

## Public Safety Committee Meeting Transcript – 09/26/2016

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>> Zimmerman: I'm the chair of the public safety committee, I'm joined by vice chair councilmember Casar, councilmember Leslie pool will not be joining us today. The time is 3:07 P.M. We're in the Austin city hall council chambers. And the first order of business here, we're calling this meeting to order, September 26th, and I believe our first order is approval of the minutes from the may 23rd, 2016 meeting. Has everybody had a chance to review, are there any edits or is there a motion to approve? Councilmember Casar moves approval. Seconded. All in favor. That's approved 3 to zero. Our second agenda item staff briefing invited testimony and policy discussion regarding the release of recorded video from Austin police department body worn cameras. By the way, I believe we have signups available now in the regular screen out in the lobby. I think that is working now. So if anybody would like to speak, you can sign up on the regular kiosk, and also, Joe petronas my chief is staff is still here. If you have questions, you can talk to him about speaking. Who do we have here to briefly talk about this? So how would you like to start? Would you -- Carlie Jackson? It's like we have Matt Simpson? Anybody else? Because you're not signed up to speak, because you're invited testimony. We've done this once before so. Why don't you go ahead and start, can we do three minutes for you. >> Sure.

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>> Thanks. >> Well, thank you for inviting me to speak on this. I'm Carlie rose Jackson. I'm on the steering committee for Texans for accountable government, and we are very much in favor of transparency and openness. So the conversation is about the -- specifically about the footage. I've been participating in the conversations on body camera policy in general, and that has been one of the harder points to talk about, because it's managed by a different office. So we've been trying to figure out how much we can talk about that so there's still -- it doesn't fit within the current directive from city council when we're talking about body camera policy, specifically, the release policy is a separate discussion, so I'm glad that we have a chance to talk about that. What I've learned in our conversations about body camera footage is that we definitely need to have it available to third parties for analysis. I think it will be extremely useful for us to look at for experts in different fields to look at police practices, to -- for us to have better knowledge about what kinds of kinds of crimes and other issues are going on in our city. The current policy now would not allow for that, in order to get footage as things stand now, you have to, a, know who is on -- who is on the footage and that person has to specifically come and request that footage. So that would make it very hard for academic departments or nonprofits, or any kind of group trying to do analysis on practices of Austin police and crime rates on police, make it very difficult for them to be able to retrieve that information. So those policies are in place to protect privacy, as a member of tag, we definitely are cognizant that people need to be able to protect themselves and

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not have video footage out there they don't want out there, doesn't need to be out in the public. What our coalition has asked for is for example, at a traffic stop, you can check a box on the back of your ticket when you sign that you have your ticket, you've received it, that there would be a check box that says this body camera footage of me at this stop will be available for release. Or not. So we don't think it would add too much time or confusion to that interaction to have that little check box on a ticket. So we want to look for other ways to do that so that people could really allow that footage out there for other folks to analyze and keep track of. I think it gets to the fact that we are in the digital age. We need to think about information differently and think about images differently. We still think about photos, ownership belonging to the photographer, and it's -- it's not that way anymore, so thank you. [ Buzzer sounding ] >> Zimmerman: Okay. Could you very briefly, what do you mean about the check mark on a ticket? I'm not quite understanding that, because it sounds like you may not know if you want it to be available or not. Depends on what happens in the incident, maybe. >> Well, we -- so we've heard from the office of public records that a lot of people think that body cameras are already out on the street. So there's a general knowledge that these tools are out there and available. They don't know that Austin police department doesn't have that implemented yet. So we think there would be enough people out there who would be willing to let other folks look at their footage, without -- even if they don't have the knowledge to come request that footage for themselves and then give it to any organization who asks for it. The problem is an organization who wants to look at practices or metrics of what is on this

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footage, they have to be able to identify the name of the person in -- in -- who's captured on the camera, so that makes it prohibitive for them to be able to look at that. There's no way for them to find out who was pulled over on a certain stretch of road during a certain period of time. So if there are -- if you have 50 people pulled over on a certain corner and 20 of them check that box that say, yes, my footage can be released, then an organization could pull and request that video footage. >> Zimmerman: Okay, thanks. Matt Simpson? Maybe we should do this, is there someone from APD that would like to make a few remarks before we go on, or is APD just here for Q and a? Or do you have comments you would like to make? Yeah, I think it was our understanding from back in may there were going to be some conversations between some of the groups about the release policy and policy changes that might be taking place, so that would be great if you could update us. >> Sure. >> Zimmerman: Can I set the clock at five minutes. >> Yes, sir. Good afternoon, my name is Doug rice, I'm a lieutenant over at the technology unit at this point. We have had numerous discussions, 22 community meetings, and different meetings with various stakeholders in reference to the policies and the body worn cameras, and these have all taken place since April of last year, April of 2015. The most recent one took place on September 6th of this year, roughly two and a half weeks ago. And we met with the stakeholders, various stakeholders about the policy, about the body worn camera policy, about the releasing of videos and some of the issues that were presented to us, so that we could address them and hopefully resolve any of these issues, and come to an agreement between, you know, the department and these outside entities and what we're going to do about some of this stuff.

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A lot of it, when it comes to releasing of the videos is driven by state law. We don't have much room in there to move or to deviate from that. A couple of things that we did end up ultimately deciding on, we

had a meeting to discuss the release of video as it pertains to serious incidents within the department. And we brought in the district attorney's office to get their perspective, what in their opinion on how they wanted to handle some of this stuff. I don't think that it was a consensus on -- an agreement on -- from the entities on getting this information. So we agreed to move forward with another meeting, after the new district attorney is sworn in after the first of the year. That way, you know, we don't want to implement a policy now that maybe the district attorney after the first of the year doesn't either agree with or wants to change. Cause of the on going litigation, the body cameras still are on hold at this point. We feel that's in the best interest at this point to push that meeting until after the first of the year. After the first of the year, we can get their opinion, get their perspective on it, and possibly move forward on any changes that may need to be made at that point in time. I know that it was talked about check marks on citations. Out of those 22 meeting, there was approximately 5 that took place throughout the city commander's forum, and that question was specifically asked about signing away basically your rights to your video, and there was not one member of the community that was willing to do that: They didn't like the idea of just making a check mark on a citation to give away their video for some third party. That doesn't necessarily mean that, you know, it isn't something that we can't explore later on, but at this point in time, you know, we just don't think that's a very viable option just based upon the input that we received from like I said five different community

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meetings with approximately 200 people in attendance around the city. I think that's all I've got for y'all right now, unless you've got any questions for me. >> Zimmerman: Okay. So maybe -- maybe you can hang around until we finish this discussion. >> Yes, sir, I will. >> Zimmerman: Thanks, thanks for being here. >>. Our next speaker would be Matt Simpson. We'll start you back in five minutes. >> I'm Matt Simpson, the senior policy strait for the aclu of Texas, I'm here in Austin. I was actually a part of the legislative work group on the law that was passed in Texas kind of leading up to all of these body cameras becoming a part of most law enforcement. I think that the two, you know, both the previous speakers have really identified the two areas -- I should back up. There's been a lot of agreement in this process working with APD, not on the release provisions, but some of the other policies for APD has been really positive. We've seen voices from places like safe place, be able to speak about their concerns with victims of crime being concerned with having their body camera just filming them while they try to talk about, you know, a really rough victimization. And so I think there's been a lot of progress made. Ultimately I think kind of our -- not our release policies, but everything else will probably kind of become the standard by which other law enforcement process policies are looked at. Really with the release, it becomes a lot more complicated, because there are a few requirements in state law, but I will say through those conversation, the one thing that we couldn't come to agreement on, that I think we should try to leave the state this is the release policies. I appreciate chair Zimmerman bringing this particular issue up, because I think it's the one thing this community process didn't really give us an answer.

