and welcome to the city family. We're glad to have you. Thank you for working with my staff. Nobody should have ever -- hopefully -- ideally we will not have been in this situation but I appreciate the hard work done by all our staff to address the community and the council's concerns. Once all those kits are cleared I understand there is some other sexual assault evidence that is not technically sexual assault kits so we can turn our attention to figuring out exactly how all of that works, but having the kits cleared out of APD by the end of May and back in September I think is important that that's the expectation and that the community know that we're on track to do that. And then I know there's conversation that we had during the budget cycle around figuring out how we beef up victim services considering that we'll have to respond to potential increased amounts of evidence coming back from the backlog. Thank you all. >> Thank you. >> Mayor Adler: I want to thank councilmember Casar for your leadership on this. This was an issue that came before the council. I remember the budget meeting when we kind of really learned about it. But I also remember at the time the numbers were so daunting that it looked like it was going to take us much longer time than this to be able to get to the place that we are right now. So I also want to thank you, chief, and the folks that you've been working with and the work that you're doing with the county and with the city and all that other work. Manager Arrellano, your work on that as well. This has moved -- just any day is too long, but this has moved so much more quickly than we had feared that it would. It's really good to see, so thank you all. Okay. Item number 48 pulled by councilmembers Flannigan and Alter. >> Flannigan: Thank you, mayor. Item 48 is a resolution

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about how we're going to move forward on court facilities for the municipal court. Chairing the judicial committee as I do with my fellow committee members, we learned that there was motion being had on the staff side to explore different court locations so we felt it was necessary to give the staff direction, more affirmative direction from the council and what we were hoping to achieve. Before I became the chair of the judicial committee I was open and somewhat excited about facilities with the county and what potential savings that might bring us, but when I learned more about the court operations and the things that it does, it became clear that an opportunity become more valuable and cost it effective and more beneficial to the community as a whole. So what this resolution does is directs the staff to seek two sites, a north and south location, north and south regional court, separate from a future downtown court, which is just about the downtown court, not a full court for the whole city. This is may M question on how to ask staff to do that work. The continue tent is not to do this and have more specific details to the council, but I felt it necessary forgive the staff direction on how we wanted to see court facilities handled in the future. >> Mayor Adler: Further discussion? Yes, councilmember alter. >> Alter: Thank you. Mr. Flannigan I appreciate your comments and they kind of get to part of my question. And I don't know if this is directed for you to answer or for the staff. I wanted to Mary more about what went on with the county and those discussions and why that's not an option that we're considering in this resolution and then I have a question after that.

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>> Flannigan: Sure. If I may, when I talk to staff about what was being contemplated and then we started to think about what other alternatives may be possible it became pretty clear pretty quickly that there were some pretty heavy complexities involved in co-locating that also arguably was going to result in a more expensive facility. Just the land costs and our share of a downtown building would be still more expensive than two separate facilities located in more affordable parts of the city both on land and other concerns. It will also be easier to provide parking and other types of values -- other types of services that the community has been complaining about our downtown facility having. So it became clear that while the county court, they've got a pretty substantial job ahead of them, they also provide a pretty stab south Austin actively -- substantively court experience than we provide. So it became about some of the things that they have to do to solve their puzzle of needs that don't apply to you are on needs and then do we have to pay for a share of that? It got to be kind of complicated. Ultimately once we looked at the value that we can provide with two regional facilities, that became to me and my committee members and co-sponsors at least, the direction to go. >> Alter: So maybe this is for medicines Rizer. County was saying they would save us \$25,000. Is that downtown and that's why you're seeing such a -- I'm trying to understand when I heard from the county was that there would be something like a 25-million-dollar savings. Is that what it would cost us to have a downtown facility on our own as opposed to the two regional? I'm trying to understand because one is saying cost savings over here and you're saying a cost savings and I'm trying to understand the difference not having the

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benefit of your committee meeting. >> Mayor, councilmembers, Lorraine Rizer, director of real estate services. You're correct that the price comparison with us having a site downtown with a parking garage attached to it alone versus one with the county. So it did not consider us having an alternate site in an area where land was a lot less expensive. In other cases in the future maybe not with respect to this court, it might be useful for us to consider combining forces with the county for real estate transactions. I'm hearing from the county that perhaps there were some clashes of processes and other things. And I'm just wondering how we move beyond that so that we can consider those in the future if co-locating makes sense, if it does in in case. >> Councilmember, when we go look for facility needs we contact the county and the school district's first in leasing and other opportunities to see if there is an opportunity. And we are co-locating with the county in their buildings downtown where they have their meetings. We'll do that quite frequently and will continue to do so. >> Alter: I did have the sense in talking to folks at the county that there was a sense that maybe there were some things that we needed to work through. And I just want to ask city management that if -- if that is the case that there are issues that are different processes or different cultures that we have to bring together to be able to have those conversations, that we not ignore those and we find a way to overcome those so that we can take advantage of opportunities where they are appropriate. And I guess I'll have my staff look at the judicial

[3:05:21 PM]

committee meetings to look at that, moving forward I think there's an opportunity there that we don't want to miss out on. >> Mayor Adler: I'll go further, not so much co-low incoming, but co-purchasing. It would be better if we could figure out avenues where there would be a real viable option for us to do. I have a couple of questions and what -- this resolution has us moving from a single courthouse to two, one north, one south. Has there been a review by real estate as to the relative cost of each of those options? Has there been a review by the presiding judge and the other court people to say that this is the direction that the court wants to move? And if we haven't gotten that level of analysis, I would be more comfortable having that level of analysis before we make the decision to only look at this option for fear that it's not the best option. So help me with that. >> Flannigan: Sure. And we had substantive conversations with real estate and finance and court operations and the presiding judge about what this impact would be, thank you, councilmember alter, for bringing up the collaboration between jurisdictions. It was something that we talked about at length and I can assure you that that had nothing to do with my willingness to move forward with this. If the push-back had been well, it's difficult to work together, I wouldn't have allowed that to be the reason why we went a different direction and I'm hopeful that management can solve that problem as well. I'm comfortable, Mr. Mayor, if we wanted to in the context of this have a second decision-making point in this process. What I want to avoid is directing staff to study

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multiple things. And I also don't want to be telling staff to do things without an affirmative vote of the body. If we said go out and do this thing and study other things. What I want to avoid is saying go out and study four things and spend time studying and come back with four answers. I wouldn't want to do that. I'm much more comfortable with the form. >> Mayor Adler: What I'm looking for is probably an assessment. I recognize the land is cheaper, but now we're talking about two different buildings. I don't know whether the extra cost of the two buildings mitigate against the extra cost of the land. I don't know what the operation impact is of having two offices and opposed to one office and I haven't heard from the presiding judge in terms of operations two versus one. And why don't you come down and join us. I didn't see you in the back side there. I just want to make sure if we're going to -- the question I have is should we ask for real estate and/or the courts to take a look at this and come back and say this is really the way that they want us to go? But I do applaud you in having us do this because goodness knows I'm not sure we have a facility in the city that we need to act on more quickly than this? And then my last question is how realistic is March 22nd? Even realizing that this is such a high priority? Those are all my questions. >> I can speak to the locations. Currently we have three locations. We have downtown main court and we have a substation south and a substation north. Both the substations need to be expanded. The north substation is about the size after closet and does an incredible amount of business. We had studied Houston and Houston has a neighborhood court model. They have a centralized court and they have spread out into the neighborhoods, essentially taken the court to people so people that live in the outer edges of town don't have to drive an

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hour, two hours to get to court. And we had looked at doing that. And in this process we need to be out of where we are and we are contemplating collapsing the south substation into wherever we move court to. And having a north -- so just two buildings instead of three. And that makes the commute easier. It also makes it easier for detectives who are coming from far south and far north to the central area so they could divide that up. Hopefully we could divide up where people go. So if somebody lives north their case can be resolved north. If somebody lives south their case can be resolved south. And that would anticipate as Austin grows in the future we would eventually have other neighborhood courts in other parts. So people are traveling less, we're taking the court to them. We're operating in a greener way. >> Mayor Adler: So this is your policy recommendations to council is to not do a downtown one any longer, but instead to do a north and south location. >> At this time, yes. My recommendation is we want to be anywhere that is safe and for the public, for our employees, and is functional. But looking at it, right now with the population, where the population centers are, I think this will work well for us and work well for the citizens. >> Mayor Adler: And I understand the need to do something and with the promise that we'll do something, is this the way that you would set up the courts with a north and south office? >> Yes. >> Mayor Adler: So from a real estate standpoint have you looked at the costs, both operation and purchase of the two versus one so we know if there's a savings or if there's a premium in making this policy decision? Or has somebody looked at that? >> No.

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Our staff has somewhat and looked at the cost of collapsing substations into two. >> We have done some research on what the cost would be. Of course this is contingent on the square footage and the size of the two buildings. As judge statman said, we have three buildings now. If we were to go with two larger locations, eventually it will require us to have more staffing, but I don't think that this will take place for eight to 10 years. So right now we could staff two locations that are comparable in size. >> Renteria: Mayor? Can you introduce yourself. >> Sorry, I'm Mary Jane grub, I'm the court clerk. >> Mayor Adler: Thank you. What do you think about relative -- should we be looking any more -- should we just be looking at the resolutions, two options, or is it S there an additional analysis that would be good for us to do? >> We've been talking about this quite a bit and especially after the judicial meetings and I really feel that in working with the courts the last few years that the north-south options are the best and I think that with what we're looking at, we're looking at a couple of things. We're also including speed in there and can you get us an option that will get us in there quicker. And I think we've found a couple of ways to do that and share the cost. So I'm real excited what we can bring back to you in March. I don't have all the figures for you at this time because we've spent a certain amount of time, but we haven't spent the money and the time we need to without having the nod of the head that this is the direction the

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full council wants so that we don't start going into a direction, spending money and then find out that this isn't what the council wishes for us to do. So I'm really excited about some of the options that we might be able to bring to you in March. >> Mayor Adler: And last question. Chief, since you're here, are you comfortable in going with the two courts north and south or would you like there to be an additional analysis of that option versus a downtown location? >> I think north and south will work for us. What that does is allow us efficiencies. The detectives working in the north part of the city can see the judges in the north courthouse versus the ones working in the south. I think there are some efficiencies we can realize out of this as well. >> Cool, thank you. >> Renteria: I just have -- >> Mayor Adler: Pio and then Leslie. >> Renteria: I see that it's the community court is also included in this. I know there's a big population of homeless people downtown. Is there going to be a problem with them going to the south or north? Have you looked into that? I'm just wondering. >> Councilmember, we're still looking at keeping that operation centralish. So we're still looking at options for that, but we'll be bringing something back to you on that as well. >> Renteria: Thank you. >> So like Ms. Rizer said, the downtown court will still be downtown, it's by ordinance, and there may be opportunities for a little window of police work or what other things we can do and do in downtown space. Sorry to interrupt. >> Mayor Adler: That's okay. Councilmember pool. >> Pool: I just wanted to say thank you. This has been a long time coming and I wanted to especially thank Mary Jane and Sheri for bringing a really clear presentation of the conditions underwhich

