

# City Council Work Session Transcript – 12/07/2021

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[9:12:02 AM]

>> Mayor Adler: You guys ready? Staff ready? >> Yes, mayor, thank you. >> Mayor Adler: I'm going to go ahead and call to order today's work session. It's December 7th, 2021. It is 9:12. We have a quorum present. We have the mayor pro tem on the screen and I guess the only council member we're missing on the dais right now is councilmember Renteria, who I know is around here somewhere. Colleagues, we have more pulled items than was on the list that was sent out. I'm showing now not only eight and 64, but I'm also showing the tirz item, which is 14 and 69 being pulled,

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the cost of housing -- I pulled by the way the tirz issues. The cost of housing, 62. That was pulled by councilmember kitchen. >> The alcohol near schools 58 I pulled. The paid parental leave I pulled. That's item 60. >> Tovo: Mayor not to backtrack us but I also pulled the tirz item and item 69. >> Mayor Adler: Councilmember tovo pulled 14 and 69. And I had the cultural framework being pulled by councilmember tovo. So bottom line eight, 64,

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14, 69, 62, 50 and 59. >> Alter: There were some items I had additionally pulled that I had meetings with staff tomorrow so I hadn't pulled them. If I don't get my questions answered I want to talk about them more on Thursday, but with back to back council meetings last week I wasn't able to get them answered. >> Mayor Adler: Today if there's time if we're not discussing, maybe you could just identify what those numbers are and what your issues were so people aren't hearing is for the first time potentially on Thursday. I don't know if it would be hard to do, but if you could give that kind of notice that would be helpful. >> Alter: If possible. >> Mayor Adler: All right. I thought what we would do is we would go the pulled items. After pulled items we would go to executive session. After executive session we would come back and do the presentation, the report. That way we're putting as

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the council wants to do things that were timely and impacted action on Thursday first. Lunch break today is from 12:00 to 1:00. We'll lose some of the council members for lunch so that's probably a hard stop from 12:00 to 1:00. And we have a hard stop at 5:00 at the end of the day should it continue over. But let's go ahead and pull the pulled items. There's a lot of them so let's see how quickly we can work our way through them. Item number 8, economic development, this was pulled by councilmember Fuentes. And by the way, are we ready to do the drawings? So we're going to do the drawings now for seating. We move seats on the dais so we're going to have a drawing for new seating. I also want us to note that this is had the last week of meetings that mayor pro tem

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harper-madison is going to be serving in a meeting as mayor pro tem. I want us to recognize that as we come back next year, councilmember alter will be moving into that position consistent with the action that we took a year ago. And mayor pro tem, you've been a really big help and assistance to me over the course of the year and I appreciate that, and appreciate how you have performed in this function, but I just want people to recognize that it we should be honoring you for that service this week. >> Harper-madison: Thank you, appreciate it. >> Mayor Adler: Let's go ahead and pull numbers. >> Tovo: We have. And the first one is me moving to dais seat 6. >> Mayor Adler: Tovo going to 6. And where is 1? 1 is -- councilmember tovo moves from one to six.

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>> Ellis: I will be moving to seat three, not very far. >> I will be also joining us because I'm moving to seat number 2, we're swapping here. >> Pool: This is pretty cool. District 7 is going to seat in dais seat seven. >> Casar: I'm moving to 10. >> Eight. >> >> Kitchen: And I'm moving to one, which is there. >> Kelly: I'll be in nine.

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So my process of elimination the mayor pro tem is moving to number 4. >> Tovo: I enjoy doing this. I think it's good. I may have mentioned this before, but in the at hydrocarbon large council I suggested we do this and it never caught on as an idea and it is one of the fun innovations that our 10-1 system has done and I think it makes a difference. It's nice to have and build relationships with different people, nice to see the room from different perspectives. I think it's a healthy good thing so I'm glad we've kept up that tradition. >> Mayor Adler: Tovo is moving from one to six. I'm sorry. Ellis -- so starting down at that end will be kitchen and then Fuentes and then Ellis and then harper-madison and then Renteria and then

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skipping over to my left and to the left of council tovo will be in six. Pool, alter, Kelly, Casar. Yes, pool, alter, Kelly, Casar. And when places change, the person coming into your seat, councilmember Casar, will move into that place. >> Pool: And another great serendipity, Vanessa, district 2 is also in dais seat two. There you go. >> Mayor Adler: Let's do the pulled items. Councilmember Fuentes you pulled item number 8. >> Fuentes: Yes, thank you. Colleagues, this is an item about renewing our contract

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with cloc, the organizing committee in keeping and bringing formula one. They applied for funding with the state and this would reauthorize that agreement. My understanding is it was done 10 years ago initial Lind it's up for renewal. And I wanted for us to have a conversation because we've had two large scale events happen at circuit of the Americas where we had safety concerns and there were significant traffic issues and many of my neighbors in that part of the district reached out sharing their concerns. And for me it further magnified the gaps that we have in our infrastructure and in our systems into the southeast Austin community. Since then I've met with circuit of the Americas' representatives, with cloc, with the city manager's office and with Austin transportation department to discuss the much needed community improvements to address these concerns. So I wanted to ask staff a couple of questions before we dive in.

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I support this renewal. I have an amendment that I will be bringing forward on Thursday. You should have copies in front of you and we'll be sure to email that out as well. So my first question is as part of the agreement I wanted staff to share with us the reports on the compliance agreement. So if staff could discuss with us the discuss on the compliance agreement that are laid out in exhibit a. >> Good morning, sylnovia holt-rabb, economic development director. Prior to submission to the state our staff goes out and reviews the item as articulated in exhibit a we have not had concerns with exhibit a, everything has been fulfilled. We do the review prior to it

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being submitted to the state for reimbursement. >> Thank you, director holt-rabb. And can you walk us through the economic impact of formula one and what it's been most recently over the last 10 years? >> This year it's been a major success but on details on specific numbers I will need to get back with you. I will need to have the reports to articulate exactly what that is. >> Fuentes: And I don't know if you have this information available, but you have -- if you could share your insight to the insight on the Austin airport and our hotel industries, what kind of economic impact is having this large scale formula 1 event have on these industries? >> Well, definitely this year since covid, last year we did not have the race,

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but there was significant increase in airport, hotels, etcetera, but I can provide that through a q&a process to get those details to you. >> Fuentes: Also, I know that Miami is also going to host the formula 1 event. Do you have any insight as to what that agreement looks like, what that mou might have and/or any insight as to whether they receive any local support? >> Again, I can provide that through the q&a process. At this time I don't have that readily available. >> Fuentes: Okay, thank you, director. Colleagues, I have an amendment that I'm going to bring forward on Thursday. And what this amendment does, it talks through what we would like to see in terms of a more coordinated approach to addressing our infrastructure. As many of y'all know, circuit of the Americas is in a unique location of

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southeast Austin, southeast Travis county, while Cota itself has been annexed by the city, it's actually surrounded by state highways and county roads. So we really need a more streamlined and coordinated approach. I will say that Cota representatives have been extremely helpful and receptive to addressing these changes. I believe we're also going to submit as backup some of the progress they've made on addressing these issues outlined in this amendment. I draw attention to the need for the expansion of highway 812 for traffic signals at certain intersections to ensure that we have -- just looking at how can we better improve our safety and our infrastructure out there. So they have made progress on these

items and we'll be sure to include that in the backup. Also as part of this amendment we'll be asking for a coordination of a post f1 meeting with the city manager's designee and with all of the stakeholders within 30 days after hosting formula 1. I think that would bring

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together really good insight as to ways that we can enhance the experience both for visitors and for nearby residents. We also look at exploring the feasibility of a youth-focused stem program and looking at youth opportunities, ways that we can engage our del valle youth in this incredible community partner and asset that we have in southeast Austin. And so with that I just wanted to draw attention to this opportunity that we have here. Formula 1 has an incredible impact in our community and I want to also ensure that we do right by our neighbors and that we draw attention to the needs that are outstanding and necessary in that area. Thank you. >> Mayor Adler: I'm sorry, councilmember tovo, councilmember pool, councilmember Kelly, councilmember alter. >> Tovo: Yeah, thank you. Thank you, council member, for this amendment. I think these look like very

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important -- very important elements to consider moving forward. And certainly it responds to some of the concerns that were present even before it opened about infrastructure and getting to the site and whatnot. One of the things that I have real questions about is the youth-focused stem program, not because I don't support it 100%, but because that was one of the promises of formula 1 before it started. And in just doing a quick scan it does look as if they have some stem programs in partnership with storm la 1, but again having listened to those, I wasn't at the dais at the time most of those conversations were taking place, but it was a very high priority to have partnerships, especially with the del valle school district with regard to stem for youth. And so director holt-rabb, if you would consider that to be a question for the q&a if Thursday, if we could get an accounting of what kind of programs already exist. I see one noted formula 1 in

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schools, which involves Akins and some del valle students, but if we could get a more comprehensive list from the circuit of the Americas about what programs are currently in place with youth. And council member, you may in bringing forward with that amendment, are you sensing that the programs aren't as extensive as were promised? Can you help me understand what you know about that piece and where the opportunities are? >> Fuentes: Certainly we'd like to learn more about the extent of the current youth programs that they have going on, but the reason why this is included is because we still have a significant need in the area for increased youth programs. Also looking at the formula 1

agreement in Miami, that also has a strong youth component. So I see an opportunity there for us to really strengthen and make sure that we have robust services available. >> Tovo: Thanks, that helps. So I think it's really then about expanding them rather than starting them

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hopefully. Hopefully we'll find that they have done what they had committed to doing, which is to start those programs and those partnerships and making sure that they exist. But you're asking them to expand them. Is that fair? Great. I look forward to getting more detail around that and I think the idea of the internship program is great. Too it would be good to know if there are any existing programs of that sort right now or whether this would be asking them to create them. In either case I'm going to support it, but it would be helpful to know what programs already exist. >> Pool: Thanks. I wanted to just indicate my agreement with the amendment that councilmember Fuentes has brought and I supported. I visited f1 I think it was last month, maybe about six weeks ago, and while my experience was really pretty straightforward as far as access into the site and

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going home, and that was specifically why I was out there, I wanted to see how the parking lot drained and what the approach was by car. And I realized that while my experience is pretty straightforward, that isn't necessarily the norm, but I think it should be. So I do support this work and I want to make sure that we emphasize that we coordinate with the state of Texas, Texas department of transportation and Travis county, and I could ask my staff and colleague councilmember Fuentes, should we also determine the financials on what -- at some point what the improvements to the roadways should be? Is that part of the item that was coming from staff? Does it have the financials in it? >> Fuentes: This amendment does ask for cloc to come back with recommendations by March 4th on what would be

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the fiscal impacts. >> Pool: And that would be fiscal impacts for them. >> Fuentes: For them or for any of the jurisdictions, for the city, the state, the county. >> Pool: Great. So we're looking for them to help with the accumulation of that information. >> Yes. >> Pool: Great. So I wanted to make sure we were working with Cota on recommendations. That the event organizers may have and also collaborate with Cota officials to determine best solutions so it sounds like we are moving in that direction, which is terrific. Thank you so much for these amendments and for the item from staff. >> Mayor Adler: Councilmember Kelly. >> Kelly: Thank you. I actually was out at Cota during the rolling stones concert with my daughter, I took her out there, and we were one of the hundreds of thousands of people who seemed to be stuck in traffic at the time and I had some significant concerns which I talked with

councilmember Fuentes about and I'm happy to support this motion sheet. I think that the best thing here is to get everybody together at the table who is involved in the process so that we can move forward

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with a really good robust plan for improvement because the benefit that Cota brings to our city is so wonderful and so great, I want everyone who visits to have a wonderful experience and not have to ditch their car on the side of the road and provide additional hazards to people so they can get to the event by walking instead of sitting in traffic. Thank you so much, council member. >> Mayor Adler: Thank you. Councilmember alter. >> Alter: My question was more of a legal question. I totally appreciate councilmember Fuentes bringing this forward and I think we all agree that should be part of the direction. I think I might just wait for Debra to get back with clarification. I just wanted to understand. Since the amendments are -- and they are in here and I have received the resolution I wanted to make sure that we could amend the exhibits because it just -- legally it seems odd so I just wanted to get some clarification. I don't know if Debra is

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ready to provide that. >> Council member, we're still looking at that. >> Alter: I think it's more a question of I want to make sure your motion is framed appropriately so that it accomplishes the goal that I agree with, but council will help us -- I think it may be fine. I had originally read through the material and was like these agreements are here and we can't amend them, but it does say we're authorizing negotiation and execution of agreements and then they're there. It's just odd. We'll get clarity on that and I'll ask council to speak with you if any modifications need to happen to make it work. >> Mayor Adler: Okay. Thank you. Councilmember Fuentes. >> Fuentes: Yes, mayor. I wanted to also on the back of the amendment sheet I wanted to draw your attention that there are two portions that we're directing our city manager and city staff and that is

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to coordinate and participate in the regional disability access task force. This is speaking to the needs that arose from the rolling stones concert, but also looking at ways that we can better coordinate and enhance Ada event protocol. And also looking at coordination with capital metro and increase regional mobility. We really need to get a better sense of what more can be done with public transit out in the del valle area. It is desperately needed, so I want to make sure that we keep that in mind. >> Thank you, council member. And maybe between now and Thursday we can just further understand your expectations on the task force development because typically task forces are from council so I want to

make sure we think through how we might want to be able to follow through on that direction and meeting your

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expectation. >> Mayor Adler: Okay. Thank you. Councilmember Renteria. >> Renteria: There's going to be a big regional amusement center where they're bringing in all sorts of activities year-round so it's very important that we get the road situations correct, but I really encourage that we do mass transit. Capital metro problem with del valle is it's incorporated and not a part of the metro service area. So we need to figure out with the county how to address these issues. When they bring the site plan over to U because it's coming, that we really need to address the traffic issues and the sidewalk and hopefully that may be in --

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I know that there are cars and automobiles, but we need to also look at alternative ways of getting in there including trails and bike lanes. It's already almost there to the airport so it wouldn't take much to extend those trails to Cota. >> Mayor Adler: All right. Let's go on to the next item. And manager I also have pulled items number 2 on the ahfc agenda, the Tannehill property item. It's 68 on the council agenda, item number 2 on the Austin housing finance corporation. >> Kitchen: Mayor, could I make a quick comment about eight? I just wanted to let councilmember Fuentes know that I appreciate her amendment and I'll be supporting it. >> Mayor Adler: That's good. Let's go to the next pulled item, item number 64. This was pulled by the mayor pro tem.

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>> Harper-madison: Chair, would you be opposed to going to the next item and following up with me? >> Mayor Adler: We can come back to that. The next item pulled that I had was 14 and 69. These were the south Austin tirz. I think this was pulled by both me and councilmember tovo. My question is real generally and then I'll let Kathie say what hers were. The reason we did this now was to preserve options for us going into next year. I didn't know that we would be ready to have substantive conversations yet on what the percentage would be or what the money would be used for or limited to or even the amount of the project to be funded, all those kinds of questions. But from a legal standpoint is that whatever we put into

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at this time today today, this week, we could change in January if we wanted to, but it would still serve to preserve in this calendar year the ability to be able to attach value. That we could increase or lower the percentage and wicker do that up until whatever point it is that we actually enter into financing agreement. I want to confirm that, if that's correct. I want to know how much of the substantive stuff we have to get into. And I imagine there would be a long conversation about what the numbers are and I'm trying to figure out if it's something we need to have now or if it doesn't make any difference what we put in because we've preserved what we need to preserve and then we can change those things coming up. >> Council, Kim lavares, deputy cfo. The action you would be taking this week would be to establish the tirz and set

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that baseline value from which we would then collect the capture value in the years going forward. When you're establishing that tirz you do need to provide a preliminary project and financing plan, which is why you see in the backup the information related to the percentage of tax revenue that would be dedicated to the zone, the various projects, debt capacity and bond indebtedness and various other information. The -- once council approves the creation of the zone we would then come back in the -- in 2022 with the final project and financing listen and we would have the ability to make adjustments as needed. But for establishment of the tirz in the first place we did need those components. >> Mayor Adler: I understand that, but we could change them at any point next year. Your plan is to come back with a another plan, but we could change it mutt plans if we wanted to by amending

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a plan so long as we do it before we actually encumber debt that's relying on whatever that plan is, is that correct? >> You can amend the plan. The degree of steps that would be required to do so would be something that we would need to discuss because when you might need to trigger the need for additional public hearing and things like that. I'm hesitant to say that flatly you can amend the plan. There's some details. >> Okay. If you could lay that out for us I want to know the flexibility we have, again because I'm trying to figure out how much we have to go into these questions now or whether these are all questions -- it's going to take -- one, I want to thank the staff for the herculean effort to get this plan on the agenda next year so we can hatch that value increase. There was a lot of work that was done in a really short period of time in order to make that preservation happen and I appreciate that. I'm just trying to figure

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out how much we have to actually get into the other details or whether we can actually set perhaps a full work session on the question of what are the variables and the alternatives that we could be moving for. And my vote if that's the case would not be an endorsement of the plan other than we had to have a plan in order to be able to move forward. So laying that out with -- at the very least we know we have one more opportunity and potentially more with notice provisions, with the exception of the snooping tract, which is not in the geographic area. In what's posted for our action this week, is that correct? >> That's correct. >> Mayor Adler: If we had posted the land to include the snoopy pud tract could we have taken it this in January before we started actually finalizing the plan? >> I would need to confer

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with legal on that one. I need to confer with legal on that one. >> Mayor Adler: If you could check and let us know on that. Because my understanding is that we could have taken it out, but because of the posting language we can't put it in. By virtue of postal servicing it without the -- of posting it without the snoopy pud tract, effectively what's happened here is we don't have the ability to be able to add that now, is that correct? >> That's my understanding. >> Mayor Adler: How much notice and what would we need to do in order to be able to add that? Again, I'm not sure that I would want it in the geographic area, but I didn't think we were making any substantive calls, we were just preserving options as best we could. So I'm concerned about this piece that escaped us. >> The reason for excluding it is related to the but for aspect. >> Mayor Adler: I

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understand that, but we could have a discussion about the but for about whether that would have gone in but for the anticipation of the plan and the like. Don't want to have that discussion now, but there could be differings of opinion on the but for and how to apply the but for. I'm just trying at this point to figure out what we've preserved and what we haven't preserved for conversation next year. >> Generally speaking in order to adjust the boundaries we would need to -- there's -- you have to hold a public hearing in advance and that's also on Thursday's agenda before establishing the tirz. In order to hold that public hearing there's also state law that requires that we notify the public at least seven days in advance through the main paper in the area so we did include that this last week in the statesman. So we would have to go through that process again

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in order to adjust the boundary and hold a public hearing with that included. >> Mayor Adler: Okay. Would it be possible -- colleagues, it's anticipated -- we have a joint session next Tuesday with the county on the covid reporting. It's possible that we could be adding by special called notice to that

meeting on Tuesday the extension of Dr. Walkes' authority to keep the order she has with respect to schools and the like. Apparently our authority that says that her orders have the force of law expires at the end of the year. So on Tuesday it's anticipated if we have enough council members participating with us on Tuesday, we may extend that authority. We could also on Tuesday and this add pud's piece back into the district or not. Would that be something that we could do on Tuesday if we

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wanted to? -- Wanted to do that today? >> I do need to confer with legal on that, but assuming that there's the need for additional public hearing notice, that would have to be in today's statesman. And because of the week notice. But I need to have a conversation with legal to see what is possible in terms of that. >> Kitchen: Mayor, can I >> Kitchen: Mayor, may I speak to that. >> Mayor Adler: Let me ask a question, I'll come back to you in a second. If we wanted to add that piece of land back in this, we could add it next year but with a different accrual rate than the rest of the properties, correct? >> To change the boundaries after the tirz is established in the final plan. That requires going through