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But I have some proposals and thoughts on this, and it's really in two categories. As the two previous speakers end -- indicated there's a concern about low level kind of tickets and traffic video, and the real reason to release those is accountability, but really both positive and negative accountability. It goes in with two different directions. If you have a body of stops that is publicly available, it will be that people realize the majority of stops the officer and the civilian have a relatively positive, despite the fact there's a ticket involved, it's a reallyly positive interaction. So the idea behind it, we, advocates and members

of the community, were talking about trying to have these low level videos, low level ticket incident videos be out available so that people in Austin can get a sense that officers are generally kind of going about their day in and day out work trying to keep us safe and build trust and then if there were incidents, maybe they would be available. Now, as I think has been pretty clear, talking about the nitty gritty of how you would have someone give permission for their video to be available publicly, it might sound pretty intimidating, if we go to a commander's forum for example, say do you want anybody in the city to be able to see your video of this traffic stop, it's really a question people should take seriously. I think there's a lot of people in the community that would be willing to have their traffic stop on video shown maybe because they had a positive experience or maybe because they had a negative one. I think it's something that once we've got the technology in place, and once we have a sense of what the other release provisions -- provisions will be like, so for example, how are we going to handle individual, just like if I want my own video, we'll figure out how we handle that, early on. We should look for ways to have a library of low level stops available so we can build trust and build the community sense that law enforcement is out there in their corner. So that's one category.

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Kind of the low level stops, thinking about having that video be kind of available to the public, and then there's kind of a second and separate category, and these are the serious or critical incident videos, in very rare instances, a small number of times a year, in Austin, something happens, and the public is clamoring to find out what happened. And sometimes I think that the -- kind of the allegations or guesses in public can actually undermine, you know, crime fighting and community trust of law enforcement. And so our proposal has been that the chief, who retains this authority under state law, that the chief develop a criteria by which in extreme circumstances, certain video is released to the public so that the public can expect when there's an officer involved shooting, for example. We can expect that the video will be released without delaying for all of the court case, for all internal affairs efforts, but there will be in very small number of intense situations there will be an opportunity to release this to the public. It's a measure that builds public confidence. It's something that frankly I think we're seeing Charlotte struggle with right now. I think this is the piece that needs to be taken up before the body cameras get out on the street. At least it needs to be talked about. We're now running out of time a little bit. We're not going to have the litigation done at the earliest in move, and so that means that we could very well have body cameras out in use in Austin in January. It -- I'm a little bit concerned with waiting. [ Buzzer sounding ] Until January to have more conversations about release. I think it's probably time for some of the stakeholders. I'm sorry to go over time. Can I say two more sentences? I think what we've got is with the policies we've talked about, APD basically controls those elements of policy. When it comes to the release, the district attorney's office can be concerned for various

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reasons. The city attorney's office may be concerned and APD ultimately the chief decides whether to release these various -- in this rare instance, there's more stakeholders. So the conversation may take longer. I think that our first meeting, having the conversation about release certainly took longer and was harder to find common ground than we anticipated, I think it's important but I think we need to continue as well. Gooses anybody -- >> Zimmerman: Anybody have any questions at this point. The thing about the low level video release is new to me. I thought this whole conversation was about these critical events where you could end up having a riot in your city. People get their arms around it, some disclosure, some idea, commitment, justice will be done. I think thought we were talking about the critical incident. >> Houston: As we went through the review process, it became clear there was more

the city could do to try to work on the lower level video to basically get around some of the problems with the state law. It's very possible changes to the state law which I think are inevitably coming. It may be those helped with the lower level video. The critical incident video, there's not really a national consensus, there's not a state level consensus on how to handle the video. We are finding our way with new technology. >> Let me touch convictly, the district attorney is an elected position. I like that, I've been trying to bring something into this to where people that you vote on have some decision-making ability on release of records. So oh and I haven't heard support for the idea of your councilmembers, you know, the council's responsible for policy, the council hires the city manager who hires the police chief, so for that, voter -- for accountability to voters, I've been looking for some way to have a policy discussion or decision where elected councilmembers would have some say in what gets released because the district

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attorney is an elected official and that person has some say. >> Yeah. >> Zimmerman: Has that not come into discussions as far as policy goes. >> We have not -- oh I think particularly -- it's a very interesting topic, I'll be glad to talk to you more about it. I don't have anything off the top of my head as an example, because I don't know any other city that's engaged their council in that way. That doesn't mean you can't do it, right? I mean I think there can be a process developed for release. What I think is important, I think what goes right along with what you're saying if we talking about critical incident video, it shouldn't be a burden to review it. We hope there are very few officer involved shootings in this town. Whoever is involved in this process to make a determination, those individuals shouldn't be doing this very often. I think it's appropriate to involve higher level officials, and just -- I think under state law we were able to nail this down in one of the meetings. Under state law the chief retains kind of the official decision to release under a law enforcement exception, to general bar on release. But there's nothing that would stop say city council from recommending that a certain video be released. That process could be worked including the da, et cetera. >> Okay. Go ahead. >> And so you mentioned during your remarks that you think it would be good for the chief to have certain criteria that would be followed so that the chief could make the decision about whether or not to release particular videos in critical incidents, in the stakeholder meetings that you had with police department wasn't clear that that criteria currently does exist and y'all have some differences about what the criteria should be, or is it not quite clear yet what the criteria is. >> We didn't get to the point of agreeing that a criteria would be a good way to move forward. It was basically I think that the district attorney's office position was that this critical incident video be released early. Our suggestion there be a

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criteria for early release, we just had a genuine difference of opinion to be released early or at all in any context. >> Zimmerman: And that between the district attorney's office, and you all or the district attorney's office in your view of APD's position and you all -- essentially, I guess what I'm getting from your answer that that -- in those stakeholder groups it was your view that the police department didn't want to do something that the district attorney's office currently disagrees with. >> Yeah. Absolutely. Although, you know, obviously I think probably asking individual stakeholders, I hate to represent someone else's stance on this. But, yeah, from the meetings, that seemed correct, yeah, there was a concern. Again, you know, one of the concerns with body camera footage being released early, that would somehow taint the jury pool. It would make it difficult to -- to have a neutral or a nonbiased jury, you know, this is an argument that I think from my perspective doesn't carry a lot of water, to be perfectly honest, we already have dash cams and other things released already, doesn't seem to taint

the jury pool, but that is the concern, and the district attorney's office, above anyone else, would be the one that would be able to speak to, if that's a concern for them, and so, you know, I think that it does -- there's definitely a need for, as I said, really, there are important stakeholders involved in the release decision, and we certainly don't want to undermine effective conviction for murderers and that kind of thing. We need to be careful, to do this the right way. When we're talking about a very small number of video, critical incident only, if we've already got a set number of criteria that we look to and the public can expect, okay, these are the kinds of videos that might actually get released, this normally doesn't apply, I think that we start to get to a system that can build community trust without really getting in the way of the business of prosecution. >> Houston: Thank you. Do you have criteria for the low level stops that you were talking about that would be used

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to build trust. >> Yeah, those stops would be the ones that actually fit. There's a piece of the state law that talks to you need additional proof for release, and so it would be the class C traffic stops that are kind of referred in the state law as you have -- only way they can be released is with the individual who was actually subject to the video, agreeing to the video being released. And so this would allow for those videos, you know, the idea would be to create a system by which these videos could be released once somebody gave their permission and kind of just make it easier. You know, if you think through now, if we were to have like a push to try to like, hey, every time -- aclu wants all of our members, every time you have a good reaction with a traffic cop, every time you get a ticket and get pulled over and it's positive, you know, please request that video, go and get it, take it over and post it on our website. If there was a way that we could identify the video, as being positive or negative, whatever, and available, then I think that streamlines the ability of people to actually be able to see their officers in action. Right now, kind of the -- some of the barriers created by the state law make it just a lot of hoops to jump through for people to make these videos, these low level videos available. >> I think that's a very creative way to try to get people to be more trusting of our police officers. >> Right. >> Houston: I don't agree with it, but I think it's very creative. [ Laughter ] >> Well, we'll take credit for being creative then. >> Houston: That is very creative, because I'm not sure that as a citizen I want people for -- whether it's positive interaction or negative one, I think I need to be in control of that, and I sure don't want the city council being in control of what low level stops get released. You know, it needs to be in the hand of one person, or at least one or two people, depending upon what the level of the stops are. But I just wanted you to know that I thought that was very

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interesting. I think there are other ways we can do that. But I'm not sure that's the best one. >> Just to be clear, no one's video would be released without their permission. This would be a system by which you could identify your own video as being available for other people. >> Houston: But I think I heard the first people talk about not being able to get the videos to do more analytical kind of work, because you would have to know the exact individual and the exact time before you could even try to get that. So I don't know how we respond to that question. >> And that's actually -- I mean it's interesting, I'm really glad that you asked this question, because you're really getting at, when we started looking at the low level stops, we realized the way that the state law, you have a very strong right to control your own video through state law, which is wonderful, but it makes it actually very difficult to, as Carlie was describing, and as I'm describing, I mean it's a little bit tricky to get the video because of that, and again, I think, you know, in practice, in reality, much like when dash cams were brought on board, and it took us a few years to figure out how to make sure that the policies were such that people would always

have them on during traffic stops, there's going to be a certain lag. There's this inevitable human component to any technology that's added, and one of the things we're going to have to iron out is the release provisions on these low level tickets. I think it's just too complicated if we don't do something, and it may be that we need to get the entire system in place and we can revisit this, and figure out if there's something more we can do. But anyway, I appreciate your question. Yeah. >> I had a question for the department, so I'll wait to see if there's anything -- >> Thank you very much. >> Thank you, Mr. Simpson. I think those are our two per speakers we had, public speaker, would it be Mr. Manly, would that be the appropriate person. A couple of qui questions on the policy side. Interesting point was brought up. It might make sense to have, say, a district attorney, who would have jurisdiction over all kinds of video records.