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our employees have been working for way too long. And this is long past due. And thank you to Lorraine for accelerating the work on this. I think it was super important that we do this. So yay. [Laughter]. I know, I've been looking for this to be addressed since I -- almost the first year I was on council. It feels really good. >> Mayor Adler: And since Lorraine leaves in April we should be loading up her plate as much as we possibly can before then. >> Pool: Oh, no, she is not leaving. [Laughter]. >> Garza: I guess this is more for assistant city manager and another thing that you've been advocating for were the fire stations, the women's locker rooms, which I don't believe we've seen exactly how that's being addressed in addition to I'm just wondering how this lines up with other council priorities and resolutions in addition to the fire fighting, the women's bathrooms and the fire resolution that passed unanimously over a year ago and we still have not seen a report back. So I would hate for this much needed resolution to fall in that same trajectory as we need it, we need it, and a year and a half passes and nothing is done. So can you just, I guess, speak to that issue? >> Certainly. And thank you. Assistant city manager ray Arrellano. In terms of the fire stations, the new fire stations need and the phase 6 of the locker room as well as phase 5. I'll start with phase 5. It is on pace. We did commit to using certificates of obligation to accomplish that work. It is -- we did have a quarterly meeting with the department and the association as well as public works to have an ongoing conversation about the status of it and it's

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preceding at pace. It's probably a little behind due to some of the things you normally find in a construction project so I think we're looking at the end of -- probably late spring, early summer to complete phase 5. Phase 6 we're planning to bring forward as part of the budget process a way to approach and actually provide the solution to -- to the new fire stations. Let me see, I'm mixing the two. There's phase 6. Phase 6 we're going to use certificates of obligation to do that. And for the new fire stations we're coming forward as well with a plan to put in probably fire stations at a rate of two using a p3 approach for that. So we're very mindful of those particular projects that relate to the fire stations and on our needs in that regard as well as the other facility needs that we have throughout the city. I did want to take the opportunity as well to address some of the comments that councilmember alter had regards to partnering with the county as well as other agencies. We do look for those opportunities when we can and when they present themselves and we also look for them proactively. And from time to time we will run into areas where we see that there are challenges, we try to work through those. And I think in this particular case with regards to the courthouse based on our needs and the opportunities that there were, clearly this is the choice that's being presented and recommended. So we do want to make sure that we don't in this regard disregard those opportunities where we can find efficiencies in terms of collaborations. So those will always be on our plate to explore. >> Mayor Adler: Thank you. Councilmember Garza, did you have something else? Anything else on this issue?

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Councilmember Casar? Thank you very much for coming down. Mr. Flannigan, thank you for your leadership on this. All right. Next item, Mr. Casar, item number 49. >> Casar: Thanks, everyone. This is our third work association on sick leave. And instead of me talking again about why I think it's important I just wanted to queue up a very brief quote from the state of the union in 2015. And we can't hear. So the reason I play the clip is because what president Obama put forward in that speech I think really -- oh wow. I think really describes the two most core components to what it is that we're trying to get done in this ordinance as proposed. One, all workers being protected by a paid sick leave ordinance, obviously speaking on a much bigger scale, a much bigger stage of 43 million uncovered American workers, not just talking about Austin, but all workers, and the second, a substantial amount of paid sick time. In this case a bill to give all-American workers seven days of paid sick leave. So I'm really open and interested in this work session discussion to talk about which amendments or

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changes or clarifications we can make to the ordinance while still trying to preserve those two core components of all workers being covered having an ordinance that is universal for workers in the private sector and that gives people the sick leave they need. I'm handing out an ordinance that is virtually identical to what that was posted on the message board in January, but it includes the changes that were brought up at last work session, which include some clarifying language that says you've got to ask for your sick time before your shift, restaurants and local businesses have brought this question up to us and that was included. It doesn't really change the ordinance as to what was intended, but we made that extra clear. Extra clarifying language that makes it clear that nobody has to carry over more than eight days in a given year. We wanted to make it very clear that if you're offering eight days pto every January first that there doesn't have to be any extra carrying over. That was already clear in the original ordinance, but AT&T, erisa, the chamber, others, asked the question, so we really wanted to clarify -- add additional clarifying languages. Councilmember kitchen added clarifying language that this does not create a requirement for certified payroll. And the abia, the chamber and others had asked questions about pto and whether or not if somebody uses some of their pto whether or not that entitles you now to more sick time under this ordinance? Already this ordinance didn't do that. It was already really clear that we're just asking for eight days of time off that can be used if you're sick, but we added clarifying language that folks asked for for make that extra clear. So there's no real substance and change in this ordinance from what we posted in January except there is one change, which is the addition of one substantive

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change, which is the addition of a 60-day probationary period for workers who are working year after year, and I'll address that in a moment. So I did want to address some of the concerns that people did specifically raise during our last work sessions, though. One question that was asked by councilmember Alter was the need for enforcement resources. And so I passed out a sheet of paper that shows the enforcement resources in the first year and various benchmark cities, Chicago had three ftes, however those ftes monitored minimum wage. Seattle, one fte. And Washington, D.C. Had two to three ftes. So of course in the budget process we can take our own decision, but I did want -- we can make our own decision, but I did want to hand that out when we passed the fair ordinance or bag ordinance or fair chance. We passed the ordinance and then worked over one or two budget cycles to get your enforcement employees. Also there were questions around money for implementation. There's about \$240,000 in the hr equal employment budget right now they stated can be repurpose to address implementing this ordinance upon passage. So I just wanted to hopefully provide some direct answers with that. And I'm willing to answer any other questions. Mr. Flannigan, I understand that you in red in your batch of amendments in the message board yesterday, I took time to read it a couple of times. I'm not opposed to all you proposed. I'm open to some parts of it, but the parts that I have a lot of trouble with are those that make it not a universe asl ordinance, the parts that I think either make it so that not all workers have access or that workers wouldn't have very many sick days. So some of the amendments on

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the message board punish employees that work for smaller businesses, giving them no access on paid sick time? Also those workers that choose to work in a business that work in a business in its first year of operation have no sick time and workers that are working fewer hours would under that ordinance not have very much sick time that they could accrue in any given year. There were also a lot of people in the business community that -- as well as in the advocacy community that wanted as equal and easy to understand after ordinance as possible. And unfortunately I think that with some of the amendments it could be very confusing to try to figure out how much sick time you need to provide or how much sick time you need to get. We learned from Seattle's audit that while the vast majority of employers supported Seattle's ordinance after it was implemented there was a lot of confusion about implementation and what the rules applied because there was a lot more in the unforce asl system that was proposed. There were some that were interesting in what councilmember Casar posted. Thible reporting was interesting and I think the eye peels process idea. I'll be working with city legal and various groups that have been working with this for a lock time and get back to you for these ideas. There are also some parts that I'm unsure of and I would be interested in your thoughts. For example, some of the definitions around sexual assault and stalking and relationship violence have been changed and expanded. And I just want to best understand what the differences are because we've been working really diligently with the safe alliance and with the legal department to make sure that we have, and with attorneys that work in this field of law to headache make sure that we have a legal ordinance that will withstand any legal challenges, but also provides the access to services that people need. We've been trying to strike that balance and working hard on that.

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So I saw that there were just some changes in that section and I just want to understand those. I just want to know -- best understand -- I don't know if you checked in with some of those organizations to figure out how that all works. Also some folks have asked about whether or not the universal ordinance has posted in January applies to independent contractors. I think the legal department will tell you it's very clear that it only applies to employees and not to businesses, which a bona fide independent contractor is running their own business. However some folks have said can you just write in this doesn't apply to independent contractors according to Texas law? And I'm happy to add that if people need further clarification, that is something I think we should be open to. So I can bring that on Thursday. Finally, councilmember pool, you raised some questions. One was around collective bargaining agreements and not superseding those. %-@And I've been working alongside with our labor partners in the community and the law department to have something that's both legally defensible and that works for those labor partners and I will promise to include that language to address that. I think you and some others have brought up questions about the probationary period. People not being able to take the sick days at the beginning of employment and we've included in the ordinance as handed out a probationary period of 60 days for employees that are regularly working. And then finally, I have heard your and other community members' concerns about implementation for smaller businesses. The demands from a lot of groups have been a universal ordinance that applies to all workers, that there's fair and equal treatment. Whether you work for a big business or small business. However, I understand that changing or lowering requirements for small businesses is a part of this conversation. For me that would be a difficult compromise or change to make. But if it would help secure the support of my colleagues colleagues, then I would be happy to work with developing language that

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could be agreed upon and hopefully be broadly supported in the community. So councilmember pool, if there is some language that includes specific treatment for small businesses, I'd be really interested if that helps you feel more confident in supporting this on Thursday. >> Mayor Adler: Okay. Further comment? Flannigan. >> Flannigan: As you all know, I posted a subsidy ordinance. It was not a list of amendments, as I reviewed the ordinance that we were given a couple of weeks ago and started to meet with community advocates and stakeholders and starting to do my own research, became clear that the ordinance being contemplated is pretty dramatically different from other municipal ordinances across the nation. It's especially true if you look at the cities that aren't also covered by a state provision, and that's where I focused my efforts, and I handed out a pretty big sheet of paper here that shows you those cities. Those are the only municipalities that have this policy outside of a state provision. These are the only ones. So there have been some conversations about 40 cities have it -- well, many of those, most of those are covered by state provisions, so I thought it was relevant to look at just the municipalities that operate on their own. Most of these have exclusions for microbusinesses. Most of these -- several of them tier, several of them have smaller accrual numbers. But ultimately, I just want to make it clear that I support a paid sick leave policy, and it's been really disappointing to see the rhetoric

that is going around about attempts to have this conversation. And so I want to ask the sponsor of this resolution if you believe that I'm being backed by the Koch brothers.

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>> Mayor, can I -- >> Mayor Adler: Yes. >> I didn't say that. I don't know. >> Flannigan: You don't know? >> Well, I don't know why you're asking that question of me, but I've laid out my concerns with your -- some of my concerns with your amendments. >> Flannigan: I'm happy to explain it. At a press conference this morning with your former employee, they made that acquisition, and you subsequently shared social media posts that have shared that accusation. So I wanted to share if you're specifically concerned that it's happening to me. >> Mayor Adler: Mr. Casar. >> Casar: I would let other people in the community speak for themselves, and I am not speaking for anyone other than myself. But what I would say is that I have reviewed your ordinance. I have found components of your ordinance that I find interesting, as I stated, and happy to work with the law department on that. There are other parts of your ordinance that I think would severely undercut and undermine many of the goals that community groups put together. What I have said in the last couple of days has been -- any interest of Koch industries, one is that Koch industries has a fair chance hiring ordinance, but one two, that the nfid and many groups that have opposed paid sick leave ordinances in city after city, that "The guardian" has found that that organization is largely receiving overwhelming amounts of money from that family and their organization. >> Flannigan: All right. Well, I'm not going to belabor the point. >> Casar: I think you have belabored it. >> Flannigan: Well, you haven't answered the question is what I was meaning. >> Casar: I mean, ask me a question that I haven't

