



**PUBLIC SAFETY COMMISSION  
MINUTES**

**SPECIAL CALLED MEETING  
Thursday, September 5, 2013**

**The Public Safety Commission convened in a special called meeting on Thursday, September 5, 2013 at City Hall, 301 West 2<sup>nd</sup> Street in Austin, Texas.**

**Vice Chair Kim Rossmo, called the Board Meeting to order at 4:04 PM.**

**Board Members in Attendance:**

Kim Rossmo  
Reynaldo Moreno  
Sam Holt  
Mike Levy  
Kent Anschutz

**Board Members not in Attendance:**

Michael Lauderdale  
Ramey Ko

**1. Approval of Minutes**

The minutes for the special called meeting on 9/05/2013 were approved on Commissioner Sam Holt's motion, Commissioner Reynaldo Moreno's second and a 5-0 unanimous vote.

**2. Citizen Communications**

Citizens did not sign up to speak.

**3. Discussion and Possible Action Items**

Vice Chair Rossmo made a motion to make Public Safety Commission pending items a permanent part of the agenda (e.g. as item 2 after Approval of Minutes). This would allow for a formal stage for the Public Safety Commission to review the status of items they have asked AFD, APD, and EMS for. He understands that Tara Long has to get this request approved by the Legal Department before the motion can go through.

**a. Overview of Outside Fire-Based EMS Programs – AFD Chief of Staff Harry Evans**

Chief Evans provided a PowerPoint presentation to the commission describing the six most common service delivery models for Fire-Based EMS programs (Fire Based, Third Government Service, Public Utility Model, and Private for Profit Agency, Community Based and/or Volunteer Non-Profit Agency, & Hospital Based Service) in Texas and outside

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of Texas. Commissioner Moreno asked Chief Evans, if the departments with 3<sup>rd</sup> service provided 1<sup>st</sup> response and transport? Chief Evans answered that Williamson County and Harlingen both provide transport. Harlingen is similar to Austin and that it has a separate EMS and fire department. Vice Chair Levy asked Chief Evans if he had time to come up with the potential cost savings associated with any kind of consolidation between Fire and EMS. Chief Evans answered no. Commissioner believes that EMS is top heavy in their organizational structure. Vice Chair Levy suggests that the PSC make a recommendation to Council to instruct the City Manager (bring in appropriate stakeholders) to look at the possibilities of a better model than what we currently have. He believes we owe it to the community to examine the possibilities on a very methodical basis and to find the best business case for what model best serves the city; whether it's a consolidation of services with one management, two separate works groups, fire work group and a paramedic work group, under the management of AFD. Vice Chair Levy stated that this was his motion. Vice Chair Rossmo asked for a second to the motion and Commissioner Moreno seconded the motion, and a 5-0 unanimous vote.

***b. AFD Response to Hazardous Materials Traveling Through Austin Via Rail or Truck – AFD Special Operations Battalion Chief Larry Jantzen***

Chief Jantzen provided the PSC with a PowerPoint presentation on the concept of community risk assessment as it relates to the transportation of hazardous materials through Austin via rail or truck. Chief Jantzen showed two Texas maps; State Railroad and a map of Texas freight density that shows the flow of freight across Texas existing rail lines. On the freight density map, he explained that the thicker and bluer the line is on the map the greater the amount of tonnage that gets shipped across those lines. Austin does not see a high volume of large freight because the other rail lines are more conducive to higher speed delivery and a more direct route for delivery of products. Austin does not see a large volume of freight or a large volume of hazardous materials shipped via rail. The railroad has to follow Federal law and Federal law states that if a company wants to ship a hazardous material over the railway and they meet all of the labeling and safety requirements of shipping that material the railroad has to ship it and they have to ship to where they want it shipped. That does not mean they have to follow any particular route. Austin is not usually chosen because the rail lines that go through Austin are not conducive to rapid movement of those products to the places they are sending them from and to. Austin also has what is called a "Sharp S Turn" in downtown Austin which is not conducive to high speed railway traffic. Austin usually sees earthen products, gravel, and limestone because it's mined somewhere along that track and being delivered to dispersal locations along that track. Cars from San Antonio also come up through Austin. Austin would see hazardous materials containing railcars primarily is when they bring a train in that already has them hooked up to it and they pick up a load here in Austin and they put those cars on a siding for a period of time anywhere from two to eight hours and they hook the other cars into that train and then they leave. Hazardous cargo makes up less than one percent of all rail cargo that is shipped nationally. Vice Chair Rossmo asked, where is the "S" turn in Austin? The "S" turn is by the Amtrak station at Lamar and 4<sup>th</sup> street and then makes another sharp turn to the north to get in line with Loop 1. There are 430 Tier II sites in Austin, these sites receive and can ship hazardous materials. This can be anything from a small chlorine cylinder for a neighborhood