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It's not just APD, we have Travis county sheriff, we have universities and colleges, right? There are a lot of potential sources of video that could be important, you know, for public safety reasons. So what do you think about this idea of the district attorney as an elected official having some more discretion in the policy about potential release of video records. >> Good afternoon, to that point I think that is exactly why the work groups that you just heard about are waiting to make any type of final decision, because we do believe that the district attorney's office should weigh in on this. At the end of the day, our concern is that we don't want to take any steps, release any video, that would jeopardize any type of official hearing they're going to have, whether it be a grand jury or other type of proceeding. We don't want to jeopardize that by releasing any of this evidence ahead of that process. So we're always very concerned about that. So I think that's why the current da kind of operates under the structure that we do, and we want to see how this new district attorney that comes into office in January feels about that very issue. >> The other advantage is you could really have kind of one policy through the da's office that could affect all of our law enforcement, right, so we don't have a patchwork of rules for releasing video. That's different between APD, different between sheriff, different between universities. >> I think the final decision is always going to lie with the department head, whether it be the elected chair or the police chief. I think that we all weigh very heavily the opinions of our district attorney for the reasons we just talked about, and I think it's also important to note that nothing that we talked about would preclude the chief or the sheriff from releasing a video in circumstances they felt it was necessary. We just don't do it as a matter of practice, but if that one instance occurred where we felt it was appropriate, we consulted with the district attorney's office and they felt like it would not jeopardize any of the proceedings they were going to hear, there's nothing that would preclude the chief from

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releasing that. >> Okay. Fair enough, but I think we're trying to get away from that discretion of being concentrated in that one person. Part of the point of the public is some times the police chief could decide I don't think this is in the best interest for whatever those interests are to release it, but community still wants it, and I think the Charlotte situation was referenced and there have been some other, right, where there was Scruggs exercised when the video finally comes out there's a lot of public outrage, hey, this should have been released a year ago, should have been released immediately, we the public should have known, had a right to know. I thought the point was to move away from that discretion residing with one person, have other elected officials involved in that decision. >> I think the discussions were centered around the policy as a whole. This was one part of that discussion. The state law that actually outlines that will reside with the head of the agency. So we're following state law. >>

Okay, thank you. Anything else? >> Real quick. Thanks, chief. So first, zooming out, you mentioned that you were going to be working on a clear updating the policy, giving new state laws and given that we were going to start doing body cameras, and I think that the council passed a resolution asking for an update in four months and that was some time in June, so I know y'all still have some time on that, but I wanted to make sure that we're still on the sort of time line that y'all might be able to deliver a memo or a presentation to us about how this whole process has gone, and what decisions you've made. I appreciate your short summary here to us, but are we going to be getting something written down where y'all said this -- we've gone through this extensive process, several commanders' forums, and here is where we're at, is that something we'll be able to get so the people can understand exactly what the policy is? >> Sure. I think as we get closer to implementing the body cameras themselves, I think that is something that we can provide, a lot of work, I believe there's

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22 meetings that have been held. I think we've got a policy that reflects state law and reflects the interest of those who attended these meetings other than the one issue, the release issue, which is still under discussion, but I do believe that we can give you all a briefing as we get closer to implementation of where we're at. >> And it sounds like y'all may not be at least on the serious critical incidence issue may not be that far apart given actually the testimony I heard a minute ago and yours just now that you don't believe you're precluded from releasing video if it's, you know, state law gives that authority to the -- to the police chief, but you believe that given the police chief's discretion that there could be very particular incidents that are rare incidents where it's the right thing to do, and I think that what we're hearing from the community is can we have some -- some general criteria so that we understand when the police chief is going to -- what criteria the police chief is going to be weighing when making that decision, so that there is -- when that -- when those incidents do come to pass, people have something to base their expectations on, instead of it being entirely -- not just on you all but also on us, as we've seen in other cities where incidents occur and people feel like it's not something written down, it's just something based on somebody's opinion, it just seems to make some sense for me to be -- for the public to have an expectation for there to be criteria that we're making discretionary decisions on. >> I don't know that we're in lock step, I think there may be some members that want something released very shortly there after. I'm saying in that rare unique circumstance where it was appropriate that the chief is not forbidden from doing so, but again, we would want to consult with the district attorney's office to ensure that's not going to jeopardize any any of their proceedings, so I don't want to suggest here that we're working our way toward some kind of

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agreement on this issue, because per state law, this -- this will always reside with the chief to be the final arbiter of whether or not it gets released and I do believe that there are reasons why we currently have the practice we do, that we withhold these so that we get a fair hearing with the district attorney's office, being able to conduct their responsibilities. I just wanted to highlight that nothing here currently or that we're talking about with this policy precludes the chief from doing that if he or she felt it were appropriate. >> Understood. And so maybe it might have been better put that some folks may want that criteria to result in the release of lots of video, and some -- and your position may be that you want to have some criteria that doesn't preclude the chief from doing it in some limited circumstance, but if they're both written out, then we could see what the real differences are and see where there's room for agreements or disagreements, but right now it sounds like it's kind of nebulous and we aren't quite yet at the place where we have necessarily criteria proposals from both sides. I mean I understand that

the police chief having that discretion is written out in state law, but of course the chief is making the decision based on some factors. >> Sure, and whether we would ever be able to define what those were, I'm not sure that's something that's going to be consistent case to case, or whether it's going to be something specific to a case. Something we can look at, but I don't know if we could define specific parameters that say if you meet a through D, we're going to release, if you don't, we won't. I really think this is going to be a case-by-case basis based on these critical incidents are just so various under circumstances under which they occur, under other pieces of evidence we may have, and so I -- I don't know that it's something that we would be able to define an exact criteria, as you're discussing, but, again, it's something we can look at. It e-mail -- I'm just not sure

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that's something we can get what that would look like. I know under the current circumstance that the district attorney's opinion is we need to withhold these to allow them to have that fair and impartial hearing that they have, and we will entertain these discussions again with the new district attorney in January to see if they feel any differently, but if they don't, then we weigh very heavily on their opinion, because we don't want to take any steps that would jeopardize any future proceedings through their system. >> Casar: I think it's really difficult, it wouldn't be easy to put something like that together. I understand the challenge there. I guess I would -- given what we've seen going on in other cities there is also value in our attempts at taking on that difficulty so that people understand that we are arbitrary. I don't think we are. But I think there's something to be -- there's some value added if we can do our best, but I know it's hard. >> Houston: Thank you, chief. How many jurisdictions in the city of Austin have body cameras? Does Travis county, dps? Does aid? Does U.T.? What other public safety jurisdictions have body cameras? >> That's a very good question. I believe that Austin independent school district is using some body cameras. Small percentage. Other than that, I don't know of any other with the exception of lakeway pd, out in west Travis county that are actually using body cameras currently. There's still a lot of people looking, but I don't think that anyone else is using them at this point at least not to my knowledge. >> Houston: The sheriff's department doesn't -- >> I don't believe so so. Not as a departmentwide project. If they are, it could be individual, just like APD has a few individuals out there using them, but I don't think it's departmentwide, sheriffwide project. >> Houston: And D.P.S., would

