

# City Council Work Session Transcript – 5/16/2023

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[10:40:29 AM]

agenda already, but there were at least four things that came up today. And you all add in if there are some items that you want to be included. If they're not all in September, we will definitely get to them. One is an update on the battery, ifc more information on solar community, solar, rooftop solar , nuclear power. Next generation with France is the example and status of fast chargers. The locations where they will be and how many of them and this was also in response to an ifc. I think that will do it for us today. There being no other questions or comments, I may or I will call this meeting of the Austin energy utility oversight committee adjourned at 10:41 A.M. Thank you all. Thank you, madam chair. Council. Let me just get a quick field. It's 1041. We could take a recess

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until 1050 so that everybody gets a quick break since we've been at it for an hour and 40 minutes, unless y'all don't want to do that. All right. Why don't we I'll convene the work session . At 1050.

[10:50:05 AM]

Good good morning, everybody. I'll call to order the work session of the Austin city council. Pool. It is may 16th, 2023. We are meeting at Austin city hall in the council chambers, located at 301 west second street in Austin, and it is 10:50 A.M. Micah tirz the order that will go in is we will take up three items that have been pulled. Item 23, item 26, item 63. Then we will go into executive session. We have two items for executive session. We have a time certain of 12:00 for a special called Austin city council

meeting to canvas the may 6th election results. There is also an executive session tied to that. If we're at Wright at if we're after noon, we'll do the canvass and we'll take up

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all the executive sessions at one time. But I just wanted to kind of give you a feel for how I'm seeing that go with that being said, we'll pull item number 23 was pulled by council member Kelly and the I'll recognize council member Kelly on item number 23. Thank you. And I appreciate my colleagues taking the time today to review some of the questions I have regarding this item, some of the questions burns are to give me some more clarity regarding item 23, because some of the questions I have initially gave me pause with regards to this contract. So I'm hoping I could get those questions answered by staff today. James, are you prepared? I think you know the gist of the questions. Welcome, sir. Good morning, mayor. Council members, city manager James Scarborough financial services department chief procurement officer or councilmember, you have questions? Yes thank you. So in regards to this rfp in

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particular, how many other service providers were considered for this rfp? Okay this particular solicitation was done as an rfp, an invitation for bids. So it's a different competitive process. It's based on hard specification, Luz and lowest price. This particular rfp resulted in the city receiving 1111 bids. And who were the other that bid on this? The other other companies? Yes I'll have to look that up and get that for you. Okay. And do you know the main differences related to the scoring of the other ips? Yes. These are going to be based on price. So it's just going to be lowest price. Second lowest price, third lowest price and so forth. So price was the only major determining factor in the differences. Yes. Councilmember. Okay so then my next question is , it's my understanding that P squared services LLC has been the suggested contractor for this. Have we ever worked with them before as a city council member? They are one of the three that we're recommending for a contract and I do not

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believe that they have worked with the city in the past. I'll have to confirm that, but I do not believe so. Do we know if references were any part of this? We received references and they're being checked. Okay. Could you provide those to my. Absolutely. Absolutely. Thank you. And as far as the regards to the camp encampment cleanup. Yes. Do you know what the focus will be for the contractors? The way that the contract is going to work? If I recall there, there are about there are five departments that are that are explicitly intending to use the contracts, but they will be available to other departments that have property and that need cleanup services on on a project by project or cleanup by cleanup basis. The department will reach out to the contractors to see who is available, who has particular expertise in a

given area of cleaning up under an overpass near a waterway or what have you, in a in a park to bring them out and ask for a quote to clean up that site.

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Once the quote is reviewed, approved, and the contractor will then proceed to perform the cleanup. Okay. What kind of oversight does the city have in regards to these contractors at a project based contract like this, we're going to be doing contract monitoring on a job by job basis. We'll also be looking at deliverables and any type of evidence of contractor performance when the cleanup occurs, there will typically be a review of the site to make sure that it was cleaned up in accordance with the requirements of the contract. Okay. And if for some reason it was found not to be cleaned up according to the contract, what kind of recourse or contractor will be recalled to come out and rectify any shortcomings of the work that was otherwise required? Thank you. And then, are the contractors trained in mental health related to homelessness? I'm not aware. Councilmember I'll have to research that. Okay and then do they also receive human trafficking awareness training as part of the resolution that we passed? To the extent that those requirements are are policy for the city included in contracts

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where the citizens are being addressed when the services are provided? Yes, ma'am. Okay. Are you aware of any communication between the city of Austin and Williamson county regarding this contract? I'm not aware, ma'am. Okay I'll let you know. A commissioner from Williamson county did reach out to me because I believe as part of this contract, we, the contractors, will be sending the waste to Williamson county and on Williamson county's website, it says that they do not accept hazardous materials. It specifically says a landfill is not permitted to accept non-hazardous household and commercial waste. And so I want you all to know so that you can consider that I understand that as part of some of these encampment cleanups, we do come across hazardous materials from time to time. And I'd like to ensure that there is a way to dispose of those properly. Absolutely. Those are all the questions I have. If I could just read a brief statement. Sure. Thank you. And thank you for your time, Mr. Scarbrough. In the city's reply to council member Ryan Walters question in the q&a, it was mentioned that sites need to be cleaned up multiple times a year. This is the same site. It's evident that

