

# City Council Special Called Meeting Transcript

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[9:07:36 AM]

>> Mayor Adler: We're going to go ahead and convene today's meeting. It's Tuesday, January 18th, 2022. We're having a hybrid meeting. Some folks are here present, some remote. We have a combined quorum. We have five speakers, four on the petition, one on the boards and commission item. We're going to take those speakers, beginning with the ones in person. We're then going to handle item number 3, which I think will be quickly passed, and then we're going to go into executive session to discuss at least the petition, maybe the other item as well. The other item, the litigation issue, will also be put on the agenda for next week, so the degree to which we don't discuss it today, we'll discuss it next week. There is one thing I hope to be able to note quickly. We have a hard stop at 10:30. We're losing most all the council at that point.

[9:08:39 AM]

I think Ann can't join us until 11:30, so she won't be joining us, except she might be able to come in for a vote. So, let's go ahead and start with speakers. We'll begin with the speakers that are here with us, so that they don't have to stay if they don't want to. We will go Kathy Mitchell, then Michael Segel, then Anna, and then Chris Harris. Each of you have three minutes. Welcome to city hall. >> Is it okay if I -->> Mayor Adler: Yes. >> Okay. I'll be brief. I understand that there's general agreement that the marijuana portion can be voted out and put on as an ordinance without an election. But there's some controversy, perhaps I haven't really heard much about the no-knock warrant portion. So, I just want to speak to

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that. This is -- and Chris Harris will speak to other jurisdictions where this is already in place, and is working fine. I would imagine, not having heard any of the issues that are being brought up, that this would be presented as an officer safety problem. From my perspective, what this basically does is required them to wait a bit longer, a few seconds longer before crashing in, because most warrants are served as knock and enter, as opposed to no-knock. Now, there are probably some no-knock warrants and that should stop, but as a practical matter, the difference is really tactical. If officers feel that they are not safe standing and waiting at the door for 15 seconds, then they can theoretically use a background or some distance

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method to knock on that door, and they can use loud speakers, which they do now, to announce themselves. So as a practical matter, to me, this is a tactical difference that helps people who are perhaps the wrong house, completely unarmed, willing to walk out the door and turn themselves in, which is, in fact, most cases. So, it helps in most cases, and in those cases, where there is an extremely high level of danger, it can be handled, you know, from a distance. So, I do not see this as a particularly radical idea, and as you will hear, it is already in place in other jurisdictions. So, I ask that you go ahead and put all of this on as a city ordinance without an election

[9:11:42 AM]

today. Thank you. >> Good morning, mayor, council. My name is Mike Segel, I'm the political director of a community-based organization that helped organize this ballot measure. The Austin freedom act, which would formalize and make permanent some very important and courageous reforms that have been pushed forward by this city council to stop enforcement of low level marijuana possession and to ask the police to not use no-knock warrants because they are really a public safety risk more than they help police. This is a measure that has been endorsed by a broad coalition of organizations, including just liberty, Austin justice coalition, Texas appleseed, the Travis county democratic party, and other state and local organizations. Over 34,000 people signed these petitions, including over 22,000

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who have been verified as Austin voters, and they want both these measures to come into law in Austin. And so we ask that you stop and make permanent the city police making any arrests or issuing any tickets for marijuana, low level marijuana possession, and we also ask that you end the practice of no-knock warrants, and we also ask that you honor the work of all of the volunteer, all the staff and

organizations that put this forward, and especially all the people that signed, that want this to become law in the city of Austin. Thank you so much. >> Mayor Adler: Thank you. >> Good morning, council. My name is Anna Salasporas. I'm a board member on Ground Game Texas. My representative is Leslie. She's also my neighbor. And I'm here because my husband and I collected over 600 signatures for this ballot petition, and so I'm here just to report on what our experience was.

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We collected 600 signatures, but we talked to hundreds more who were unregistered voters and were very supportive of this ordinance. In fact, we encountered no opposition at all. There was overwhelming support to have both parts of this ordinance or petition pass, and so I am here simply to say that I am very supportive and hope that you all will pass this today. Thank you. >> Mayor Adler: Mr. Harris. >> Good morning. Happy new year, and happy belated MLK Day. Thank you for the opportunity to speak to you about these issues. Good seeing y'all. So, yes, Austin coalition support of these measures being passed, not necessarily placed on the ballot and put forward.