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answered. >> Flannigan: Do you believe -- that's the question. >> Casar: No, I don't think that the -- >> Flannigan: Thank you. So what I'm talking about with my ordinance language, this was developed in a lot of hard work with my staff, late nights over the weekend, looking at the ordinances that were provided by other cities. I come to this body as I do on any ordinance willing and welcoming amendments. It was made fairly clear at a press conference this morning that that was not going to be a process that was welcomed on the original ordinance. A lot of what I proposed is for discussion. That's how we make policy. And, you know, my preference is to have operated from a more broad proposal and amend from that, which is what I posted on the message board, that I would make this as a substitute motion, and then we could take amendments from there. And my reason for that was that the ordinance -- and I will look at the red line that you provided today, but the ordinance that was given to us two weeks ago was fairly substantially far away, that I didn't know that I could get there just with some amendments or that some would pass and some wouldn't, and it felt more substantially useful to put out another proposal. I think, again, it's important to note that in other municipalities that have done this where proponents of this policy, of which I am one, has said that there's not a lot of necessity for study and analysis because it's worked so well in other cities and that's why I went to other city policies to see what they had done

and what their accrual levels were and what their exclusions might be and who these 40 entities were, and it turns out many of them are states, which I think is a substantively different type of system and enforcement mechanism and broad impact to the business community. I can certainly speak to the challenges of a checkerboard annexation that exists on the

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edge of my district, where an employee, leaving their place of work will drive through and out of and in the city five or six times by the time they get to wherever they're working, and then the next client may not be in the city. So there's some real complexities when you're not dealing with those hard state borders, which is why I think state policy -- as council member pool so rightly said in the special call, that state policies are sometimes the things where these things are supposed to live. I am also the last person to say we should not do a thing because the state is going to be mean. But my hope here, again, is not to be argumentative, although I often am. But I am trying not to be, because I am proposing a paid sick leave ordinance, and my hope here is that we can, as a council, explore all of the various policies that are being applied across these municipalities that aren't also covered by a state provision and ensure that the studies that we're relying upon actually represent the policy we're about to pass. There was an email we received that showed a study out of Oregon, which again is a state policy, but also Oregon has a ten-employee microbusiness exclusion. So there are questions that I have on our willingness to pass both under council member Casar's proposal and arguably even my proposal, the most aggressive paid sick leave policy in the nation, but for a couple of maybe tweaks and changes, whether or not we're prepared to do that on all three readings on Thursday. And so I hope my colleagues will take a longer look at what I have proposed. I am really trying to get to a place where we're passing a paid sick leave policy that can be implemented. I don't think we should be afraid of math or complications that actually make a more nuanced proposal. We do that all the time, and saying something is too

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complicated is -- I don't think that's a variable on -- necessarily a variable on policy. There are -- oh, I will say, just to address some of your specific questions, council member. We changed some of the types of coverage to reflect how those are defined in state law, so I think the phrase domestic violence isn't defined in state law, which is something that my staff -- we were doing our comparative research and found out. And, again, these are things that are not -- I'm not bringing an ordinance to the council and saying, this is it, end of story. I don't think any of us are doing that. Although sometimes it feels that is the position some of us are being put in. I will do what I can on Thursday. I'm still intending to make a substitute motion if there's the will to have a different starting place. I would expect amendments to fly in both directions. Thank you, mayor. >> Mayor Adler: Thank you. Any further discussion on sick leave? Council member alter. >> Alter: I would like to ask Ms. Hayes if she might speak to some other questions that we raced through the q&a about the enforcement and also about the city's own policy on sick

leave. >> Good afternoon. Julia Hayes. Department of human resources. We received some questions last week, and we have done our best through the question and answer to provide you as much information as possible. Of course, I'd like to say starting out, we would like additional time for additional analysis on many of the questions, but I am attempting to try to provide as much of the information that's available outside of that analysis for you, for your discussion today. The original question that we received was relative to the cost of staffing. Of course, we have not had the

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opportunity to do a full scope of cost relative to staffing space. I have no additional space in hiring staff. A lot of offices have asked us about why our numbers would be higher than many of the numbers you've seen provided to you. What I would share with you is that most of those instances, they had at least a 10-to-12-month period for implementation, so with a longer period of review, there's less staff. So if you're desiring us to adhere to what we have before us as your draft plan, from council member Casar's plan, we would need more aggressive staffing to meet those needs in a shorter period of time. What we would recommend, and we can discuss that through any level of analysis or through the budget process, would be some immediate staff. We would be looking at three to six people. With that, we would hire temporary employees. And so, our recommendation would be to look at hiring temporaries. And so if we see that number is lower or higher than what we need, we can make those adjustments without impacting permanent salaries and permanent staff. That cost would be anywhere in 2018, fiscal '18 to be around 170,000, just between now and the end of the year. Want to also bring some clarity. When we had this discussion in the budgets process, we talked about a pilot. And we talked about what cost would be entailed in a pilot program that would be executed by the end of fiscal '18, and so the 258,000 that the council member speaks to was actually placed in parks budget, and we can certainly make a budget amendment to move it to offset the potential cost of what a pilot would have been. So we do have those funds available, and we would ask in fiscal '19, anywhere up towards about 460,000, depending on three to six people that we would bring in. So that gives you somewhat of a scope relative to staffing, and

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I can answer some of the other questions, but it's certainly -- if there's any additional questions as to our logic surrounding the staffing piece, I'm available to answer. >> Mayor Adler: What would the %-three to six people do? >> So the first person that we would recommend would be the person responsible for actually writing the ordinance, a higher level position that would be policy-driven. We'd have to create administrative rules to assist us. They would have to be prepared. So we do need this person who is able to write and adhere to the policy, which is what you see in many other cities. We would also have at least two to three investigators. The way the current ordinance is written, while the enforcement piece would not happen until October, the way it's written, we'd still have the ordinance to be effective in may, and so we need staff to answer the telephone. Is that not accurate? To answer the telephone, my

understanding. It would be effective in may. And the ordinance would be in place -- and I'm looking at the conversation, so I wanted to make sure I'm addressing those needs. Our understanding is that it would be enforced in may, but penalties would not apply until October. As we look at the current ordinance. >> I thought councilmen Casar had it delayed until October. But he can answer. >> Is that accurate, council member Casar? >> Kitchen: My understanding is that when we talked about moving the penalty to October, we were talking about moving the effective date, too. >> In our last discussion, it was understanding it would still be effective in may. So certainly we can make some adjustments to these numbers if, in fact, we're not doing anything until the October period. Our assumptions were based on us having to have the ordinance in effect by may. >> Kitchen: Well, let me break that down a little bit. There's still activity that needs to occur in terms of the education and consulting and working with small businesses.

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>> Yes. As we looked at it, and per your question, we reached out to economic development to see if there could be some assistance there. We reached out to small minority business, and based on where we are right now, economic development has committed to providing us the same level of support they did in fair chance hiring, which would not allow them to participate in the ongoing education piece one-on-one, and would not have the staffing available. I believe somebody from economic development may speak to it. But as of now, what they committed to us without additional analysis would be able for us to help us with the rfp to go out to contract someone to assist with the marketing components, and then in addition to that, we would hire staff to administer the rules, to help with the education piece, and then finally hire investigators once those rules were administered and it was time to apply the policy. >> Kitchen: Can I follow up? >> Mayor Adler: Yes. >> Kitchen: I guess I'm not quite understanding what you're saying. There was a set of activities that we were suggesting needed to occur. And one of them was through the small business office, to provide some assistance to small businesses in putting this -- these programs in place. If they asked for assistance. Did I just hear you say that we couldn't do that? >> Mark Washington, assistant city manager. I spoke with Mr. CANALI this morning, and the latest assessment is they are still in the process of evaluating what they would be able to do and what resources they may or may not need, and it was just not enough time for them to make a commitment for this morning. >> Kitchen: Okay. >> So what Ms. Hayes is able to speak on at this point is the office that's responsible for enforcement, compliance,

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primarily would be able to do an equal employment fair housing office. But we're not able to speak on behalf of small business administration -- excuse me, any staff from economic development, smbr, or the public information office at this time. >> Kitchen: Okay. I guess I'm not clear on why that would be the case, because our small business department provides this kind of assistance right now to small businesses. >> Again, we can have staff come and address the question directly. We're just unable to

provide that information at this time. >> Kitchen: Okay. >> To the second portion of your question, if you'd like me to answer that. >> Kitchen: The function of our small business department is what I'm focused on, and the function of our small business department is to work with our businesses to assist them. And in my mind, that includes the whole range of things that they need to do as a business. When we're talking about paid sick leave, we talk about setting a standard for how -- at least from our perspective, we're talking about setting up a standard for how we -- how our businesses operate in the city. And related to that goal is our goal -- our economic development goals, which involve a whole set of things that we do and are talking about doing in the future that assist small businesses. That is not in the enforcement bucket, that's in the economic development bucket. So that's what I'm trying to talk about, because one of the reasons I'm supporting this is because I do believe we need to set paid sick leave as a standard for our city. If it was up to me, I'd have every business offering health insurance, too. As well as minimum wage or living wage, et cetera.

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So what I've been trying to talk about is the role that our small business department plays, and that this kind of activity I would like to see added to the other services that they provide for small businesses. So, maybe I need to talk to -- maybe I should speak directly to that department. >> I think we attempted, to the best of our ability, between last week and this week, to collaborate as much as possible in providing you the answers to the questions which you've asked. I think some components -- as many of you all have, we stayed all weekend to try to prepare for that. >> Kitchen: Sure. >> I think some of the collaborative answers that really require us to connect with other departments, we're not in a position to speak to at this point. So some pieces, including the economic development piece, based on what we've heard from Dr. Washington, would need to be referred back to their offices for clarification. >> Kitchen: I understand that. And I don't mean to put you on the spot. And I probably was not clear, because the function I'm talking about is not the role of your department. It's the role of our small business department. So I'll follow up. >> In answering the question relative to staffing, I think the mayor was asking the other positions would be investigators. And if we see -- and as you've discussed, this particular ordinance is more robust than we've seen in some of the other cities. It will be impacting all businesses. And as a result of that, we would need to have more staff in place to address those questions, those concerns, and those complaints as they come in. So the investigator role is more than just a formal investigation. It allows us an opportunity to engage citizens to understand the ordinance, answer questions of those citizens, and be able to investigate when the enforcement components come. I will share with you, mayor, as you ask that question, the goal of our department would be to be as conservative as possible in utilizing the staffing needed to adhere to whatever ordinance is passed. However, some of the lessons learned from the fair chance

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hiring ordinance was that we need to be really clear and transparent with council as we are asked what we really think we need in order to be successful and in encouraging complete adherence to the ordinance in which you pass. So from that perspective, we think at this point with the limited information that we have, we feel most responsible in saying between three to six employees. With the costing that we shared. >> The limited information you have is you have limited information about what you -- like, when you say that phrase, what are you referring to? >> Response. How many citizens will have questions. How many businesses may not comply immediately. We don't know how much support our community will need in order to understand and adhere to the ordinance. So it may not be one year of a lot of questions, a lot of investigations, and after that, it may level off to a more understanding. I think this is something bigger. It's broader in scope. We don't have current staff that has ever done it before. So based on a lack of experience internal to adhere to these types of ordinance, we believe we need to hire the staff appropriate to create administrative rules and to adhere to it at whatever level this council deems to be appropriate to the community. So those are the unknowns. Utilization. You heard from council member Casar. Some benchmarking on what utilization would look like. We don't have any metrics as to what utilization would be for temporary employees. And so there are a lot of variables that we would need to test through some process of execution to allow ourselves to fully know what resources would need to be continued in order to properly execute this ordinance and whatever level you see fit. >> So if you had three to six people as temporary, you said it would be 170,000 between now and the end of the fiscal year.