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the whole process of the public hearing and associated market analysis, things like that. So we can go through that process, but it is subject to the same criteria as this tirz is now. >> Mayor Adler: I would like to understand what limitations if any and what would need to happen if the council wish to include that property in it and the ramifications of doing it this year as opposed to next year. Provide that, I would appreciate it. I will go to council member tovo because she pulled the item. Then we'll go back. Council member tovo. >> Tovo: You hit on the first question, which is why the snoopy pud was not included. I'm not sure we got a full explanation of that. I'm interested in figuring out what we need to do to make sure it is included in the boundaries. So if we can figure out how to quickly post it in the statesman to have the ability

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to have a special called meeting to adjust the boundaries, that is a high priority for me. And also if we could ask legal to look and see whether a boundary -- whether the inclusion of that fits within the existing posting language or not, if we can get a definitive answer on that, that would be good. So among other questions and I'll try to submit these today for the q&a. But if you could talk about -- first of all, I have a bunch of questions that I would like my colleagues to sort of be engaged in. I may need to defer at some point and come back. Can you talk about why -- what the rationale is for capping the tirz at 46%? A thought at least some were 100%. Can you talk through why 46%? And a couple other high-level

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questions. >> Right. Historically in the other tizr we're 100%. That does create challenges in terms of the general fund, its impact on the general fund. Specifically related to the debt service and other aspects. So by committing 100% of the tax collections in your area, you're causing the general fund to absorb additional expenses, limiting it for other needs. When we presented to council last month about the plan for how to approach this tizr, we indicated we would be looking at only the value associated with the growth because of the public investment made in the zone. Eye eye we pull out project connect and how much associated growth is with the

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investments as associated with the waterfront vision plan, that results in the 46% contribution rate. >> Tovo: Is the rationale -- is the calculation 46% because you're assuming 54% is due to project connect? >> No. The -- I will pull up all the numbers so I can be exact on the numbers here. So we're assuming that just under 55% of the valuation growth in the area is based on the market analysis that we received. It is associated with the public investment. Then we also reduce the property tax calculation for the project connect portion of the tax rate, and then apply that 55%. So that is what ultimately gets you to 46%. >> Tovo: Ok. This is a different perspective than it sounds like we have taken with regards to the other tizr at

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100% and no attempt to calculate how much of that growth in valuation was due to market factors, other factors. I want to highlight that we're shifting gears in how we're approaching this tizr. And I want to understand a little bit better why that shift is happening, maybe outside of this conversation and in the q&a instead. One issue I have is that in looking at what would be regarded as the top tier, the tier 1 projects, I'm not seeing affordable housing in one of them. That suggests -- I want to verify that projects that we have directed staff to do at 1 Texas center and affordable housing is supposed to be comprised 25% of the development in that area of the southcentral waterfront. So I don't -- I'm not understanding why it is not in the top tier, in the tier 1 --

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listed as a tier 1 project. That means if we want to see that it has to be funded through other sources or at a much later phase. I don't think either is something I can support. Help me understand why affordable housing is not in the tier 1? >> The property values and property affects revenues that calculations show that we would never be able to meet the affordable housing aspects of it. However the exact cost related to the affordable housing is hard to calculate. That is something I would defer to Rosie true love to speak to in terms of what affordable housing in the area looks like. The intent would be as development occur, those projects would incorporate affordable housing into their projects and then the city, we would be looking at what contributions we can make within the zone as well. >> Tovo: I'm sorry. I'm not understanding that Ms. Oliverez. You are saying you did an estimation of what it would

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cost to produce the affordable housing in our vision plan and decided it would be more than we would be able to generate through the tirz and so knowing we would be short funds -- anyway. Maybe I'm misunderstanding you. >> We're extremely limited in the property tax created in this zone. So looking at what would qualify under that but-for criteria and the various other aspects of creating a zone, we're looking at what investments can support the creation of that zone. And then I want to defer to Rosie to speak to how to handle the affordable housing in the area. >> Tovo: As currently constructed, am I right in assuming that the tirz is not going to support the construction of affordable housing in the southcentral water front. >> That is correct. >> Tovo: That is a big divergence than what we committed to the community,

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what we discussed, what we prioritized on this council. I want to flag that that is really a concern. And I likely will make an amendment to make it so on Thursday. I appreciate your explanation, but I have to flag that that is a real divergence of where we were going. >> Mayor, council, Ed van Eno. I want to state we tried to raise this early. The creation of the tirz doesn't solve the funding challenges associated with the southcentral waterfront. There are public structure improvements anticipated, with inflation staff estimates that to be 270 million, and I had seen estimates as high as 250 if we achieve the affordability goal, if you look at other tirz as Mueller and others in colony park.

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The 20% affordability is provided by the development. It is a public-private partnership. The public partnership in those cases is to put in public infrastructure, the private partnership is to build the development housing and commercial in the housing would be 20% affordable as part of the agreement and negotiation. There are avenues to make it to the tirz. But we're only adding bonding capacity with

the tirz that isn't sufficient to achieve the 20% affordability or in negotiating with developers to the develop the area, to include housing, it is required to include affordable housing if they want to participate in the tirz. >> Tovo: I have questions about the economic development corporation in their role I would like to ask mayor after

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everybody has an opportunity. I want to flag that we're setting -- what is before us is setting it at 46%, not 100%. It is excluding a development that is generating quite a bit of growth. And those are both revenue -- if we're looking at the fact we don't have enough revenue in the tirz to help fund the affordable housing that was a key component of the plan, we're making some choices about revenue. I understand setting it at higher than 46 puts additional burdens on the general fund. I understand that connection closely. I'm also seeing a real challenge here with how we fulfill our commitment to get that 25% affordable housing and do it at 1 Texas center, which is one place where we could get a lot of it. Also legal city attorney, when you look at the question of the posting language and whatnot, I would like to

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better understand the different -- the two different paths of amending the geographic boundaries versus just postponing and taking it all up with amended posting language. What is most efficient in terms of being able to get that other property in there? Again, I have questions about the economic development corporation, the role they have played with the construction of the tirz, when you are ready to come back around. Thank you. >> Council member fireside is in a meeting and can answer the questions. >> Good morning, council, mayor, city manager. >> Mayor Adler: Speak up, please. >> Sorry. Lela fireside, assistant city attorney. And part of the challenge with adding the snoopy pud in is that if we can't make the but-for analysis, then we can't use that to support the bonds. The attorney general's office will look carefully at whether

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or not the bonds and improvements we're putting in meet that but-for test, the snoopy pud is already developing. So it is very difficult to make that analysis. So that is why the economics of it and the legal framework resulted in that exclusion. We can definitely look into the notice issues that you have identified, figure out if there is -- what the most efficient path forward is to consider adding it. But you do need to understand that adding it in will not necessarily get us where we need to go as far as funding for the pud and for the bonds. That is one thing. Ms. Oliveres is correct. Any amendments to the geography, any amendments to the plan will need to go through the same process of

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review for economics, review for feasibility. Notice in the newspaper. A public hearing. And then adoption by council. Certainly the Austin economic development corporation has been communicating with staff regarding how they can integrate into helping us operate the tax increment reinvestment zone. And they're also looking at how can they bring development that might meet the goals of council as far as affordable housing, and as far as bringing in additional value if they're able to do that and if the tizr generates more funding than we initially anticipate, it's tiered right now to be able to phase in additional improvements. >> Mayor Adler: I appreciate

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council member tovo the issues you raised I share those same issues including edc. I know they hoped to get the initial administrative funding for this. It talks about the administrative funding being part of this but doesn't speak to edc. All of those questions when I originally brought the resolution to council, was really just to preserve our ability to capture value, recognizing there wasn't enough time to actually have council work through the issues and the policy questions about what the appropriate percentage would be. In fact, I suggested at one point, you put in zero% so it would be clear we weren't making the decision now. You put in 46%. I don't care whether it is 46% or 80% or 2%. Other than doing whatever it is you need to do to have a plan that is supportive of the concept so that we can move forward and capture the value.

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I looked at it recognizing in order to capt the value you had to put in a plan, the plan could be supported at 46% information that you had, that enabled us then to move forward. I may have assumed wrong. I was comfortable with that. I'm not sure we're at a place where we can actually have the debate that we will eventually have on what the appropriate percentage is and whether that snoopy pud development would have happened but for the southcentral plan or not. I think there is arguments to be made that that would not have happened. That way but for the southcentral plan in anticipation of that plan. Again, I don't think we're in a place to have those kinds of conversations. I think that is probably an entire day work session on the plan. The only thing I'm concerned about mostly is the exclusion of the snoopy pud land because that is something that has removed from the council the ability to have that

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conversation. You said something council member tovo that I could participate in a special-called meeting on Thursday or Friday to add the snoopy pud land into the geographic area, if that were something that were feasible to do. Recognizing that the ultimate decision about whether or not that is ultimately included or not, I would want to have time in a work session to actually consider. Because it may be it is not appropriate to have in there. But rather than having a two-tiered system, if we decided we did ultimately put it in, if we can take an action on Thursday or Friday next week to include it and if there is sufficient interest and presence of the council, I would be available and would support that measure because that's the one that keeps open the flexibility for us. >> Tovo: Mayor I need to clarify with legal my

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understanding of the different options, still. Like what has to be done before the end of the year? And is an amendment to the boundaries, does that have to happen before the end of the year? As you better articulated does it make sense to do one step and amend it next week? Or does it make better sense just to take it up next week? >> Mayor Adler: Right. >> Tovo: And if we can do it Wednesday, I have fewer challenges than I have later in the week. >> Mayor Adler: He's going to respond. I will come to you. >> I think we need at least 10 days, the statesman will need three days' notice to get the ad required into the paper and we need seven days prior to council taking public action on the tizr. That would get us to Friday, I believe. >> Mayor Adler: Ok. I will be here on Friday.

[10:03:37 AM]

We need to poll other offices to see availability. >> Kitchen: You are talking about Friday the 17th, right? >> Yes. >> Kitchen: There are three of us have cap metro board meeting that could go rather long that day. I want to point that out. I'm certainly open. I don't want to stand in the way, if this needs to be done, as you and council member tovo figure that out. Be aware that really need to poll people's offices because we hadn't planned -- I may not be available at all next week. I don't know. Because we hadn't planned on a special called meeting. If it needs to happen, fine, but I would want us to resist the temptation to put other things on it, too. >> Mayor Adler: I don't think anybody was aware of the possibility until now. >> I will be out of town on the 17th, so I won't be able to make it. >> Mayor Adler: Yeah.

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Council member Ellis. >> Lu shiyu: I might be able to participate remotely if that is an option. >> Mayor Adler: It might be a five-minute meeting if all we're doing is increasing the geographic area, subject to vaulting it next year. It might not be a long meeting. If we can check whether it is feasible and if it

impacts what it is we're trying to get accomplished or not. Anything else? >> Just in case it is pertinent to your deliberations on the matter. Lela laid out the legal concerns including the river south property in the tirz. There is also a financial consequence, both of these were discussed at the November 16 briefing. Putting that parcel into the tirz would have a general fund impact.

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This is an a building that is already constructed. It is a building coming on to the tax roll January 1, between the 22. It is revenue into a generated tirz fund or in the general fund. That is two critical aspects to the but-for requirement. It is a legal requirement of state law. The bonds will be reviewed by the attorney general office and preserving the general fund, which in this 3.5% budget cup is more critical than ever. Ensuring but-for requirement exists. But for the development value it will come, if it is there, that is general fund revenue to plan for and forecast for in the fiscal year 23 budget. >> Mayor Adler: To make clear and make sure I understand, if we include the snoopy pud track in action we took in

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December and if we were to have a work session on this issue in January or February where we would actually sit there and discuss the policy questions you just raised, the definitional questions that council member tovo raised, we could in fact take it out of the district in February with no financial impact on the city. Is that correct? >> I would have to defer with Lela with what is required to do that. >> Mayor Adler: That is my understanding. I guess it goes to the questions I'm asking. My understanding was we could then amend to take it out. We could amend to change the percentages if they were too high or too low. We could amend to add the adc. I didn't spend a lot of time talking about what the presentation had last time because we're not in a position to be able to discuss any of those things. We were trying to preserve as many options as we can.

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What I'm reacting to today, it looks like if we don't do something we're not preserving all the options. Lela, I will ask you, if we include it in the pud geographic area by action next week, could we, in January, when we have the chance to sit down or February to go through the pros and cons in the issues and discuss at length the policy concerns that you have raised? Can we take it out in February? >> I know that at the hearing, which you'll have to have, if you want to include it, you can exclude any pieces of participate for the tirz. We ought to be able to do

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that. For the final plan, if the final plan is being discussed and adopted in February. >> Mayor Adler: Or if we can have, even if not ready to do the final plan until later in the year, we could have a substantive conversation on the elements in January or February where I mean -- I'm not necessarily tying those two together. In fact, I would think we would want a work session well before you developed the final plan to come back to council so you can get direction on those things. So we can have a long conversation about the policy elements. And then based on that, then, you would be able to go back and develop a final plan that was consistent with whatever the council direction was. >> Sure, the challenge is going to be that in the framework of the statute, we are limited by what we have noticed to the public in the newspaper as far as the area. And also what we have noticed to the public as far as what

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the plan is going to be. So we can't necessarily amend off the cuff as far as adding things in. >> Mayor Adler: I'm not suggesting we move off the cuff. That point that we make changes we would dually notice them and discuss them. I'm not suggesting we curtail any of the processes. But my understanding is we can do all the necessary processes next year and have the discussions next year about substantively we want to do. The one thing we will not be able to discuss next year is whether or not we include the snoopy pud or not if we don't add it now, then we're precluded from that unless we want a two-tiered system with timing, which seems to be unduly cumbersome and the like. So ... >> Sure. So, yes, you can do that with the appropriate notice, as you

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have discussed. Now we do have some tax increment reinvestment Zones in the city where we have lengthened the time or added in property. So it's -- so it can be done. And it doesn't wreak havoc with anything, if you chose to adopt this on Thursday and then asked staff to come back in the following year, it would be a different tax increment, but it wouldn't be -- I mean, a different tax year, setting the value for that particular piece of property, but otherwise, we have done tax increment reinvestment Zones where we have changed the boundaries. >> Mayor Adler: So to that point, Kathie, on Thursday -- the only thing that we would be missing

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. With the exception of the snoopy pud that we can do subsequently, and we would lose a year of value add with the play. >> Tovo: I think that could be a lot though, no? It seems to me that year makes a

difference when you have a property that is actively redeveloping. >> Mayor Adler: Well? >> Tovo: To me, it will be complicated and sounds like a lot of my colleagues need to be remote, including maybe me, depending on the day we do it. Though I would do what I can to be here when I need to be. But I think still, it sounds to me like it still may be the best option just to do what we can do to get it done, to get that property added in for this tax year. >> Mayor Adler: I think the flexibility we're asking staff to provide, I anticipate us passing it on Thursday, intended to amend the plan on next week, Friday, in what would be a five-minute hearing for people to remotely come back to, if they needed to,

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unless we had six people here, seven people who are here and inclined to vote on it. But it sounds like we would need to initiate notice in the newspaper today to at least keep that possibility alive for us next week. We can always exercise it or not. So I would appreciate, manager, if you would do what is necessary today to preserve the opportunity to be able to have the meeting on Friday to add that track. And on Thursday, we can decide and find out what people's schedules were to see if it is actually feasible. >> Tovo: May I suggest Monday the 20th as another option to look at? I have one challenge with Friday that I need to speak with our -- speak with others about. But Monday is another day we might consider? >> Kitchen: Mayor, I prefer Monday also if possible. If you end up noticing for Friday, just understand that three of us are out all Friday

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afternoon. So for the cap metro meeting. I don't know how long it will last. It is a long one. Could it be all afternoon. We can't do anything about that. >> Mayor Adler: Right. I anticipate again, when we do this on Friday or Monday, we're talking about five minutes. >> Kitchen: But we can't step out for five minutes, and we might want to be part of it. >> Mayor Adler: Are you available Friday? >> Kitchen: I am. >> Mayor Adler: I'm not physically present on Monday, I would also be able to remote in, but somebody else would need to be here at the dais convening that meeting. Manager, did you want to say something. >> I was going to say, we certainly heard from a couple of members from the dais. On Thursday, I would like a direction voted on if this is an option that council wants staff to pursue. >> Mayor Adler: Please take whatever actions necessary today to preserve that option

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for us on Thursday? >> You want to say something? >> I do. In regards to the action on Thursday, I really would like to have time to consult with Lela on how best to proceed. But I believe that if you were to approve the plan on Thursday, and then any amendment, yes, you could amend the plan later this month or at any time in the future, but an amendment to the plan requires all the work that was done

leading up to the plan we have in front of you. So we would need to do an economic analysis, we need to have a project amendment plan, we need to make a case that but for the public investment, the value in this area that we're adding the snoopy pud wouldn't be there. We wouldn't get the value from the snoopy pud but for the public investment. We would need to make that case and have somebody like cmr do the economic analysis to make that case. Right? That is why we're amending the plan is we want to add this

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parcel but for the public investment we wouldn't get the value of the parcel. I think that is a challenge to do. If that is the direction the council wants to head, it is beneficial to consult with Lela. It may be a better course of action to not take action on Thursday, do a special-called meeting and redo the public notice so we don't have to amend the plan. But I think it will still be a challenge based upon what you heard from Lela and I said to make that -- >> Mayor Adler: The legal doesn't appear to be a legal challenge, it is a practical challenge that there is not enough ability to be able -- what I understand you to say Mr. Van eenoo that there may not be enough time for the supporting documentation in order to include the snoopy pud in the 10 days that it would have to be done. That puts us in the position to have flexibility to make

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changes next year on everything except for capturing the snoopy pud value this year. We can add snoopy pud next year, but we would miss one year of value for that one track. And it could be that we're in a position where we really don't have a viable alternative to that, not for legal reasons because we can always, but for the practical reasons about whether or not you can prepare the supporting documentation necessary to support that amendment. In my mind, it doesn't make a difference whether we adopt the whole plan on Thursday or next week or an amendment next week. It is all effectively the same thing. I don't see what changes. >> Mayor this is Lela fireside again. I think the key -- the challenge with these tax increment reinvestment Zones is that factual and economic

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analysis is part of the statute. And so I think what Ed is trying to communicate is we need to do all of that work to make sure that the action that you take fits within the legal framework. >> Mayor Adler: That's what I understand. My understanding is if we pass it on Thursday and try to do an amendment next week or a week Monday or if we wanted to just adopt the whole plan next Friday, the work that is required of staff is exactly the same. The additional work is exactly the same. Nothing changes. That is my understanding. What I hear Ed saying is there is not sufficient time to do that work. That would be

necessary to either do the amendment or to adopt a plan that has been changed. In which case we just as a

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practical matter move forward on this and change all the valuables with percentages and captures and adc, all of the other things we want to do, but we're going to not get the incremental value increase in the first year for that track. Which is what we were trying to capture. Ed is saying he's not sure he can do the legwork necessary to bring that back to council. Council member tovo. >> Tovo: Except some of the work was done. If we look at the history, I thought that analysis was done on the whole southcentral waterfront and being refreshed. You know, part of the conversation we had when you brought your resolution and I brought mine is some of the work had been in progress a long time. I wonder if some of that analysis exists in some form for this property and just ...