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I think we have a situation now where I think there's, you know, some understanding that marijuana is being criminalized and no-knock warrants are not being executed in the city. So, why are we doing this is a question that I've heard. I think, you know, this council's experience with the decriminalizing marijuana last year, whereby you passed the resolution, rather in 2020, in February. That resolution was not acted upon by the police department until that following summer. Of course, in the midst of George Floyd summer is when they decided, okay, yes, we'll act on this resolution. So, it's very important that things that are good, that are working get put into law rather than just resolution. We understand that, you know, it's still up to a lot of departmental interpretation about how and whether to do these things, if they're not put into law. And so both with marijuana decriminalization and banning no-knock warrants, it's

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important that you all put it into law, and that this is set as the law moving forward. Secondarily, I do want to address the no-knock warrant piece. No-knock warrants have already been in Florida and in Oregon. Virginia passed a ban following Breonna Taylor's shooting in 2020. Virginia passed a ban. City of Louisville, where she was shot and killed, passed the ban. Last May, May 2021, Pittsburgh had a ballot measure that is exactly the same as this, even stronger, because it also has a body cam requirement. A couple of other uniform requirements on officers. But otherwise, it's the exact same as this one. It passed 81-19 in the city election in May in the city of Pittsburgh. So, we don't think that this is

controversial. We think this is important to put into law, and we think it's not important to have an election about it at this point, if there's nothing else on the ballot. The relevant cost that that

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would bring to the city and the county. And again, just the need to put these things and to lock them down. Really appreciate the opportunity to speak to you all and hope that y'all will go ahead and put this on. Appreciate it. >> Mayor Adler: Thank you. And I think we have one remote speaker. >> I believe Monica Desmond is on the phone. >> Mayor Adler: Ms. Guzman, are you with us? >> Yes, I am. >> Mayor Adler: Please go ahead. >> Good morning, I am Monica Guzman, policy director at vamos Austin, speaking on item 3. On November 24th, 2021, I spoke on resolution number 2021-1104-062. It is good council passed the resolution back then and smart to update the effective date in light of the ongoing pandemic. I pulled up a few upcoming commission meetings and noticed remote participation for residents at the bicycle advisory council while participation for the upcoming environmental commission

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meetings appears to be in-person. Commissioners are still afforded the choice to participate in-person or remote, residents addressing a board commission, especially a land use commission, appeared to not necessarily be afforded the same choice. In September 2021, residents opposing the mixed use cases had to appear in person for the planning commission. It's possible some did not attend. Either because of the inability to attend in city hall or they did not feel safe attending in public. On November 29th, I spoke at the joint lobbied use commissions and use commissions meeting. I much would have preferred remote participation. We hope council passing these resolutions will make it safer for residents when speaking at any and all board commission meetings. We also urge council to ensure language about participation options is simply and clearly stated, so no resident is left wondering and deciding not to

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participate versus requesting clarification. Thank you. >> Mayor Adler: Thank you very much. I think that's all of the speakers that we have signed up to speak. Colleagues, that gets us to our agenda. Is there a motion to approve item number 3? Which is the boards and commission item. Council member - - mayor pro tem alter makes the motion. Is there a second? Council member Ellis seconds. Colleagues, I just want to make sure that everyone is aware, as the clerk has asked me to read, that the new effective date does not apply to already posted boards and commission agenda. A reminder that hybrid meetings can only take place in locations with video conferencing abilities and sufficient space to allow the public attendance and social distancing as required by law. The additional city facilities

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able to accommodate said meetings will not be available until March 1st, 2022. City hall is already booked through March with limited availability for additional virtual meetings. This option will allow boards and commissions that have time-sensitive action items to proceed and to timely allow council consideration. The chair, vice chair, or designated board commission member must be present, as well as the staff liaison, and we encourage boards and commissions that do not have time-sensitive items to be flexible and cancel meetings as availability at city hall is scarce, considering meetings have already been booked through March. The public must be allowed to participate in-person. Telephone participation may be offered as an additional method of participation, but cannot be the only method. The chair or vice chair or

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designated board commission member, only one of those three need to be present. The person chairing the meeting has to be present. Any further discussion on this item before we take a vote? Then let's take a vote. Those in favor, please raise your hand. I'm seeing one, two, three, four, five, six, seven, eight, nine, ten. We're missing -- so it's all in favor with the exception of council member kitchen, who is off of the desk. All right, colleagues, that takes care of item number 3. We're now going to go into executive session, which will be done remotely. The city council will go in session to take up two items, pursuant to 55107 of government code. We'll discuss legal issues related to item 4 and 5 as the citizen initiated ordinance, and APD lawsuits.

[9:21:48 AM]

Without objection, here at 9:21, we'll go into executive session. Colleagues, the quicker we can get there and start, the better we'll be with time management today. And then we'll come back out. Thank you.