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Is that correct? So then that would be more than that on the annual basis? >> Sure. >> Kind of moving forward. >> But we would certainly come back to you closer to the budget period and share with you whatever we see at that point to provide you some more appropriate numbers to see what we were looking at as we go into a fiscal '19 conversation. >> I know there were several other questions I asked you to answer, but I don't know if Ms. Houston had a questions on what we were just talking about. >> Houston: I do. >> Mayor Adler: Ms. Houston. >> Houston: Thank you. What I was trying to wrap my head around is this is going to be like a blitz education, because we've got 33,000 small businesses or more that we'll be having to train, and I don't think all those small businesses are supposed to be doing training and educating people, I really don't think they have the bandwidth either to do it in such a short period of time, even if it's in October. So I see where you will have -- they will have to have even additional staff to help. >> Yes, ma'am. >> Mayor Adler: Further? Council member alter. >> Alter: So there were some other questions that we submitted as well. >> And we submitted them around 12:45, so you all should have our nice laid out answers to many of these questions by tomorrow, is what Rebecca is sharing with me. The other information said -- an estimated ordinance implementation time. And I think we answered some of the questions relative -- from what we see on a very preliminary basis, how would that execution time look between now and October in terms of partnering with other departments to get a contractor. I want to be real clear. We don't have the resources in eeo fair housing, which would be the enforcement team, to do the market. And I think council member kitchen and council member Casar were very understanding to the perspective of hiring a contractor to hire us

with the marketing. And we did that in the case of our fair chance, and so we would look to do a rfp, which will take us about three months to

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participate and complete, to hire a marketing team. We would also go out and look to hire staff, to come in and assist us with the rule development. We would actually complete the rule development. Allow the appropriate 30-day notice for public input to those administrative rules and be prepared with a trained staff for full execution in October. So we've laid out what that would look like between March and September in order to confirm with that. One of the other things that we also try to provide you in our response, there were some questions relative to our previous workload. I think we talked at the special session about hrd. Of course, when you look at some of the other cities, human resources is probably a very unique department to put it in, as you compare it to other cities. But we recognize that because we have the eeo fair housing component, that is the best place for the enforcement piece, but we did want to very clearly communicate our current workload in terms of our capacity for benchmarking, completing those tasks. 19 executive level vacancies, and we're really excited to begin recruitment for. Some other projects we're committed to to support the needs for market review and classification reviews. So we've not gotten a complete review of what our load is. We're very supportive of any initiative to support the needs of employees, but we want to be clear and transparent and our need to get the staffing and the resources to be able to do that, to meet your expectations of serving this community with whatever ordinance you pass. So we have provided that information to you as well. And then there were other questions about the benchmarking that was provided on what we would expect the usage to be and the costs associated with such

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usage. And we just haven't had the time to do the analytics. Great opportunity to say the more sophisticated my human resources system, the better I can do such analytics, but right now, we just don't have that in place. We don't really know that it's fair to compare utilization to employees who have access to shared leave and other benefits, and so how they utilize their leave may be very different from temporary employees that may not have those same resources. And so what we did in an attempt to add to this conversation is look at our 2017 list of temps, how long they stayed, and how much we paid them hourly. And as we did those calculations, we assume that if those temps were to have been given or awarded leave time, how much time would they have received based on full-time and part-time work at their rate of pay, assuming full utilization of the eight hours, 64 hours, eight days that we would provide them, understanding that all of those hours may not be used and the benchmark information that was provided to you suggested that that may not happen. We're really not able to be in a position to predict that. We would honestly need to look at some period of review to determine what our utilization would be. And so we didn't want to give you 100% cost, understanding that may be the extreme, but understanding we would definitely need to pay attention to it, and so we would need

more time to do some in-depth analysis compared to what we have received from some of the council offices, but right now, looking at that full accrued sick leave at 100% utilization with 100% back fill, which we don't think would ever be the case, would be at max around 1.4 million, and in looking at that same amount, maybe at a 25% level, we would look at that being 350,000. So it could be anywhere in between that, we would strongly

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urge if utilization is important, that we be provided at least through the fiscal year some opportunity to determine what those costs are by application so that we could have the time and the energy to look at those analytics. >> Alter: So the question was to look at the city and the fact that we're not providing sick leave to our temporary workers. So is that true of part-time and full-time? >> Yes. >> Alter: So we're going to hire people to temporarily work to lead an initiative to provide paid sick leave throughout the city and they don't even get paid sick leave? >> So, if you pass this ordinance and we apply it, those employees that are temporary would see the same level of sick leave, depending on their level of hours of work. So, yes, the temps that we hire would benefit from the same benefit that they're being hired to implement citywide. >> Alter: I thought there was an exemption with the city of Austin in here. I'm confused. >> Casar: So, there isn't an exception to the city. We worked with city legal, and I've said this at the chambers board meeting, in our public work sessions. We can't pass an ordinance that imposes a civil penalty on a government, including ourselves. So the way we give our temps sick leave, which is what we did last budget, direction to give our temps sick leave. And we also have a resolution for the March meeting to say whatever you pass in this ordinance, we want our own temps to get, too. But we can't -- under the constitution of the state of Texas, under what our legal department have said, we can't impose -- we can't pass an ordinance that has a civil penalty on UT or on aid or on us. There's no exemption for the city. It's just that we have to pass a resolution to have the city fall under the ordinance. And so we have that resolution ready to go, and, you know, with the numbers that Ms. Hayes has put forward would be the cost if every single worker that took sick time, somebody else had to be called in. But we know that the fact of the

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matter is, most employees, when they get sick, you don't call somebody else in. So in my own office, when somebody in my office is sick, I don't call somebody else to come and take their spot. So that employee taking sick time isn't costing me anything. It just means that the work has to be reshuffled around. And so that is why last budget, we set aside somewhere -- just over \$200,000 to get all of our temps some sick leave, but if we have to dedicate a little bit more to have them match the ordinance, we should be prepared to do that, and every single budget cycle this council has virtually unanimously improved the working conditions for our own staff and our own temps, and I would expect whatever we pass in this ordinance, we do it for our temps. >> Alter: So, Ms. Hayes, does that jibe with your interpretation? >> Yes. We were expecting a secondary ordinance to address the city. I will share with

you that we have tried to pre-identify departments that have a higher usage of temps that would more likely have issues relative to the replacement of those temps that are out. I think at this point, we've identified some of those departments, and I think some of those departments would probably want an opportunity to give you some feedback as to what their potential costs would look like as a department. I just don't think that those departments are ready to have that level of conversation at this time. >> Alter: So do we have a sense of those? Because, you know, if a lifeguard doesn't show up, you've still got to hire another lifeguard if you have one available to cover that shift, and the vast majority, as I remember of our temporary workers are lifeguards. >> So, parks and recreation is the highest utilized department for temps. They have positions in rec centers, lifeguards, others that are required to have someone covered. We've invited these departments in case you have particular questions for them. Austin public health and animal services have about 730 temps from 2017.

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Public works are crossing guards, are examples of positions that would require calling back. So they're Austin energy and convention center who have the need to have particular things covered. So we do have a listing of departments that would be impacted with the need to cover temps if they were to be out sick and the thought process would be to (one moment, please, for change in captioners...) >> We can certainly do that. I think one of the concerns that staff has is providing that level of information without full opportunity for analysis, by each of the departments, and so from what we've been told, we need to allow those departments more time. So I don't know -- I can't commit for what the other departments will have prepared for Thursday's conversation. But to councilmember's point, we have certain departments that are certainly ones that are higher use -- have higher usage of those temperatures, and certain departments that have that has a need whereas others would not have to replace those people if they were out. I can certainly by Thursday provide the other names of the departments that have that higher use San Antonio talons, and -- usage and check with city management to determine which are available to provide more detailed analysis by Thursday. >> Thank you, I appreciate that. >> Mr. Mayor, I have some follow-up questions. >> So could we get -- could we not have, you know, we have a list -- if I understand

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directly, so we have a listing of the departments that have temporary employees, and would we have a sufficient enough listing to know whether those employees need to be replaced, if they -- if they are out sick one day. That would be the current situation right now. So not necessarily having the dollars, but at least seeing how many of them there are. >> Yes, I can attempt to work with the departments, and see how much information -- the leadership we received from the city manager's office is that we don't want to place ourselves in the positions of placing our costs that just have not been vetted through a full process. There may be some preliminary costs that they may be able to make available. >> I'm not asking for cost. I understand that may take a little time. What I'm just asking for is, you know, here is the

list of departments, here is the list of job positions, check. Here is the ones that need to be replaced if they're sick. Here is the ones that don't. That's all I'm asking for. >> I can attempt to try to pull that information from these departments. We may not have every single position. But maybe a cluster of classifications that were required to kind of give you some level of information as to what that would -- what that would entail. >> Okay. Then related question, and this may vary, you can let me know if it varies, but our temporary employees, are they paid on an hourly basis. >> Yes. >> Okay. So when we do our budgets for our departments, for temporary employees, we would be budgeting for assuming that that employee never got sick, right? Because we would be budgeting for certain number of hours that we expected to be the number of hours that we needed for a temporary employee, so it may be, you know, 500 temporary employees for six months or something like that, and we wouldn't be deducting for an

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assumption about how often those employees would be sick. We don't do that right now, right? >> That's right. The budget for the productive time. But there are some departments that do not budget at all. For temporary employees. Some doing, because there's a planned use, and some times the use of temporary employees is sun planned. >> Okay. But most of the time we're planning for temporary employees, would that not be the case. >> I would -- I would venture to say that most departments are planning for use of temporary employees. >> Okay. Thank you. >> From the human resources perspective, I suppose if you're looking for who would need to be replaced if they were sick, you would probably also be saying after how many days, because some people we need to have that coverage immediately, and some could go for months, maybe, with backfill else where. >> We make those assumptions right now. We would not have that level of complexity to the planning. I think as Dr. Washington articulated, some departments very clearly know they have temps, and human resources, as we need temps, that isn't something we budget and utilize. To answer your question very directly, in all instances, as we're budgeting those types of complexities aren't taken into consideration. >> Where are we with getting our -- our temporaries and our hourly workers up to everybody making -- how are we with getting to \$15 an hour. >> Yes, \$14 an hour is where they are currently. >> Is that fiscal 18. >> We will be coming with a recommendation from where we go with temps and all employees for the budget period. >> And that is also key. So here is my dilemma, because I

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support this -- I support this initiative, right? We're not doing it with all of our employees. In order for us to embrace the concept and figure out what we need to do in order to walk the talk, it's going to take some time, and I imagine that that is probably also the case for people that this would -- that we would be putting this into effect on. And so my feeling is that until I feel like we're walking the talk, right now, I can't in good conscience move forward with this, because we're not doing it, and I don't know exactly what it would take for us to do it. Is it a phased-in kind of an approach? Do we do -- I just don't know,

but I think from a principled stance, the city of Austin ought to be doing this, if we're going to be requiring the private businesses of any size in the community, and I mean providing it to everybody who works for the city, because that is what this universal ordinance is all about. >> I can share with you where we are, in the budget process last year, we committed to you that beginning in February, we would work with the payroll office to look at what it would take to implement paid sick leave and we would pilot that, and the original funds that were placed in the budget were set for us to have that pilot and provide utilization details as you considered the budget. As a city, we are very committed right now, we had to wait until February until W2s had to go out until February. So we were just simply able to put the resources together until now. We appreciate the thought process and providing us that time. I want to emphasize, we're very committed to trying to provide that detail for you and doing it

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correctly. As you bring up the conversation of what we have to do locally, while there are complexities, we're happy to address them. We have system limitation, how we list temps in our payroll system, how we track it, how we accrue it, how we test those systems. So our timing is more than just saying provide it and create rules. There are other technical components that come with the shift and change and how we handle temps that needs to be addressed citywide. So we're very committed right now to go through that process. So if you are concerned about what process we as a city are following, simultaneous to the enforcement piece, human resources has committed to work on the team to create basically locally under the current workload and with the current staffing. >> Mayor, the reason why, and councilmember, the reason why I think this is really important is because the city wants to be modeling this ordinance and showing the rest of the state how we do it. And how it can be done, and how it can work, and I really feel like we need to have an ordinance, and our position needs to be completely unassailable, and I want to build the support in the community throughout including some people who are critical of the ordinance right now. I think we need to bring them along so that this -- because as I've said, a number of times, this should be a statewide policy. It should be a national policy, just like health care should be a national -- I mean we all should have universal health care. To the extent that Austin can help move that ball forward, I think our position has been unassailable, and that for me starts with the city of Austin providing the level of coverage, and the sick leave pay that this ordinance -- that this ordinance would require of the private businesses in town.