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Needs to be either refreshed or surfaced. But that's not a question I know the answer to. Given the amount of time we have been talking about and doing this market analysis, it would surprise me if there is nothing there to work with. >> Mayor Adler: That's a question for you. As a practical matter, is there time to do the work, whether it is adopting the plan with changes next week or adopting an amendment to the plan we approved this week. What I'm hearing is it is the same additional work you need to do next week. But the question council member tovo is asking, can't you really do it, I guess is the question given the information that has already been gathered? >> I think legwork-wise, it will be much more expedient from staff's perspective if council were to not take action on Thursday and we just

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simply come back with an initial plan that says these are the boundaries and this is our value capture proposition and estimates. I think amending the plan will be substantially more work because we have to bring somebody back to look just at that parcel, as opposed to looking at the whole area. The whole area that council member spoke to has already been done. Our concern remains, you know, making the justification that a but-for, for that property, we can already see it out the window but for the public investment it wouldn't occur. That is our concern. >> Mayor Adler: There are all sorts of buildings that are built before they're completed. A building goes up next to a newly announced building of airport, the value wouldn't be there but for the announcement that an airport would be coming in. Sometimes the adjacent tracks develop out before the airport

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is built but the argument can still be made that but for the airport that track couldn't have the value or use. I'm not trying to decide that question now, but that is a question we can have before we finalize any plan and go out for funding or financing, based on the assumptions that we make. I think that is a longer conversation as well as the policy questions that you have raised. I'm not saying I ultimately believe this tract should be in it for the reasons you have given and more. I just don't know. We need a conversation. Again, we just want to preserve options. The question is to accomplish what council member tovo and I have been talking about doing, is it better to not take the action on Thursday? Take the action next week? That will require us to determine whether or not we can take action next week or a week Monday, whether we have

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sufficient council members mere to do that and whether you and the staff have the ability to tee that up again. >> That is my recommendation. If that is the direction you want to go. Postpone the item scheduled Thursday to a special called meeting at least 10 days down the road for public hearing noticing. >> Mayor Adler: Council member alter. >> Alter: I appreciate the desire to have the snoopy pud in there. I'm really struggling with this, because I don't understand the argument of the but-for. I mean, it is built. It is there. It has not been a question, you know -- it has not been clear that we would be moving forward with this plan. We could still include that property in a pid. Could include them in other financing mechanisms that get the funding there. I just -- you guys have been way more involved in it. I'm not understanding the argument you're making that we

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can get around the but-for because it is built. It may call into question the whole tirz and put a lot of scrutiny on the tirz that may create other hassles. I just ... I'm struggling with that. I want to say that I appreciate we're not taking the whole tirz and put it into this and the way we're looking at it is we have to counsel for project connect and we have to account for the other aspects of the value that would have been there, regardless of this additional investment because we know there would be some development there, but not beyond the scale we need to do in order to get the full amount of development that seems that is in the southcentral waterfront plan. So I just want to offer a slightly different perspective that I think we need to move forward with the tirz.

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I am comfortable with that. But I think that there is a real question about the but-for, for that property, since it's built. I think that we're doing the right thing not doing 100%, whether we want to set it at 0 right now or 46%, I don't really care but I don't want to set it at 100. That would be problematic from a project connect perspective. I think that we have to recognize that there would have been value there without this investment as well. >> Mayor Adler: I'm trying not to have us decide this now. Lela, I have this question on the but-for. If the facts were -- this is a hypothetical question -- that the snoopy project would not be built to that height or that density or that project would not have happened but for the anticipation of the adoption of the execution of

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the southcentral waterfront project, would that satisfy the but-for criteria. >> I need to look at it more and talk with bond counsel. I have concerns it would not because it is not but for the thought of the tirz or the plan for the tirz coming into play eventually. It is looking at if the city puts in these particular improvements ... Will the development occur? And if we don't put in the improvements, would the development not occur? But I am happy to confer with bond council, if you choose to take the path that Ed has recommended to put it on pause, if you will, until next Friday or next Monday. And let us follow up on those questions that many of you have. >> Mayor Adler: Council member tovo. >> Tovo: Can you answer the good question that council

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member alter asked. You know, I see it -- mayor you were asking questions or I'm not sure, you were making this point. I mean, the southcentral waterfront plan was passed by council, the work to develop the tirz has been underway now for a very long time. As I see it, the city made a very strong commitment to these infrastructure components and so that coupled with the project connect piece, I think are indeed providing that but-for. And have for, you know, any of the properties in that area. There have been meetings over the years with the property owners to talk about the southcentral plan. There has been more than other kinds of planning efforts. I think a lot of concerted effort that shows a commitment to move forward with the components. To me, if I were a property owner in the area, you know, I would have relied on that in

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terms of moving forward with the redevelopment because there was so much energy and commitment behind it. Not as much speed, maybe, as all of us wanted to see. But there was a lot of commitment and energy behind it. I think that is what some of our property owners in that area have been relying on in the redevelopment plan. For me, that needs to be considered in the but-for. I suggest if we talk about --

get any more into the legal piece, I request we do it in executive session to really talk through what the risks are as a group outside of this setting. >> Mayor Adler: I think that is a good idea. Let's move to the next item. I think on Thursday, manager, we'll want staff to better understand what our options are on Thursday with what results and please post notices or whatever you need to, today to preserve options for us on Thursday with relationship to a meeting on Friday or Monday unless you do a head count and can determine we have at least enough council members to take

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action. Council member pool. >> Pool: Can I ask staff the next time we come, on Thursday, to remind us -- I can't remember exactly the but for if you can review it one more time. That is clearly the crux of the conversation. I want to make sure I understand how we arrived at that and the elements contained in it and what the impacts are. >> Can do that. I want to be clear that to accomplish what the mayor said to preserve the ability for you to take action on Friday at a special-called meeting, we have to call the statesman immediately and get a public hearing notice to them so they could post it three days hence, by Friday. You know, so you could take action on Friday. We would be publishing, giving to the statesman today, you know, contracting with them to run the advertisement if council chose to do something different on Thursday, I

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suppose the ad could run and may be able to pull it down in time. And then we would also amend the backup documents that you have given us. We would amend those documents because we would need to post or make available to the public at the same time that public hearing is noticed we need to make available to them this amendment -- this amended project and financing plan. >> Mayor Adler: That is understandable. >> Making clear the actions to do. >> Looking at December 17 and December 20. >> Yeah, either one of the dates. If we get the information to the statesman today, either the 17th or 20th would work. >> Mayor Adler: Ok. Like when we notice budget hearings on days that we ultimately didn't have to have a budget hearing, if you can post that notice to cover us both on the Friday and Monday. That would be good. We may not hold it on either

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day or may hold it on one day or the other. Provide the notice so we have the flexibility on Thursday to make that decision. >> We'll work through that with legal to make sure we don't miss that approach. We understand what you want us to do. >> Mayor Adler: Good. Next pulled item is item 62. Council member kitchen pulled this item. >> Kitchen: I'm trying to gather my questions. Can we come back to that one? >> Mayor Adler: We can. Next item is item 58. I pulled that. I pulled it in part council member alter

because of the decorum rules I can't ask you questions otherwise. I was trying to figure out what, one, what prompted this. I had questions about the impact this would have in situation says where a private

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school opened up nearby a preexisting property that had an alcohol use. I guess at that point, it would become a noncomplying legal use. But noncomplying. Which means that if in the future there was a fire or someone wanted to remodel or do some additional work they would be precluded from doing that. So I'm trying to think through how this works. And I wonder if something like this should follow the -- I don't know procedurally how this works. Whether when we -- are we initiating the development and ordinance if we go through the administrative process to hold hearings and have those kind of discussions? Or are we skipping the steps and actually trying to adopt the ordinance now?

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The former as opposed to the latter can what I prefer so there can actually be a conversation of what the perhaps unintended or other consequences might be. I'm trying to figure out the questions. >> Do you want me to try to provide context? >> Mayor Adler: Sure. >> First of all, we have seen a number of cases come through with the types of waivers. As we have dug into them, we identified what we perceive as a pattern of inconsistencies in our approach. State law is what governs the broader parameters of what can happen. It establishes the limit of our authority, but also establishes a protocol for how we can approach the cases. I have seen in the past, questions of whether the property is a day care, school, house of worship, all

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of the above. Under state law each use has different requirements for distance, measurement, it can create confusion for the community and property owners for what to expect. Part of what we are trying to do is get rid of the confusion. It clarifies and aligns the ordinance with state law with respect to private schools and child care centers are treated in form of public schools. That is what state law established as the appropriate protocol but we don't always follow the appropriate protocol. Um ... So it does three things. It adds private schools to the list of uses to require a waiver. It clarifies that for day cares the distance measurement should follow the same protocol for schools, which is a requirement under state law but that protocol has not always been followed. Finally it clarifies if a

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property has multiple uses. A private home with day care or worship and day care. All of the rules must be followed whether the use is primary or secondary use. The last instance is in the house of worship with a full-time child facility, there is a standard for houses of worship that is more relaxed than day cares. If the day care use is ignored as occurred in the past, it can leave the facility unprotected. In the example of the old establishment, if the school opens newly, the older establishment takes precedent and law can answer that in more specifics. That is in the ordinance or in the state law. We don't have the ability to deviate from state law in terms of what we can do. >> Mayor Adler: It wouldn't be a legally noncomplying use

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under our ordinances? >> Alter: If the bar was there first, no. >> Mayor Adler: It wouldn't have limitations to build back if there was a fire or to remodel and that kind of thing. >> Alter: I have to check, but I feel like that is covered in the ordinance already. >> Mayor Adler: Ok. What about procedurally? Does this go to hearings in front of boards or commissions or the appropriate ones? Are we trying to adopt the ordinance outside of that process? >> Alter: This is just going -- it is an ordinance change, adding the definition of private schools, and they are covered with the same protections that we are allowed under state law to provide them. And then we are clarifying which definition we're using to measure the distances which

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has been applied by staff in varying ways under different circumstances where there was ambiguity over which definition to use. >> Mayor Adler: For me, a lot of the things you raise are important things and things I support. One, I want to make sure on the earlier use nonuse it is not just a legally noncomplying use. Which has limitations. And then second, I need to think through whether we should be initiating the change or making the change. Council member kitchen. >> Kitchen: I appreciate those questions. I do support this. In this case, I think creating a change in ordinance is appropriate. It is not land development code change. It is not the initiating of ordinance change with all the procedures that are required of the ldc change.

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So, you know, I have seen us make changes directly to ordinances before. So this one seems really straightforward to me. So I'm comfortable with going forward with it. >> Mayor Adler: Council member pool. >> Pool: To emphasize what council member alter was saying. Staff have interpreted this section

differently in the past for different applicants, so one reason I signed on to this because the alcohol waiver distance from a school or child care is really important concept to me. This clarifies situations where ambiguity has existed and removes the ambiguity. And I really appreciated that happening. So we don't have to have an argument or applicants feel like they're being treated differently, depending on who is reviewing their permit application. >> Mayor Adler: Council member

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Ellis. >> Ellis: I think -- capped I understand to understand if there is a small in-home day care that wanted to open where an alcohol business exists, does the ordinance preclude that? Do you know? >> So I'm not a lawyer. But my understanding is that if the use was already there, it is not impacted by another use coming in after the fact that would be a school or day care, whatnot. There may be a limit on the size, but I don't remember that, of the day care where it triggers, but I'm not sure. Because like for the private school, this is only for private schools above a certain size. But the private school is k-12 as opposed to a day care. If I can add one other thing I

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think it is important to clarify. We don't have discretion to deviate from the state law. We don't have the ability to do anything other than codify what exists under state law. That's what this does. We don't have the discretion for the commissions to create different language. Also, this is administered by dsd not planning. It is not in the land development code. It is something different. >> Mayor Adler: Counsel, are you here to say something? >> Mayor, this is Chad Shaw with the law department. I was here to answer any questions, if anyone had any for the law department. >> Mayor Adler: Does this just codify existing state law? >> It does. Council member alter is correct, this reflects what is already in the Texas alcoholic beverage code. >> Mayor Adler: Does it do anything, other than bring it top of mind to us?

[10:41:31 AM]

Are these the rules as they would be applied whether this resolution passes or not or change happens or not. >> This allows the body to elect, regulate private schools. The city council has not previously elected to do that. That is something that is new. But the distance requirements the exceptions that apply to those distance requirements, the definition of private school those all reflect what is in state statute. >> Mayor Adler: Council member Ellis. >> Can I get clarification on what I asked, I understand the alcohol sales business may not be able to open where a school exists. Does it go the other way, where there might be an alcohol business and a small in-home day care opening around the corner, can it

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preclude them from the service. >> There is the question of the day care facility one that is licensed or permitted under human resources code. That is a detailed question that is case-by-case. I don't think it would limit new child care facilities. I think it simply protects preexisting folks who are selling alcohol from the appearance of a new child care facility. >> I want to understand if there is already an alcohol sales business and school or day care wants to open in an appropriate location, this wouldn't exclude them from being able to open the school or day care. >> I don't think it would. >> Mayor Adler: Mr. Shaw, since you are here, do you know the answer, it wouldn't be treated as a legally noncomplying, the preexisting alcohol? >> That is -- the interesting part is that is a land development use question.

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This is simply dealing with regulation of the sale. Not of the property. That is something I can talk to staff about. Because I would hate to shoot from the hip on that, since that is a little outside of what this ordinance is looking at. But I can consult with staff. >> Mayor Adler: Thank you. I would like to know the answer to that if you can get that answer. Council member alter. >> Alter: I want to point out, this is the section that law had us include, but with respect to private schools, if you have a food and beverage certificate, you can sell alcohol, it is really for bars next to them. It is not saying you can't have any use that has alcohol. It is specifics, if I am understanding, we had to go round and round on that section. As I understand the section, that is an exception. >> Mayor Adler: Great.

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If you can confirm that, too, I would appreciate it. Anything else on this item? Ready for next item? Mayor pro tem. >> Really quick question, I am curious about where it came about now. I'm curious if concerns from the constituent brought that forward? >> Yes, raised by constituent and also something we were seeing a pattern of inconsistent enforcement realliative to state -- relative to state law and felt we need guidance to clarify positions and whatnot. >> Mayor Adler: All right. Next pulled item, item 60, the parental leave. I pulled this one. Council member kitchen I was trying to figure out,il think there are two issues that I need better understanding on.

[10:45:36 AM]

My office was approached as probably most of y'all's were approached by the president of the firefighter association who was pointing out that right now, under our existing benefits, laws and ordinances, that a firefighter that is pregnant late term pregnancy or immediately postpregnancy, is not

able to physically carry out in some situations -- some situations not able to physically carry out the work of being a firefighter. And in those circumstances, it was suggested that one benefit that we should consider offering to firefighters, women, would be paid leave I

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guess in the form of disability leave. My understanding is there is that disability leave but it is not paid. The question is should we offer that benefit? And then the second question associated with that was, should we do that on our own or ask our staff to make that part of the contract negotiations happening next year? As I understand it, the resolution you brought forward goes beyond that and provides for parental leave? I may have been wrong. But -- so that is the first question. Is it broader to include parental leave, which would include both -- all parents. So I understand it is a much more expensive benefit. The question is should we make that part of the negotiations that we go to the firefighters

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or others in our city saying we think this is an important policy and we want this to be included and the benefit associated with that to be recognized in the labor negotiations? Or is your directing that it should or not be in the labor negotiations or not, and asking staff to come back with that information so that kind of discussion can be had. >> Kitchen: Ok. So this -- the purpose of this is to extend the same kind of benefits that we have for all of our other employees. It encompasses fire, E.M.S., APD. It recognizes there may be different circumstances for each of them, so it directs that the specific details of the leave be worked out with each one of the departments. But it is a recognition that

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we offer paid parental leave to all of the other employees as a matter of policy and recognition of the value to the employees of that kind of leave. So this extends it to our E.M.S., fire, APD departments. It also is just builds on something we already passed. We passed a budget direction back in August, I guess, whenever we did. We asked the city manager to bring us back those options by December 14. This allows for additional time, it is 30 days, but the intent is it is direction to bring back to us the options to provide this kind of leave. It is not my intent to include this leave as part of the negotiations, labor

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negotiations. Because I think that paid parental leave is necessary and important for our public safety personnel as we recognized it is for our other employees. Let's see, I think I answered your question. It is not just disability. It is parental leave, it applies to all three public safety divisions, police, E.M.S., fire. Yes, to answer the question, the intent is it is not part of the negotiations but something we decided as a matter of policy. Which we do, we have other things. Our public safety personnel they don't negotiate everything. There are some things that we have in ordinance that they get. So that is my intent here. It recognizes birth, adoption, and foster families. So it extended to those three circumstances.

[10:50:57 AM]

>> Mayor Adler: I don't know if staff wants to comment on the impact it plays with the negotiations, or staff has advice or counsel on how it should be handled. >> We want to make sure council is aware of the financial implications of what the option entails. We'll work on that. It is our intention to be particle of the negotiations with the associations. That has been something that has been discussed in the past. I know previous councils had a similar conversation obviously before my time and many of our times. It might be useful to look at what was discussed at that time and what decision came vis-a-vis the decision-making process. Yeah. Our position has been to keep it out of negotiations, but we want to make sure the financial impact. >> Mayor Adler: To keep them part of the negotiations or

[10:51:59 AM]

not. >> Not part -- to keep them part of the negotiations. I misspoke. I apologize. >> Kitchen: Mayor, I understand that has been the position in the past. I respect that. I can certainly understand that people may differ about that. It is simply my position that the importance of this kind of leave is something that the city should just do. It is a statement we should make. Of appreciate that the financial implications is something we'll have to know. This requires you to bring it back to us. It doesn't just implement, it says bring it back to us on what the parameters and cost would be and we'll make a final decision. I believe -- I already said, I think the policy is important. >> Mayor Adler: My sense is it is an important policy and something that should be afforded to everybody. My understanding is some of

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the conversations in the past, the comforts said when they look at benefits they would rather get the money in additional retirement contributions or additional pay for the general force. I have to think about how this plays out in the negotiations, because if we can't make an agreement, then the question of the contract now goes by law to that arbitration process. And so ultimately the contract as decided, how much compensation ultimately we pay for firefighters who I support and want to continue making

sure they're paid before anyone else, firefighters. But when the arbitrator sits down, tried to decide how much of the general fund budget

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should go to fire, the question is, does that person take into account a significant increase in benefits for parental leave? Or does that happen outside of the arbitrators decision about how much of the general fund should go into compensation for fire? My concern is if we handle this outside of that, then ... I just don't know how that is going to play into the overall decision about how much gets spent -- how much of the general fund budget goes to public safety how making that decision now versus later would impact what is in front of the arbitrator to decide and part depends on what the cost is. I generally think it is a really important policy. I don't know the best way to get from here to there on that policy. >> Kitchen: I hear what you are asking. I'm sure there is precedent for that. We have other items in law

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that we pay per different personnel. For APD I'm most familiar with. There must be some mechanism those were accounted for. I would say this is a benefit. It is a necessary benefit package, I consider those kinds of things necessary and not negotiable. It just goes back to what I said before. As a matter of policies, I think parental leave is necessary for our employees. I don't think we should be negotiating it. I think that the other questions you're raising, I hear them, but I think we can figure those out. >> Mayor Adler: Council member Fuentes pool, tovo. >> Fuentes: I agree, this should not be negotiable should be part of our policy.

[10:56:03 AM]

I agree with what you are bringing forward. I think you are maxed out on co-sponsors, I support it. This policy, paid parental leave is so important. It reduces the gender wage gap, improves maternal health outcomes, it has incredible life tangible outcomes tied to it. I appreciate your leadership on this. >> Mayor Adler: Council member pool. >> Pool: I think we need this information that is created by this resolution no matter what, if it is used in negotiations or used for the council to make a decision on whether to move forward outside of negotiations, is that correct? >> I agree with that, yes. >> Pool: Just given that I think I was pleased to see that council member kitchen is bringing it forward. I am not a co-sponsor. I talked about this with

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Mr. Nicks previously and I asked him to hold off bringing it last summer, which is when it first rose or came up. I asked him to delay and get it closer to negotiations because I see the value in having this as a benefit. I also recognize it shouldn't just be for fire. I was rather surprised to see because we learn something new everyday and there is always a detail we're not really clear on. E.M.S. And APD will also benefit from this according to this resolution. That is a wife -- wise policy, I have no problem with this moving forward in the engendering of the information necessary. We'll see what we have got. We'll see where we are in the timeline of everything and then make a decision on whether to implement sooner or later at that point. But as it stands now, I'm very supportive of this approach.