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pool to any reportable quantity of a hazardous material. To have to register as a tier II site, the site has to have 500lbs of an extremely hazardous substance (there is a document called the list of lists) that contains a list of extremely hazardous substances. If the property has an extremely hazardous either 500lbs or more of it or if the reporting threshold according to the list is lower than 500lbs; some can be 1lbs-10lbs-100lbs, you have to fill out and submit a tier II report to the State. This has to be done because the community has the right to know, the Emergency Planning Community Right to Know Act requires occupancies that keep these types of substances on site to report it to the community so that Emergency Responders can prepare. Commissioner Holt asked for two examples of tier II site substances; Chlorine, a neighborhood pool can have 150lb cylinder of compressed gas chlorine. Another example could be Toluene that an auto mechanic site uses to clean parts. Vice Chair Rossmo asked if there is a Tier I and Chief Jantzen stated that Texas does not have Tier I reports, but other states do. Chief Jantzen reported the only way to capture current Transport of Hazardous Materials in a community status is through a Commodities Flow Study. The last Commodities Flow Study was done in Austin in 2000. AFD has three stations currently with 16 Haz Mat technicians, but is changing to five stations as of January 1, 2014. The five stations will have 10 apparatus and 19 Haz Mat technicians. Each of the five stations will have one Engine company added; some of those stations will have either a Rescue or Aerial unit (ladder truck) in addition to the Engine. Vice Chair Rossmo asked Chief Jantzen and Chief Evans if they thought it was time for a new Commodities Flow Study in Austin. Chief Jantzen stated that it would be up to the PSC. But most communities conduct Commodities Flow Study every 10-15 years. Chief Evans believes it is something that should be explored by AFD and get back to the PSC on what the Commodities Flow Study should be. Chief Evans agrees there has been a significant increase in population, travel through the city, and industry growth and it warrants AFD looking into what the scope would be for it. Chief Evans stated that he could get back to the commission in October to tell them what the scope would be for a commodities study and give basic parameters of what that would look like. Vice Chair Levy asked Chief Evans if the report would include the cost of the study. Chief Evans stated that it would include the cost. Vice Chair Rossmo asked Chief Jantzen if he knew what the relative volume of hazardous materials traveling by road vs. rail through the city of Austin. Chief Jantzen could not give him the information, but he told him he could do some research on it.

**c. FY 13 – 14 Budget Recommendations for AFD and EMS – Public Safety Commission**

Vice Chair Levy motion to support AFD's budget request and Commissioner Holt seconded the motion with a 5-0 unanimous vote. Vice Chair Levy moved to make no recommendations for EMS budget. In his opinion there was not a business case adequately made. The performance indicators that were given to PSC keep coming back to cardiac arrest as their primary outcome indicator. Cardiac arrests are a miniscule procedure. Vice Chair Levy stated that 9.5 has been the target average and he has been asking over the past several years, how many are +10, +15, +20, and +25 minutes because averages are often misleading. He believes the 9.5 average is misleading. The staffing for EMS, a total of 440 rank and file positions, there are 36 Commanders, 6 Division Chiefs, 5 Assistant Chiefs, and 62 Captains. He believes EMS is top heavy. Vice Chair Levy stated that he is not saying they are in the position to not approve it, but he is saying that based on the information they

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have been given we can't say we support it. Vice Chair Levy motion to take no position whatsoever on EMS's budget and Commissioner Anschutz seconded the motion with a 5-0 unanimous vote.

**d. Resolutions Honoring Karen Jackson and UT Chief David Carter – Public Safety Commission**

Vice Chair Rossmo read the resolutions for Karen Jackson and UT Chief David Carter. Vice Chair Rossmo motion to approve UT Chief David Carter's resolution and Vice Chair Levy seconded the motion with a 5-0 unanimous vote. Commissioner Holt motioned to approve Karen Jackson's resolution and Vice Chair Levy seconded the motion with a 5-0 unanimous vote.

***Resolution for David Carter***

*Be it resolved that David Carter as the Austin Police Department's Chief of Staff served faithfully as the liaison with the Public Safety Commission of the City of Austin. Chief Carter helped initiate the Commission that began in December of 2010 and contributed substantially to its success and service for the citizens of the City of Austin.*

*Commissioners of the Public Safety Commission of the City of Austin*

***Resolution for Karen Jackson***

*Be it resolved that Karen Jackson of the Austin Police Department and as Chief of Staff David Carter's Administrative Assistant served faithfully as the continuing support for the three Chiefs of Staff of the City's Public Safety Commission. Ms. Jackson was there at beginning of the Commission and contributed substantially to its success and service for the citizens of the City of Austin.*