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they tell us if they had them. >> I believe they would, yes. >> Houston: Okay. I was just wanting, because I think it's important since -- since we have so many public safety departments in the city of Austin, that if we're going to have a policy that it does need to be a consistent policy, and so we need to also be including them in our stakeholder process to make sure that D.P.S. Doesn't have one, Travis county sheriffs doesn't have one, aid, and U.T. Doesn't have something different, so that would be very -- that would make us all pretty unhappy if we had five or six different policies, so thank you, I just needed to know that. >> Final point here. Let me read from the Monday, may 23rd meeting. We did pass a resolution, and it's a little long winded, but it does say here community stakeholders, Austin police department, and office of police monitor to present the results of the process of reviewing the policies to city council within 120 days. That was back in may. So I think we're at about 120 days now, but we did ask for some report that you referred to. >> My understanding is that it was finally passed by the council in a June meeting, so we're probably just -- >> Zimmerman: So a month away. So we're about a month away, so hopefully we expect to get something in writing, but thank you -- thank you for being here. >> Absolutely. Thank you. >> Zimmerman: That brings us to agenda item 3. City staff briefing regarding the transportation of hazardous materials through and around the Strawn. -- City of Austin. Paragraph

paragraph. >> >> Good afternoon. City of Austin transportation department. I'm with the systems development division, and we have oversee

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planning development, I'm joined here today. Tim Tim is the project manager, and Jim Harvey represents the consulting team. I'm going to go through a briefing on our nonradioactive hazardous materials route designation study. Again, our -- I'm going to wait for the presentation, and then is there a clicker that I can use to advance the slides? Oh, okay. Well, I will tell you to advance. I apologize for technical difficulties. Next slide, please. So, again, TRC environmental corporation is our prime consultant helping us with this study. Joined by the alliance transportation group. And we selected these consultants to assist us with the study from the city of Austin's environmental rotation list. Next slide, please. Sorry. The presentation, or the briefing, is going to go through a project overview, why are we doing the project? The role of the city in this project. And the role of the project steering committee. The status of the project, the methodology that we're going to use to do our risk analysis. Public participation, upcoming events, and then we will of course be able to -- available to answer any questions the committee may have related to this project. Next slide? So why are we doing this project? Essentially, the state, the department of transportation, requires cities once they hit a population of 850,000 to designate nonradioactive hazardous material routes through the city. They have specific guidelines for how to do that, as does the federal government through their code of federal regulation. So the purpose of the study is to designate a set of nonradioactive hazardous material routes for the city of Austin that minimize the potential for incident involving the transport of nonradioactive

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hazardous materials meaning we want to reduce the possibility of a crash of these vehicles that are transporting these materials, and we want to minimize the consequences to city of Austin residents should an incident occur. So in other words, we want to maximize public safety, related to the transport of nonradioactive hazardous materials. Next slide. As I mentioned, the federal government as well as txdot has guidance for us on how to do this process and meet this requirement by the state. We are taking 18 months. We are about 6 months into an 18 month process to do the analysis. Once we do our analysis, and we have our recommended routes, we will submit those routes to txdot which starts another 18 months clock ticking. We're not saying we'll take that whole time, but that's the amount of time that they require from time of submittal to actual approval of the routes. We are of course coordinating with Josh who is the designated person at txdot who oversees the approval of these routes to assure that we're going through the process properly so that we don't have any hiccups as we get into their 18 month process. The federal standards require an enhancement of public safety, first and foremost, public participation, completion of a risk analysis, examination of through highway routing, establishment of reasonable routes to terminals and other facilities, and the designation of local compliance responsibility. The key factors that the federal government require us to look at, there are many. Including population density, type of highway that we're routing on, type and quantity of the nonradioactive hazardous materials, emergency response capabilities, results of the consultation with effective persons throughout our public processes, through our stakeholder group, exposure of other risk factors, continuity

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of routes, alternative route, effects on commerce, delays in transportation, climate tick conditions, congestion an terrain considerations. This is a plethora, a large amount of items that our consultant team along with the city team is considering as we look as designating these routes. Next slide. Thank you. This is a time line of our tasks in our scope with the consultant starting with project initiation. We then assembled data. And did research with our stakeholder working group, and our executive team. We defined objectives and responsibilities for the project. We are looking at defining and doing our risk analysis now. We're starting public engagement, starting with being here today at this public meeting and will announce later in the presentation our first public meeting out in the community. We'll be performing our risk assessment, and then moving through task 7 through 12, ending up with our submittal to txdot within the year. So what is the city's role in this project? We are actually conducting the study. We've commissioned the study, we started about six months ago. We're assuming all costs associated with the study, because it is a requirement by the state that we do the study once we hit our 850,000 population. We are fully considering federal standards for the route designation process, and following the appropriate guidelines for the analysis. We're meeting public involvement requirements, we'll be submitting our route proposals to txdot for approval. We'll be taking those routes then through a city ordinance process for adoption. We'll be then implementing the route signage, that is also a responsibility of the city jurisdiction throughout the city limits. And then we'll be also looking at an enforcement compliance

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plan. Working with municipal court and our legal department. And lastly, it's important to note we have an executive steering committee helping the city in our role which consists of executives from the transportation department, the public works department, the office of sustainability, our corporate communications and public information office, and campo, our regional metropolitan planning organization. The role of the steering committee is essentially to be an objective set of eyes on how we're progressing through the federal and state requirements. They helped us in identifying key stakeholders and setting the stakeholder working group membership. They help us through each task in reviewing and guiding the risk analysis process, and other tasks. They help us in decision-making. When needed. They're guiding project information as we select it to present to the public. And they're providing guidance and support to the project team to facilitate execution of the scope in a timely manner and on budget, maintaining the schedule and achieving overall project objectives. I will also mention that the public works department, Steve Nelson is here as women. He is our project manager, helping us keep us on task with this, because they are the project management professionals. So with that, I'm going to hand the presentation over to Jim Harvey who is with the alliance transportation group, who is going to talk to you about project status, thank you very much. >> Houston: Could I ask a question? >> Absolutely. >> Houston: Chair, I'm sorry. You talked about who was on the steering committee. >> Uh-huh. >> Houston: Can you tell me who is in the stakeholder working group, or are they the same thing. >> They're not the same thing, that's a very good question. The stakeholder working group is -- consists of local government law enforcement and public safety professionals in the hazmat area, and I will let either Tim Tim if that's okay,

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or Jim, as part of their presentation. I think Tim Tim can hit the membership of the stakeholder working group, and they are more hands on with the details of the risk analysis, because they understand, oh, that road out there in, you know, west Travis county is really bumpy and probably not good, even though it meets six of the ten criteria, they're the working group that's helping us work through the

details and that makeup, I'll let Tim Tim and Jim give you that. >> Houston: Thank you. >> Zimmerman: Before you start, how much -- about how much time, I want to do a time check. How much time do you need here? >> I just need about three or four minutes. >> Zimmerman: Five minutes, okay. >> Then Tim Tim will pick up. >> Zimmerman: Thank you. >> So as mentioned, we're into sort of the middle portion of the study at this time. We're defining our alternative routes. We're getting ready to begin the public participation, and a key feature of the study, which we're about to start, is the risk analysis. Go to the next slide, please. So essentially, what the risk analysis entails is you select a set of candidate routes that are physically capable and legally capable of carrying truck traffic, and you compare those in terms of the probability that an incident involving a hazardous materials truck will occur, and matched against the likelihood of exposure to the population should that incident -- should an incident occur. And the combination of those two factors is the key component of the risk analysis in the federal guidance in the state

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requirements. Next slide, please. So our inputs are the crash rate on each of the individual facilities from -- we're getting that information from txdot's crash record information system which compiles all of the reported incidents from all of the law enforcement agencies in the -- in the state. We're looking at population and jobs per square mile in proximity to the individual routes, so we can understand the density of people around those routes. And that's coming from census materials, like the American community survey, and employment information, with the effort to get as close to the current populations and employment densities as possible with the existing information. But groups that don't show up in that inventory are special populations that are particularly vulnerable because they may be hard to evacuate in an emergency situation. So one example would be elementary school students. Residents of nursing homes who show up in group home populations, but not in -- in the household data. Hospitals, where we have not only do we have individuals who have -- are difficult to move to another location, but the hospitals also may be one of your primary places you want to bring people to in the case of an incident. You don't want to create a situation where your response capabilities are within your impact area. Next slide, please. So in terms of the candidate routes, we look at physical constraints such as bridge weight limits and things of that nature, the type of roadway, and we look at legal constraints on the movement of trucks, because there are jurisdictional -- restrictions on trucks in certain areas, like through neighborhoods, to encapsulate that in a really good source, we started with campo's travel demand model network, which