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>> Mayor Adler: Council member tovo. >> Tovo: Thank you. Really I want to echo what council member Fuentes said. I think you are also at your -- as she said you are at your cap. But I intend to support this. I think it is an important policy for the reasons my colleague earlier said. We need this as part of the benefit package for our city staff and their families. These are policies that don't just benefit individuals employed by the city but stronger benefit their families. I think that's critically important. Actually I guess we had a -- I very rarely do this. If I can be added as a co-sponsor in the course of this meeting, it would be great. >> Mayor Adler: You can be listed. We don't limit the number of people. >> Tovo: I don't do it very often, we show support with on our vote, but in this case, I

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would like to ask council member kitchen to add me. >> Mayor Adler: The clerk can add you and council member Fuentes as well. Council member alter. >> Alter: I did understand that this is something we aspire to. We did have a budget writer. I want to see what the budget rider had for the proposal, we should be due back to get that. Can you help me understand the bringing of the resolution before we have that information and what the difference is? >> Kitchen: Well, first off, I have no indication we were going to get a response to the budget rider, because it is due next week. So there is that. If the response is in the works it will make the response to this faster. I felt it was important to add weight to it as a resolution

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because before it was passed as a budget rider. >> Sea Mander do you have a sense of the budget rider. >> We were working on it, when this was brought up, I inquired. I will have to get back to you to when we respond to the budget rider. >> As part of the budget rider, I had an amendment to help us

understand the implication for the contracts, which it is hard to weigh-in without that information. You know, it is one thing to assert it. It is the other thing to have the analysis or the legal perspectives. From them about that. You know, so I'm torn a little bit because I had asked for that information. I don't have that information. Now we're being asked to vote on something else, which at the same time seems to be the same thing as the budget rider. I voted for this then, but, you know, we can still get the

[11:01:07 AM]

information back and decide it belongs in a different process or pieces belong in a different process. >> Kitchen: Let me clarify then, to give a more complete answer to what you are asking. The other part of what you are asking is the question about labor negotiations that is a difference. It is my intent that parental leave be offered as we have been talking about as a matter of a benefit that is available to our public safety and not included in labor negotiations. I understand that you may feel differently than that. And that is -- the difference with the budget rider is that was added as an amendment, I don't remember in it was yours or someone else. It was added as an amendment not part of the original budget resolution and not part of this as it come back to us as part of labor negotiation. That is a difference.

[11:02:07 AM]

>> My rider was not it come back as part of the labor negotiations but rather we have information about the implication of it not being part of that. There are two parts on page 2. The first part I would be prepared to go forward with immediately, which is providing an adequate period of paid leave for personnel recovering from -- and the other establishes parental leave, that is a whole different fiscal implication than for, you know, when I talked to Bob Knicks, it is two women a year getting pregnant that you are providing this benefit to. I don't know what it is for E.M.S. Or APD, it is just the financial implications of going to parental leave if that is not -- I mean, they have a contracting process for a reason. I personally put weight on

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parental leave but that may not be what they want. And we do have a budget. We do have finances. And so I mean, I don't think there is anything in here that precludes staff from saying, you know, we can do this first part in this way and this is the financial implication. If we do the full parental leave, it is xyz, I'm not saying that is not ideally what we do. We're still within contract negotiations and the problem that was raised to me was not parental leave. It was that we have women who are being required to come back to work who physically cannot do the work that they need to do with their job and we have no mechanism to allow them to recover from a retention and diversity and inclusion perspective, we

have a responsibility to our employers. That is -- again, I want to be really clear. I'm not saying men should not be there and be the other. But from a fiscal implication

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and contracting perspective, they're not the same thing. In terms of the implications for what we're doing moving forward. You know ideally in the end in December we have all of them. But they're not the same. >> Mayor Adler: The question I have for the manager on that is -- >> Kitchen: Could -- >> Mayor Adler: One second. There was the budget rider question, when you come back with that information, can you come back with the information requested in the budget rider. That was supposed to be, I think mid-december coming back anyhow. Council member kitchen asking for information and certain information for the rider. >> Absolutely. I think we can provide that shortly on the budget rider. A draft is circulated. We can get that as soon as possible. >> Kitchen: Can I speak, please? I want to speak to council member alter was asking about the two different parts to this. The second part, I see as

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important for women also. As well as for men. Because it is talking about adoption. Adoption placement or foster placement. It is broad enough to talk about how anyone might become a mother or father, for that matter. I think that that is -- that is important. That we not just be limiting this to women who may have a child through childbirth. Because adoption and foster placement are really important to the community. They're important to families. And they can have the same kind of impact as anyone delivering. I understand that there are physical differences, perhaps, but there are other impacts. So I understand that people want to understand the impact on the labor negotiations. Getting the information back will provide that so people who are concerned about that can think through that.

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I just -- well, I will say it one more time. From my perspective, this is not a benefit to negotiate. I understand that there are fiscal implications we will have to hear what those are. For me, the fiscal implications do not determine -- do not determine whether or not this goes into labor negotiation. Because I think that this benefit is fundamental. But, you know, I hear the differences. I respect the differences. It sounds like the information will be coming back to us, so people can vote according to what they believe. I want to make it clear, from my perspective, I want to make it clear that is where I am coming from. >> Mayor Adler: For me, I think it is fundamental, too. It is not a question of whether or not I think it is fundamental or the necessary policy. Because I think it is as well. I think it is a question of how it is that you get there. The way -- if it happens outside of the labor contracts, I think we are agreeing to a substantial

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increase in the police budget and public safety budget as a part of the entire general fund. And I'm not ready to make the decision to substantially increase the police budget at this point or enter into a process I think would result in that without having had a conversation about whether or not that is something that we want to do. It is more a question of how we get to a policy, that I think we all agree is fundamentally the right place to be. It is a question of how to get there, not whether it is important or right or fundamental or just or necessary or nonnegotiable or any of those things. It is what is the right path? What are the consequences of doing it one way versus the consequences of the other way? I understand that this is asking for information and that further conversation about the consequences are not -- we can have then when that information comes back and information from the budget rider comes back. I'm comfortable with this moving forward, understanding it is giving us information for us to be able to have that

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larger conversation. >> Kitchen: Mayor, you spoke, so let me speak, too. I want to say that -- I get that. I guess maybe too, explain more what I mean. To me -- it may be the perspective I have than what you are thinking about. When I say I don't want something to be part of negotiation, to me, that means, I don't think it should be dependent upon other factors, other agreement. That is what I mean. And what I'm concerned about is if it is kept in the negotiation, then it is something, a, our employees may not get. And B, it is used to trade for other things, which I think is not appropriate. I hear what you are saying about the information. >> Mayor Adler: Council member pool. >> Pool: I wanted to make sure I was clear. Maybe our hr director Ms. Hayes can jump in here. But on family and medical leave act, does that apply to

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our first responders fmla? Are they subject to fmla? >> Hi, Joya Hayes human resources director. Fmla does apply to the staff. >> The question is not whether or not they have the leave, it is whether they are compensated without using their saved up personal or sick leave, is that right? >> It depends, when you look at the item bullet point one goes beyond the current parental leave and creates a space for creating accommodations for recovering women coming from childbirth. That is not part of the parental leave. To qualify for parental leave you have to be on fmla, if there are medical issues you can on parental leave receive up to six weeks of time. What parental leave is

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designed for is birth and placement. Foster, adoption, placement. Women can use the parental six weeks for adjusting to medical issues. But anyone that has a birth, a foster or adoption can use the six weeks for the connectivity to children and for the placement. So if you look at this, you could use it, but I do want to point out that bullet point one is an analysis that takes us beyond the current parental leave objective and to a space to identify a procedure by which we create special space for those recovering from childbirth that may not be able to physically come back to the civil service space immediately after a 12-week fmla period. >> The parental leave is -- it is the city of Austin's program, right? >> Yes. >> That program has extended so far, only to nonsworn

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employees, is that right? >> Correct. >> Ok. So what we're offering -- what is at stake here is whether first responders can take advantage of the parental leave, be they men or women and whether it is the birth or adoption of a child. If it is before or after the birth, depending on having used up the fmla opportunity? >> That represents bullet point two of the item currently before you. >> Great. I think that is pretty important to detail. Awe because it was beginning to sound like our first responders don't get access to fmla that is not the case. The parental leave program is a separate city of Austin program that we're looking at here to get a fiscal note on to look at what it costs to be expanded to all the members. I gather that number can't be nailed down because we don't know who are is going to be

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pregnant have a baby or complications in the future. So we would be using problem some numbers from the past two or three years, I guess. I wanted to clarify a couple things. >> Mayor Adler: Council member tovo. >> Tovo: I need to clarify something that happened in the conversation with director Hayes and council member pool. Director Hayes are you saying the provision in this resolution would actually go beyond what are available to other city employees? >> Yes. The bullet point one is a piece that would ask us to go out and create a specialized system that would allow for opportunity if an employee goes beyond the 12-weeks period. I can be corrected if that is not the interpretation. Bullet point one, a parent who has had childbirth cannot medically return back to work within the 12-week period provided under fmla, the city would create a plan to allow some modified return to work

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schedule in those cases, which is not something that is currently covered under the parental leave plan.  
>> Tovo: That is 12 plus six? >> The six weeks is parental leave is in conjunction with the 12 weeks of fmla. To qualify for fmla you must already have qualified to be under fmla. Fmla gives you 12 weeks of protected time. In that, you get six weeks of pay. >> Tovo: Right. If council member kitchen could clarify.  
>> Kitchen: Yeah. Director Hayes I hear what you are saying. The resolution doesn't say that. It might provide for that if you think that is important. It says provide an adequate period of paid leave. For uniform personnel to physically recover. Whether that takes 12 weeks or

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something more, I don't know, this resolution does not presuppose that. This resolution does not say you have to come back with more than 12 weeks. I hear what you are saying though. It is something you need to examine. It does provide for talking with each of the departments and understanding what the demands are for the jobs. I didn't want the council to think this resolution is saying it has to be 12 plus more. That is not what we're saying. We're saying talk about it, consider it with the departments come back with what's appropriate. >> So let me if I could clarify, if that's appropriate, council member. When I read the second portion of bullet one where you say physically return from childbirth and return to the fitness level required to perform their physical respective, physically demanding jobs, as I read that I would just simply say fmla already provides 12 weeks of protection as a fundamental federal, so as I read that piece it would suggest that

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if an employee could not return to the physical fitness level required to perform beyond that 12 weeks, this would be asking the city to look at a plan that would create some space to give that employee some additional time. So that is not the intent. We can certainly clarify that as we do the analysis. >> Kitchen: I'm sorry, what I meant is the intent is to provide us options. This will require some analysis. I don't know if these particular jobs, 12 weeks could be enough. It might not be, though. So that's all I'm saying is that's a point to have a discussion with the departments in. >> Mayor Adler: Councilmember pool and councilmember Kelly. >> Pool: I just wanted to talk about the short-term disability. Is the parental leave plan that you're talking about plan or expand, take the place of or amplify short-leave disability if

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someone is unable to continue in the job that he or she had after the pregnancy, after the birth? How does the short-term disability piece fit there and how would a parental leave program fit in with that?  
>> The parental leave program is provided to employees as a medical benefit. If the employee cannot return to work the short-term disability is an additional benefit that all employees with receive as

covered by the city. And they can get that after they complete the parental leave. We also have a shared leave program. We have multiple programs that ensure that any employee with medical issues has the ability, one, to take time off, and two, to address those medical issues beyond the time approved. We also have cases where employees can come back beyond their fmla 12 week and request from the city time to make adjustments as a result of medical issues for which we have a proceed to allow as well. >> Pool: And the

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short-term disability program is compensated or is not compensated. >> It is compensation. >> Mayor Adler: Councilmember Kelly. >> Kelly: Thank you. I wanted to thank councilmember kitchen for putting in the piece about adoption. Everyone's situation is different and when I raised that I wasn't sure it was something you would include. As a parent myself I know that the sleep got disrupted in my household with the addition of a new child and that happens across the board for families who adopt or even foster children and it's quite the adjustment period. Sometimes you don't need the same schedule as you normally do because you're focused on just having that child there and it's so important that we allow time for people who are doing public service to get back to their new normal, I guess so to speak. Thank you for including that in this resolution. >> Kitchen: Yes. And thank you for suggesting it. It was not something that we originally realized and at

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your suggestion we realized how important it is. I think as a council we are aware as we see in the news the crisis the foster care system is in in the state of Texas. So anything we can do to support our part to support families who take foster kids is truly important. It's a crisis in our state. >> Mayor Adler: Let's go to item 39. This is the cultural issue. Councilmember tovo, you pulled this one? >> Tovo: I did. And since it does require some of the same staff from add I may have some questions about the south central waterfront into it because I mentioned I may have some questions about the economic development corporation's role in the tirz and then we got so involved I forgot to ask to have the floor again to have this. But anyway, let me start with 69. So far as I see this, my

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question to staff -- my questions to staff begin with what the relationship is between this work and the thriving in place work. You know, as I recall the work that we did, we hired -- the city of Austin hired Matthew quantas to prepare that report. It focuses on cultural districts and the creation of cultural districts. It very much seems to be describing a kind of community based approach to working with individual areas and having them craft the -- having them really articulate the identity of their individual

district and then working with them to help support and bring that into fruition. So this is -- one, I would like to better understand where the overlap is with that previous work and why staff are bringing forward a recommendation that we hire

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a consultant to engage in this work again. To what extent it will see into fruition the work of thriving in place, which I think was really solid work and much of it we still have the opportunity to bring it into focus. And then I have some questions about what it means to design a citywide policy for cultural districts when the intent is really to have individualized approaches to those areas in terms of placemaking and formation of identity. >> Good morning, again, sylvia holt-rabb, economic development. We're trying to get staff moved over to assist with the response, but it is directly related to thriving in place and it is to help implement those recommendations that were part of the study. So if you could give us -- >> Tovo: Sure. And mayor, I asked that this be pulled this morning so if staff would prefer to take

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more time and we can certainly have this conversation on Thursday and I can just lay out the questions I have, but I do need to better understand the scope of this work, which seemed to me, again, treading some of the same ground. >> Mayor Adler: Why don't you go ahead and lay out the questions and let's see if they're ready to give some quick answers or not. And we may pick it up on Thursday. Why don't you lay out the questions. >> Kitchen: Mayor, when she finishes I have some questions too. >> Tovo: I'll articulate them again because we had some new staff join. To what extent this work overlaps with thriving in place, where we are engaging a new consultant to do this work instead of continuing, if there are additional steps that need to be done to bring thriving into place into fruition, why we wouldn't continue to work with the same consultant. What it means to have a citywide cultural district policy when really the recommendation from thriving

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in place -- it's been a long while since I read it, but as I recall it, it was very much about working with individual communities to help them articulate what their specific -- what is valuable within that district and help them enhance and grow that -- really the messaging and the focus and the businesses that would help develop a more well articulated cultural district rather than kind of having a citywide policy that applies to all of them. And then as part of that, I would like to understand the inclusion of the palm district within this. The palm district work seems to be going on a different path. And then I think lastly, and this is where it kind of connects back to the conversation we had this morning and the questions I

didn't ask, I'm really trying to understand better what the role is with the economic development corporation in these projects, both 14 and this one. The tirz was identified as a

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very specific -- it's called out in the Ila in the economic development corporation as a specific project of the economic development corporation and I'm not sensing in the research that hi staff has done that there was much interaction with the aedc staff prior to -- prior to construction of the tirz. Likewise, cultural districts seem to be really an important project for our economic and a really apt fit or I should say if an economic development corporation seems to be an apt vehicle for moving forward with cultural districts. So I'm trying to understand why they are not fundamentally engaged in this work or are they? And if you could articulate that. And you know, just to reflect back on some of the work. I think I've mentioned a few times that Shannon helly on my staff accompanied some of the economic development folks to New York City to see how they used the

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economic development corporation in New York City to really drive economic development, but also the creation of cultural districts which are inextricably linked. The development of cultural districts has really served as important economic drivers. So again, just to reflect back, that is one of the real benefits of now having our own economic development corporation, yet I'm not understanding from the backup and the consultant agreement for this really important work. I'm sorry that's a whole lot of questions, but those the ones I have at the moment. >> Good morning, I'm with the economic development department. This consultant will provide advice to the department to provide a general framework for all district involved, all the districts including cultural heritage, neighborhood and business.

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So this will include all the districts that the economic development department currently supports and it provides a general framework and groundwork for the process for how to provide that support. We are also postponing this item to January 27th so that would give us some time to meet with you to provide some additional details on the scope of work under this consultant. >> Tovo: Okay. Thank you for that. I would say my questions are still going to be about that fundamental with thriving in place, how we're using that work instead of engaging and overlapping in W it. And again what role the economic development corporation has and whether the next right step, give then we have such limited resources, is the next right step for a consultant to provide that guidance or should we use the body of work we have and see if the economic development corporation can kind of take that thriving in place work

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and see it into fruition, especially since at least one of the projects is already -- you know, already being planned, the palm district work. So thank you for the extra time. Colleagues, if you have -- I know councilmember kitchen said she had questions too. >> Mayor Adler: My understanding is this item 39 will be postponed until January? Okay. Councilmember kitchen. >> Kitchen: Thank you, mayor. I have the same questions that councilmember tovo has and I just had two or three additional. So I appreciate the postponement and I would like to arrange to meet with staff at the appropriate time to understand the scope better. So my specific questions in addition to the ones that councilmember tovo raised really gets back to my primary one is how does this relate to the ongoing work that's already been started? Specifically -- one reason my question is being raised is there's some reference to

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the Barton springs cultural park district. That is really part and parcel of the resolution that included the cultural climate innovation district in that area. And so that work should be beginning already or should have begun already and I'm just wanting to understand how this relates to that and wondering how councilmember tovo said whether it's appropriate for this work to be done through the edc and whether it's -- what we really need is work to help complete these districts that are already underway as opposed to stepping back and doing a framework. And then finally I'm wanting to understand how this relates to the other departments that are involved with these districts. The cultural and climate innovation district that the council passed -- actually, it's been awhile now since

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we passed that, but that is integral to our parks department because it's a climate district also and so it's not really looking at this through an economic lens. And so I'm wanting to understand -- there's a cultural lens there and also a climate lens and I'm wanting to understand how all of this relates. So I'm looking forward to the conversations with staff about this. >> Mayor Adler: Okay, thank you. Yes, councilmember Fuentes. >> Fuentes: Thank you. And to add some thoughts to the discussion. As we have this conversation about what these cultural districts, what the districts look like and I also want to echo my support for ensuring that the work that's already in progress if that continues to move forward, I think it's important that as we figure out what is the framework for these districts that we

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also have an eye towards the areas in our community that really need the preservation of cultural and heritage. For example, in southeast with displacement on the rise, gentrification, I'm looking to see how can we best preserve and do -- how can we best preserve the culture of the community and also do some more placemaking and inject some culture and arts into the area. Soiled be interested in this conversation -- so I would be interested in this conversation in looking more broadly outside of the downtown urban core, but the surrounding areas where we have our vulnerable populations that we look at, what that placemaking and cultural preservation looks like. >> Mayor Adler: Thank you. Councilmember tovo? >> Mayor, if I could ask our staff to put thriving in place into the backup. For today I think that would be really interesting. And because councilmember Fuentes, that really was the midge from the thriving in