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>> I think I would agree, have I a question for councilmember pool. The thinking right now is that we would be starting these simultaneously, I would be curious about whether you're thinking sequentially or simultaneously. The reason I'm asking that, we have filed, we'll put it up on the message board so people can see it, it's not showing yet, because it's not posted. It will be on the next agenda and that is the resolution to make it clear that we would be starting the paid sick leave for our employees, our temporary employees, at the same time that this -- this paid -- the proposed paid sick leave effective

date. In other words, effective dates and start dates would be the same. So my question really would be is that what you're thinking, or are you thinking that it has to be sequentially, in other words, we have to do the city first and then later do -- because I want you to know, we are talking about at the same time we're not talking about starting paid sick leave for under this ordinance before we would start making it available to our city employees. So you don't have to answer that right now, it's just -- unless you want to. It's just a question. >> Yes. >> So my answer is I don't know -- I didn't know that you had that resolution. I hadn't seen it, but it sounds like a maybe. >> Okay. >> And that means that during budget we would be putting aside the necessary amounts of money for this, which obviously, right, so that sounds promising, but I don't know if that is a strict yes. It's certainly not a no at this point. No. Although I did think that we would be -- we would put our policy into effect before asking

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anybody else to do it, because I think that we will tease out through our implementation processes the procedures which are really vague and maybe not even existing at this point, and I think if we're going to roll something out, we have to be prepared with the rule book and the interpretations and the descriptions and be ready including with the educational -- educating the community that has already been talked about here today. So I think this has come at us really quickly. We've had the ordinance since January 19, that it was first posted -- anyway, about three weeks ago. And it is -- it's a big change. For it to succeed, we need to give it room to succeed, and for me that means diligence and it also means careful consideration which also means time. >> I have one more follow-up, and this is for Ms. Hayes. So I want to -- I have a question about the 1.4 million, which I understand is just a preliminary estimate on y'all's part, but we talked a minute ago about the fact that -- that when we budget for temporary employees, we budget as though they're on the job 100% of the time. So we have that money already budgeted. So the additional dollars that we would need to provide paid sick leave would only be for those -- for those temporary employees that need replacement. In other words, because we would be paying both while -- we would be paying sick leave while they're not there and be paying for a replacement. But for those temporary employees that don't require replacement, since we're already budgeting as though they were there all of the time. We don't need to estimate additional dollars for them in their budget for them to take sick leave. The question about the 1.4 million is how that was estimated? Was that estimated assuming a

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replacement of every single temporary employee? So I would ask you to go back and relook at that number, because my expectation would be that it would be less than 1.4. So for, if we're really only -- you know, if our bucket of replace -- of temporary employees is really only half of them need replacement when they're sick, then the estimated dollar amount would be closer to 700,000 than 1.4, understanding of course that you're still vetting these numbers, but just by way of illustration. So I would just ask you to go back and think of it in those terms because what we have to think about from a

budget perspective is additional dollars that we would need for paid sick leave. Not dollars we're already budgeting for temporary employees. So... If you could do that, I would appreciate it. >> Yes, I want to be clear. Some of this level of work would take some time. If that is a level of information that you can expect by Thursday. I don't know that we can comply, in talking to Dr. Washington, one of the things we talked about is giving you a tiered approach where we would say 25% of that, 50% of that, and allowing that for a faster recommendation, but the detailed analysis of only making the assumptions of the doubling based on those positions that we know would need to be would take some additional time and responsibility from the associated department. >> Houston: No, I understand that it may take time. I'm just making the point that really all we need to understand is which of our employees need to be replaced. And understanding some complexities to that of course. But -- but it will give us order of magnitude at least to understand which of our employees need to be replaced and so obviously, there would be a cost for the city to do paid sick leave, but it's not 100% of the temporary employees and it's certainly not, as you said earlier, they would use all their sick time. Even if they used their sick

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time, wouldn't be 100%, because not all of them need to be replaced. >> No, I want to get back on to that point where 1.4 million is, as Ms. Hayes said, something we would never expect would happen, that is the crudest, if you multiply it all out, if you divide it by the number of people, you divide that in half, the CDC says that people given about a week of sick days, tend to use about 1.7 days a year average, so talking about 8 days is not what most people use. Average person doesn't use their sick time in a given year, because they wait until they're really sick. If you divide that even further. We have budgeted about \$240,000 for sick time, and so we already have some money ready to be dedicated to this purpose on October 1. But, you know, I think something that is important for us to remember, under our first budget, our temps didn't get the living wage, and this council said that doesn't seem fair, they should get the living wage and we inviewed them. Under our first budget, no temps had access to health care and we said that is probably something for us to change and we made it able to access our health care system. And if we want them to get more, we want to comply exactly with this ordinance. I think we can get that done. Councilmember councilmember pool, I want to recognize that I think you're right, we should have the same policy to the private sector and we should be able to meet this ordinance or go above and beyond. We have four co-sponsors right now on that resolution. And so if you're interested in making it so that our own employees have to comply with this ordinance by the resolution, we still have a co-sponsor spot left if you're interested in that. Because then we could have them both apply at the same -- at the same time.

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>> Pool: Thanks, I appreciate that. You heard my answer to councilmember kitchen, I don't know where I am with that yet. Some of it is I just need to see more information from the staff. And I do -- I do want some time to think about it. Thanks. >> Councilmember Flanagan had his on. >> Thank you. Can you help

me understand what type of temporary employee that we have that can be absent but does not need to be replaced? >> In professional-type positions, we have come in and work on helping us update our filing. If they are sick for three days, the filing can wait until they're returned. >> It's just their hours. >> Exactly. >> Shifts their hours but the work itself is not one that mandates in a someone must cover it. So oftentimes departments will hire temps to come in, for instance, drivers. And so at this point, what I would recommend to you -- I'm trying to hear and talk at the same time, what I would say, professional level positions that the work can wait until they return or positions where they won't have to back fill. But that doesn't compare to someone in a rec center where there has to be somebody there and someone calls in sick. How is that covered. And so I think positions like the crossing guards, the -- going blank here. >> Life guards. >> Life guards and those types of positions would have to have someone immediately cover. I think some of those questions operationally is, what is it that the departments already do to cover that? Is that cost included? And what additional costs will there need to be? And those are the kind of complexities that we need to delve deep in to give you those levels of analysis. But for many of our departments, we simply hire temps to cover work that can't be done by having a person who's going to be on leave for six weeks due to

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some family related and that work needs to be completed, that person can come in and if they were unable to attend that day, that work can wait for them to return. >> Flanagan: I imagine my staff will send you more questions. I want more detail. To the community it might sound like we hire people we don't need. I didn't want that to be what you meant. A little more on that would be useful. This is a great conversation about the challenges of implementation. So if it took this city two or three budget cycles to get there, that's part of my concern with the impact of the smallest of businesses and 1.7 days a year CDC numbers are a good one for the business community to remember. It's why I'm also proposing a sick leave proposal. It's not that it can't be done, but the impact on a business with only five employees is a substantially larger impact for their whole operation which I think is why most municipal ordinances that don't have state coverage also have an exclusion for these micro businesses. But to lose one of five or one of four, one of three employees is a sub substantially bigger impact to the operation of the business. Once you get to scale, there's ways to be flexible. Even a organization like ours, getting to scale is a challenge for us to implement. Those are important things to remember. >> Mayor Adler: Ms. Houston? >> Houston: Ms. Hayes, I would like to have an additional information on the city's rollout on this for part time or temporary employees. Because I remember when we added the life guards to the -- what did we do? The payroll and didn't realize what a financial hit that that was going to be for the parks department. And so we had to come back and allocate additional funding, if I'm not -- if I'm remembering

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correctly. But I don't want us to do the same thing again without thinking through what the financials are for our part time and temporary employees. >> Thank you, councilmember Houston? I would simply add one of the things we try to do strategically in part of this conversation is not try to speak on behalf of the dynamics of the department. So reaching out to them and saying here's what our assumptions would be, but we would need you to validate this based on your work coverage, that's what we're trying to do with all of the departments that we preidentified those that we need to back fill those positions. So hopefully with the additional time, those departments can provide us the information and be available to answer your questions. >> Mayor Adler: Great, thank you. Councilmember troxclair, and then we have about six items we could blow through if we want to get done by 5:00. Ms. Troxclair. >> Troxclair: It's been very ill lustrary tav, there's a lot of things we've gone through really fast. I appreciate councilmember Flannigan in offering a proposal in laying out the comparison to different cities. But I -- I just continue to have major concerns about how we're impacting the business community, especially our small businesses. That's the people that we talk about all the time as being the critical fabric to what makes the city so unique. We have already heard from them about the struggles that they faced with property -- rising property taxes and development regulations and we have overwhelmingly heard from them in this process that they're really uncomfortable with the pace that this discussion has moved. Here we are on Tuesday trying to vote on something on Thursday. And I don't think that the councilmembers have our question S or even those questions still

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remain to be asked. I'm sure you may have seen that a lot of our small businesses have been threatened recently for speaking out or said that their businesses were going to be boycotted by the activist pushing this measure if they showed up and spoke against paid sick leave at the council meeting. That's totally unacceptable and unreasonable for people who are an important part of this conversation to feel like they can't talk about how this is going to impact them. And I think it demonstrates -- I mean, I guess it validates the concerns that I've kind of heard all along, that they haven't been a valued part of this stakeholder process of the conversation. So I just -- this is really big decision for the city. It's going to impact not just the city budget and city processes, but also -- so many other people in -- in Austin, I really don't think that this is the appropriate time for us to vote on it on Thursday. I hope that there will be some effort by the council or some acknowledgment that the people who are going to be impacted by this the most are begging us to -- to allow them to come to the table and to give them the chance to do that. And by not voting for this on Thursday. Not -- at least postponing this on Thursday. >> Mayor Adler: Councilmember Garza? >> Garza: Yeah, I just want to add -- there have been very few votes that I've ever taken that I felt 100% satisfied with, you know, a decision that needs to be made. I agree that this is a tough decision. But I firmly believe it is the right decision to support this