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essentially contains all of the fhw a and txdot roadways that are functionally classified as major collector and minor arterial and above. So in other words, a universe of roadways that should be pretty capable of handling truck traffic. Next slide, please? Then we worked with our stakeholder working group, which we'll talk about in more detail in a second to eliminate additional roadways from that universe that just did not resonate with the individuals in the stakeholder working group. So the emergency response professionals might have been providing us input on areas that are hard to get into and get out of. With emergency response or evacuation. Traffic engineers were giving us information about the way the roads worked. Other transportation professionals and jurisdictional representatives gave us information about the characteristics of roadways, hilly country, windy roads, things -- poor repair. Things of that nature that affected how those roadways should or should not be included. And we can I have the next slide, please. So essentially what we'll be proceeding with now is using a geographic information system that allows us to essentially use a computer to identify the minimum risk through the community. We're

going to use that information to find a set of routes that make the most sense. We will then look at additional factors, for example, what impact does that choice of routes have on commerce? How does it affect emergency response, and are there other environmental factors that

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perhaps [indiscernible] Watersheds, things of that nature that may have an impact on the decision. And it will be an iterative process, where we make that information back to the stakeholder working group and to the public, as we go through the process, and get feedback to help inform and make the process more intelligent as we go along. >> Zimmerman: Before you combo on here, could you back up one? On your candidate routes, the red restricted roads, restricted meaning -- >> Well, essentially the stakeholder working group went through the group of routes we said -- [ buzzer sounding ] >> Zimmerman: That's five minutes or so. >> Yeah, that's okay. So the stakeholder working group was asked to look at the routes that we had come up with and so we've looked at physical limitations, such as bridge restrictions and other things. We've looked at the type of roadway and the character of the roadway, and we've come up with a universe of routes we think should be included in the starting point as the starting point for the analysis. And we asked them to scrub that and take out additional routes that they thought were inappropriate for inclusion. So, for example, one of the routes coming into the city of Austin that they suggested was not appropriate to use was 969 for a variety of reasons, but a lot of it having to do with some of the critical interchange geometry and congestion and some of the -- some of the challenges on that roadway. Not to mention the least of which is it comes into a very dense part of the population. So those red routes were eliminated. Now, when we do our first risk analysis and we come back with the results of that, then we're gonna take that set of potential routes and go through this again and have the stakeholder working group and eventually the public as we engage them in the dialogue to give us responses and feedback on things that we may

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not have understood or things that we may need to consider in addition to what we've looked at already. >> Zimmerman: Okay, thanks. >> And I only need -- two more minutes. >> Houston: Before you leave, before you leave -- >> I'm sorry. >> Houston: You know, it's -- it takes a minute to get oriented to the direction, but -- >> Sure. >> Houston: Is that toll road 130 that kind of clips Walter E. Long lake that goes north to south. >> The red route. >> Houston: The red route. >> No, ma'am. The red route I believe is 973. 130 is a little further to the west. It's a route that's -- >> Houston: So you point that out to me? Because -- could you go to the -- >> Zimmerman: Yeah, I think what's happening here is, yeah this 963, it crosses and doesn't it run up to Taylor? Where you're seeing it go up to the northwest corner it's hitting Taylor, is it not, the red route there? >> Yes. >> Zimmerman: It's hitting Taylor. >> Houston: And it crosses 969 right here. I'm looking at that right there. >> Zimmerman: Oh, okay. >> Yes, that route is sh-130, yeah. >> Where the pen is right now. >> Houston: Really? Because sh-130 goes past town lake and connects down here. So I thought 130 would be the green line that comes into one -- ih-35 to the south. >> Yeah, I'm not sure. >> Houston: Yeah. I think it -- >> It's possible. This is a map that was developed for the slide, and I think it may not have -- it may not have a complete picture of the route. >> Zimmerman: This is recordings on the record so we can come back and reference this, but I think I know where she's going with this. >> Okay. >> Houston: So I think this green line that comes right

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here and goes back to 183 is 130. >> Zimmerman: I agree. >> I believe you're right, yes. I agree. My scale was off. >> Zimmerman: Thank you for that clarification. Thanks. >> Okay. >> Next slide. All right. I'll just briefly go over the public participation piece. Obviously, public participation is gonna be very important, educating the public, and providing them with a platform for feedback. We expect the public's role is to attend the public meetings and the open houses and to provide comments and feedbacks either in person and online. Jim already did a great job talking about the stakeholder working group and how they've already been very helpful. So I will skip that piece. Next slide. So public participation to date. We've already had two very productive stakeholder working groups meeting quarrel and will continue on through the rest of the process. We have three public meetings/open houses that we are planning for, and the first one is coming up this next month. Terrors the end of the project there's going to be a public hearing hosted by txdot and in the spring of next year there will be an online public forum that we will be hosting. Next slide please. So I think the most important information right now is that there is going to be an open house coming up next month, in October, it is going to be an open house forum format where the public can get a lot of information about the purpose of the project and staff and consultants will be on hand to answer questions. We have sent out materials to all the councilmembers, and we do hope that y'all do share it with your constituents. We are working with our public

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information office as well to get out media material so that the public is well aware of the first upcoming public open house. Next slide, please. And that is all. So if you have any questions, Jim and I will be happy to answer your questions. >> Houston: Can you show us where the two other public hearings are gonna be? >> We have not decided on the location. Is that correct, Steve? >> First one is at -- >> Can you go back one slide? I think the first open house has been, obviously, the -- sorry. One more. The one that has a map. That location has been selected, but the two other public meetings, the locations have not been selected yet. Is that correct? >> That's correct. >> That's correct. >> Houston: So a couple of questions, is that the open house style of community engagement doesn't work for many communities because they don't know what questions to ask. So have you talked to council offices about what's the best way not only to get the word out about the public hearings but to engage the public in the conversation? Because we've had several meetings with txdot on any number of things going back for 15 years that I've -- 20 years that I've been involved, and they had it right. They would have some -- not three because this is a big issue, but they had multiple meetings and especially for people who live in Travis county who also are engaged. It's not in the city, but Travis county people come in on various roads and we've had them at the ywca on 183. But this is kind of in town, and some of the roads may be in town, but others may not be.

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So I would respectfully ask that y'all consider doing more than just three because I'm just telling you now that -- now that we're at this 10-1 system, three won't cover the number of people that we need to talk to. >> That's a fair comment. I appreciate it. Perhaps Jim from alliance transportation group can articulate a little better because he has more experience working on these nonradioactive hazardous material studies. I think a couple comments is that we are at the stage in the process where it's still very early and I will agree to your comment that the public doesn't know what to ask yet, and that is true. I think our first step is to make sure that the public is educated on why we are doing this process, what is a nonradioactive hazardous material? I think a lot of the public does not know that yet either. So we do hope that this first public open house is more of an educational process and then the subsequent ones will be more interactive engagement. But I would appreciate, Jim, maybe making a comment on the

progression of public -- intended public participation. >> Houston: And as he's coming up, several of the truck drivers in my district that drive these trucks, you know, they -- their schedule is -- they need to know way ahead of time. October 18 is, what, three weeks away? I don't have my -- about that. I don't have a calendar here. But they're very -- they're very interested in it. In fact several years ago they were the ones that said what is Austin doing about these -- this material going right down I-35. Then before you answer that question, didn't we have a study about hazardous material? Several years ago that -- did

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Texas A&M study? Do y'all remember that? Is that something impelling out of the air. I thought there was a study we had from Texas A&M university about the hazardous -- maybe -- >> Watershed protection had one. >> Houston: You have to come up because we have to get it on the record. >> Yeah, there has been -- I'm with the transportation department. There has been in 2012 a study done and I believe it was through watershed. And in our research and data collection stage we are assuring we're getting all the information possible so we're not reinventing the wheel to inform the process. So Jim, our consultant team, should have that study. If not, we'll check in with watershed. But you're correct, that we did -- we have looked at hazardous materials through different lenses with the city in the past. And now we're using all that information to comply with this requirement. And then to also answer your question about public forums and the richness of the input that we get, we will work on that to look at some ideas. Then as far as notice, we did do one on ones with the council offices to understand how to best reach out to the constituents in each district. And one of the overarching comments received from all council offices was to get information to y'all, at least a month in advance so y'all could kiv us with getting the word out. So I'm pretty sure we did get it out to y'all last week, even though we're three weeks out at this meeting. So time is of the essence, I agree. Anything y'all could do to help us with getting the word out, and we will do the best we can. And we will try to be out more than a month for the next meetings and do more than three. So that's a commitment we can make. >> Houston: So I'll check with [indiscernible] Log rig goes to make sure we got that -- Rodriguez to make sure we got that and it was sent out. Again, if people don't know they're being invited to come, how do we get them to come? This is not something we've talked about prior to -- come to the open house.