[11:30:42 AM]

place about looking at areas that are rapidly changing and identifying them and prioritizing them for this kind of work. Like I said, it happened awhile ago so I think it would be useful. I look forward to rereading it again as well. ,. >> We can certainly do that, council member. Just know that there was a memo sent to council on Friday in backup as well and that memo includes a link to thriving in place as well. >> Mayor Adler: Okay, thank you. All right, staff, thank you on that issue. I had pulled item number 2, ahfc. On that agenda it's item 68. I understand that staff will not be here to talk about that here today so let me just ask my questions so that we can talk about those on Thursday. I was looking at the proposals that were made and I note that the staff's ranking had a different one

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highest ranked than the one that's being recommended. It's a hard one to do here because I'm such a fan of multiple organizations that are involved that are rated here. A big fan of the Guadalupe neighborhood development corporation and obviously foundation community which is what's recommended. But on the legacy that also has Austin habitat for humanity. But here's my concern, here's my concern. The highest ranked one had 294 total affordable units, but the one that's being recommended only has 168. The highest ranking one had 16 units below 100% mfi but the highest ranking one only had 30. The highest ranking one had 44 units under 80% mfi. But the one recommended only

[11:32:48 AM]

has 26. The total affordable multi-bedroom units the highest ranking one had 240 multi-bedroom affordable units. The one that's recommended only has 111. And the highest ranking one was being done without any kind of subsidy from the city. So when I look at that I don't understand why it was that

the one being recommended is the one that ranks lower. Also the second question I had is whether or not we're using this as an opportunity to further the priority that we had with homelessness and getting some people off the streets and out of the woods and the streams as we clear encampments. So does this include homelessness or psh or coc units? Was Diana gray involved in this? It seems so long as this is our priority and we're putting money against this and that staff group has the

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impossible task of trying to get people off the streets and go homes so they're not going back into the woods and streams and doing that. And finally I want to make sure that part of what we're doing here is requiring the reporting, the standardized reporting that we're asking for all our partners and vendors to participate in to make sure that the system is being properly watched. Those are my questions on that. If you could get answers to us that would be helpful. Councilmember kitchen. >> Kitchen: >> Mayor, thank you for raising those questions. I have the same questions. I look forward to seeing the answers so I appreciate you looking into that. >> Mayor Adler: Councilmember tovo. >> Tovo: I want to add another question to that list is that is how childcare was prioritized. I had brought a resolution that our council passed relatively recently,

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prioritize -- asking, requiring that all rfp's include childcare as part of them. And I'd like to know whether or not that happened. I see from -- it appears that only one of the proposals has a childcare proposed for age newborn on. I believe one of the proposals has a learning center, which is fabulous, but does not appear to have anything for younger children, for very young children, which again was part of that rfp. So I guess I would like to understand whether that was included and if it was not, why -- and if it needs to have action extended to ahfc, then let us know and we can either provide that direction. It occurs for me that we would need to specify that all of the entities should follow the same procedure. >> Appreciate council

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inviting these questions and we'll be prepared to answer them on Thursday. I will also note that there was a memo just describing the rationale and the recommendation that's in backup and it was sent on December third. This obviously goes what was in the memo so we are prepared to answer those. >> Mayor Adler: Okay. And if there are quick answers if you can jot down in memo form and get to us or treat as a q&a on the agenda question to get the information out sooner than that, that would be helpful. All right. That gets us then -- councilmember alter? >> Alter: You asked me earlier to flag things I was looking at. >> Mayor Adler: Okay. >> Alter: So a number of things have already been raised. I just

want to flag item -- I've put in questions to q&a so I may get answers back and there may be no issue. Item 20 has to do with Austin energy and updates to the outage map, which was so

[11:36:51 AM]

fun during the storm. So I want to understand better what they're doing with that. Item 29 is the long-awaited contract for the land management plan, and that has to do with wildfire. We're trying to get some additional information on what that covers. And then 35 is the real estate management system, trying to understand what that is actually doing. I'm hoping that all my questions will be answered in q&a or through discussions but I'm just flagging it for others. >> Mayor Adler: Great, thank you. All right. There were two items we're going to go back and cover that we moved past before. The first was item 64. This was pulled by the mayor pro tem. >> Harper-madison: Your timing is impeccable. Ctm is remotely fixing my

[11:37:51 AM]

computer but I might be able to still get in. >> Mayor Adler: We could move over to 62 if -- that's also going to involve you. >> Harper-madison: Let's do that, please. >> Mayor Adler: Councilmember kitchen, you pulled 62. >> Kitchen: Yes. I have a few question, I'm still analyzing it so I may have -- I expect I may have more questions on Thursday, but I can start today. So -- so this is item number 62 and my overarching questions really relate to -- what I'm reacting to is the amount of time and the scope of the study that's being requested. And some questions I have related to the data that's being requested because I have some questions about some of this which might appear to me maybe has already been performed, some of this analysis may also have already been performed.

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So I want to -- some of my questions relate to that. Others may relate to the timing that it may take. If it relates to housing which I think is the intent, then we're wanting to move quickly. This is a study that takes until the end of -- takes until December of next year, although there's a halfway mark in six months that's still a lot of time. So that's the bigger picture of my questions that are related to that. I'm going to drill down on just two questions right now and then I may have some additional ones. So the first question is do we have an estimate of the cost of doing the study in the scope of what this is suggesting because this appears to be a very broad scope. This is a question for staff, for city manager, do you -- have you all had the chance to look at this and think about what the cost is

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and how it would be done? I'm not sure if we could do this. Could you speak to that. >> Thank you, city manager. Assistant manager Rodney Gonzalez will speak to that. >> Thank you, city manager. Rodney Gonzalez, assistant city manager. Councilmember kitchen, we have looked at the scope. It is substantial. We do envision hiring a consultant. We haven't stopped that out yet at this time, but it's not unlike any other type of work that we would do that we would employ the work of a consultant to help us with gathering that information. >> Kitchen: So what's the estimated cost that you could look for in a consultant? >> I can't tell you because we haven't even gone that far. Our intent of course is to see what council adopts and then of course look at what consulting field might do this type of work and to do an rfq for that type of work. >> Kitchen: Okay. That causes me some more

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concern because I'm concerned with moving forward with a resolution of a scope that we can't put a dollar amount to. What would it take for you to understand just in order of magnitude of what we're talking about here? I can't tell if we're talking about a couple hundred thousand dollars or if we're talking about over a million. It seems very broad to me, but I don't know. So what have y'all analyzed so far? >> We haven't analyzed it at all other than it is substantial. It goes beyond the scope and scales of what we can do. In that regard it's not unusual where we would hire a consultant to do that type of work, but I would not have an estimate for you at this time. >> Kitchen: Okay. What would it take to get an estimate? >> What we would have to do is work with purchasing to look at the scope and identify the type of consultants that would best do this work and we can work with purchasing to see if they have some sort of maybe ballpark figure of that scope of okay and what the contracts usually come in at

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or we could do some form of rfi or rfq process that get that information. >> Kitchen: Okay. Do we have any money in the budget right now for this kind of analysis? >> Yes, we do. I was looking at the screen to understand your question. I couldn't hear. >> Kitchen: That's fine. So what money do we have in the budget and what pot is it coming out of? >> So because some of the work relates to permitting and the costs associated with that we would use the dsd budget. >> Kitchen: And how much do you have valuable in the dsd budget for something like this? >> I would have to refer to Denise Lucas for that question. >> Kitchen: You can get it to me later. That's something I would want to understand and I would also want to understand what are we decide be between? In other words, that money is in the budget right now for some purpose. So what is it being pegged for now.

[11:42:57 AM]

>> Absolutely. >> Kitchen: Okay. And then -- so I'm going to ask one other question and then I -- this is helpful for me to understand so I may have some other questions on Thursday or between now and Thursday. And again, I'm trying to understand whether there's a more narrow focused scope that might answer the questions that are being asked here. So I don't know, that might be a question for the sponsor or perhaps for dsd. What are we trying to determine here? >> I think that's a question for the sponsor. >> Harper-madison: And I'm happy to answer, though thank you very much. I appreciate that. I think having a scope that's comprehensive really allows us the opportunity to see the whole picture. The costs that are imposed by the city across our 13 different reviewing departments, whether through fees or time, I really believe that having all that data laid out for us, it will be helpful for making

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housing related policy decisions. I think it will also help to provide options for ways in which the city could really reduce the total housing costs for various housing types within various housing submarkets. >> Richard okay. So related -- >> Kitchen:, okay. So related to that, maybe I'm not reading it right, but the scope seems beyond the city's cost. It seems to go, if I read it correctly, it seems to go to all costs to producing various kinds of housing. It mentions land and some other things that are not city scope. So what's your thinking there? What would you like to see there? >> Harper-madison: I certainly wasn't attempting to include anything that was beyond the city's scope so if that's how you're interpreting that if you could highlight that on the message board. >> Kitchen: Okay. So your intent is just the city's cost? >> Harper-madison: Correct. >> Kitchen: All right.

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I will have to think through them but I was thinking some of this analysis we may have done before. So I may have to follow up with those questions and try to think which reports I'm thinking of, but I'll follow up with those questions. Thank you very much. >> Harper-madison: If I may? >> Mayor Adler: Mayor problem? >> Harper-madison: I wanted to point out that my office worked extensively with staff on this. We certainly weren't making it up. We were asking about the timeline and the scope and that we were working with staff to make the determination of what we did have the capacity and at no point were we given indication that we didn't. I hope that was clear. >> Kitchen: No, thank you, I understood you did. So maybe my questions are really more for staff. So I'll try to focus in on them. I'm thinking some of this information you may have already done and you may have already analyzed. Let me give some more thought to that. This is helpful to understand that your focus is what's the city's --

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what's the city's portion of the cost that someone has to -- >> Harper-madison: I think the one other thing I would encourage you to consider is there was action that I took -- or direction that I brought forward around street impact fees and so as well as the fee review for work currently being done by development services, those were points of consideration as well. As you're going through that it might be helpful to go back and look at that direction as well. >> Kitchen: Okay. Let me ask about that then too to make sure I'm understanding. I did notice the street impact fees were in here, but that analysis has already been completed and passed. That's something we already did so what were you thinking with regard to that? >> I think it was essential to include it as a point of reference, but not necessarily direction to conduct additional action. >> Kitchen: Okay, thank you. >> Mayor Adler: Councilmember tovo.

[11:47:02 AM]

>> Tovo: Thanks. I have some more questions too but I'll just ask a couple of quick ones here today. One clarification for you is for councilmember Ellis and a couple for mayor pro tem. I want to be sure I'm understanding the first be it resolved talks about directing the manager to perform an analysis of the cost of producing housing. And later it talks about land costs, design and construction costs including labor and material, financing costs. Those seem outside of city costs. And the next bullet talks about city costs. Can you help me understand the conversation you just had with councilmember kitchen about what costs you're trying to capture in this analysis and if our staff are coming back with land cost, design and construction, financing, how are they -- the question is to you and I guess to acm Gonzalez and I guess have two questions for you, acm Gonzalez. But how are they coming up

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with those costs that are going to be based on information that the private sector has. >> Harper-madison: I'm sorry, I don't know what you're asking. >> Tovo: From the conversation you had with councilmember kitchen it sounded like you were trying to capture just city costs but that seems to be one of multiple bullets in the costs that you're asking for. So I want to make sure I'm understanding what you -- what costs you intend to be captured and then I would like to ask acm Gonzalez how they would go about getting those costs that are private sector costs. >> Thank you for that clarity. I appreciate it. So the intent there is to really consider all the variables that determine the financial cost for our homeowners. So I think those are things that you have to consider in addition to things that are ex-exclusively under the city's purview. I don't know that we have that number. I know we use it in

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comparison with our data or in addition to rather. >> Tovo: So you are asking our staff then to come up with information that is both about city costs as well as non-city costs. >> Harper-madison: Not necessarily. I'm asking our staff to consider those additional variables when they consider what are the final costs for homeowners. So faking those numbers into consideration in my mind's eye isn't asking them to come up with the numbers. They exist. Do you understand what I'm saying? >> Tovo: >> Tovo: The work the staff is doing will have to identify what those costs are beyond city costs. They will have to identify what those land costs are, what the construction costs are, the design costs. So the resolution is asking for those costs to be identified that are both city costs and non-city costs. >> Harper-madison: Sure. Because in my mind's eye you can't determine -- what we're trying to do is come up with the data that

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determines what's the total cost. Those are variables we can't exclude, but I certainly didn't assume that that would be additional labor for staff. In my mind's eye and the questions that I've asked previous, that's data that they have. So it's taking data that they already have and using it in addition to the data they produce. And that's the way it was explained to me. And asking in multiple iterations the same question as to avoid asking our staff to do any additional work. But I certainly would welcome any further clarification that staff can offer you. >> To extent that we do have data we will certainly use that data because it minimizes the, one, staff time period, but upon using a consultant would minimize that cost as well. So to the extent that we have data that we can use for responding to the council request we will certainly use that immediately. >> Tovo: So do we have data that is recent about design and construction costs, land costs, labor and

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material costs? And if not how will you secure that? I think we're all -- not all of us, but I think several of us are asking questions about what it will take to produce this information. >> What we could do is we could put that in the q&a and staff could respond to what data they know exists in those -- if you want to refine that question as to what specific data we may know about that currently exists, that would help. And then mayor pro tem, we would work with your office as well to identify from your perspective what data is out there. >> Tovo: So acm Gonzalez, how do you read -- or maybe this is a question for the sponsor. Maybe both. So what is the very next step? Is there -- would the next step be the rfp or would you come back to council with an estimation of what it would cost to do this analysis? >> Sure.

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And my response is based off of council's previous actions to do this type of direction, if you will. In this particular case it says go forth and bring back this information by this date. There's enough time for us to of course look at it from the staff rehabilitative and then also to identify what type of consultant we would need and how we would plug that consultant into the work. And then to bring that information back to council. I believe there's a preliminary date of may 1st and thin a final date of December 2022. So that's sufficient time for us to do this type of work. I know in the past there have been some council directions that go forward and do the scope, come back with an estimated cost for this and then come back to us, etcetera. This particular resolution asked us to go forth and do the work. >> Tovo: So there wouldn't be a check back in once you have a sense of the costs, not necessarily at this stage? >> No. The only check-in is if we would hire a consultant and that cost exceeded the

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administrative authority of staff and then we would bring that contract back to council for approval. >> Tovo: Thank you. And then I wanted to clarify what -- I know you said that dsd has money in their budget that could go towards this depending on the scale and the amount. Do you know what that amount is? And my second question is that funding that needs -- for which fees can be collected? Or is it -- does that have to come out of general? Does that have to be sourced from the general fund? >> I believe that councilmember kitchen was okay with that question being responded to in the q&a to give us time actually look into that information. >> Tovo: Sure. If you could just add my piece to it. Is that budget line something that is derived from fees that are paid or is it -- is it general fund dollars? >> Yes.

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>> Tovo: Thank you. >> Kitchen: Related to the -- mayor? >> Mayor Adler: Hang on one second because I'm going to need to take off. I want to say that I appreciate you bringing this resolution. I think we've done a really good job on the priorities that the city has had in terms of focusing on them, transportation. We've hit homelessness, we've hit in really big ways, but the existential challenge we have right now is housing costs, rental house and home price which are just now in the last 12 months going through the roof. They're just going through the roof. So trying to find as many different ways that we can get at this and get at this I support because it's the issue right now in our city. I really also appreciate the section that you have on page 4 of 7 where you relate the costs to the rent to be paid by a renter or the price to be paid by a home buyer. And I think that's real

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important and Rodney and manager just to focus on that, that's going to require you to talk to an economist or somebody to get a feel for how housing costs relate to housing price and rental payments.

The goal here is not just to lower the costs, if that's going to just mean that the profit margin gets better. How do we in fact work in an environment to -- in a relationship between the cost of production to the price, the market price of production. My sense is is going to require an analysis -- us to increase supply because if you don't have sufficient supply, if you lower costs, but there's not -- there's not an increase in the supply, then you still have a market that's going to have market prices set without regard to cost. It will be set on demand. So I would think that the analysis that you have in order to be able to answer

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the question on page 407 is going to require that kind of investigation to be able to answer that question. What is the relationship between cost and price? I think that's a very important thing, mayor pro tem, to have included in your resolution. I support your resolution. We should be trying to -- everything we can to try to get a handle on this question. Colleagues, I'm going to need to take off. I'll be back at 1:00. I will ask the mayor pro tem to take the dais. There are a script to go into executive session. There's one more additional item that was pulled that we haven't covered that you might want to get back to. And then depending on the dais -- will the dais, you could go back into or call out that we go back into executive session at 1:00, 1:15, 1:30, whatever people wanted to do with the script. But if you take care of that item you will have taken care of the pulled items. And then there's one more presentation we do at the end of the day on the sexual assault, that's the

[11:57:12 AM]

briefing. So I turn the chair over to you. >> Harper-madison: Thank you, chair. I was just going to ask can I use your script? Nobody provided one. >> Mayor Adler: I'm going to give it to you. Councilmember kitchen? >> Kitchen: Acm Gonzalez, I wanted to follow up on one question because I wasn't sure I heard you correctly. So you would go through a process of selecting the consultant, but wouldn't that contract have to be approved by council? Wouldn't it come back to council? Because we always vote on all contracts? >> Yes, ma'am. And that's what I had mentioned to councilmember tovo is that to the extent that that contract might exceed our administrative authority, we would bring that back to council. >> Kitchen: All right. That's what I didn't understand. What's your level of administrative authority? >> [Indiscernible] Might be able to help out with that one. >> 66,000. >> Kitchen: So if you were going to a consultant that cost more than 66,000, then it's a contract that would come back to council.

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>> Yes. >> Kitchen: Okay. That's one of the reasons -- I don't understand how you could do this for 66,000. So that's why I really need to see what y'all are thinking so that I can better understand the scope. I don't see how you could cover all this for 66,000. >> And I appreciate that. What we would have

to do, of course, based on council's approval is go through the entire scope, see what we can do internally and see what information exists out there and then to the extent that we don't have that information, that's where we would look to scope it out for a consultant. >> Kitchen: I see. So you're thinking some of it you may do internally. >> Yes. There's some that will be internal. There's going to be some that obviously there would be information out there that exists and there will be some like the mayor pointed out, that is beyond our ability and we would hire a consultant for. >> Kitchen: I really need to understand all that to be comfortable moving forward with it. So that's why I wanted to

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signal. I understand the value of what we're trying to accomplish, and as I said before, my concern comes from the fact that, you know, we're trying to move as expeditiously as possible. So I just need to understand what we're really talking about when we talk about the scope and the dollar amount. So thank you very much. >> Harper-madison: Councilmember pool. >> Pool: Thanks. A couple of things today and then I'll have some more and I think I may have some amendments on Thursday. I'd like to see a fiscal note for this item. And specifically because it looks like we will have to do a budget amendment to make sure that we have the funds for it. I talked last week when Mr. Hockenyos was here about the smsa versus city of Austin and our authorities in the two different areas and how we -- when we did the strategic housing blueprint we looked at the smsa for some numbers and then we looked at the city of Austin for some numbers and we mixed and matched.