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as is without any changes to it. You know, as a city, we -- and as leaders, we get to decide what we feel is important, what we feel are important things that help our community. And we often do those things. We implemented a living wage. We added the opportunity for health benefits. We, as a nonprofit make adjustments of where we can for things that are important. And this idea that we are asking a major lift for for profit -- for profit businesses is -- is -- I just can't get past this idea that we are asking for more than what we do as a non -- as a city who does not make a profit. You know, there's a lot of math that needs to be done and understanding, but at the same time, I hope we know, it's in the context of I used to wait tables and when somebody called in sick, there wasn't always a person coming in. Instead of covering five tables that day, you covered seven or eight. So this idea that if one person goes off that a business owner is going to be paying two -- is going to be paying the person that's off and the person they have to call in is not necessarily true. I've seen it. Same thing we're talking about a small business. If somebody employs five people and somebody, you know, doesn't -- quits that day, they decide they're just going to decide to quit, that business makes adjustments to be able to do what they need to do with four people. Businesses do it all the time. And so this is a big change and I believe it's the right change. And I look forward to supporting it as is and I hope that we can do this as a council and if, for whatever reason, it does get

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postponed, I hope it comes back quickly and we can, you know, do the right thing then. >> Mayor Adler: Okay. Councilmember alter? Then councilmember Casar. >> Alter: I understand it applies to nonprofits as well as for profit businesses. One of the things I'm trying to understand is the impact on the nonprofits. And, you know, in some ways it's similar, the situation we have with the affordable care act that they -- in the affordable care act, they were given some money early on to help them with that transition. And now they don't get it. Well, the businesses get the tax breaks. And they want to provide health care and they're making it do. But they need a time to have that onramp. And most of the nonprofit community is not even aware of this ordinance. And I have been trying to talk with them to understand the details of how it impacts them. And they don't have the ability to just raise their prices. And I'm really trying and struggling to figure that out. I'm also trying to understand the details with the businesses. So if you were a business and you have this \$1.4 million that we could have to calculate based on the eight days of issic days, then that would impact the cost for a line of credit. And there are lots of things that happen there that there are details and tb complexities of the way that the businesses work where those costs kind of compile on. And I'm struggling to try to understand what are valid concerns and what are not. Because like I said the other week, I support it, I heard loud and clear the need and I understand it's a public justice and public health imperative. But what are the valid concerns with how we intersect with how we design this policy. I wanted to ask Mr. Flannigan, since you did take the time to put forward another option, if you could speak a little more to

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the tiers and explain how those work and maybe a little more about what you found in the other cities and I would ask that you try to be brief. >> Flannigan: I will be very fast. Very fast. There's a packet that represents all of the information that I put up on the message board. The very last sheet, a chart, a table, that compared benefits by tier. It shows the example of the accrual differences. This tiered system is pretty common in a lot of the ordinances that apply it across the nation. The five and under -- five employees and under still accrue sick time. It's just unpaid. So all of the provisions about retaliation and you can't be fired for using it. All of those still apply. Then six to 49, you can -- and they occur at one per 30, that's still the same across all. The difference between under 50 and over 50 is whether or not your max accrual is the average work week or the average work week times 1.5. And what I was trying to get to here is that if you were a fulltime employee, versus a part time employee, you're accruing different number of work days that you can take off. So for -- for a 64-hour accrual policy, that is significantly more work days. So and I did -- I don't have it printed up, the math relatively speaking is if you're a 40-hour employee, you work eight-hour days, 64 hours is eight days. If you are a 20-hour a week employee, it's 16 days. If you're a 10-hour a week employee, it's 32 working days. Granted, the accrual is much slower. We're not talking about they all get that by the end of the year. The accrual is smaller, but the rollover, by the time the business or the entity gets to that second year, you will have a dramatic difference amongst your employees about how many days off they can take based on what the shift schedule is.

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That's the accrual difference that I make. And that is the only difference I make between under 50 and over 50 employees. >> Casar: Yeah, last comments. One, I think one voice -- I know one voice is one of the stakeholders. I know they don't represent all of the nonprofits in town. They do have many of the social safety net nonprofits and they have a very informative survey showing that virtually all the members provide some amount of time off and they should, I'll make sure they share that and recognize that. Obviously that's not everyone. But I wanted to make sure that I say it and maybe that gets sent to the council offices. Second, to councilmember troxclair's questions and points, I was at stakeholder meeting, stakeholder meeting, after stakeholder meetings where people with very different viewpoints came together and had great conversations. I saw restaurants that were supportive sitting next to those opposed and advocates asking for 12 sick days and everyone had real policy conversations but I thought that it was very productive. And so if there are -- I don't know if you want to e-mail me or name anyone that feels like they can't come testify, I haven't heard of anybody receiving that kind of pressure, but I would be happy to call them myself and let them know that they should come and -- and testify. As we know, there can be passionate conversations at times, but I know that many of the advocacy groups are still in the meeting, even if they disagree with one another, I see them hanging out in the lobby together. So that's the kind of tenor that I would expect for this policy debate moving forward. Then, as far as the \$1.4 million

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number, I -- that -- Ms. Hayes said that's not the number. Like the specifically that is not anything that we have ever anticipated that this could ever cost. So before that number gets out and around there, her exact words was this is not a number that it would ever cost. That's if you multiply our total number of temps times 64 hours times all of the hours they work which is not how we would cost out sick time or anything else. >> But a business has to do that as a liability to whether it's that way or not. >> Casar: No. >> Troxclair: But a business has to count it as a liability, even if they don't have to pay it out. And having that as a liability affects things for the business. >> Casar: If we -- we don't budget -- >> I'm not talking about the city. I'm just saying if we were a business, then we have to count that \$1.4 million as a liability that we have, which then in turn affects other things that we do as a business, for instance, our line of credit. And so it is not without consequence if that is the amount that you calculate that you could be out or not for business. >> Casar: I am happy -- we actually sent this question to some people in the banking community and I will send you an e-mail from the CEO of Amalgamated bank, a national bank in New York, where they have compared a line of the credit to small business in different cities that have sick day ordinances and don't and where that went into effect. And the e-mail makes it clear, they saw no reduction of line of credit to businesses that have -- not providing sick days because it's a common practice and it's not like you budget in every single person when they take a -- when they take a sick day, that you have to call in a replacement and pay them extra money. But we can -- >> I appreciate that. My comments before, I was trying to figure out what is a valid concern and will not, if you talk to your lawyer on how to

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share that with me since I'm not in your quorum. >> Casar: Posting it on the message board right now. The bank found no impact and they think it's a sign of good business that that have ear providing paid sick time. And for every few cities that you can pull up that do exclude some smaller businesses, there are cities that don't. You can say three that excludes businesses, I could list Seattle, Chicago, and Oakland that don't. And I recognize there are some who live in different state environments and different state environments mean different political environments and we have to figure out what is best for Austin. And in my view, I've just been trying to work alongside a large group of stakeholders to come out with what's best for us. We've talked a lot about the costs that this could impose, but the fact of the matter is right now, the cost of doing nothing and the cost of hundreds of thousands of people in our city not having sick days is enormous. And so I think that as we talked about it in the strategic planning, we want to get proactive before costs are imposed on community members. That's why I think paid sick days makes sense that the cost is already being borne by employees at the city outside and the businesses that don't have -- that don't have access to paid sick days. >> Mayor Adler: Ms. Houston? >> Houston: Yes, sir. I just want to remind people that the first time this came up in a work session, I talked about how people in my district had tried to attend the stakeholders' meeting and how they were treated disrespectfully. And uncivilly and there is a difference between passionate and disrespectful. And I don't think you can find a more calmer person than Hoover Alexander. He was one of the ones. I had three or four more others who could testify how they were treat in the stake holder meetings. It was horrible.

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>> Mayor Adler: Ms. Troxclair. >> Troxclair: To answer your question, councilmember Casar, we all have an e-mail from the Austin independent business alliance that says I want the city council know that I have 135 local businesses signed up against the paid sick leave ordinance. Each of the businesses have given me permission to make their name public. Not releasing their names now because of boycott threats from worker's defense project but will bring a complete list to the city council meeting on Thursday. We all know this organization and Rebecca and the -- and the small business owners who are part of it, they -- they are respectful, responsible, important stakeholders. And this -- this is not the sign of an open and inclusive and respectful process. >> Casar: I was at many of those meetings with Hoover and we hung out and we've been talking -- I think he's still meeting with the advocates and other folks and so I'd be interested in finding out. >> Houston: You asked for a name, I gave you a name. >> Casar: I appreciate it. >> Houston: That was his response. He's trying to be at all of them. Another group got -- it's ongoing kind of harassment. So I suspect that I'll be getting some of that before the evening is over and before Thursday. But it's -- it's a process that was not inclusive of all voices to be heard and all businesses are very different. My daughter is now a waitress and her -- where she waits tables is very different than Regina esteva at Joe's bakery. You cannot make a one size fit all. And I think this is what this is trying to do. >> Mayor Adler: We're ready to move on. Go ahead and do that. Thank you all very much. How quickly do we want to move through? Do we want to stay here and try to move through these fast? The first one up would be item number 50. This is residential cooperative purchase. Ms. Troxclair, you pulled that?

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Something you want to talk about? >> Troxclair: I think this will be quick and unfortunately mayor pro tem tovo is not here to participate in the discussion. I talked about the articles to talk about the program in DC, the first one is titled law used to stifle landlords reducing affordable housing in Washington, D.C. The other is qdc councilmember says law being exploited by renters needs to change. I'm happy to provide a copy to anybody who's listening. But if you'll just take a look quickly. It basically says -- so the resolution as I understand it basically provides a first right of refusal or asks the city to explore the first right of refusal policy that would enable tenants who live in certain properties basically the opportunity to -- to purchase the unit. And I -- I know that -- I understand that it has probably really good intentions behind it of trying to -- well -- I think it probably has good intentions behind it. But I -- the resolution specifically identifies Washington, D.C. As tenant opportunity to purchase actopa as one of the most well known first right of refusal programs in the country and goes on to say it's a significant pressuration tool. But if you just do a quick Google search, you'll find lots of articles that basically say that it's holding up or blocking real estate transactions calling grief for homeowners and developers and owners are unable to sell but are forced to maintain at a financial loss, and rights could be auctioned off to the highest bidder which

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is what happened in way. So I'm really concerned that it looks like we're going down a path for a program that has really had wide spread abuse and fraud. People who, squatters, renting a pal radio, air bnb, renters have been able to claim rights there. So I think this is a really big decision that probably warrants additional conversation and it's unfortunate that we don't have the time today or the sponsor here. So I'm going to try to I guess talk to mayor pro tem tovo. She has additional room in her quorum before Thursday. >> Mayor? >> Mayor Adler: Thank you for sharing the articles. >> Pool: Mayor pro tem tovo knew she wouldn't be here and she asked me to make a couple of comments if I could relative to what councilmember troclair was saying. She wants to make sure it's the direction to research the first right of refusal purchase policies and I would imagine that the research that you did in these articles, which would certainly be a concern, would inform the work that our staff would do to ensure that in those parts of the country where people are gaming the system, everywhere people are gaming the system. We just need to stop. You know? If people would just act civilly and properly and politely and all of this, we wouldn't have to have lots of regulations and so forth. But unfortunately, you know, we're human beings. So I think that -- I'm sure she appreciates you having located the concern -- and surfaced the concerns and will ensure that those aspects are also included in the work. Because it is just a research the successes and limitations to see what is out there so that if