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And if this is -- well, you understand the confusion and the concerns I have? >> I do. My recommendation would be, as Ms. Chan pointed out, that it's to learn about why we're doing this and what the process is. Because we're very early in the process. And to just learn basic nomenclature, what is a nonradioactive hazardous material as opposed to a hazardous material and what is the process? It's a state mandate. What will be the end result? When will the end result be? The basic one on one questions for those who feel like they are concerned about this project or want to have input to this project, if that helps. >> Houston: And the maps will be clearer and more definitive, right? >> Absolutely, yes. Absolutely. Yeah, street names and et cetera. We will work on the communication part, absolutely. >> So anique may have covered some of these items, but kind of working backwards through your questions and comments, we've been actively trying to engage the commercial interests, the truckers, the shippers, the proprietors of the data. In fact we did a presentation to the local emergency preparedness committee for the region just a couple of days ago. And have solicited participation from commercial freight transporters and other individuals involved in hazardous materials transportation to participate in the stakeholder working group. The individuals of that expressed those concerns to you we'd love to invite them to have them participate because that stakeholder working group is not only to

look at the issues from the standpoint of risk and the technical analysis but also to look at how any decision is

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affecting the commercial interests that are carrying on business in the region. Our hope will be their knowledge of the system will combine with the technical analysis to give us a better outcome both for their needs and for the community's. Okay. >> Zimmerman: Okay. Anything else? >> Thank you very much. >> Zimmerman: Thank you for being here. >> Houston: One last ask. If you could make sure that we get a copy of your presentation for the four members of this committee and also to the transportation or the mobility council committee so that they have what we have. Thank you. >> Zimmerman: Okay. That brings us to agenda item number 4. Briefing by Austin code department on policy and enforcement issues. Thank you for being here. >> Good afternoon, Cora Wright, interim director for the Austin code department. I wanted to thank the chair and member for inviting me to just take a few minutes of your time to talk a little bit about what's going on with the code department. Today's discussion will be very high level. In my interim role, really I'm focused on about two or three major priorities. The first one has to do with addressing the performance deficiencies that were itemized in the 2016 audit. And effectively what that has to do with at a very high level is addressing our ability to be more consistent in responding to code complaints, the way that we and and make determinations, how we notify property owners and those involved with code violations and then effectively resolve them, either through voluntary compliance or through a judicial process, for which there are many tools that we

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have available. So, overall, if you could think about that in these terms, is that my focus will be to help the department be more consistent in the way that we approach our work. Secondly, I am in the process of conducting an in-house organizational scan, and I emphasize the word "In-house" because this is done with current staff, not with consultants. But effectively, as we look at our mission, which is to provide quality education and enforcement of code and ordinances to our citizens of Austin so that we might be the most livable, the first thing I want to focus on is taking a look at our performance management systems. And what that means when I say "Performance management system" is what systems do we have in place to hold ourselves accountable toward the effort of educating our community and enforcing the codes which have been adopted for this city. All these systems that I'm referring to I want to look at how they are utilized and how they inform the way we plan our services and the way that we also make decisions. Secondly, I'm looking at the organizational structure, and in looking at the organizational structure, what I am trying to make a determination on is the sufficient fishy of how we are aligned as an organization, in other words how closely are we aligned to meet the demands of this city. Part that have requires taking a look at our data, looking at what are the most common code violations that we're seeing and code challenges across the city, as well as looking at the district profile of code violations. The reason this is important to me is I want to have a sense of whether or not we have set ourselves -- our staff up appropriately and we're aligned to meet those needs. And in meeting those needs,

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knowing what the top or the most common kinds of issues that are being seen across the city and also are being seen at the district level. And with looking at that data, what my interest is is how that aligns

with how the community, people who live within these areas, see the priorities being. So I would like to look at the organizational structure, being sure that we are aligned to be responsive. Thirdly, I'd like to look at the complexities of our work. The complexities of our work, when I say, that what I'm suggesting is that we cannot be all things to all people at all times there's a need for us to prioritize our work, prioritize it by system, best practices, certainly by example that would mean taking a look at life safety matters first and then prioritizing from that point down. I think in many ways we have challenged ourselves to try to respond to everybody at the same time for all things, which is literally impossible to do. And certainly it's not possible to do and be effective across the board. So in looking at the enforcement aspects, how are we prioritizing what the violations are, and what is the basis of that prioritization? I'm also looking at the training and professional preparation of our staff. There has been great work done in terms of looking at certifications. However, beyond certification we want to make sure that our staff are well equipped, and so in some cases -- and although this is a conversation we're having and I'm not yet ready to roll the recommendations forward, but I certainly want to make sure that our staff, as we bring them on board and they are oriented, that they're also field released to perform their jobs and to do it effectively. So we'll be looking at the complexities of our work and making sure that our staff are well equipped.

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Another area is the technical consultation for both property owners. There's one thing to be sure that our property owners understand what the code requires from a proactive standpoint, before there's a problem. That's always the best way. And as we talk this morning, our staff and I agree that our goal literally is voluntary compliance. So how we get the word out, how information is disseminated, and how we ensure because our community is one that is ever changing, how do we ensure that that information gets out. But another interesting fantastic, and I haven't had a chance -- interesting fact, and I haven't had a chance to talk with my staff about that, is the question of technical assistance during the compliance period. What I mean by that is once a property has been cited with a violation, it is not unusual for a property owner to have lots of questions and really strive to have a clear understanding of what the code expects. And I think, to a great extent, we may have an opportunity to streamline that so that we can ensure that our inspectors are using their time as efficiently as possible going from inspection to inspection, while creating another system for making sure that our property owners can access information, technical information, quickly and that that information that they receive is consistent in our determination. So the public education program, both proactively and during the compliance period -- excuse me, period. And then, finally, we'd like to look at the policies, what the intent of our code is, and the impact of the code. And that's gonna be a much more involved conversation. I would like to know for certain that the codes that are in place today are

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certainly moving in the direction of having the impact that we intended. And so that cannot happen without the support of our policymakers. Since my meetings, I believe I've met with both councilmembers who are present today, and I think I've met all together with five councilmembers so far, is I'm having a conversation with council offices to get a sense of what the voice of your districts are, the voices are, and how they see the -- our manger challenges. And with respect to the impact of code enforcement, whether or not -- at some point we need to have this conversation, is having the impact we intend it to from a spot standpoint and also from a regulatory perspective. So I see another category, in other words, on just policy, code and policy impact. We know that there are aspects of the code that are not as clear, and so I'm thankful and hope to join the work that's already underway under the

direction of Mr. Greg Guernsey on the codenext effort. I understand within that process there is a code diagnosis document in which there have been lots of conversations about code, our existing code and how we might be able to clarify certain language in the code and ensure that there's consistency in the way that we apply it. So that's a big picture of what my focus might be over the next few months. I've been asked to complete this work and be prepared to have a conversation with the city manager's office on certain recommendations as a result of that. With that I'll pause for questions. Thank you. >> Houston:wright, thank you so much for the information you've given us and thank you

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for coming and having a conversation with us about district 1 kind of priorities. >> Absolutely. >> Houston: As far as code. Before the rain this weekend, we were getting emails, and this is a question about code responses on private property to hide vegetation and grass that you can't see. I was out going to the fire academy, must have been Friday morning, and the -- and the grass on private property was taller than I am. I mean, it was pretty high. What happens? Does public works go out and do -- they only do public property and right-of-way. What happens if we get a complaint on priority property about the weeds and you can't see how to turn on an intersection. >> It involves both the property within the fence area and just outside of it to the curb, typically. And the private property owner is responsible for maintaining his or her property so that the grass doesn't exceed, I believe, 12 inches. Okay. And in that regard, then what typically happens is we'll get a complaint and the inspector will go out and inspect and verify whether or not there is a violation, and then the property owner is given a reasonable time to correct that, typically it's around seven days or so. Also, what most -- and this is a part of that education piece and it cannot just be done once, it has to be done all the time. Most property owners don't realize that the space between their fence and, say, the sidewalk and the space just to the street side of the sidewalk is also their responsibility. So many times when we go out on these inspections, we're educating at the same time, and so they are effectively responsible for it. The code department has -- in