[12:00:13 PM]

And I think that that was -- has set us up for being in a situation where it looks like the city is not in fact providing as much housing as proportionally as we really are because we are putting it into the universe of the metropolitan statistical area. And I want to revisit that I want to be clear on the areas of our influence. The areas within council authority, with regard to building housing, I want staff to give us a presentation on that. There is sometimes a perception in the city that Austin builds homes. The city. Like you. And me. Build homes. What we do is permit it to happen. We put guardrails on it, but developers and homeowners come to us to get permitting to make changes on their land and

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make a development. That is not the city. We allow that to happen. But frequently the rhetoric is it is the city keeping people from building. When in fact, what comes to us has already been culled through by developers and the people who are their clients telling them we want this property and we plan to do this on it. And then we have a very limited view in what their pro Formas look like. We don't know how much it cost them to build. All we know is that we hear regularly that our costs are too high and people

want our costs to be lower, but we also know we're limited in how much we can charge for our services because the state legislature has clearly said we can only charge for our fees what it costs us to provide the service. So it is not like we're making a profit for things. It is really important for us to center this conversation around housing around what is actually the city of Austin

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policymakers and staff's authorities. I also want to know whether we are analyzing health disparities in Austin's community, relating to air quality, the increased heat island effects due to lack of tree canopy. Where do we have tree canopy? Where do we not? I think when we talk about developing in our city, we have to be very aware of how we're affecting our environment I have spent significant years of my life supporting keeping the environment in the conversation. Because frankly, the reason why it is such a livable city, because you look out the doors and you can see we have got green space, trees and we care about them. But removing a tree canopy has extreme detrimental effects throughout, bird migration, heat island effect, quality of

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life, and the mental state of all of our residents. I want to make sure -- this will be an amendment that I will be bringing -- that if we move forward with something like this on housing that we balance it out and make sure we are doing at least health disparity analysis to make sure we are capturing all of the quality of life issues that are really important to our community. There will be some other bits that I will bring on Thursday. That is a highlight. I'm looking for a fiscal note. I want the recalculation to move the smsa from our analysis or put in the city of Austin piece. We have the smsa piece, we need a column that is just city of Austin. I want to know what is within council and staff authority with regard to the building of homes.

[12:04:16 PM]

One last thing, I want to know on average how quick is it from filing a case to actually opening the doors? I went to a housing opening up at lamp post for the first affordability unlocked that was done in about ... I think it was a year-plus from the time it was approved in the summer of 2020 to when I went and viewed. Many of the units were complete and the city and developer had already chosen the families that were going to be moving in. I met some of those folks, and it was really exciting. The developers themselves said it was fast tracked and they were blown away by how quickly it happened. It is possible to move things fast. We know that as an outlier, that could be like our gold standard. I'm asking on average, how

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long does it take from start to finish? On just a residential housing. And there would be different numbers, depending on how big the structure would be. >> Thank you. >> We can center this conversation. It feels to me like there are so many pieces we know are out there and we need a big embrace, bring them all in the conversation to have that comprehensive discussion that I think is being asked for. >> I concur. I couldn't be more in alignment with you with regard to distinguishing the city of Austin proper versus the smsa, we have that conversation all the time with the confusion with regard to what is under the city's control versus what is the smsa. With that information, it is not an outlier, we can come back with you on that as far as timing.

[12:06:18 PM]

We made great strides. We have heard that from various customers that come through the door. We have a great arborist team that would be more than happy to talk about the free canopy and -- tree canopy, and the work to preserve the tree canopy. It is the city's policy to preserve the tree canopy. We encourage that as well. This is an ifc from council, if staff brings forward an item, there is a fiscal note. I have to talk with Debra about that process. >> That sounds great. Thank you. >> Council member alter, Renteria and me if nobody else has questions. >> Alter: Mayor pro tem, I have been going around and around on this.

[12:07:19 PM]

I want you to explain how it would be put in effect. Page 5, two bullets that refer to rezoning for housing model types for which zoning entitlements are not prevalent in the housing submarket model. The housing types that subdivisions are required within the housing submarket model. I did not understand either of those. What I am coming to is that I don't really understand your definition of the housing submarket model and how it is being operationalized. So as I understand it, the housing model types are single-family attached, townhome, small multiplex and multifamily. And there is acknowledging different housing markets in Austin that feature different things, I agree there are submarkets, I'm not -- this is not a formulaization I have seen before. I'm not understanding what you mean by housing submarket with

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looking at how the model types are the costs are playing out differently. So if you can explain that, that would help me better understand what you are trying to accomplish. >> Harper-madison: I don't entirely understand the question. You said -- I don't entirely understand the question. Essentially what I was saying is there are fees that are levied against various housing types in submarkets. So, the fees are different for the urban core. The fees are different for -- I guess -- [overlapping conversations] >> Alter: I'm trying to understand what you mean by housing submarket model or what staff would interpret as housing submarket model. It is just not a term I've heard used before with respect to how we're thinking. Obviously people talk about different markets within housing. But if you operationalize this and have a matrix with the five model types, we have to have some common understanding

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of what a submarket model means. Other than the information that is in the whereas, I don't understand what that means. So for them to operationalize it, they have to know that too. For me to authorize what I'm doing I need to know what to authorize. >> Harper-madison: I can understand. I can offer rationale. I would like staff to let me know if they understand. If it is the word "Model" so I'm not articulating as clearly as possible. We can figure out another expression. Ultimately submarkets is the point. I'll legal staff speak and then I'll follow-up. >> Thank you mayor pro tem. I will ask Rosie for her information regarding submarkets. Again, based on council's concurrence and approval, if there are more questions we would certainly come back to the sponsors to ensure that

[12:10:20 PM]

we're in alignment with what the thought was. I will defer to Rosie as to her initial thought with submarkets. >> Thank you, Rodney and council. Rosie true love, director of the housing department. Based on my reading of the resolution, I think we would work with the consultant to subdivide Austin into various submarkets, I don't think that is a defined term or clearly understand what the submarks are in the resolution. It is something to develop as part of the action should it be approved in the current state. >> Alter: Ok. There are so many complications with that. We have our street impact fees have all sorts of different Zones and the cost of those vary. The dedication fees vary by different Zones. There are different rules if you -- I mean, I just don't understand how you operationalize it. I understand that there are different rules by different

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areas and those all add up to mean different things, but I don't think that is a five-market -- like this is making it sound like there's -- at least I understood it to mean there were five submarkets, maybe there are more. As you get into more details like that, it becomes that much more massive of a project, I'm

eager to have the information so we can take action and so, you know, there is a balance here. Over things. I don't understand what we're authorizing. I don't understand what it means to have it incorporate typical costs for the development of each housing model type including but not limited to costs and associated time for rezoning housing model types for which the housing markets or subdivision for the model types for which subdivision is likely required in the housing submarket model. I don't even understand what those mean, it is a key

[12:12:22 PM]

component of what we're asking them to do. If I don't understand, a consultant won't understand. I would like to know what I'm authorizing. >> Harper-madison: I appreciate that. That is a lot of questions. I wish some of my colleagues would have posted to the message board so I could clarify there. But really to make it as comprehensive as possible. I think this is a good opportunity for us to recalibrate fees and make them more uniform. That is one of the things that I'm looking into. Moving forward out of that, I think this is another opportunity for us to figure out how the housing costs are being passed down, too. For example, you have -- in my neighborhood, most of the builders are not major conglomerates, they have four properties. But they're paying fees like the big builders would. Or my neighbor, they own one home, they want to rebuild one more home and face the same

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fees. I think there is a way to levy some of the bigger corporations and have those fees, you know -- I guess that wouldn't be equal, but have them be appropriate based on the size and scale of the builder. That is the intention there. I hope that helps you figure out my rationale. >> Alter: Ok. I'm not sure this gets us to that analysis. There are two things you said. One I agree with and another I have problems with. For the street impact fees, we can't change all over the place, we have an elaborate analysis for the fees based on what the state allows us to do. We can't go back willy-nilly and open it up. Parkland dedication, the urban core and the other. I'm not interested in going through and reopening that whole debate. On the other hand, if we're trying to figure out how do we

[12:14:24 PM]

create situations where the mom and pop can actually do the development as opposed to incentivize the ability of the mom and pop folks to do the development versus the big corporations, that is a whole different analysis and a whole different set of things to look at. So that's what I'm trying to unpack this and we have had back-to-back council meetings, I was sick last week, you know, this is 90-some items, getting it posted on the message board. This is what the work session is for. I would love to have gotten them up there for you, but that is just not possible. I don't -- without -- there seems to be more that

would be helpful if you could share about what the end goal is so we can make sure we're constructing what we're asking the consultant and staff to do so that we're able to answer the questions we're trying to get at. For instance, for me what I would like us to get at is

[12:15:26 PM]

permitting. Rodney said we improved times, et cetera. That's great. That's not what we're hearing from the developers when we have conversations with developers and they talk about permitting, it is still taking a really long time and say it has nothing to do with land development code. I would really like to get to the bottom of that. I don't -- I'm not totally understanding how this gets there, because it is only the costs of permitting. You know, we have to -- it does say somewhere "Time" in here, but I would really like us to understand that timing. You know, I was told a story the other day to get the code for land use thing it took them a month to get the code to go through and do their plan. That seems like it ought to be fairly automated to be able to do. I'm trying to get more of the examples. So having a better idea of what -- I think we can structure the goal of the study to be more effective for our goal.

[12:16:26 PM]

>> The easiest way to respond to your inquiry is this is a simple information request. I'm requesting information to really figure out how the fees and the amount of time, how those costs roll over to homeowners and renters. I'm simply requesting information. >> Right, but the fees are there for a reason. They're not like we randomly pick the fees, we're only able to cover costs or have analysis that says we need parkland or need to cover transportation. You know, the fees that they're paying for dsd are covering -- they're covering the people to do the job so it goes faster. The time it takes in getting that management to work is a different thing. I don't think we have a very good sense of that. I would very much like that. But I think we're wrong if we go into this assuming what we're going to do is reduce all these costs in the city and we're going to be able to bring the time down. I mean, it just doesn't work

[12:17:28 PM]

that way. >> Harper-madison: I appreciate that, several other council member had their hand up. I want to respond to my colleague. The information request is simple information. How we choose to utilize that information moving forward that is up to us as a council. This information is simply asking for information. And next it was council member Renteria. >> Alter: Can I just respond, though? I understand it is just asking for information, but how you structure the information you get helps you to know what questions you can answer. And if it is not set up to answer the questions where we think we're most likely to get the biggest bang for our buck, it is not necessarily going to be the right

investment of scarce resources and opportunity costs moving forward to address the affordability issues that we all care about. And so I just -- that's what I'm trying to understand and I'm not there yet.

[12:18:28 PM]

>> Harper-madison: Thank you council member. Council member Renteria and then council member kitchen. >> Renteria: Thank you, chair. For me, I want to find out this information, these costs so the public can really know what is really the true cost behind this building housing, especially affordable housing in this city. And we will always have people saying misinformation out there unless we are getting it up-front and having it out there and honest about it. That is what I see happening. We can only go up so much administratively and have to come back with a contract. And if we keep tacking more and more on it, then yes, it is going to end up costing so much that we'll just kill this whole resolution here. And we'll never get information. And the public are still going to be saying things that, you know, we're not building housing here, of course, we

[12:19:29 PM]

don't build houses, we give contracts out to either nonprofit, they have their own construction crews. But I would like to know and have it out in the public all this information of all the fees, costs, associated with building any kind of housing here in this city of Austin. So we can get it out to the public and so they can all know and understand and have that information. So they -- when they go in there and go through the process of building something they all know exactly what they're facing. >> Harper-madison: Thank you council member. I misspoke. Council member Ellis and kitchen. >> I raised my hand, it is hard to keep track of everybody up here. It is hard to look at in a comprehensive study, so we can all make decisions in housing like we talked about to have as much as possible. My interpretation of the submarket conversation is about is you will have places

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where maybe you have an aging duplex versus a new ab unit, so there maybe different types of housing that look the same relatively act the same but don't have the same impacts to rents and homeownerships. I think there is some situations where -- in my district we have tighter impervious cover regulations, it might play out different than other areas with different impervious cover regulations. It wasn't trying to get into tree canopies. We all want to protect that and heat island effects and want to mitigate for that. It is important we move forward with the comprehensive study. I know it will take time to figure out how to do it before it even gets started. So that is my interpretation of submarkets. But if there is any way we need to reclassify the wording, I think that's fine. I think the rest of the intent holds up pretty well.

[12:21:33 PM]

>> Harper-madison: Council member kitchen. >> Kitchen: I want to say I appreciate the conversation about with some examples. Thank you mayor pro tem and council member alter about examples of some problems that we're seeing that we might want to be able to address. I concur with the example that you raised mayor pro tem about the cost to smaller builders, for example, versus larger builders and would like to understand how to get at that. I share what council member alter is talking about in terms of permitting. Because we know time equals money. And I would really like to understand how we can streamline those processes better. There may be some other examples that others are thinking of. You know, when you have a moment to think about it, I would like to know if there are other things you would like to get at. I am going to think about the conversation and maybe bringing some amendments. I want to make sure that we

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get answers to those kinds of questions. And I hear a couple of different things going on from people. Some people are talking in terms of just get data, which is, you know, not -- I don't mean "Just" but some people are focused on getting information. I'm more focused on getting specific answers that we can use specifically to answer these kinds of problems that we're aware of. And I don't think -- I don't see how getting this information will do that for us. I have a question for acm Gonzales. It may be just a matter of adding some things to the resolution to get some focus. So for example, the question related to the differences in cost. And permitting. One of the things -- I want to let you know that scope of information that I would be interested in is really drilling down. What are our options? What are our parameters?

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How can we think about charging smaller builders less than larger builders? Have you examined that before? >> Yes, council member. >> Kitchen: Is there an analysis you have done? >> Yes, council member, I think there was an initiative led by council member gars ai believe the family -- Garza, I believe the family permitting, and we looked at how we parsed out the different permits when it comes to residences and permits they have. So the work that doesn't take time to review isn't in the process of permitting much larger work, if you will. That has resulted in some substantial savings for homeowners. The other thing. >> Kitchen: Can I follow up on that for a second? >> Absolutely. I would be glad to resend that report to mayor and council.

[12:24:37 PM]

>> Kitchen: That is helpful. Do you think we have done everything we can with that issue? >> We're always eyes wide open to anything we can do. I will never say we have done everything we can, it is whether from a staff perspective or customers' perspective asking us to look at things. One thing for example, we have a robust list of exemptions to permitting for homeowners. More than any other city in Texas. That allows the homeowners to get it done quickly without permitting. That helps homeowners and administration as well. We are looking at administrative processes to reduce the cost as much as possible. >> Kitchen: Ok. Thank you, if you would resend that. I know we still have issues though. So I hear what you are saying. I know we have done work in the past. I hear what the mayor pro tem is saying. I'm hearing we're continuing to have issues.

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If you can forward that. To me, that is the kind of drill down I want to do, I want to say. To just do an analysis is not going to answer that question. We have to drill down and say what is the remaining issue given the work we have already done? So that is just one of the things I'm thinking about. So thank you. >> Harper-madison: Sure thing. Council member Fuentes. >> Fuentes: What was the name of the process you mentioned? Family -- >> Family homestead initiative. I can send that report to council, I think it was four or five years ago. >> Fuentes: Thank you. I want to echo my colleagues here saying I'm supportive in doing a deep dive in the permitting process to identify opportunities to streamline and be more efficient. >> Harper-madison: If there are no other questions. Council member pool I appreciate what you brought forward. It is of extreme importance to me too. I found out the rocky mountain

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institute is doing a big study on housing and the environment. I will find out by Thursday when they anticipate being done with that study. That might be something we don't have to do if they already conducted the study. I will see what I can find out there. >> Pool: Sounds terrific. >> Harper-madison: Any further questions? The final item is item number 64. So I pulled this item. So I'll speak to it first. I would like to thank council member tovo for bringing this item forward. When I had no idea what I was talking about and really early days of getting into advocacy, I was trying to figure out ways to tell people that didn't know about housing about ways to remain in the

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home. In the research, ads popped up I didn't know it -- up. I didn't know it was a specific amenity, the Adu. I appreciate you bringing it forward. I think it is true our middle-income earners they will win the most here. But this makes it so it makes housing attainable across the city for our lower-income earners. I have two little questions. I wanted to -- well, I should point out that having people be able to stay in their homes really helps to prevent the raising cost of adjacent homes. I appreciate that reality as well. So my questions are ... Not a question so much as statement. I wanted to daylight that I will be posting to the message board some additional policy recommendations that we received about ads that might be worth considering. I wanted to throw something

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out there I think we should consider when considering scaling the unit size. To lot size. For ads. I wonder if that might have the unintended consequence of really limiting opportunities for cost sharing through people being able to have roommates and or living in the -- excuse me, limiting the number of the affordable -- most affordable -- I should say, most affordable housing types that are family friendly. I think that is something worth thinking about and really look forward to responses on the message board. >> Tovo: Mayor pro tem, thank you. Can you help me understand the second one again? Is this with regard to the bullet? I assume about number one under the ... Third be it resolved about asking the staff to come back to us about options for scaling the size

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of ads based on lot size and reviewing examples in specific cities? Can you talk me through what you were mentioning? >> Harper-madison: My concern and consideration there is I don't want to have any unintended consequence of limiting access to people. What I don't want us to do is limit the size and scale and have people not be able to split the cost of rent with a roommate. Or limit the size of scale and not having families to reside. If nothing else, I'm asking for clarity. >> Tovo: Ok. Thank you. So if I am understanding what you are saying, you are concerned about -- you are concerned that the options for scaling the size based on lot size might come back recommending units that are too small for the purposes you just suggested? >> Harper-madison: Correct. >> Tovo: Thank you. >> Harper-madison: You're welcome. Any further questions, council member Ellis. >> I have a couple since I'm

[12:30:42 PM]

not in the subquorum. The references to case studies in Chicago and some of the examples from Hawaii, Seattle, Santa Barbara? Any specific articles we can attach or post? So I understand better what those are? Because I'm not familiar. >> Tovo: So in Chicago, these are -- I mean, my staff have had actual conversations with Chicago about their preservation requirements and how those are. I can ask -- I can

see whether we have articles to point you to. But my -- some of that is from conversations rather than specific articles. I think possibly Jim Duncan's work that he forwarded to all of us cite some of the studies in Hawaii, Seattle and Santa Barbara, although I need to go back and determine that. I think Santa Barbara came from a co-sponsor. I will check with that office for information. >> I think that would be helpful to look at it and understand it better.

[12:31:42 PM]

I think looking at other, you know peer cities is a good process to look at. >> Tovo: If I could, I know I got a question from one co-sponsor about whether we were suggesting using those models. And so the language at this point is really pretty generic, it is saying reviewing examples. We ask staff to look at peer cities and come back with best practices. I'm trying to jump-start the focused look at how other cities crafted the provisions. You know, the option that we considered was coming forward. And there may be a place for this at some point, coming forward with the actual provisions that we wanted staff to implement in the ordinance. We stepped back from that and said look at the specific examples and come back with recommendations, with regard to the preservation requirement for example, there are specific provisions that we could have imposed in the -- we took an alternative path

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of asking staff to kind of take a look at them. But I wanted it to be more general than just do a survey. Because we want to really get to some solutions that we know are in place in other cities. >> Ok. >> Tovo: Or states in the case of Hawaii. >> I had a thought -- I know we talked recently about the short-term impact on rentals and ads. I will pull up your exact wording, if I can find it. Proposed regulations designated to restrict use of ads as short-term rentals. This is something I think is important in this conversation. I know we sometimes heard it is hard to enforce or not being enforced. I didn't know if there was any ability for us to try to strengthen the ability of code enforcement to do that? Because I think that's just something I have been thinking of. It triggered when I saw that bullet point I said how do we make sure we can do this?

[12:33:45 PM]

I don't know if there is language to add or direction to staff to look at how to make sure we're accomplishing that goal as a council. -- Goal as a council. I had a thought about the time frame for community engagement, that is important. I didn't know if you had thoughts or if staff had an understanding of what the potential timeline might look like? Is that a sponsor question? >> Tovo: Sure, sure. I didn't want to interrupt you. I will go to strs after we talk about the other issue. Can you help me understand what you mean by community engagement outside of the process we initiate? >> I think it

was about engaging the neighborhood planning areas or nccds. So I wasn't sure if there was an expected timeline for that. >> Tovo: That's a good question. Um ...