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this will remain an enduring challenge for the city of Austin requiring ongoing financial support for this from the city. Given the recurring nature of individuals experiencing homelessness, returning to encampments, I believe it's crucial for the city to prioritize funding solutions that offer long term effectiveness. And I think we can do that by allocating resources towards sustainable initiatives. That

way, the city can exercise prudence in its spending, aiming to address the issue of encampments in a more lasting and impactful manner. Thank you. Thank you. Councilmember Fuentes. Mayor councilmember Kelly. Can you elaborate more on your last statement that we should prioritize what type of solutions? And do you have any example? I'm still looking at long term effective solutions. I definitely think that some of the initiatives that council has started on, including the memo we received from the city manager related to the new area at the marshaling yard that we're using for individuals who are experiencing homelessness, not to stay in these encampments is a more sustainable solution. I think that we can be more prudent in the way that we

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attack issues related to homelessness to ensure that we even have mitigation upstream to attack it before it even starts. So we're helping people stay away from homelessness. I think that when we look at funding solution Luz, when we are constantly spending dollars, it should have an impact on the community in a way that prevents things like this from occurring in the future. Well I would say to that at our public health committee meetings, we receive briefings and updates on our efforts to address homelessness in the city. And this city, which I'm really proud, has committed a substantial amount of dollars towards addressing homelessness. And we are investing in permanent supportive housing. We are investing in temporary emergency shelter housing. We are investing in and cleanups as well to help with that effort. And so we are demonstrating to our community that our city continuously and concurrently is making all of these strategic funding investments so that we are doing all that we can. And so I just want to be really clear when we, you know, provide

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comments that we are painting the full the full picture to our community about all of our efforts to address homelessness and that we're all committed to it and that at our public health committee meetings, we receive an update from Diana gray, our homelessness strategy officer, and she provides us the updates on how how our investments in strategies are working. I appreciate that. Councilmember Fuentes. It was not my intention to get into a debate over which was more sustainable or not as far as where we're spending dollars, I'm fully aware of what the city is doing. I just look forward to when we can make that impact and spend less dollars on redundant processes that we keep incurring as expenses at the city and really make a difference in our homelessness crisis here. Thank you, councilmember. Councilman alter Allison alter. Thank you, Mr. Scarbro. You mentioned that there were five departments that were going to be accessing this contract. Is the parks department one of those parks department is one of those and about approximately how much of the contract is earmarked for the parks department? Actually,

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parks department is slightly above the next largest department in terms of annual estimate. They are the largest estimate at approximately 1.5 million a year. Okay. And where does that money come from. Because I don't recall us having part of our I mean, at some point we created out of the parks budget money to do this. Kymberley Mcneely serving as the director for the parks and recreation department. You might recall that the Austin resource recovery department has been able to this is a contract that is put together by the Austin resource recovery department, part of their clean community fee. So this is monies that is dedicated for the parks and recreation department through the clean community fee to be able to clean up the parks system in coordination with and cooperation Ann with that entire team that does parks cleans ups. Okay great. So this is then coming from the clean community fee and that is then transferred

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into your budget. It it will continue to be maintained. It will be continue to be the authorization for expenditure will continue to be managed through contracts, through our. But we have a our rr, we have a very cooperative working relationship and have no concerns that they will be managing and maintaining the contract and the funding. Sure. And I wasn't raising questions about that. I wanted to understand the funding sources because in terms of the staffing that's happening, Singh need the staffing requirements in part are are heavy in relationship to homelessness and we haven't provided the resources in the past. But you're saying this is a contract that is under the clean community fee but is largely going to be seen in the budget off of parks books, but is impacting the parks? Yeah you won't see it in our budget, but but this particular contract will have a major impact on our ability to clean up the parks system. Okay, great. Thank you.

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Appreciate the clarification. Anyone else wish to be heard? Any other discussion on this item? All right. Thank you all very much. We'll go to item number 26. Chair recognizes mayor pro tem Ellis. Thank you, mayor. This is a conversation that we had briefly talked about at the last work session and just wanted to recirculate now that we're getting closer to a decision point and it's posted on our agenda for Thursday, there is currently an August 24th meeting scheduled for the city council. That puts us right behind the budget adoption process, Bartz, which will be lengthy and time and attention an intensive as we work through the budget adoption process this year. And so I'm going to recommend that we move that date to August 31st and folks will need to look at their committee schedules for those who are chairing and vice chairing certain committees to make sure that we don't end up with those right on top of each other. And so that's the recommendation

