

**AUSTIN CITY COUNCIL  
MINUTES****SPECIAL CALLED MEETING  
WEDNESDAY, FEBRUARY 15, 2023**

The City Council of Austin, Texas, convened in a Special Called Meeting on Wednesday, February 15, 2023 at Austin City Hall 301 W. 2nd Street, Austin, TX and via videoconference.

Mayor Watson called the Council Meeting to order at 9:00 a.m.

Mayor Watson recessed the meeting to go into Executive Session at 9:02 a.m.

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

3. Discuss legal and personnel issues related to the employment, compensation and benefits for the City Manager and potential appointment of an interim city manager (Private consultation with legal counsel - Section 551.071 of the Texas Government Code; Personnel matters - Section 551.074 of the Government Code).  
**Conducted.**

Executive Session ended and Mayor Watson reconvened the meeting at 10:14 a.m.

**DISCUSSION ITEMS**

2. Authorize payment of severance benefits to City Manager Spencer Cronk pursuant to Ordinance 20181213-046, and potentially discuss and take action related to the appointment, compensation, benefits and transition plan for an interim city manager. Sponsors: Mayor Kirk Watson, Mayor Pro Tem Paige Ellis, Council Member Alison Alter, and Council Member José 'Chito' Vela  
**A motion to approve Resolution No. 20230215-002-Severance and Resolution No. 20230215-002-Interim City Manager was made by Mayor Pro Tem Ellis, seconded by Council Member Pool, and approved on a 10-1 vote. Council Member Harper-Madison voted nay.**

**Resolution No. 20230215-002-Severance was as follows.**

**“BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**The Council removes Spencer Cronk from the position of City Manager effective February 16, 2023, and approves payment of all severance benefits to him as set out in Part 2 of Ordinance No. 20181213-046.”**

**Resolution No. 20230215-002-Interim City Manager was as follows.**

**“BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**The Council appoints Jesús Garza as Interim City Manager of the City of Austin, effective February 16, 2023, with full power, authority, and responsibilities of the office of the City Manager as prescribed by the City Charter, ordinances, and policies of the City of Austin, to serve until a new City Manager is appointed and serving, or until Council takes other action inconsistent with this Resolution.**

**BE IT FURTHER RESOLVED:**

**The Council establishes the following compensation and benefits for the Interim City Manager to become effective as of the effective date of appointment and continuing until a new City Manager is appointed and serving, or until Council takes other action inconsistent with this Resolution:**

- 1. Acting base salary of \$350,000, paid in accordance with normal payroll practices;**
- 2. Deferred compensation contributions equal to \$19,038.46 annually, paid in accordance with normal payroll practices;**
- 3. Executive allowance equivalent to \$7200 annually, subject to applicable taxes and paid in accordance with normal payroll practices;**
- 4. Cell phone and data allowance equivalent to \$1620.32 annually, plus an annual \$225 device allowance, subject to applicable taxes and paid in accordance with normal payroll practices; and**
- 5. All other benefits allowable under City personnel and benefit policies, in accord with the terms and conditions of those policies.”**

**Mayor Watson recessed the meeting at 10:31 a.m.**

**Mayor Watson reconvened the meeting at 10:45 a.m.**

#### **DISCUSSION ITEMS CONTINUED**

- 1. Approve a resolution concerning bargaining for a meet and confer labor contract with the Austin Police Association. Sponsors: Council Member José 'Chito' Vela, Council Member Zohaib “Zo” Qadri, Council Member José Velásquez, Council Member Vanessa Fuentes.  
A motion to approve the substitute resolution “Item #1 Vela Sub” as follows was made by Council Member Vela and seconded by Council Member Fuentes.**

**“WHEREAS, about 250 Austin Police Department (APD) officers are currently eligible for retirement and face a February 26 deadline to make important financial decisions related to their retirements, as well as the potential loss of significant retirement-**

related benefits under the current meet and confer agreement if that agreement expires before they retire; and

WHEREAS, the hardworking officers of APD deserve certainty with regard to their pay, benefits, and compensation; and

WHEREAS, Austin residents will vote on two different petitions in a May 2023 referendum regarding police oversight and transparency, which could have implications for the contract between the City of Austin and the Austin Police Association (“APA”); and

WHEREAS, the APA contract expires on March 31, 2023, and the proposed four-year contract will allow the City of Austin and the Austin Police Association to pre-empt the voters’ direction on contract issues such as police oversight and disciplinary processes for years; and

WHEREAS, the residents of Austin have repeatedly and adamantly advocated for increased police oversight and transparency; and

WHEREAS, the people of Austin have the right to make their views known to their representatives; and

WHEREAS, public trust and officer morale can only be strengthened and sustained by meaningful transparency, accountability, and professional civilian oversight; and

WHEREAS, the four-year proposal will not protect the will of the people, so it must be replaced by a one-year extension of the current extension to ensure the electoral process is completed; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager is directed to negotiate for a temporary meet and confer agreement with the APA that achieves the following Council policy goals to the extent feasible in the labor contract negotiation process:

1. Maintain or improve existing terms, conditions, and privileges of employment for APD officers, with the express goal that the terms, conditions, and privileges of employment will incentivize officers to stay with APD and to incentivize people to join APD;
2. Preserve or enhance the City’s existing civilian oversight program for APD officers as established in the current APA labor contract and City Code Chapter 2-15;
3. Provide for incorporation into the new agreement of any civilian oversight program enhancements that may be approved by Austin voters in the May 2023 election; and
4. Have a term of no more than one year from the March 31, 2023, expiration date of the current meet and confer agreement.

**BE IT FURTHER RESOLVED:**

**The City Manager is directed to bring the agreed-upon one-year meet and confer contract extension terms to the Council for approval as soon as an agreement is reached.**

**BE IT FURTHER RESOLVED:**

**The Council is committed to approving a long-term meet and confer labor agreement with the APA that faithfully embodies the will of the people of Austin and provides clarity and predictability for APD employees as soon as it can be responsibly done, and the City Manager may present such a long-term meet and confer agreement to Council for approval before the expiration of the one-year extension described herein, but only once the results of the May referendum are known, certified, and incorporated into the long-term agreement to the fullest extent allowable by law.”**

**A motion to make Council Member Vela’s substitute motion the main motion was made by Council Member Vela, seconded by Council Member Fuentes, and approved on a 9-1 vote. Council Member Kelly voted nay. Council Member Alison Alter abstained.**

**Resolution No. 20230215-002 as amended above was approved on Council Member Vela’s motion, Council Member Fuentes’ second on a 9-2 vote. Those voting aye: Mayor Watson, Mayor Pro Tem Ellis, Council Members Ryan Alter, Fuentes, Harper-Madison, Pool, Qadri, Vela, and Velásquez. Those voting nay: Council Members Alison Alter and Kelly.**

**Mayor Watson adjourned the Council Meeting at 2:38 p.m. without objection.**

**The minutes were approved on this the 19<sup>th</sup> day of October 2023 on Council Member Fuentes’s motion, Council Member Ryan Alter’s second without objection.**