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Let me give that some thought and see if we can set some expectations for that timeline. Thanks for raising that question. That is ... >> 93 to 96. >> Tovo: Thank you. >> I'm not sure if folks that might build ads would be engaged prior to March 1, but March 1 is a quick turn around. I think if they get the information when we do, I think that probably works. Let me see ... >> Tovo: I think there is a specified time for neighborhood planning teams to consider amendments. Which is coming up. Is it still February, council member pool, do you happen to know? We'll look into it. Thank you for the question. I'll try to address that. With regard to short-term rentals and thanks council member Renteria for raising this last week, I think it was

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last week. Some of that conversation I would suggest we have with law in executive session because it will have to -- well, yeah. I think some of it -- we have gone back and forth, including surrounding the language. So I would like to ask that we have that conversation at the appropriate time with our attorneys in executive session. I think manager, I would -- you know, I would suggest ... We've had opportunities over the years to talk about code. And what some of the challenges have been. And I think it is time, you know, one of the to-dos on my list is to initiate another council conversation around that. Because I think some of the issues that we have identified continue to not really be enforced at a level that we need to. And it was my understanding that code was coming forward

[12:36:50 PM]

with some recommendations for strengthening the provisions with regard to short term rentals and repeat offender program and short term housing. I think as a council, I know a lot of us up and down the dais care about that and worked on resolution and other things regarding substandard housing and how to make sure all austinites are safe in healthing houses and -- healthy housing, and when they're not holding people accountable. Just holding people accountable. We have lots of challenges some of us hear from constituents and some hear from other people's constituents all the time about short-term rental enforcement. That is an ongoing frustration for lots in our city. As we look at questions about improving access to housing for people that live here, I think making sure that we are closing down opportunities for illegal short-term rentals

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should be on the list. They're taking up housing stock in some of the most central neighborhoods and in some cases quite a lot of it. We have the policies on the books, I believe, to be able to enforce against it. If we don't have the policies on the books, I would ask you to let us know what the policies are. Maybe it is time to have a council work session on it. In looking at this, but let's do -- I would ask and maybe I think we need two sponsors, maybe council member Ellis we could sponsor an executive session on the short term rental regulations and couple that with a work session around what our code folks would like -- would recommend to us in terms of strengthening the couple programs I mentioned. >> I'm happy to co-sponsor that as well. I think it is an interesting conversation as you said council member Renteria bought up last week. >> Great suggestion. Happy to work with you to make that happen. >> That sounds good. I will add one last question

[12:38:51 PM]

and anything else I'll put on the message board. I appreciate the inclusion of the language around internal and external aadus. I'm wondering about attached ads, I'm wondering if that is something to include or council is interested in having a discussion about. I know some are easier to do because you are added on to a structure built instead of making a new one. That is important for things like energy efficiency and cooling and heating bills, things of that nature. When you have more units closer together they're able to retain heat better in the winter. I wasn't sure if that was something that had been considered or excluded for any reason. I had a thought that, that might be something helpful here. And the last one is I appreciate the inclusion of sf1 and sf2 in the language. I didn't know if there was any reason not to include sf3?

[12:39:52 PM]

Or if there is more to that than I'm not aware of. Those are the last two questions. I know I had quite a list. >> Tovo: Thank you. I think -- let me address the last couple I haven't yet. In the passage beginning 85 through 91, asking our staff to come up with streamline definitions of accessory dwellings. I've articulated some of what that would do, remove requirements, et cetera, et cetera. The streamline definition was intended to propose different options to collapse the distinction between internal and external. And what was the other thing you said? I'm suddenly forgetting. Secondary versus -- you used some other language. It was to contemplate what our different options are for all the different scenarios where we have different kinds of residential units that are in excess of the primary

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household -- primary house structure. >> That makes sense to me. I appreciate that. I know the intent is to streamline it and eliminate some of the interesting components that may have been built into it over the years. I think it is a good move forward to be doing. It is important to open up the housing style. So I appreciate your work on it. >> Tovo: Thank you. You asked the question about sf3. It already has the ability to do accessory dwelling unit. That is why it is not cited in the passage. It is what we do in 85 through 91, what the staff options are will impact sf3, that is one of the reasons why I asked them to lay out in more specifics how those -- how the different options they bring back to us would impact sf3. I know, you know, I think it will be a different conversation with the community if -- if in approving a streamline definition, if it results in the ability to do three units

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now on sf3, that is a difference conversation than the one we have been having. If a guest house on an sf3 tract, if it is 15 hundred square feet you can have a guest house and accessory dwelling unit. Yeah, I think that is correct. There is a lot of complications here. I hate doing this off the top of my head because I may get it wrong. If we approach the streamline definition in such a way it makes all of those able to be accessory dwelling units and rented out, then we have created an entitlement for three residential units on sf3 tracts. I think that will require more conversation with our community. So that is one of the reasons why I have done this. I suggested we do this in a two-step. Come back, come back to us with different options for defining and let us know how that impacts -- how different scenarios would impact sf3 in terms of the number of units and the number of structures

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which can be different depending on whether one is internal or external. But generally, sf3 is not -- ads are not extended to sf3 because that already happened. So ... >> Thank you for that clarification. I really appreciate your work on this. I'm excited to see this move forward. >> Harper-madison: Council member Fuentes. >> Fuentes: I have a question on the topic of accessory units. It is helpful to have a deep dive on the topic. As parts of the conversation we talk about the standards around registration locally with hotel taxes or the rate in which local hotel taxes are captured from the str. From my understanding, we are losing thousands of dollars every single days from str. that are not remitting taxes locally. Those taxes go to fund preservation, cultural arts and live music.

[12:43:56 PM]

It is important to have a conversation around the regulations of how to ensure the str's that are operating are paying their hotel taxes and it is easy to identify the gap because you can see what is paid to the city versus what we garner here locally. So I think it is important that we have that conversation. >> Harper-madison: Thank you, council member. Any further questions? I would like to level set and figure out how to do this. We have to go to executive session and obviously missed our noon lunch break. I wonder if 30 minutes is enough time to get food and meet up for executive session at 1:15? At that case the city council will go into closed session to take up four items pursuant to the government code, the city council will discuss personnel matters related to e1, discuss the appointment, compensation

[12:44:57 PM]

and benefits of a city clerk. E4 discuss the appointment, compensation and benefits for the judge -- excuse me, benefits of judges for the city of Austin municipal court for term January 1, 2022 pursuant to section 5 five 1071 and five five 1072 of the government code, the city council will discuss legal issues and real estate matters related to e3 the purchase exchange lease or value of an interest in real property and improvements to be used for historic preservation and affordable housing, pursuant to section 5 five 1071 of the government code, city council will discuss legal issues related to e2, discuss legal issues related to the fair housing act, affordable housing requirements and impacts of redevelopment on tenants. Any objection to going into executive session. Seeing none and hearing none -- I can't see council member Kelly.

[12:45:57 PM]

Seeing none, hearing none, the council will now go into executive session. [Executive session]

[1:21:39 PM]

[Music].

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Test test.

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[Music]. [Music].

[4:08:45 PM]

>> Mayor Adler: All right. I think we have a quorum. We are out of executive session. Still January -- I mean December 7th, 2021. Sorry. The time is 4:08. In closed session we discussed personnel matters related to items e1 and e4, real estate matters and legal issues related to item e3 and legal issues related to item e2. We have one thing left on our agenda. Councilmember Casar? >> Casar: Mayor, before we take up that item, just because councilmember tovo's Adu item was taken up when several of us had a lunch, just to note I'll put something on the message board for clarity purposes. My hope is to make it very clear that the direction of the council is not to reduce the number of units allowed at any given property, but rather to make it easier to add either the number of units you're allowed to make

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that easier or potential processes for allowing more, but not to down zone anybody's house because we need more housing in the city. >> Mayor Adler: I don't think there would be a problem with that because I discussed that with people and the intent in this one was not to do anything that either increased or decreased units but to make status quo similar. There was one Adu question about what would be the impact of maybe doing that, maybe making it increase more or less, and I certainly invite that conversation. But not part of the action that we're taking. >> Casar: Got it -- >> Councilmember tovo is not even on the dais. >> Casar: I did mention that to her. >> Kitchen: Can we wait until she gets here to hear the conversation? >> Casar: Yes. I understand the desire for her to be here, I was

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indicating something I would post on the message board and mentioned the same to her. So again, I'm not trying to have a discussion without her here, but rather than I'm letting everybody else know that I'm planning to post on the message board. >> Mayor Adler: That's good notice. Let's go to the presentation. Mayor pro tem? >> Harper-madison: I may have misheard you, but I think when you announced us back in you said it was January? >> Mayor Adler: I did, but I corrected it. >> Harper-madison: I didn't hear the correction. Thank you. >> Mayor Adler: All right, chief, I think the only thing left on our agenda today is the presentation. >> Mayor, city manager, council, Joseph Chacon, chief of police. I was asked to kind of bring us up to speed a little bit on where we are with our sexual assault investigations and overall our victim services unit. The progress that we've been making over the last several months. I wanted to give you a little bit of a recap, and

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any new updates that we have in this area. So what I'll do is go through this presentation previously and then take any questions that you might have, if I can get to the next slide, please. So I want to start with a statement that says what we feel as a department, and particularly in the sex crimes unit that we strongly feel about this. Sexual assault is one of the most traumatic types of criminal victimization where our victims find it difficult to discuss that, the assault. That they are intensely traumatized not only by the humiliation of the physical violation, but by the fear of being either severely injured or killed during the incident. We recognize this and have appropriated the resources to ensure appropriate justice for survivors of

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sexual assault as well as making sure that there are wraparound supportive services that we provide which I'll talk about. And of course it's important to remember that any person who believes that they have been sexually assaulted should immediately call 911. We know that sexual assault is one of the most underreported crimes, and so we are trying through all of the resources here in our community that we're providing the very best information and advice that we can to make sure those resource are made in a -- those reports are made in a timely way. First I'll talk about this is a bit of a recap, but also to let you know where we stand today with regard to personnel. I'll start with the sworn and just as for reference going back a little bit in June of 2017 we added four additional detectives and then in October 2019 we added two more detectives.

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And then finally in January of this year we added another detective. So we now have a total of 20 detectives that are assigned to the sex crimes unit. Additionally in March of 2019 we added another sergeant to the two that are already there so we now have three sergeants that are assigned. And all of these people are assigned full-time to sex crime investigation. There's also a lieutenant as well as a commander over the a unit. In addition to all of those sworn personnel we do bring back retired pd personnel on a contract basis to do other things that are necessary, including vicap entry and the sexual assault entries into the state database and making sure that we are being timely and importantly that we are comporting with state law with regard to all the of the information that

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must be entered within the certain time frame and that we do not have another sexual assault kit backlog that were to develop. I can tell you that today there is no backlog. State law says that we have to enter those into qotus and those have been submitted in 90 days and we have submitted in a 60 daytime line and so we are actually doing better than state law mandates. Talking about victim services a little bit, there are five full-time victim service counselors that are assigned. I bring up that the domestic violence unit has eight full-time service victim counselors because in many cases there's crossover between these two units. So both sets of accountables on a regular basis support the other unit and those are just the ones that are assigned on a full-time basis so the investigative unit.

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In addition I have 17 full-time victim service counselors that are assigned to the crisis team so I'll talk a little bit about protocol in just a moment and how they play into it, but I think it's just important to note that we have a very robust victim services component that's all part of this. Next slide, please. Recently I added the victim services manager and made a change in the organizational chart for the Austin police department to where that victim services manager reports directly to me. I can tell you that I speak with Ms. Clarke, our manager, probably two or three times a week over various issues and she has direct access to me. She attends our executive staff meetings every single week and like I said, does not have to wait for a

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meeting to be able to reach out to me. She regularly does so by phone or text on a regular basis. Next slide. So talking about our protocols. In June of 2019 we implemented a new protocol to get in line with best standards in which we have victim service crisis response that is responding long side our officers

when we receive report of a sexual assault. What had happened previous to that was that generally the survivor would have been asked do you want a crisis counselor and they would say yes or no and then we would dispatch at that point or if the officer saw that one was clearly needed then they could dispatch themselves but that was creating that delay in the service being provided. So the protocol as of a

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couple of years now is to dispatch them at the same time. This gives enhanced support to the victims lessening the number of times they have to tell the story Andrew Rivera more coordinated response for the support and counseling services. Additionally victim services coordinated the training of many community therapists in the trauma focused therapeutic technique known as imdr which is known as de17 sization and processing. It is a pretty groundbreaking tool that we use for this and other types of trauma and in return the therapists are providing pro Bono counseling sessions for our survivors of crime. So it was a good exchange there to further enhance the victim service component.

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And then the last part I have on there is our survivor innovation protocol. We had been developing that protocol for a couple of years as part of the Sak initiative, and that protocol has been finalized and is in the process of implementation. And really what this is is the cold case, part of our six crimes units and the cotus hits that we get from several years or even a decade or more old. How we go about notifying those survivors when many times they have moved on we want to be very intentional and be victim centered in that process and how we did that. So working with our partners

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in the community that protocol has been developed and like I said, is in the process of implementation. If I can get the next slide. So just talking about some recent legislative changes out of this last legislative session, house bill 1172, we have put into place the component of this bill to -- either we had it in policy already and are reviewing and strengthening that policy or like it was just there already, but these are best practices. So what it does is it says prior to interviewing a victim of sexual assault it requires our investigators to offer them the opportunity for an advocate, a confidential advocate to be in the room during the interview. Generally what is happening is as opposed to the investigator our victim services personnel are the ones that are actually making that offer.

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Many times they develop the rapport with our victim and really the victim is given the option. They can either have the counselor go with them that they've already been working with or they can ask for an advocate and safe alliance has been assisting with that advocacy. Additionally there is a second one that mandates that a survivor who provides a statement -- I'm sorry. I'm thinking of the next part. Okay. So that's that part of house bill 1172. If I can get the next slide. All right. So going into the training a little bit, I know that this was a question that came up particularly during my confirmation and has been a point of certainly interest

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for council for the community about not only the training that we're providing for the detectives but what are we providing for the officers that are on the streets, the cadets in the academy, and making sure -- the other part of it is the tenure of our detectives in the unit and how are we working to improve that to keep them hopefully in the unit longer so that they develop the experience. As of the last time that I spoke to council, all of our detectives have been through two of the really more important training things that are on here. The first is the tasa law enforcement sexual assault training conference, and the other one being the trauma informed interview training. All of our detectives have been through that as of the end of November, and we're working on the other

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components here because most of these do not occur here in Austin, whether it's the violence against women conference, we're working on the digital evidence online training, the alcohol facilitated sexual assault training. All of those trainings we're working to get our detectives through. But that is in conjunction obviously with them still being able to work their cases. I did highlight a piece on here to add to our curriculum training review and that is really looking at the training that we provide in the academy both to preservice, which are cadets in service, our incumbents. And it's being looked at by the academy curriculum review committee that was established as part of our new academy protocols. We're looking at it through the dei lens but also

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looking at it in making sure that we're being victim centered, not only in sexual assaults, but other types of crimes that involve victimization. So that is occurring and we do have a counselor that is assigned at the academy that reviews the curriculum and provides that feedback to academy staff and Dr. Cringen and I think that's important to highlight in this update as well. So the things that are still in progress.

Going through -- per is still conducting its audit of the sex crimes unit and the cases. It was a little bit heavier left I think than they anticipated. And they have not completed it. They are anticipating to be able to produce a report back in may of next year. So we are not resting and waiting on that audit to

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come back. We have been working on all of the recommendations and fulfilling those that could immediately be fulfilled and working on those that we're going to take a little bit more time. But part of it was, you know, I've been talking about survivor innovation protocols and making sure that our detectives have all the tools that they need. Increasing longevity and tenure in the unit to create that experience and the better experience for our survivors. So all of those things are still in progress. I've been talking about the composition of the unit, our cold case unit is fairly new. It's a couple of years old now, but the biggest part of that was that innovation protocol and how we were going to be moving those cases forward. So we've made significant progress in that area. And then finally the start. I made a commitment when I came on as the interim chief that we would retain the

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start and we did. We have sworn and civilian presence now in the start and I'm happy to report that as of today I had a meeting with the start executive steering committee to talk about the future interactions between APD and the start. It was a very positive meeting that I think was well received by members of the start and we are working on the areas not only on how we can improve case review within the start, but how we can bring to bear the knowledge, the experience of the start members to help train our APD personnel. All of the training that you saw, you know, most of the time, involves an expense and sometimes it involves sending people away. When we have some of the very best, most experienced kind of experts right here in town that we can leverage to have that kind of training. So I plan on taking advantage of that. So it was a very, very

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productive and positive meeting. Next slide, please. So that kind of runs out the prepared comments that I have for this and I'm happy to take any questions that you might have. >> Alter: Good afternoon, chief. Thank you for being here. It's been about three years since I started to deeply engage with this subject, and several years before that that the advocates were speaking and councilmember Casar and the prior council took up the DNA issues so the sexual assault response run very deep. I want to start, though, by acknowledging the progress that you have made. I believe that you are moving in the right

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direction and I'm pleased to see the progress. You are saying the right thing, you are recognizing the need to prioritize our victims. You being transparent about the processes, you're emphasizing training and collaboration and you're working with the sarrrt and recognizing the value that our victim services manager places. All of those things are progress. In the short amount of time since you've been leading. But there's a very deep problems. So I do have several areas and questions, but I do want to acknowledge that I believe you are prioritizing this in a way it hasn't before. So I appreciate you listening and taking the steps. And I'll ask a couple of my questions and then other people may have questions and then it can come back to me. So one of the areas of really deep concern to me and talking with the advocates is the training. And you mentioned sort of

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some specific aspects of the training, but I think what we are missing and perhaps you're missing as a fuller picture is how much training are they actually getting for this very delicate role. It's an emotional role, there's a lot of aspects of this and my sense is that the detectives want more training than they are getting, they would welcome it so they can do a better job. We need to have folks in there who cannot just be involved in the training, but just for them to have the experience. So can you tell me more about your plan to improve the training not just point to go specific trainings, but how do we know what's the right amount of training and what's your plan to sort of upgrade it. The training you're talking about seems to be some of the most basic training they would have as opposed to the

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training they would ideally have. So can you speak to your plans for improving the training? >> Certainly. So part of the training is going to be more formalized and it's about really going to conferences where training is provided, but at the same time you have this really global look across the network of sexual assault investigators on what are the best practices, how we can become -- we can understand the neuro biology of trauma. How we can be more victim centered and have more successful investigations. So at science the [indiscernible] -- For instance the [indiscernible] Conference we remain admitted to sending individuals to that and relaying the information. That's kind of what I was talking about with the list of trainings that I had up there. What I think is also important to note is that I

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have had conversations with the sarrrt and we have some noted, you know, speakers and trainers that are right here in Austin that participate in the sarrrt that are very -- actually very excited about having an opportunity to train here in Austin. And would make themselves available to do that. I think that is where we start to develop that training regimen because we have many advocates that certainly have the breath of knowledge I feel like that we have with regard to the training that's out there that we would be able to leverage and possibly bring it here in a much lower cost. >> Alter: Great. As a follow-up to that I would ask if you could provide us with a written plan for the training for the sex crimes detectives now and moving forward. And include in that the minimum requirements and the time frame for training a

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new detective in the unit. And the format and the length of each training. There is some concern that some of these trainings are two hour webinar type things and that's just not going to cut it for this area. And if there are additional requirements for sergeants and lieutenants and what are they and where we can go. Just really outlining for us in the community and the sex crime unit because I believe the detectives want the training and they have thoughts on it themselves and your plans on the short and longer run for improving sort of that training piece, so it would be great if you could get us that somewhere in January -- I don't know what the time frame is that you need for that exactly. But I really think it would be important for us to get that back in writing. Is that something you can provide? >> It is something that I can provide. I'll have to get back to you on exactly the time frame

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because this is something really, as I've taken over as the chief that it's kind of a new direction for the department and I want to be able to develop that to see which training is going to be the most effective for the unit and both from a cost perspective as well as from what kind of training that they are receiving. So I think that we could get it to you by late January or maybe early February. I think that would work. >> Alter: That would be great. And again, I'm not saying it has to be set in stone. This is the training for now and forever. But the initial plan of where we're doing and what we're doing and what we're going to build on to iterate and improve over time as we try to improve the training and the longevity within that unit hopefully just as we're iterating with the travel academy we can learn stuff with that.