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we move forward with this, we can craft it in ways that would be successful here in Austin. >> Mayor Adler: Okay. Thank you. All right, next item is item number 51. Which item was refiled as item number 82. Mr. Flannigan, you pulled this? >> Flannigan: Yeah, struggling to find my thread. I was going to say it's going to go real fast. I'm just curious on the cultural spaces how much of this are related to things that we're already doing. Could you just give me a little more. >> You want me to speak to that? >> Flannigan: I appreciate that. >> So this -- there's four different parts to this resolution. And each of the parts -- some parts, it's brand new, that we haven't considered before. Other parts, it's picking up from what we've done before. So in taking it to the next step. So, for example, the first resolution talks about the Austin cultural trust. There has been work done on pieces of that. The resolution acknowledges that they'll direct the city manager to analyze and direct the next steps and to take into account the three activities that have already occurred so far and incorporate those. And then it identifies two additional pieces for that, specifically identifying a potential existing staff position, for example, and then just ask them to come back to us. And so that shows this particular item is not going to take a lot of time for the staff, because they've already done some of these things. And the language acknowledges what's been done already. Whereas another one, another of the four, the remaining three of

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the four, not much work if any has been done. So, for example, the third item is to examine micro loan program for austinites to invest in and own local art products. That will be a new program for the city of Austin. And this would be -- I'm not suggesting that the city would necessarily take it on, but the city may be able to assist launching a program like this. These are programs that are done in other cities. But our city has not investigated. So that's new work that needs to be done. Whereas the next one after that is looking at our existing pilot program that we did where we had microloans and grants for space needs. It was a rental assistance. It was a very small little pilot and stopped. And so this is directing -- directing the staff to take a look at that and explore whether we should continue that or change it in some way. So that's just some examples I wanted you to know, though, that this acknowledges the work that's already been done and is very focused on what's the next step. I'm not really interested in more study. >> Flannigan: Yeah. >> Kitchen: We've done a whole lot of study of this whole issue of, you know, supporting our creative spaces and the creative community and it's time for action. That's one of the reasons why there's a short turnaround time on this. >> Flannigan: The other question was the timeline. >> Kitchen: The other aspect of that. This is the -- this is the shortest time frame for when -- it's March 22. But it recognizes that we work with staff. We recognize that not all of these four items will be able to be completed by that time. Some of them, like the first one, since a lot of the work has already been done, they will be able to bring back information by that time. Plus it aligns with some parallel work that's being done by the -- by an economic development corporation. So that's the reason for the

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March timeline. So those recommendations come in at the same time to be considered. But we've worked with Rebecca giello and suggested and understand from her that they will give as much as they can on all four items, but some of these four will take longer. >> Flannigan: And I'm glad to hear that you're focused on action and not studies, and then the time line was just a really fast -- >> Kitchen: Yeah, that was the reason for the timeline. We thought about going in and putting different timelines for each of these items but it was so complicated. And I think we've got an understanding with the staff about when they'll bring stuff back. >> Flannigan: All right. >> Houston: Mayor? >> Mayor Adler: Yes? >> Houston: I had also questions and tried to talk with councilmember kitchen's office about 82, which is no more 51, but now 82, right? Because this is one of those examples of where it would be interesting or nice to have the city manager say is that too tight of a time frame from now until the 22nd of March. And so that would be something that I would like to hear. Not today, but there's 25 days -- oh, there he is right there. You snuck in when everybody was looking for you while ago. >> Yes, ma'am, good evening, Greg kinelly, finance. Yes, the economic staff has been looking at this resolution and as councilmember kitchen alluded to, a lot of the efforts have been under way. I go back to the omnibus resolution that passed now over 2 1/2 years ago and a lot of the efforts this we've done in affordable space. At the same time, we're working on our -- our economic incentive policy, which this touches. We're looking at potential economic development corporations, which this touches. We're trying to look at it from a system perspective. I think by the end of March, we can provide some of the things we've done, how we want to package those moving forward especially when it relates to a

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trust I understand is set up in the community and other things we might be coming back with and here's what we need to do to go off to work. They won't be solve bid March 22. They won't be solved, but we'll show you what the steps will have to be to undertake those. And I think it's an opportunity to highlight some of the accomplishments that the staff has actually proceeded on on the last two years. We think with the understanding of we're not coming back with it's all done and here you go, it's the attack plans as we move forward, here they are and we can do that. >> Houston: Thank you. >> Mayor Adler: I wanted to know with the omnibus, be able to come back and demonstrate that work is being done moving forward. >> A joint committee meeting at the arts commission of music that we updated and we plan to get an update on where we are on that. >> Mayor Adler: That would be cool too. Anything else on this one? Councilmember Garza? Let's move to the next one, thank you. That gets us to 52, executive level employees. This is the -- again, mayor pro tem's ifc. >> Mayor she's asked if we could postpone discussion until Thursday since she's not here. >> Mayor Adler: You want to daylight your question so we can hear what the discussion is? On 52? >> A question of charter, are we crossing the line in our ability to direct the manager in how the manager -- that's what I wanted to hear more about. >> Mayor Adler: Got it. Okay. Last thing, items 53, 54, APD items. >> Kitchen: Perfect segue crossing the line of the charter. >> I pulled these because that's one of my concerns about what both of these do. 54, I don't understand what the objective is when there's never -- we're already going back to the table.

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There's never been a discussion that we're not going back to the table. So I guess that would be my first question regarding 54, why -- and I do see some change S in what appears -- like process changes. About basically it would go before council for approval before it goes back to be approved by Apa. And that's something extremely -- that's something we've never done before. So, I was curious to understand the purpose of this generally speaking? >> All of the things -- I think all of the things that might be helpful in understanding that this started out as one resolution and then legal asked us to split it to two pieces and this be is what they advised us to do. Because part of the purpose of the ordinance in the paid pieces of the stipend was to address the situation we're in when Apa voted not to extend the contract until they entered the contract. So it was generally resolution and the way it causes legal split them to two. >> Do you think that 54 is necessary? >> I think that for the most part, we're doing it -- I think it was necessary to communicate some of the underlying sentiment to the community in that, which is why we had it. I think that I would -- some of my co-sponsors might want to speak on that. It's not something that they want to make a decision without conferring with my co-sponsors

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on. But it is a fair question. And it is one that, you know, follows from the trajectory of how this was created. >> Oh -- I would just reiterate. I think that -- I think it's important because it clearly states the council's intention to go back to the table with the police union and have a conversation. It goes hand in hand with the other ordinance. Or resolution. Because the other resolution makes it clear that -- that we are acknowledging the work and the expertise and the educational experience that our police officers are bringing to the table. And we want to make sure that they are compensated for that as they were before while they're going forward with the, you know, with being at the table to hopefully come up with an agreement. So, as councilmember alter said, it started offhand-in-hand. And we separated them. They go together in that sense. It's a message to the community, so the community understands what the intention is of the council in going forward, which, you know, we did do that in December. We clearly said we wanted to go back to the table. But I think it bears repeating and -- and so in that sense, I think it's important. >> Okay. >> I still don't see why -- I think we made it clear that we were always going back to the table. So I'm not sure -- I'm not sure why it's necessary. I understand why that it was I guess bifurcated. Going on to the other one -- specifically the stipends. And I don't know if I know if I should ask law this question. But I feel like, first of all, I don't want to be -- I never wanted to be in the position where we're comparing different

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public safety departments to each other. And so this feels like it's in the same spirit of ems. But what we did with ems is we didn't pick and choose which stipends. We say we just wanted to extend the contract, basically. So I feel this -- I don't know why we've picked some and not all of them. We haven't - we haven't put all of the stipends, just some of them. So my question to the sponsors are why -- why are we picking some and not others? And to our labor team, what kind of position does that put them in? And I guess to our law, where -- it seems -- because my intention will be to amend that we include all of the stipends. And now we're in a position where we're basically negotiating this contract from the dais which doesn't seem like something we should be doing and seems in a very gray area of our charter. That this is really in city manager territory. Their job is to negotiate the contract and B bring it back to the council. And so I just think that this is strain from -- straying from the way we've done things in the past and I think it puts us in a strange position to be negotiating which stipends are in, which stipends are out. Now we're going back to the table. Why don't we ask for the transparency part as well? Why aren't we negotiating this from the dais. >> Mayor Adler: So this is a good conversation for us all to have because we left in December and then there have been postings and we talked to each other through postings and the like. I was talking about this resolution with the mayor pro tem. Obviously she had to leave. But she asks that I speak up relative to what we had. I tried to add to the -- to the conversation, we're already in February. It seemed to us as if similar to the kinds of conversations with ems, that the first thing we should try to do is to extend

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the conversation we had, the contract we had last year, and to extend all of the elements of that as quickly as we -- as we could. So it would be the stipends, it would be the oversight, it would be of the whole contract moving forward. To do that on an interim basis or a short term basis, that would give us and the community a longer period of time to discuss various elements and all seem to dovetail and need to be resolved in order for us to really be able to move forward. And that included the pay issues and where we wanted to be relative to number two. It included the conversation about community policing and the questions that had been raised on the rider before about what does that mean? How do we evaluate that? And does that mean what a five-year rampup would be for whatever the appropriate number of officers would be. And how that looked compared to -- to pay. So we would be able to see both of those and how they interrelate to each other. But also the conversation that the community we need to have on -- on oversight issues. So what we have proposed, I think, is something that the mayor pro tem and I think -- mayor pro tem and I think is ultimately the right policy is to get an interim contract that pulls the whole contract forward, but also helps from the manager's office and from council if that would be the will of the council to actually move forward, to start setting up that broader conversation about community policing, number of officers, oversight. So that we could figure out what the best policies were so we're not -- we're not trading off things for policy consideration and decide what's best. And then get back to that as quickly as we could, it looked like at the time people were suggesting that that conversation might be a year. And then so to have that happen.