*Commissioners of the Public Safety Commission of the City of Austin*

**e. Distracted Driving Ordinance Revision – Legal Division Chief Bianca Bentzin**

Council Member Martinez's office indicated that Ms. Bentzin has some thoughts on possible ordinance revisions to the existing ordinance. Vice Chair Rossmo stated that there was concern or criticism rose that the current legislation was vague or allowed a lot of wiggle room both locally and on the State level. Ms. Bentzin stated that there is not a State law currently in effect. She would address the local ordinance adopted in 2009. She stated that the 2009 ordinance was sufficient in 2009 because only cell phones existed. Over the past few years technology has rapidly evolved; however, the 2009 ordinance has not. The law needs to evolve to match up with the technology. The push across the nation for new laws is not for texting while driving but for distracted driving. Their thought is to have an ordinance that actually addressed distracted driving which addresses a broad range of devices, all of which adversely affect the community when it comes to traffic safety. The legal department is looking for an ordinance that is clearer and addresses a broad range of devices. The legal department has drafted an ordinance that they feel meets the needs of Austin. Vice Chair Levy asked if they have tried to benchmark against a best practice or city or state that has language that is practical and enforceable. The legal department has only looked at other

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cities in Texas. Ms. Bentzin stated she could look at other cities outside of Texas. Vice Chair Levy asked that Ms. Bentzin come back to one of the next two meetings to provide benchmarking against other cities around the county and an initial draft ordinance.

**f. *Overview of Recent Traffic Fatalities and License Plate Scanners – APD Assistant Chief Brian Manley***

Per Chief Manley, APD is currently showing, 54 fatal crashes with 55 fatalities with one of the crashes involving multiple victims. Trends in 2013 – 17 (31%) of the fatalities involved pedestrians, 26 (47%) motor vehicles, 1 bicycle (2%), and 11 (20%) motorcycles. Austin is roughly up 8 percent year-to-date in our fatal crashes. Vice Chair Rossmo pointed out that Austin has seen a 2-4 percent increase in population. Impairment in 18 of the fatal crashes and they are expecting 10 additional to be added after toxicology reports come in. Commissioner Holt asked Chief Manley, what has APD done to reduce the pedestrian fatalities? Chief Manley's response, continued education and enforcement. APD tracks time of day and day of week that the fatalities are occurring on. They develop their deployment strategies based on what the data is showing them. They have recently added six officers to their DWI Enforcement Team creating another shift to be working DWI enforcements since that is always a leading factor in fatal crashes. Vice Chair Rossmo asked Chief Manley if the information he provided was in a document that individuals can review.

License plate readers – currently APD does not have any operational license plate readers in the department. The vendor that APD was using went out of business so the ones APD actually owns are used through their service life. Those are not in any condition to be used. APD is actively looking for a new vendor. The commission wanted to know the records retention rules for the information received from the license plate scans. APD's current practice is to store them indefinitely. All records from 2009 (started in 2009) have been stored; 835, 133 records involving 485, 414 plates. There are no record retention laws currently in place; however, DPS is looking into best practices in this area. What is currently being looked at is a two year retention period, but no decisions have been made. Vice Chair Rossmo asked, how often is that database searched for criminal investigation purposes? Chief Manley stated he did not have that information with him and he would have to check with APD's CTM group to see if there is a way to actually to determine how many times APD has gone into the system to look for that information. Chief Manley also stated that as the data gets older and older since they are not putting new data into the system the relevant value of the data will decrease. Vice Chair Rossmo stated that it would be interesting even if only anecdotally, how the database is accessed and how often it's been successful. Vice Chair Rossmo asked, what is the accuracy of the system? Chief Manley's response was that the system turned out to be very accurate, very reliable and did a very good job picking up the plate. Vice Chair Rossmo asked if there were any budget issues associated with getting a new system. Chief Manley's responded that APD would more than likely fund the new system with APD's seized funds and that is money they will allocate departmentally.

**5. Discussion Regarding Potential Future Agenda Items**

Commissioners request:

- a. Special Events Coordinator to come and speak to the Commission in October.
- b. APD, AFD, EMS, and Code Compliance to get together and discuss Special Events:
  - a. Resource demand (quantitative measures)
  - b. What is the cost?
  - c. What was reimbursed?
  - d. What has been the change over time?
- c. Joint Presentation from APD, AFD, EMS, and Code in November

Vice Chair Levy asked how they could define it so that the scope is appropriate for an agenda item. Chief Evans response was he heard the commission say they want the departments to come back and articulate the resource demands that they have to use for a special event, what the hard costs are for those demands, and at what rate are the city and the department reimbursed? Vice Chair Levy stated that a sub-issue where does the money transfer back from an event goes? Does it go into the General Fund or does it go back into the operating budget for the department? Vice Chair Levy believes this is a policy issue the commission needs to address. Vice Chair Rossmo gave the example, if there is a special event and I am asking for extra police, fire, code compliance, and EMS staff to be there, am I paying the full freight? And then does that freight go back to the actual service providers? Or is the money being moved around and are there deals being cut for business purposes?

**6. Adjournment**

Motion to adjourn by Vice Chair Levy, seconded by Commissioner Holt. Meeting adjourned at 5:52 p.m.