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Another question that I wanted to ask right now is with the mold, with the DNA lab, we found out about that because sworn staff shared that with the outside world. They're not really good mechanisms right

now within APD for somebody to comfortably share when they see a problem, particularly a problem of that kind of magnitude. So what mechanisms are you developing as a department to allow your staff, sworn or otherwise, to be able to come forward when they see something that really needs to be fixed that affects the safety and the well-being and the effectiveness of the department. >> Sure. I think that's a great question, council member, and something that I've been talking to my staff about since I took over as the interim chief. And really it's a much bigger issue than just the sex crimes unit or the sexual assault kits. It's really about anything

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that our employees see or experience that we think is counter to the mission of the department or to their safety or to the safety of the community. What I've been -- and very clearly laying out in my expectations with executive command staff and for the management of the department is creating safe places, safe spaces in our department for employees to be able to voice the things that they see without fear of any type of retaliation, discrimination or some kind of repercussion for speaking up. And we have seen that this is happening, that certainly I've even been involved in meetings with line level employees who have brought up and then I take my staff along, we take copious notes and then we address the issues as we see them. So that particular area

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falls under Dr. Catave with our forensic sciences division, and I know that she has put a number of things to place to make sure we don't have that type of thing happen again. She's keenly focused and I think is doing a very good job over there of making sure that we don't have a repeat of what we saw before. >> Alter: Thank you. I look forward to more about the mechanisms you set up and how you're communicating them to your employees. Last thing that I'll ask right now is can city employees that are under use or in other words speak directly to council members or go up the chain of command without repercussion? >> I'm sorry, I couldn't hear the last part? >> I wanted to clarify whether city employees who are under your supervision sworn or otherwise if they can speak directly to council members without permission or accompaniment

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from their chain of command without repercussion? >> So the way our general orders is set up is if a member of the department wants to reach out and have conversations with council that they are to notify the constituent liaison of that communication and to make sure that it mainly for awareness. We encourage our employees to have a voice. But we also want to be kept in the loop. So the way that the rules are written out in the general orders is that they must identify the constituent liaison prior to the

communication with council. >> Alter: Okay, but that doesn't mean then that somebody is showing up at our meeting insisting that they have been to be in our meeting? >> Are you talking to show up as part of their -- in citizen communication? >> Before chief gay left,

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for instance, he was insisting I should show up at meetings that I was having with folks in the police department. >> You're talking actually within council member offices and having offline conversations? >> >> Alter: Yes. >> No. And generally I think that from my experience and what I know, it's been about the issues that are at hand and reaching out to members of council to understand and I have no issue with that. >> Mayor Adler: Okay. Councilmember Casar and then councilmember kitchen. >> Casar: Thank you, mayor and thank you, councilmember alter, for your questions and your leadership on this. And I share with all of councilmember alter's sentiment there about how it has been important since you were appointed interim we had these questions and there has been progress like going back to the sarrrt and some of the other issues that both you and chief listed. So I do appreciate that. And I appreciate how much you've added to the -- and brought in in the presentation and we were

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going to have this at public safety committee and as you've progressed, added more to that presentation. So I appreciate that as well. My first question has to do with the case review process that it sounds like is near its final stages of development, something that came up in the past is how cases were cleared, how cases were -- it was hard to tell whether it had to do with the provider's choice or on the city's end. So my understanding is that there will be some case review meetings where the case is declined or closed that it would be discussed there and that there would be prosecutors there, somebody there representing either survivors or the victim or I'm not sure what the level of representation in so please give me the facts there. And some folks on the sworn side as well. That's what I have heard, but I just wanted to confirm that and understand that and have you sort of lay that out for us. >> So generally the process

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once a case has been presented to the district attorney's office for prosecution, if they ultimately make the decision not to prosecute it, is to meet with the survivor to have that meeting, so understand so that the prosecutor is there, you have a member of the M.D. Is is there and the investigator and that discussion is had. As part of the sarrrt there will be case review and senate bill 476 actually laid out a lot of the framework for that that is going to allow in my opinion and certainly I think in legal's opinion a greater level of transparent and case review and that will be the mandate is that we sit down in good

faith and have some really tough discussions sometimes about how cases were handled and how we can make things better. And many times like you

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said, it is -- justice does not look the same for every single survivor and there are many times where they don't want it to see the inside of a courtroom. And so sharing that type of information back which I know that the sarrrt understands and is very familiar with in being victim centered is that information is really shared at a greater kind of deeper level. But that just -- that process is just starting. So we have to develop exactly what that is going to look like and that will happen over the next several months. >> Casar: Understood. So the first meetings are declinations with the prosecutes and there there would be someone representing the victim or survivor, the prosecutor's office and then our sworn investigative staff would be participating in that and that is something that is new and is coming, is that right? >> That happens on a regular basis, yes. >> Casar: That already happens, you're saying. >> Yes. >> So that isn't something that has changed as of late.

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>> That's correct. >> Casar: Understood. And then the meetings with the sarrrt are the case reviews and that is due and is laid out under state law. >> That is under state law and the process for the case review process and to make sure that because the information that is provided in there is criminal justice information that we comply with all of the state and federal laws, that there is basically a nondisclosure coming out of that but that that information is shared at a greater extent. >> Casar: Understood. And then my understanding is that the sarrrt have had a data sharing ask, I don't know if it's at these meetings or in general. Can you daylight for us what remaining issues there are and sort of getting to agreement around which information we can and can't share? I know this is something we've been talking about since your confirmation. >> So I'm going to have to

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get with the sarrrt to find out exactly what the data sharing ask is. That hasn't been shared back. I'm sure they're having that conversation with my staff, but that part of it has not been shared back with me. >> Casar: Got it. And then -- so for the first piece, the -- those declination meetings, which are the ones that have been ongoing, if I remember it right there were -- also as it related to councilmember alter's resolution and some of the per review is that it was sometimes challenging for everybody to be in the room, if I remember this correctly, and for us to get a sense of why it was that a case was closed or why it was that a case was declined. I know we were working on transparency around that issue and I may not be getting all the terms right or know which specific meeting it was, but I remember that issue that

it was hard to tell and have real transparency even on our end or even if we sit down and have meetings with people in the police administration around why certain cases were being

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cleared or closed or declined. So can you speak to that issue. I think I was misremembering that these meetings weren't happening but it sounds like they were, but there was this lack of clarity. >> Right. So the meetings I'm talking about where the cases are actually presented for prosecution to the district attorney's office. There are cases that a investigator determines in consultation with the da's office that there's not either not enough evidence or the case facts are such that they're not going to be able to present it for a prosecution. And so we have to have that communication back with the survivor to -- and those happen in a variety of different ways, whether that's in-person or on the phone or with them themselves or somebody who is there for them to help them understand why that happens. We get victim services involved in those kind of conversations because

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sometimes those are tough things to hear. When we have a survivor that really wanted to see this move forward and it's not able to. And generally my understanding is that you don't have a prosecutor that's present for that part of it. Practice only once a case has been presented over or perhaps an arrest has been made and the charge is filed and then that charge would subsequently be dismissed that the da's office and one of the Ada's would come into the room to have that conversation as well. Shared understood. But the new place for transparency is what has been laid out in the senate bill for the regular case reviews. >> Yes. >> Casar: And this is less a question and more something just for us to air here and for you to think about. I know it's always touchy when we talk about pending litigation so I won't get too deep into that. But it's something that advocates have sort of consistently raised as the

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question of culture and count and I do think that you're beginning -- your beginning of this presentation was important for you to lay out sort of what our values are and where the police department is. There has always been a consistent question on whether we think the way things have been has been wrong or if there should be some apology for the way things have been or for particular cases. And I feel that that's something that the council would likely endorse or support, but I think it's for us to say this is what we think should happen and we apologize and coming to vote or the of coming directly from the department as something that you all would think is important. So something less for me to ask you, but just something for you to consider I think as we have this conversation moving forward because I do think you are continuing to earn trust and do this work to improve this process. It's for us to think about

if there were a way for us to acknowledge wrongs for us to apologize for what people have experienced I just

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leave to you as something to think about because I think those are always more genuine if they're sort of coming directly from administrators and leaders in department as opposed to just sort of being -- instead of us saying hey, this is something that council is voting on or deciding, I think there's a real desire out there for a department to step up on that front. So I'll leave you with that as well. >> Thank you, council member. >> Casar: Thank you. >> Mayor Adler: Councilmember kitchen and then Paige. >> Kitchen: Just a quick question here. And thank you for your presentation. I appreciate that. And I thank you again councilmember alter and councilmember Casar for their questions. I wanted to circle back around on the training just to ask as part of returning the information to us on the training plan and thanks for asking about that, councilmember alter. Can you explain the extent to which it is helpful to do train-the-trainer types of programs in this area and

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also the availability or -- availability or actually really it's part of your assessment on the appropriateness of actual certification. I know when you spoke to it's possible for therapists and counselors to be certified in trauma-informed care and emdr and other trauma evidenced practices. But I'm curious whether there is appropriate certification for at least some of your detective staff and if that is appropriate that would provide a higher level of training if you actually got to a certification stage and were able to offer that to your detectives. Again, I'm not certain what exactly is comparable in a certification setting for your detectives, but I would just ask you to look at that level of training when you're doing that. And related I assume that the victim services counselors have certification in trauma informed care.

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Is that correct? >> If they have training in trauma informed care is that what you said? >> Yes. And are they certified in trauma informed care? >> So they -- go ahead, I'm sorry. >> They have a number of licenses that they carry. I know that they're informed in trauma informed care. What their licensure looks like related to that specific topic I would have to ask. >> Kitchen: I think it's also -- I want to make sure that they have access to the range and the level of trauma informed care training that rises to the level of certification. If they would like to have access to that. It's another level of training that's available. And some of them may already be certified, but that would be something I would like to

understand also. >> Yeah, I can get you that information. >> Kitchen: Okay, thank you very much. >> Mayor Adler: Thank you. Paige?

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>> I would like to ask you about the information about the cold sex crimes case unit. This is a -- I saw it said procedure and guidelines, protocol and guidelines. I want to understand what is being done now and what is the plan rolling forward? >> So we of the 24 detectives are assigned to our cold case unit and we're responsible for making sure that all of the cotus entries, reviewing the cold cases, some of the cold cases that were quite old and then as those cotus hits are coming back, they're the ones that are responsible for working with our victim services unit to make the notifications and then to follow those cases up. As opposed to the rest of the unit that is working current cases that are coming in right now. And so I know y'all know that most sexual assaults are committed by a known

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individual. And so that is going to be the majority of the cases, that's why the majority that detectives are working, those type of cases that our survivor knows who attacked them. Versus either a stranger assault or alcohol or drug-related assaults that happen where they may not have that awareness and unfortunately we don't have the immediate information and so those do sometimes become older. So what we have been doing is we've been going through, the backlog has been submitted and we are now receiving the hits and that's what those detective are working on is those older cases. >> Ellis: Okay, that's helpful for me to have the understanding that it's kind of due to the clearing of the backlog and the matching of some of the information that might be coming out of those. Could you also tell me

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briefly about updates in the survivor innovation protocol, similarly what was practice and what are you hoping to update with that? >> So the protocol itself was developed under the sexual assault kit initiative grant. And so we actually contracted with the university of Texas, with some of the other advocacy programs that we have here, safe alliance and others, to help develop this protocol. And what it does is it walks the investigator through getting started and what they should be -- what they should already be thinking about. What are the points of innovation. When they receive a DNA profile back and they're waiting, what about those that are not eligible for

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cotus upload and what are you going to do with those and more importantly how do you make that initial contact? That's one of the toughest things and the sticking point in that whole issue is that initial point of contact issue and make sure that we're not retraumatizing victims in that contact. And so again there's a whole decision tree and all those protocols are lined out to make sure that we're being consistent and we're following those trauma informed practices. >> Ellis: Thank you for that information. And I also appreciate this presentation and the questions of my colleagues previously. >> Mayor Adler: Councilmember Fuentes. >> Fuentes: Thank you. And thank you, chief Chacon for being here today. It was great to visit with you recently. I had an opportunity to attend our cadet academy and to witness the instruction that the cadets were receiving around sexual assault and how to interact with victims. And so it was a really good firsthand experience.

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Similarly to the comments that councilmember alter shared about wanting to learn more about the training that we have available. Can you speak to the detectives that you hired? Did they have previous experience dealing with sex crimes and/or any other considerations that you have with expanding training available for your team? >> So typically detectives who come into the unit have not been in the unit before so what they've received is the training on sexual assault investigations they get in the academy, any they might have received on in-service training but they want receive that higher level until they get to the unit. So that's why having folks that are going to be in that unit for a longer tenure is so important. They develop the experience and really develop a rapport, a way of rapport with our survivors that is important to make sure that we're providing good customer service. With regard to the training

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that's what I'm making the commitment that I'm going to put together a written plan at councilmember alter's request that I'll share back with council on that -- I believe to some degree that is already outlined but I want to be able to put it together and make sure that we're -- as I'm talking about some of these other training opportunities that we incorporate those and that I give you a good idea of the training going forward? >> Thank you. And the other question I had was around the survivor investigation protocol. You mentioned engaging the community and I was wondering if you could talk a little bit more about how you went about creating the protocol and what level of engagement the community had in that development? As I mentioned the protocol development process fell under our sexual assault kit initiative grant so I have a grant manager and a number of individuals that were

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hired under the grant to work through these processes. At that time when we were -- we started developing I was actually assistant chief that was over investigations and so I had a number of meetings with the grant manager on the engagement that we were having. We had engaged the university of Texas school of social work, we had engaged and we wanted to get part approximate of the feedback and as that process moved forward. So -- and then I kind of handed that off to the next chief who took that over. But what I'm pleased to say is that we now have that really broad plan for survivor innovation protocol that's been completed and is now being put into can

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implementation as we're getting these cold case hits back. And we need to notify survivors. >> Fuentes: Thank you. Information is really helpful and thank you again for all you've done already and showing great process and following through in your commitment and prioritizing sexual assault crimes. >> Thank you. >> Mayor Adler: Councilmember alter. >> Alter: I want to touch on the per preliminary report and thank you sex crimes unit to speak about the status of those recommendations on your plan to implement those that make sense. >> So there were a number of recommendations that were made as part of that a and I

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can certainly go through the list if you would like me to to just talk about those. The fact that the detectives upon joining the unit, their training should be formalized, a and that's why I mentioned a moment ago that I believe that much of the training plan has already been outlined, is already in place. So I wanted to make sure that it's ready to go before I share it back with council. That it includes a thorough explanation of how to clear and clarify cases, that has been an issue in the past and really I think is one of the issues that brought this whole -- the whole issue to light was the misclassification of cases. And so that's a per recommendation and is being conducted by the supervisors of the unit and the detectives with the proper training to understand consideration of the cases. That they respond to scenes. We've had a callback program

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in place for a really long time to call out sex crimes detectives and even when they don't respond to provide the good guidance to our officers on the street. That they have the flexibility in time and location for interviews. That has been a long-standing practice and that we continue to just make sure thawier providing the flexible schedules for survivors to be able to come in outside of traditional

working hours. That we have multiple attempts to contact victim. So in some of our cases what will happen is -- I'm talking not about sex crimes, but in other particularly lower level crimes, a detective may reach out once to a victim of, say, a low level theft or criminal mischief a, and if they don't receive a response they'll send a innovation through the mail

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and if they still receive no response the case is suspended. We don't do that in sex crimes. These are the cases that we will make multiple attempts to notify and help for those even that aren't quite ready to move forward with the investigation because of the trauma that was involved so that they understand all of their options and that we continue to provide support services. With regard to the training and policy and for the victim services personnel, we hire the very highest level that I'm aware of of crisis counselors that are assigned both to our crisis team as well as to on a full-time basis to the sex crimes unit. Every single counselor has a master's degree. Many have the certifications that councilmember kitchen was actually talking about a

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moment ago, and specializations and are licensed clinical counselors. I really feel that the Austin police department, particularly when it comes to victim services, that our victims are receiving a much higher level of service than you might experience in other cities. The recommendation that detectives and patrol drivers receive proper training on documentation. That is an ongoing quality control that occurs. The addition of another sergeant into the unit gave smaller spans of control to each individual supervisor so that they do have the opportunity to review every single case and make sure that it's documented properly, that it's closed properly and that all leads have been exhausted. That the supervisor's are

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responsible for the content and that there are no further investigate sieve steps that need to be taken. That is occurring like I said with an additional extent now with the additional supervisor. Lieutenants receiving a [indiscernible] On a quarterly basis and currently the lieutenant in the sex crimes actually does monthly audits so we go a little bit beyond the recommendation monthly audits of the detectives' queues and their reports. The detectives are to ensure that they have completed all possible investigative steps before presenting the case to the da. And we staff cases with the assistant district attorney assigned to our sex crimes unit on a weekly basis. And so that da will work with each investigator to ensure that all -- everything that we can do in that case has been done and may assign them further things to do before taking

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that case and presenting it for prosecution. There's only two more here. When cases are presented to the da's office, those -- all of the recommendations that come back are fully documented and with regard to that one, the da's office asked that we work with them on that documentation. So that's one of the recommendations that we're still kind of fine tuning to see how we can comply with the representation and comply with our partners at the district attorney's office. And finally the last one was that all of the detectives be provided with laptops so that they have those available when they're not in the office the laptops have been on order for quite some time. As a matter of fact, I think some of them might even be in now, but there was a supply chain issue that took some time but we did order those right away after the recommendations came out. >> Alter: Thank you. I appreciate your reviewing the recommendations and knowing that you've read them and are familiar and

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are taking steps on them. City manager, I think it might be -- I'm not sure that it's the most appropriate way so I don't want to say what to do, but given that you are moving on some of these things and you have some in place and we are working on perfs to learn insights and practices, if we can find a mechanism for APD to share what they're doing with per so that the recommendations can be tailored to further improve what they're doing now as opposed to what's now several years ago because of the length of time it's taking to do this with covid, etcetera. I think we would get more bang for our buck with respect to the outcomes, if we can figure out -- I don't know what the -- I don't want to say good put it in writing. I don't know what the right way to do that is, but I think that, you know, there are some things where they might say yes, this is a good practice, this is not the best practice, etcetera, but that exchange I think

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needs to be built into that. Process. >> >> We will work on that. >> Mayor Adler: Chief, I would close with saying we appreciate the information today. A lot of information to be able to understand what is going on. This is an area that as a community we fell short going back to the rape kit, test kits, and the issues with reporting and the like and the study. I appreciate you're following up on these things. I appreciate the movement that's happened from where we were to where we're going. Obviously there are still open questions and opportunities, but there's been a lot of good work that's happened as well and I appreciate you laying out both for us. >> Thanks, mayor. >> Mayor Adler: With that, -- >> Just to echo the mayor's comments. Really appreciate the

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council's support on this important topic and I want to publicly acknowledge the chief's leadership. And you made this a priority, you've clearly taken action since you have been chief and I want to thank you for that. >> Thank you, sir. >> Mayor Adler: With that then here at 5:08, this meeting is adjourned. Council meeting will be on Thursday.