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situations where a property owner is not willing to come into compliance voluntarily, we can pursue getting the grass cut. And we do so through contracts that we have, and we're able to mitigate that problem. And then bill the property owner for the cost of doing that. >> Houston: And we have that contract already in place? >> We have a contract. I'm hearing, as of the last week or so, that our ability to get out in a timely fashion has been slowed, but we have already identified a couple of other contractors as our backup system. So we expect to see more improvement in that regard. And I think the other thing that you were curious about is our funding for these contracts. It's my understanding we have about \$180,000 in the budget for fy'17, and this is ample funding for the level of abatement that we've done in the past. At some point in the future, however I might want to come back and talk about a more aggressive approach, you know, at which time the city manager will give me some direction in that regard because I would imagine you're going to say we have more than enough right-of-ways that need ton -- to be cleared more frequently. So I'd like to have the conversation with staff about how we can be a little bit more -- maybe aggressive is not the right word. Maybe it's Progressive in making sure that we're addressing our right-of-way, that space outside of the fence between the street and the backyard fence or front yard fence. >> Houston: Okay. I appreciate that. I've been asking people, when they send me those emails -- >> Yes. >> Houston: -- About the need to come out and cut property, I've been asking them to call 311 so we can keep a record of it. >> Yes. >> Houston: But I've also been

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forwarding them to you. So it seems like we're getting more and more. As Austin grows, you know, it's only logical that the need for more of these operational maintenance kinds of things are gonna occur. And I did not call in the one out by the fire academy because it was joust high. I thought, surely, somebody will come by and cut it. But if it's -- next time I go that way, if it's still up so high, I'll have to call them in too. >> Well, I assure you we're gonna have an internal conversation about that. You had asked one more question about blind corners, blind corners, I believe. Is that public works. >> Houston: Yes. >> That's public works. >> Houston: That's public works, okay. So I have some of those too that we've gotten calls on, that you can't see, the grass is so tall. But I tell them that it's like that way all over town but, you know, that doesn't really help. As we say -- as I say all the time, sometimes it's the little things that people pay attention to. >> I agree. >> Houston: So thank you so much. >> Thank you. >> Zimmerman: Thank you, director Wright, for being here and welcome to the job, by the way. >> Thank you. >> Zimmerman: I want to mention something quickly about the conversation I want to have. I appreciate you coming to our office. There's an idea of the doctrine of clean hands in prosecuting people. In other words, if the city right-of-way and the median that's blocking traffic, blocking a view as the grass is three or 4 feet high, the city needs to knock down their median block the right-of-way before they go after other property owners, right? We all have to be consistent and we all have to stay after it. There's an area out in Anderson -- Avery ranch, the Avery ranch hoa president told me he's been struggling for years with the Avery ranch right-of-way and also the sidewalks and curb area, which he insists is city-owned but what happens is, you know, every year they go through this routine, this ritual, where they phone it in with

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311 and the city says, oh, that's not our property. That must belong to a developer. So it takes several weeks to sort that out. Finally, the city figures out, oh, that is our property, and then it takes another several weeks. They final -- mow it and then repeat. That's been going on for years. That's the feedback I've gotten so we need to figure that out and get in front of that. Again, thank you for being here. >> Thank you. >> Zimmerman: I look forward to working with you in the future. There's a lot we can do to make things better. >> Likewise. Thanks very much. >> Zimmerman: Thanks. Our next item -- oh, let me say, we did have one person sign up that I missed. We didn't have any people in the beginning, but we have -- is it Nicholas swill? Nicholas signed up to speak. Is he in the room? Nicholas will. Okay. When we see him -- that's showing up here on the agenda item. >> Houston: Which item? >> Zimmerman: He signed up for -- originally he signed up for item 7. But now he shows up on items 3 and 4. Nicholas. If we see Nicholas, we'll bring him up. That moves us to agenda item 5, staff briefing invited testimony and policy discussion regarding the annexation of the hold cat subdivision contiguous to district 5 and its effects on emergency service district 11, Travis county fire rescue. Mr. Guernsey, go ahead. How much time -- let's do a time check? Five minutes sneer. >> I think five minutes is fine. You might want to hear from chief Bailey about how it actually impacts his department. Greg Guernsey with the planning and zoning department, chair and members of the committee, you had asked about the hold cat tract. It's about a 27-acre tract of land, about 3/10-mile south of slaughter, kind of opposite on the east side five 35.

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It's -- I-35. It's in an area we identified for annexation earlier this year. Part of -- right abutting district 5. I'll show you a map in just a minute here a little bit about that. Hold cat was doing a subdivision on its east side, kind of brought it to our attention. It's bordered by the city of Austin on all its sides and it's

currently served by city of Austin water and can be served by police and fire protection to this tract of land. It can be, according to imagine in Austin, annexed areas it can be most economically served with existing and proposed infrastructure and services are areas that we could identify and annex. It provides municipal services and utilities through coordinated extension plans and capital improvements program plans. Those can easily be done by this tract because it's surrendered by -- surrounded by the city of Austin. Continuing to annex major industrial and commercial areas in parts of the city, this is an -- this isn't exactly [indiscernible] By the city, it's more surrounded by the city. If you can bring up this map I'll show you where this tract is. If you can see the kind of turquoise tract with the little star kind of at the top, that's the hold cat tract. The area that's in yellow is city of Austin city limits and you can see esd11, the purplish pink area to the right on the -- it says cat and also further down to the south. Esd5 is on the other side of I-35. You can kind of see where the station locations are, and if you can pull the map down just a little bit again, you'll see where this -- just a little bit further. Little bit more. Stop. You can see at the very top of the map, a little circle and that's the Austin fire,

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firehouse, fire station number 36. It's about 3.3 miles away. The proposed station, 47, that's about 2.5 miles away, but that won't open up until 2017. >> Houston: I don't see 36. >> 36, if you move it down just a little bit more maybe. Right there. So if they were coming from that station, they would travel over, come down, I guess that would be congress, go over slaughter and have to loop back to get to this parcel. >> Zimmerman: Sorry. For reference, are the esd11 fire stations included on this map? >> Yes. If you can raise it up just a little bit. >> Zimmerman: Is it e1002 at the bottom? >> Yes. >> Zimmerman: Thanks. >> It's just off the map, about 7 miles away. So I drafted a memo to mayor and council last week, and we weren't aware of all the effect on the esd11. We thought it would probably be best to defer this. So when this item comes back to council on October 6 I'll ask that this item be withdrawn from consideration of annexation and we need to probably talk with esd about their situation and impact. We were not aware it was gonna cause such a clam calamity to their fire district. If you have any questions I'll be happy to answer them at this time and you probably want to hear from the chief, who is here, and he can probably tell you more about the impact to his -- his esd by this annexation. >> Houston: So I'm sure you've told me this before, because y'all tell me that you've told me stuff before all the time. [ Laughter ] And I don't remember. When did we decide that we would annex this property? >> It was actually this summer. We put it on for council to set the hearings back in August, and -- >> Houston: Of this year? >> August of this year. >> Houston: Okay. So how was that decision made? >> We took a look at the

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different developments that are around the city. Usually if there's a subdivision that takes place, the preliminary plan is the first time that we would see something or subdivision. And it was the case in this instance as well, holt had actually filed a subdivision for the property to its north, kind of north and east of this. And that's when it kind of triggered our attention. Probably if they had not asked to subdivide land to do further improvements, we probably would not have recognized it as popping up as quickly. >> Houston: Okay. Thank you. >> Zimmerman: So one more, one more question along those lines. I remember -- [ buzzer sounding ] -- Sometime back -- I think I asked for the five-year plan annexations I believe we did get that. I haven't studied that yet. This wasn't part of that five-year projected plan? >> We have a three-year plan where we're annexing households, I think 100 or more in an annexation area and they have to be added to a plan. So we have to go meet with those folks in advance and then work out the plan before we come back. >> Zimmerman: So the property owner in this case didn't come to

the city and ask for annexation, right? Or did? >> No. He came to the city asking about subdivision to divide the land up for development. >> Zimmerman: But not about annexation? >> Not about annexation. >> Zimmerman: Understood. Thank you. Appreciate that. Do we have -- we have some other speakers here, I believe? We show -- well, we have Anthony Marquardt, Ken Bailey and NIK are all signed up. Can we take them in that order is this why don't we take them in the order you signed up.

