



**AUSTIN CITY COUNCIL
MINUTES**

**SPECIAL CALLED MEETING
TUESDAY, FEBRUARY 9, 2021**

The City Council of Austin, Texas, convened in a special called meeting on Tuesday, February 9, 2021 via Videoconference.

Mayor Adler called the Council Meeting to order at 9:04 a.m.

BRIEFING

6. Update on Covid-19 related matters.

Presentation was made by Dr. Mark Escott, Interim Medical Director and Stephanie Hayden-Howard, Director, Austin Public Health Department.

Direction was given to staff to provide demographic data on residents registered to receive the vaccine and residents waiting to receive appointments; to provide online resources for residents concerned about the availability and scheduling second round doses and how to register.

Mayor Adler recessed the Council Meeting to go into Executive Session at 10:24 a.m. without objection. The Mayor announced that items 1 through 5 would be discussed in executive session.

1. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed citizen-initiated charter amendments, certified sufficient on January 26, 2021, regarding changing from a council-manager form of government to a mayor-council form of government that provides for a mayoral veto, creating an additional single member council district, and changing the date of the mayoral election, also regarding changing the voluntary public campaign finance program, and regarding ranked choice voting; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
2. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed citizen-initiated charter amendment, certified sufficient on January 26, 2021, regarding the City's participation in binding arbitration with the Austin Firefighters Association; providing for the conduct of the special election, including authorizing

the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.

3. Approve an ordinance ordering a special municipal election to be held on May 1, 2021 to submit to the voters a proposed citizen-initiated ordinance, certified sufficient on February 3, 2021, regarding a criminal offense and a penalty for camping in public areas without a permit, certain types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
4. Adopt a citizen-initiated ordinance, supported by a petition certified sufficient on February 3, 2021, to amend the City Code regarding a criminal offense and a penalty for camping in public areas without a permit, certain types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas.
5. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed charter amendment to allow city council to provide for a director of police oversight who shall be appointed and removed as provided by future ordinance; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency. Council Sponsors: Council Member Gregorio Casar, Council Member Alison Alter, Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Natasha Harper-Madison.

Mayor Adler reconvened the Council Meeting at 11:24 a.m. Council Members Alter, Kelly, and Renteria were off the dais.

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:40 p.m. without objection. The Mayor announced that items 1 through 5 would be discussed in executive session.

1. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed citizen-initiated charter amendments, certified sufficient on January 26, 2021, regarding changing from a council-manager form of government to a mayor-council form of government that provides for a mayoral veto, creating an additional single member council district, and changing the date of the mayoral election, also regarding changing the voluntary public campaign finance program, and regarding ranked choice voting; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
2. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed citizen-initiated charter amendment, certified sufficient on January 26, 2021, regarding the City's participation in binding arbitration with the Austin Firefighters Association; providing for the conduct of the special election, including authorizing

the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.

3. Approve an ordinance ordering a special municipal election to be held on May 1, 2021 to submit to the voters a proposed citizen-initiated ordinance, certified sufficient on February 3, 2021, regarding a criminal offense and a penalty for camping in public areas without a permit, certain types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
4. Adopt a citizen-initiated ordinance, supported by a petition certified sufficient on February 3, 2021, to amend the City Code regarding a criminal offense and a penalty for camping in public areas without a permit, certain types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas.
5. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed charter amendment to allow city council to provide for a director of police oversight who shall be appointed and removed as provided by future ordinance; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency. Council Sponsors: Council Member Gregorio Casar, Council Member Alison Alter, Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Natasha Harper-Madison.

Mayor Adler reconvened the Council Meeting at 3:25 p.m.

DISCUSSION ITEMS

1. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed citizen-initiated charter amendments, certified sufficient on January 26, 2021, regarding changing from a council-manager form of government to a mayor-council form of government that provides for a mayoral veto, creating an additional single member council district, and changing the date of the mayoral election, also regarding changing the voluntary public campaign finance program, and regarding ranked choice voting; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
A motion to approve the ordinance as amended below was made by Council Member Kitchen and seconded by Council Member Kelly.

A motion to amend Part 1 of the ordinance was made by Council Member Alter and accepted without objection. The amendment was to have Part 1 read:

“Shall the City Charter be amended to transition the election for mayor from gubernatorial election years to presidential election years, providing that the mayor elected in 2022 will

serve a 2-year term and then mayoral elections will occur on the same date as presidential elections starting in 2024?”

A motion to amend Part 1 of the ordinance was accepted without objection. The amendment was to have Part 1 for Proposition B read:

“Shall the City Charter be amended to provide for the use of ranked choice voting in city elections, if such voting is permitted by state law?”