[10:40:49 AM]

>> Mayor Adler: In closed session, we discussed legal issues related to item number 4. Item number 5, if the clerk would please make sure that's on the agenda next week for both Tuesday and Thursday, so that we have the option to call either of those. With that, colleagues, we have back in our regular session here. It is 10:41. Still on Tuesday, January 18th, 2022. We have two items that are on the agenda. Effectively, we have to really take one over the other of those items. Is there a motion?

Someone want to make a motion for the council? Council member kitchen? >> Kitchen: I move that we place

[10:41:50 AM]

the petition item on the ballot. >> Mayor Adler: Okay. Is there a -- that is item number 2. Council member kitchen moves passage of item number 2. Is there a second to that motion? >> Kelly: I second. >> Mayor Adler: Council member Kelly seconds that motion. Is there discussion? Council member Casar? >> Casar: Mayor, I want to thank the organizers for having brought this and pushing forward. These are really important issues in our community. We had worked a long time to try to end arrests and citations for low-level marijuana possession, and worked a really long time to reduce the use of no-knock warrants, which have resulted -- no-knock warrants have resulted in needless injuries to police officers and community members alike with the most clear examples being the killing of breonna Taylor as well as the killings in Houston that

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happened not so long ago. And so we worked as a community to bring real significant reform to end these needless practices of no-knock warrants and personal marijuana possession. I'm glad that we have strong policies in place, but frankly, it was a real struggle to get those policies in place, often with real resistance from our own department. And so I appreciate the community coming forward to try to make this more codified in law. And so I'm going to be voting no on this motion, because I think we could simply adopt the ordinance today. I believe that the community is likely to just adopt it as an ordinance through their vote. I'll certainly be voting for this in may if it's sent to an election, so I would rather save us the expense and just put in place these policies, so if I could just adopt the ordinance today, I would do so. That's why I'll vote no on

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putting it on the ballot because I would rather just adopt it. But if it goes on the ball tea -- on the ballot, I'll be voting for it alongside community members. >> Mayor Adler: Okay. Council member kitchen? >> Kitchen: Yes. And I certainly respect your position, council member Casar, and everybody's position. This is a hard decision for people to make. But I do not believe that adopting this ordinance is adopting our policies. It is different. It goes beyond our policies. The most important thing to me is to protect what we have in place right now. The reduction in the use of no-knock and ending arrests on marijuana that we've been able to achieve. And I don't want to put that at risk. I also think this is an important question for the public. My motion to put this on the ballot is not an indication of me being opposed to the policies

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here at all. It's simply that I think this is the best way to proceed. I have grave concerns about risking the progress we've made today. >> Mayor Adler: Any further discussion? Council member Renteria. >> Renteria: Yes, mayor. I'm also going to be voting no. You know, this is something really dear to me, especially the low-level marijuana issue. I -- I think that Texas has waited too long and ruined the reputation of a lot of people just because of a small amount of marijuana that they had in possession when they got stopped. So I believe that, you know, we should just go ahead and pass it and save the money that we're going to have to spend on the election. But I understand other people

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and how they're voting and I have no problem with that either. But I'm going to vote no. >> Mayor Adler: Okay. Further discussion? Voting on the motion. Those in favor of the motion, raise your hand. I count seven votes. Council members Kelly and mayor pro tem and council member kitchen, harper-madison, tovo, Ellis, and me. Those voting no? I count three votes. The remaining three on the dais. Council member pool is off the dais. This passes 7-3-1. I think those are all the items that we have on the agenda today. The other item being moved. Council member tovo? >> Tovo: I didn't speak before the vote, but I just wanted to underscore my appreciation also to the organizers for bringing

[10:46:55 AM]

this important question before the voters, as any who are following this conversation know, these are, in essence, already the practices here in the city of Austin and are reflective not just in council policy that's been passed, but also in our police department's general orders that they use and practice, and that's a good thing, and I certainly support that. We may have had different votes here today on what's best, whether to put this before the voters or whether to pass it as an ordinance. From my perspective, I agree with council member kitchen, and that is what directed my vote, that I believe, you know, without getting into information that I believe is not in the best interest of the city to really discuss here today, it's my strong belief that we are offering the best protection for those current practices by putting this on the ballot.

[10:48:01 AM]

>> Mayor Adler: Yeah, I think putting this in front of the voters will enable the voters to be able to vote. I think we're in a community that has as a value that we're not going to arrest and prosecute people for low-level drug charges with marijuana. I think that's important. And quite frankly, there's remedial action that needs to be taken. And I think we've all seen the problems associated with no-knock entry on to property that put everybody in danger. And this gives us a chance now to have a conversation about the best way to implement those policies. All right. With that, I think our meeting is over. So, at 10:48, this meeting is adjourned.