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that I would make. I have posted to the council message board this morning to go ahead and look at those schedules and offer input, whether that's workable, whether there's anything that we need to work around or be considerate of in trying to move that date. So I will just point you to the message board and flag that we need to look at that date and move it to August 31st. Great. Thank you. Yes. Councilmember Fuentes. Thank you, mayor pro tem. I also support moving the August meeting date to August 31st. I think that makes sense. I also wanted to suggest for the so that would put us into back to back council meetings with the next one being September 7th, that September seventh meeting is also labor day on Monday. So it's a short week. So and I know that a couple of us are attending a conference. I think there's three, four, maybe five of us. So I would also suggest moving the September 7th council meeting date to September 14th. That'll give us

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a week between the August 31st council meeting and the September 14th proposed council meeting. It would put us in back to back council meetings in September with the council meeting dates being the 14th and 21st. But just wanted to flag that since there's some of us who will be out of town and I can double check my schedule, I think that sounds fine. I know we've had back to backs before. We're going to have them again here coming up shortly. But I just want to make sure we have time to focus on the budget process and make sure we get all that pinned down before moving in to the regular meetings. Thanks for that suggestion. So everybody take some time this afternoon to go to the message board and relate your thoughts. Great anything else on item number 26 members that will take us to item number 63? I'll recognize council member Ryan alter. Thank you very much. I just wanted to preview a motion that we are

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going to be bringing related to the Brodie oaks pud. There have been a couple issues Luz specifically related to the parks and as well as Austin energy. And so on the parks question, there are multiple parks within this site and what is what you're going to see in the motion sheet that we will post today on the message board is that the applicant is going to dedicate just over 11.5 acres of park land or is going to create this amount of park land some of it is going to be through the traditional dedicated Ann, but some of it because of the way the operations are going to go and I can get into the complexity if you want to, but it's going to be available to the public via a public access easement. And so there are going to be some some some information in this about that, some of that park space,

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if it is available through the easement, can only be restricted from the public up to 60 days a year. So some of this space will be used for, you know, you can think of various events. And so we want to make sure that if it is going to be open space, that is generally open to the public, but there might be some occasions where that's not the case. But by doing it in this manner, you potentially have that that park land that is not dedicated but that is available through easement could actually generate more in terms of a fee in lieu that helps support our other parks throughout the city so that is a benefit there. The applicant is going to be paying an additional \$700 per unit for the park land development fee. That's you're going to see that in the motion sheet as well. And then Ann, there is also going to be, I believe, some changes in the ordinance itself that will be posted ahead of time. Just

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some language around Austin energy. There's been a question about where we put the substation because they're going to need to locate a substation either on site or somewhere off site nearby and making sure that if it does go on site, that we are not harming the environmental aspects of particularly your your preserving the non degradation degradation Ann standards required under the sos ordinance that that were not increasing impervious cover. So that we are still keeping the same level of impervious cover decrease and that we're not going to put that where park was was intended to be. So we're preserving the park space. So there are going to be a number of factors in there. The things that Austin energy is going to consider when locating this. But I just wanted to give everybody a preview of what is to come this afternoon and then on Thursday, great. Anybody got any questions or comments? Yes. Councilmember Allison alter,

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thank you. So councilmember, can you share whether the motion is also going to take into consideration Ann that the parkland dedication fees and the park development fee may be shifting dramatically from what's been promised through this process? Yes. So I spoke with the applicant about that exact thing and made sure and I'm glad you raised it because I raised it with them. But we need to add it to this motion. The but we are in agreement that the park land fees, both for the development and the dedication Ann will be as it stands today, not in the future. Okay, great. Thank you. Any other questions or comments? Great. Thank you. Members that puts us at a point where we can go into executive session for the public and the members of the council. We have a 12:00 time certain we will come back in at 12:00 because because there may be people that want to speak. And so I want to

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make sure that we pay attention and cognizant of their time. But we're now going to go into a closed session. We will go into a closed session to take up two items pursuant to section 5.5107, one of the Texas government code. The city council will discuss legal issues related to item E one on the south central waterfront tax increment reinvestment zone litigation. That is cause number d1g Ann. 23 002238. In the 126th district court of Travis county, Texas, this will be a private consultation with legal counsel pursuant to section 55107. One of the Texas government code. We will also take up E two city of Austin versus lone star holdings, LLC. Cause number C one pb 22 001462. And the Travis county district court and lone star holdings, LLC versus city

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of Austin cause number one 232 CV 00770 in the United States district court for the western district of Texas Austin division this will also be a private consultation with legal counsel pursuant to section 55107, one of the Texas government code. Is there any objection to going into executive session on the items that I've announced? Hearing none. We are going into executive session. Coal, black night silence screen

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Austin city council for the work session. We are out of closed session and in closed session. We discuss legal issues related to items. E one and E two. There being no further business to come before the Austin city council at this work session. Without objection, the city council work session is adjourned.