A motion to amend Part 1 of the ordinance by separating the creation of a new Council District question from the question pertaining to a change from ‘council-manager’ to ‘mayor-council’ form of government and amend the ordinance for the new Council District question, was made by Council Member Kitchen and seconded by Council Member Kelly. The language was:

“Shall the City Charter be amended to provide for an additional geographic council district which will result in 11 council members elected from single member districts?”

The motion was approved on Council Member Kitchen’s motion, Council Member Kelly’s second on a 6-5 vote. Those voting aye were: Council Members Fuentes, Kelly, Kitchen, Pool, Renteria and Tovo. Those voting nay were: Mayor Adler, Mayor Pro-Tem Harper-Madison, Council Members Alter, Casar and Ellis.

A motion to amend Part 1 of the ordinance by accepting the following ballot language for the Proposition changing the city governance structure from ‘council-manager’ to ‘mayor-council’ was made on Mayor Adler’s motion, Council Member Casar’s second.

The language was:

“Shall the City Charter be amended to change the form of city government from “council-manager” to “mayor-council,” which will eliminate the position of city manager and designate an elected mayor as the chief administrative and executive officer of the city, with veto power over all legislation that can be overridden with a two-thirds or three-fourths majority vote of council.”

A motion to revise the amendment was approved on Council Member Kitchen’s motion, Council Member Alter’s second on a 9-2 vote. Those voting aye were: Mayor Pro Tem Harper-Madison, Council Members Alter, Casar, Ellis, Fuentes, Kelly, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler and Council Member Renteria.

The amendment was to have the ballot language read:

“Shall the City Charter be amended to change the form of city government from “council-manager” to “mayor-council,” which will eliminate the position of city manager and designate an elected mayor as the chief administrative and executive officer of the city, with

veto power over all legislation that can be overridden only with a two-thirds or three-fourths majority vote of council.”

The motion to amend the ordinance, failed on Mayor Adler’s motion, Council Member Casar’s second on a 5-5 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Casar, Ellis and Renteria. Those voting nay were: Council Members Fuentes, Kelly, Kitchen, Pool and Tovo. Council Member Alter abstained.

A motion to amend the ordinance by accepting the following ballot language for the Proposition changing the city governance structure from ‘council-manager’ to ‘mayor-council’ was made by Council Member Kitchen and seconded by Council Member Tovo.

The amendment was to have the language read:

“Shall the City Charter be amended to change the form of city government from ‘council-manager’ to ‘strong mayor-council,’ which will eliminate the position of professional city manager and designate an elected mayor as the chief administrative and executive officer of the city with veto power over all legislation which includes the budget; and with sole authority to hire and fire most department heads and direct staff; and with no articulated or stated charter authority to require the mayor to implement Council decisions.”

A motion to revise the amendment to strike “and with no articulated or stated charter authority to require the mayor to implement Council decisions” failed on Mayor Adler’s motion, Council Member Casar’s second on a 3-8 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison and Council Member Casar. Those voting nay were: Council Members Alter, Ellis, Fuentes, Kelly, Kitchen, Pool, Renteria and Tovo.

The motion to amend the ordinance was approved on Council Member Kitchen’s motion, Council Member Tovo’s second on a 9-2 vote. Those voting aye were: Mayor Pro Tem Harper-Madison, Council Members Alter, Ellis, Fuentes, Kelly, Kitchen, Pool, Renteria and Tovo. Those voting nay were: Mayor Adler and Council Member Casar.

A motion to amend the ordinance by accepting the following ballot language for the Proposition relating to the creation of a voluntary public campaign finance program was accepted on Council Member Pool’s motion without objection. The language was:

“Shall the City Charter be amended to adopt a public campaign finance program, which requires the city clerk to provide up to two \$25 vouchers to every registered voter who may contribute them to candidates for city office who meet the program requirements?”

A motion to order the election for May 1, 2020 was accepted without objection on Council Member Alter’s motion.

Ordinance No. 20210209-001 was approved as amended above on Council Member Kitchen's motion, Council Member Kelly's second on an 8-3 vote. Those voting aye were Mayor Pro Tem Harper-Madison, Council Members Alter, Fuentes, Kelly, Kitchen, Pool, Renteria and Tovo. Those voting nay were: Mayor Adler, Council Members Casar and Ellis.

2. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed citizen-initiated charter amendment, certified sufficient on January 26, 2021, regarding the City's participation in binding arbitration with the Austin Firefighters Association; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
A motion to approve the ordinance, with the following amendment was made on Council Member Pool's motion. The amendment was to revise Part 1 of the ordinance to read:

"Shall the City Charter be amended to give the Austin Firefighters Association, Local 975 of the International Association of Fire Fighters, the authority to require the City to participate in binding arbitration of all issues in dispute with the Association if the City and the Association reach impasse in collective bargaining negotiations?"