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Could we do -- this is gonna be on the record recorded so she'll be back in just a minute. >> Sure. >> Zimmerman: Three minutes okay? >> Sure. >> Zimmerman: Okay, thanks. >> I'm Tony Marquardt, president of the austin/travis county esm association and I live in district 6. I wanted to share some thoughts on this annexation that seems to have been prolonged by another year. This seems to have happened recently from the memorandum that I'm seeing on September 19. That kind of glosses over what we're trying to achieve here in the section that says rationale for staff recommendations it lists the Austin energy, Austin fire and Austin water, missing a big element, austin/travis county ems. We provide services and have for some time through an interlocal agreement between the city of Austin and Travis county commissioners. One of the concerns with just simply moving forward with an extension of this annexation is where's the risk analysis on behalf of the city of Austin? I mean, I understand we're gonna hear from chief Bailey about some of his concerns logically and otherwise but I just don't see how this could be on short notice extended over a year and taken off the October 6 meeting. I mean, we just heard on the other agenda items we have three public hearings, three public meetings, online public forums, relevant tax sheets, et cetera, et cetera. It seems to me there's some things that need to be considered. My main concern is the population health and safety of the community that stands to be served by us in that esd 11 through chief Bailey is going through independent medical direction, also happening through esd 1 and 2. There are things the medical community and medical authority can outline which I believe they'll be doing at the public safety commission on the 3rd but for the same of conversation it seems we need to identify key elements moving forward. I'm told we have no leverage to navigate things like

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unified medical direction, medical control and public health. I would say this is a pretty good opportunity, you know, if you talk about leverage to have that discussion with our elected officials moving forward. This may be delayed by a year, but I still think it's relevant, and we're gonna hear from chief Bailey soon who is, you know, someone that I could get along with. I'm just -- I think we need to have a business operating plan, medical protocols, exact expenditures, demonstrate the patient care population, who is on the esd boards, where they meet, where the minutes are for all these things because I think they're subject to the Texas records act and those are not readily available. In conclusion I think there's more information that needs to be revealed and I do think there's a negative impact on the city of Austin that hasn't even been considered. If this is the only information we have, this three-page recommendation on the 19th there's by far more information that needs to be listened to and considered by our elected officials before moving on on this issue. Thank you for your time. >> Zimmerman: Thank you. Appreciate that. Next we have Ken Bailey. Thanks for being here. >> Thank you for having me, my name is Ken Bailey, I'm the fire chief for Travis county esd 11. The impact of this annexation would reduce our revenue by about 30%. And given the constitutional cap that we have on our revenue, it's not something I can just say, oh, we'll just -- we'll replace that. We are very grateful for the city to push this off and -- both the fire department and the planning folks for evaluating these impacts. We cover some of the most vulnerable and low-income people in Travis county. And to remove

services when we've seen a significant increase in response need in that part of the county makes our job very difficult. And I would ask y'all for three things. One is to follow staff's

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recommendation in pushing this off for a year. What that forces us to do now is to find a way to replace that revenue, and our only option within that time frame is to do -- or consider doing an overlay, which means that we will basically have to do another emergency service district on top of our existing emergency service district to replace that revenue. In short, we're gonna be asking the folks in southeast Travis county to pay 20 cents instead of 10 cents to keep their current services. That's not the city's fault, and I agree with the city staff. If you looked at this as a whole, this is the -- this is the perfect piece to be annexed. There's no argument there. It is surrounded by the city. Austin fire station, which we have an automatic gate agreement with the city of Austin, 36 is closer by 3 miles from our closest station. No argument there. I would only counter that in the fact that there is a doughnut of the city called formula one that's across from our fire station. Station one. So there's county kind of a mutual supervise there. The second thing is I would ask city council and -- this subcommittee city council to look at when an annexation occurs it goes to the Austin fire department, it goes to the police department, ems, what the impact of those city departments might be. Given the impact to the emergency service districts which surround the city of Austin, I would ask council to consider making that a step there as well. We've known about that holt was our Achilles heel for a long time and didn't want to bring it to anybody's attention for obvious reasons. But I think we can avoid these issues going forward. And then the last point I would make and request is that council -- and this committee -- look at what the long-term solution is. I know you're dealing with esd 4. There was previous issues with esd 6. This brings questions of our sustainability to provide service in southeast Travis

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county. I think that the county and the city should form a work group to see and evaluate the concept of a metro fire department, and that seems to be the only way that we can provide sustainable services to the residents in the city and into the county. Thank you. >> Zimmerman: Thank you, chief. Any questions? So that brings us to Bob nix. Thank you for being here, Mr. Nix. >> Thank you, committee members. I agree with what Ken Bailey is saying, is that we need to look at not just whether the city can do it but the effects of when the city does do it. And in this case, it would essentially viserate esd 11 and their ability to provide service. It's kind of the problem we had with esd 4, which you're well aware of, we had a lot of discussions about that. The decisions the city made in a vacuum helped the city but didn't help some of the residents in those islands. So I think the notion of looking at it broader. For instance, there's lots of ways to skin a cat but we know five of our critical fire stations we need today are in that area. If we were to accelerate those two fire stations we'd have two more stations in that area, hold off on the annexation maybe until we get them in place, maybe, and then look at how with the new stations in place could we bring esd 11 into a metro fire department with very little money. And so we have some time to discuss it if we start soon we might be able to come up with creative ideas, do it with very little money, make sure on both sides of the shrines citizens are getting service and we're getting closer to that metro fire department that I think everybody agrees some day will be where we're at. So I do appreciate your time and your consideration. >> Zimmerman: Go ahead. >> Houston: Chief, chief? Nix, not Bailey. >> Yes, ma'am. >> Houston: You, you.

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>> Okay. >> Houston: I've never heard of the metro fire department before. This is the first time I've heard that. So when did that conversation start? >> Well, the conversation I guess started for me over eight years ago and we started looking at the esds how they're getting shrinking tax bases and how we're going to deal with it in the future. That's one of the reasons the -- and so we've always kind of been thinking forward ahead, thinking how it's going to look in the future as they lose tax revenue, as we make annexations, what do we do with their service, what do we do with the firefighters? Working on this issue for about eight years with Danny and others like chief Bailey and it seems like -- there's lots of ways to skin a cat but it seems like the best way ultimately is to try to fit into a metro fire department where the esds, as they're merged, annexed, come into the Austin fire department. We have better continuity of service. The folks have been giving their service to those communities for years have sustainable jobs going forward. It's kind of a concept we've been working on a long time. >> Houston: Thank you. I have not been here eight years, only two. But the metro fire department sounds like a much better use of our time than trying to merge esds one at a time into the city of Austin fire department. And so I'm just surprised that I've never heard of that as an option. >> Yeah. >> Houston: Because to me, our time would have been better spent trying to get with Travis county and -- or we may have some in hays county, I don't know, we may overlap in the southern area or in -- maybe some up in Williamson Williamson county but our time would have been better spent talking about how do we develop this metro department that serves all of the counties without having the negative impact financially or employmentwise

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on the esds that we continue to kind of go out and annex land and eat up their tax base. So that's all I had. Thank you. >> Yeah. I appreciate it. We really do need a broader conversation on it and it shouldn't probably be piecemealed so I do appreciate your comments. >> Zimmerman: Before you go, Mr. Nix, pretty much all those comments. For our friends, the people for the ethical treatment of animals and my wife Jennifer who is a cat lover, we never advocate skinning cats. You. >> I always feel bad when I use that example, just old school example. I get it. Thank you for being here. >> Zimmerman: Appreciate it. So I want to ask, we had someone sign up and I haven't been able to locate him yet. Nicholas will? Is Nicholas in the building? Okay. So that brings us to agenda item 6, discussion of future agenda items. Did you have anything to add, councilmember Houston? >> Houston: I wanted to ask ems did they want to say anything? No. You good? >> [Off mic] >> Houston: Okay. You don't want to weigh in one way or the other. Okay. >> [Off mic] >> Houston: Service the whole county. Okay. >> Zimmerman: All right. So agenda item 7, speakers signed up. If there are any speakers signed up to talk about any issues that we have not addressed today, item 7, speaker signed up prior to the meeting being called to order will each be allowed three minutes to address concerns regarding items not posted on the agenda. Laurie turner and Nicholas will. Do we have Laurie turner here? And no Nicholas will. >> She left some comments to go on record. >> Zimmerman: Do you have those? Your chief of staff. >> Zimmerman: He's got them. Terrific. Thank you very much. If there's no objection, the meeting is adjourned at 4:50 P.M.

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>> Houston: I will second that motion. >> Zimmerman: We are adjourned. Thank you all for being here. [Adjourned ]