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This action -- and I would hope that of the two ordinances, the second one, 54, would enable that, because I'm not sure -- we could negotiate the interim contract without having the larger conversation, but I don't think we can begin to approach the longer contract without having all of those issues kind of discussed and resolved. And so I was looking at 53 and trying to figure out how that related to the conversation that we really want to have which is pulling the old contract forward. And this one seemed to be kind of, hey, and yet again, another preliminary step that said, let's just do -- even while we have that interim contract negotiation, let's at least move ahead right away to do stipends. Which is how we were reading that and trying to reconcile all of those pieces together. >> Mayor, I'm sorry, I know I just spoke. But I cashed in all my honeys, can you pick her up instead. I have to leave in two minutes to I is get there in time. I want to add and I'll be listening in the car. The vote we in fact took was to go back to the table. So the message has been sent that we were eager to go back to the table. And last thing I will add is that I will be -- if the resolution that I don't think is necessary sending us back to the table because we took that vote already, I will be also proposing some amendments as I feel some of those whereas clauses unfairly put the blame on Apa. And I don't think that's productive and fair. I think all parties negotiated in good faith. And so I will be proposing some language that says that fact. So thank you for having us discussion on this and I will listen in the car. >> Mayor Adler: Good, councilmember Flannigan and then councilmember pool? >> Flannigan: I have similar

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questions and concerns as you did, councilmember Garza. I will say there are differences between ems and remained at the table with some negotiating and the police union said we're not going to negotiate anymore. There are some differences there. But more so, the question of why some and not others, we wanted to try and find the stipends and pay and that affected the greatest number of officers, but not do everything and still not get oversight or transparency hiring or promotions. So that was the line that we drew in this proposal. >> Mayor Adler: Councilmember pool? >> Pool: So, yes I support what what Joe -- councilmember Garza was saying about what we want to take -- we don't want to narrow the list of stipends. So I agree with her on that. I was wondering, you know, the accountability structure that we had in place was developed over a number of years and the research that was done maybe under city manager and staff remind me of this? The reason I bring this up is that work was done years ago and so it's not like we don't have a foundation of information. We need to Stupp update it. That would be useful. But we may not need to go to the level of effort that was done ten years ago or tell me how long ago it was we did that work. >> Labor relations officer. I think the work might have been started in 2000 and 2001 and enter our first contract in '02. >> Okay. >> So about 15, 16, 17 years ago. Okay. All right. And there was a lot of travel involved, a lot of visiting of various cities in order to establish what the best practices were and to bring good policies back to the city. Do you think that that would need to be revisited? Do you think that we can work from the documents that we have in place? Or how do you imagine going

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about doing that? >> Councilmember, that's a good question. And I think in the presentation we gave at a previous work session, is it the city's desire to quote/unquote do an overhaul of the oversight article. Are we going to do an overhaul as opposed to an update, it will require a lot of time. Because we may find practices that we the city like but then the -- has to be comfortable with those practices. So finding the middle ground may take a little time. If we're going to update the current process to add things that we think are beneficial to both sides, I think that would be a shorter conversation than maybe not the level of research that a complete deconstruction and then build it back up would take. You know? I think that would be a -- that would take a much longer time to do that. >> Pool: Maybe that's productive for us to know that that's kind of a question -- a threshold question that we should debate around and see where we land on that. Because it will determine how long it will take to get the accountability pieces re-established and refocused and back -- set back up. Because I know we can't do without them. Okay. So I -- where do we -- how do we then get -- can you help us maybe provide some information on what all was done before? And where you would -- where we're looking at updates, areas, I guess that's where the vin diagram the mayor was talking about before, what various advocates are looking for, what the police associations are looking for, what management and the council are looking for, and where we see some areas of commonality? >> So I just heard it through word of mouth because I wasn't here in '02. But there was a group of citizens, police union officials, police management, and city management that did

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site visits too, I believe. California and Seattle and some places just to kind of see that different jurisdictions are doing, keep in mind, the early 2,000s, even those have evolved and changed their practices over the course of 15 years. Just updated a high level cliff's notes version of where we stand to the ems and to the city manager yesterday. At some point, we'll be looking at guidance for him and direction as far as what is it that we want in the next round of negotiations. And I think to the mayor's point, doing an interim agreement, that's something that we have to talk about with the police union as well, because the question is how long is -- how long do we want that interim agreement to last. And they have where you know contract start date and 12 months later even in the middle of the fiscal year, simply because we should know by that time how much work is going to be needed for the longer term agreement. And if it's going to be an overhaul, my recommendation is we'll probably not find that solution by July to let the union vote on it and bring it back to council before October 1. I think it will take a little longer than that. That's something about the police union how comfortable would it be with the interim agreement lasting 12 months and through September. >> Pool: Okay, thank you. >> Houston: Mayor? >> Mayor Adler: Ms. Houston? >> Houston: Thank you for the history. It would be helpful to have information about that process. Did everybody get an e-mail from bishop sterling lands.

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The first chair of the police citizen's review. Did you all get a copy of that? I'll try to find it and send it to you all. He's stated that the current oversight is lacking and we need to revisit that. I don't know how you call that. Is it a restart? It's a tweaking? But I will try to get that to you. >> Mayor Adler: Further discussion on this? >> I just wanted to respond to what you had mentioned earlier. I wasn't quite sure from what you were saying, what you were thinking in terms of these two -- these two resolutions. I do think what you and mayor pro tem put on the message board was helpful, very helpful. This 53, I guess it is, just acknowledges that this is something that the council can do right now. Because if we wait until we have an interim agreement in place, then those -- those stipends and compensation that won't be available to our officers. And I think it's important to recognize the officers right now. That is something we can do right now as we proceed down the interim and hopefully longer. So that's my thinking. And I wasn't sure that you were saying that you -- that you weren't comfortable with 53? >> Mayor Adler: I wasn't saying that. I was trying to put 53 in context for the other things that have to happen. >> Kitchen: Okay. Okay. >> Mayor Adler: I -- this is just me speaking, not me and the mayor pro tem, because we didn't address that in our posting, but I would support coming back. Some of the stipends are important and some of the folks are counting on those.

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I wish we were in the table to move everything up. I think that would be more supportive for our officers and I would like to get to that as quickly as we could while we have the longer community conversations on those other -- on those other elements. Because you pulled that element forward, I wanted to provide the larger context. >> Houston: Mayor, I just have one thing, just -- not on this -- >> Mayor Adler: Hold on. Anything on this? >> Houston: Mine is quick. Mine was quick. >> Mayor Adler: But it's not police. >> Houston: No, it's not police. >> Mayor Adler: Hold on, mayor pro tem. >> Tovo: I apologize for missing part of today's meeting. I listened to all but the sick leave on TV. So I can -- I can respond to some of the questions you all raised about the other items. But on this item, I think it's -- it sounds as if it would be a bigger conversation with Apa as to whether or not they would need to go back to the membership or getting the existing contract extended. And mayor, I heard -- thank you for speaking about that. But it does raise -- this item does raise a question for me about why we would -- whether we -- I'm supportive of restoring the stipends, but why not restore the existing contract for a period so that we also have the citizens review panel and some of the other things that are part of it between now and may. >> Kitchen: We don't have the option to do that. Extending the contract requires the Apa to agree to that, which they already didn't before and that takes more time. So we don't have that option in front of us. >> Tovo: That's why I prefaced my comment with I'm not sure if Apa -- if that's a conversation we could have quickly with them. But if so, that would be my preferred option. >> Mayor Adler: -- Contract. Ray, you want to talk to us about the city's perspective on these resolutions. >> Tovo: And if I may, I agree

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with councilmember Garza's point about item 54 -- I too am uncomfortable with the whereas she cited. Because I agree that the parties negotiated in good faith and I'm not comfortable with the passages about Apa. >> Mayor Adler: I would point out that the Apa actually negotiated to an agreement with us that they played by the rules, they negotiated the rules, that actually came one an agreement. You want to speak from that perspective? >> Yes, before I do, I think the city attorney was going to make a remark? >> I was just going to say that I think that the labor relations office would like for you to give policy direction and not the details of it and I know that beauty is in the eye of the beholder and let the labor negotiations take place at the city manager's side of the house, that would help us move forward as quickly as possible. >> Thank you, mayor. I would like to say for this particular item, we want to give labor relations from a negotiations perspective and as well to talk a little bit about the implications from an operational perspective for the ordinance that you have before you as it stands. And so just briefly if you could touch on the negotiation piece and what you might recommend and then for the chief to talk a little bit about as it stands, what the implication from the operational perspective is. >> Sure, I think councilmember Garza asked a question of how does the -- how does the reinstallation of the stipends, of some of the stipends, how does that affect positively or negatively at the table. We've never been in a situation like this before. And so all I can do is give you my best guess. We've been -- we've been at an impasse with fire on previous occasions, but fire had --

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there's an ordinance which has all of their stipends in the ordinance. And every time we update it, the contract to maybe adjust the numbers and increase the stipends, council then would reup the ordinance and to match up with the contract numbers. So every time they went to impasse, they didn't lose any stipends because they had the ordinance which gave them their stipends. And so I think right now, if I remember, the stipends are -- have an expiration date on them. And hopefully we can get to -- get to the table with the police union and have this not be an issue because hopefully we'll get an interim contract which then would make the -- the resolution or the ordinance for the stipends a moot point because we'll have a contract that addresses all of those. So, you know, I think I can't speak for the union. I do think it makes it a little bit easier for us if the stipends are there, because it takes the emotion out of -- outside of the bargaining room. They're not there, I know that I've heard from police officers asking about why one group got their stipends even without a contract and they don't -- and so it would at least take that emotional piece out of it -- out of the room and maybe just focus in on trying to get a deal done. >> Mayor, I'll speak for a moment about operational impacts. I think everyone realizes this is probably impacting those on the lowest end of the pay scale of the police department the most. When I spoke to officers across the department, hearing stories from some of the officers who lost \$900 to \$1100 a month due to stipends depending on their circumstances. And you look at that, for some of our younger officers, that's about 20% of their annual

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salary. And so -- it -- it definitely impacts and distracts these officers from their focus because they're concerned about the impacts that's having on their personal life. But more importantly, it might put them in the circumstance where they're taking on digital overtime and things like that to cover that gap. So there's operational impacts there. One specific stipend that also we are looking at is the fto stipend, the field training officer's stipend. That stipend, prior to the expiration of the agreement, was \$175 a month. So it's a great incentive for officers to take on that additional responsibility of training the new officers of taking on the responsibility of having a young officer in the car with you for three months straight as you train them after they've graduated the academy. Under the current structure, that went to \$1 per hour that you had a cadet with you. So the value of that stipend has been reduced significantly. And what I don't want to see that happen is to see men and women providing a great service voluntarily through the fto program, you know, for one reason or the other, losing the willingness to do it on a voluntary basis because I wholeheartedly believe that we're getting a much better service from these men and women, that are volunteering to do it, than if we have to mandate the officers for the ftos, one specific stipend that will have operational impacts. And I guess the other ones I think have been address in the ordinance that's proposed in front of you today. >> Tovo: Mayor? >> Mayor Adler: Yes? >> Tovo: So, chief, is the fto stipend, I don't see that in here being restored. >> It is not in here. I guess what I'm addressing is just the operational impact of where we're at today with all stipends. And that's one -- that's one that is not currently addressed and I'm concerned of what the impact may be without having that one address one way or the other. >> Tovo: Thank you.

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That's helpful. And I assume under our posting language that that stipend could be added back in? Is that your -- your understanding? City attorney? >> I'll have to look at it but I think the answer is yes. >> Mayor Adler: Looks that way to me too. >> Renteria: Mayor, I do support item 53. I don't see it as part of the negotiation on the union. I think that the commitment that we have made in the past that we were going to provide these kind of stipends for these officers and I -- I would hate to see that go away. >> Mayor Adler: Yes? >> Pool: I think the concern that councilmember Garza and I wither both raising is that's a subset of all of the stipends and that we would like to see -- we don't want to pick and choose among them, we wanted to have the playing field be complete so then in the negotiation they could then have that conversation. But she and I at least were interested in restoring the entirety of the stipends. And item 53 is a short list of them. It's not all of them. >> Mayor Adler: Okay. Anything else on this be? -- On this? All right, we'll pick up this conversation again. Those were all of the items we have. It's 5:22. And this meeting is adjourned.

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>> Tovo: I was going to answer questions that we -- >> Mayor Adler: There was one item that we had --