A motion to amend the ordinance as follows failed on Council Member Kitchen's motion, Council Member Kelly's second on a 2-8 vote. Those voting aye were: Council Members Kitchen and Kelly. Those voting nay were: Mayor Adler, Mayor Pro Tem Harper-Madison, and Council Members Alter, Ellis, Fuentes, Pool, Renteria, and Tovo. Council Member Casar was off the dais. The motion was to revise the language to read: "Shall the city charter be amended to allow the city and the Austin firefighters association to have the ability to resolve a potential labor management negotiations impasse, by using dispute resolution procedures known as binding arbitration."

A motion to order the election for May 1, 2020 was accepted without objection on Council Member Alter's motion.

Ordinance No. 20210209-002 was approved as amended above on Council Member Pool's motion, Mayor Pro Tem Harper-Madison's second on an 11-0 vote.

3. Approve an ordinance ordering a special municipal election to be held on May 1, 2021 to submit to the voters a proposed citizen-initiated ordinance, certified sufficient on February 3, 2021, regarding a criminal offense and a penalty for camping in public areas without a permit, certain types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
A motion to approve the ordinance was made by Council Member Kelly and seconded by Council Member Alter.

A motion to amend Part 1 of the ordinance was made by Council Member Casar and seconded by Mayor Pro Tem Harper-Madison. The amendment was to accept the following ballot language:

“Shall an ordinance be adopted that would create a criminal offense and a penalty for anyone sitting or lying down on a public sidewalk or sleeping outdoors in and near the Downtown area and the area around the University of Texas campus; create a criminal offense and penalty for solicitation, defined as requesting money or another thing of value, at specific hours and locations or for solicitation in a public area that is deemed aggressive in manner; create a criminal offense and penalty for anyone camping in any public area not designated by the Parks and Recreation Department?”

A motion to order the election for May 1, 2020 was accepted without objection on Council Member Alter’s motion.

Ordinance No. 20210209-003 was approved as amended above on Council Member Casar’s motion, Mayor Pro Tem Harper-Madison’s second on an 11-0 vote.

4. Adopt a citizen-initiated ordinance, supported by a petition certified sufficient on February 3, 2021, to amend the City Code regarding a criminal offense and a penalty for camping in public areas without a permit, certain types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas.
This item was withdrawn.

ITEM FROM COUNCIL

5. Approve an ordinance ordering a special municipal election to be held on a date to be determined to submit to the voters a proposed charter amendment to allow city council to provide for a director of police oversight who shall be appointed and removed as provided by future ordinance; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency. Council Sponsors: Council Member Gregorio Casar, Council Member Alison Alter, Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Natasha Harper-Madison.
A motion to approve the ordinance with the following amendment was made by Council Member Casar and seconded by Council Member Alter.

The amendment was to revise Part 1 of the ordinance to read:

“Shall the city charter be amended to allow for a Director of Police Oversight to be appointed or removed in a manner established by City Council ordinance, with duties that include the responsibility to ensure transparency and accountability as it relates to policing.”

A motion to order the election for May 1, 2020 was accepted without objection on Council Member Alter's motion.

Ordinance No. 20210209-005 was approved as amended above on Council Member Casar's motion, Council Member Alter's second on a 10-1 vote. Council Member Kelly voted nay.

Mayor Adler recessed the meeting at 4:30 p.m. without objection.

Mayor Adler reconvened the Council Meeting at 4:52 p.m.

A motion to set the order on the ballot to be as follows was made by Council Member Kitchen and seconded by Council Member Kelly. The order was:

- Proposition A: Firefighters**
- Proposition B: Moving election date for Mayor**
- Proposition C: Ranked Choice Voting**
- Proposition D: Strong Mayor**
- Proposition E: New Council District**
- Proposition F: Democracy Dollars**
- Proposition G: Police Oversight**
- Proposition H: Camping**

An amendment was made to revise the order by Council Member Casar and seconded by Council Member Ellis. The revised order was:

- Proposition A: Firefighters**
- Proposition B: Camping**
- Proposition C: Police Oversight**
- Proposition D: Moving election date for Mayor**
- Proposition E: Ranked Choice Voting**
- Proposition F: Strong Mayor**
- Proposition G: New Council District**
- Proposition H: Democracy Dollars**

The amendment was approved on Council Member Casar's second, Council Member Ellis' second on a 7-4 vote. Those voting aye were: Mayor Alder, Mayor Pro Tem Harper-Madison, Council Members Casar, Ellis, Fuentes, Renteria and Tovo. Those voting nay were: Council Members Alter, Kelly, Kitchen and Pool.

Mayor Adler adjourned the meeting at 5:31 p.m. without objection.

The minutes were approved on this the 4th day of March 2021 on Council Member Alter's motion, Mayor Pro Tem Harper-Madison's second on a 11-0 vote.