

## Public Safety Council Committee Transcript –3/23/2015

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[4:12:39 PM]

>> Hello, thank you for coming to the meeting. A couple of housekeeping things. Councilmember pool will probably have to leave us at about 6:00 P.M. Also, I have Joe here, my chief of staff in district 6. He's a parliamentarian, so if the worst breaks out and we get into trouble, we'll ask him to keep us on track with rules. We're going to have testimony. We're not debating on any particular issues before the council. We do -- I want to point out the agenda here. We had time certain events. At 4:00, we posted for discussion on the municipal clerk. We've been charged with replacing the municipal clerk. We believe hr is here to brief us on that. At 4:30 we were going to move to Austin police department had a towing dispatch rfp. We're going to hear some discussion on that. And then at 6:00 time certain we were going to do a discussion on co-compliance. We have some invited them on -- testimony on that with staff and constituents. With that, I'd like to ask if city staff on our municipal clerk question, if you could please come forward and get us started. Thank you.

>> Good afternoon, I'm the director of human resources. I'd like to have the hr manager pass out information on the briefing this afternoon. As we discussed, the proposed recruitment plan and strategy for municipal court clerk. And as he's . . . Okay. And so, what you'll have before you is a timeline that I briefly had the opportunity to visit with councilmember Zimmerman about.

[4:14:45 PM]

And we made some refinements since our last visit. And we are posted tomorrow for executive session, during a work session to discuss the specifics of the interim replacement for the municipal court clerk. But this is a proposed strategy for the permanent staffing. And as you'll see on page 2 of the timeline, the staff is highlighted in red what items either the council or the public safety committee will need to consider. It is our understanding that Rebecca, I believe she's here in the back. She's getting further -- closer and closer to the door on her way out. Has retired. And she's smiling. Effective the end of this month. And I think either this week or next week is her last week in the office. And in order to ensure continuity, the first decision will be to consider the appointment of the deputy clerk, Yolanda, as acting court clerk. And as I mentioned, we are scheduled for executive session tomorrow to have that personnel discussion. The mayor did defer this staffing issue to the committee. And in our discussions with councilmember Zimmerman, because of the brevity of item, I don't think we're going -- of time, I don't think we're going to get a formal recommendation on the interim, but, we're looking for input on the permanent replacement. With that, what I'd like to do is have rod come and give us an overview of the timeline that we put together. It's a 14-week process that takes us from recruitment to selection, and then the actual onboarding and negotiation.

[4:16:50 PM]

So, rod.

>> Thank you. You're referring to the handout you just gave us? You're going to go over this for us? Thanks. I'm sorry we started a little bit late. We're trying to go as fast as we can.

>> Rod, I apologize. I didn't realize you were trying to hand out something for a presentation.

[ Laughing ]

>> That's no problem.

>> Thank you.

>> My name is rod, the position manager for the city, I work in the human resources department. The timeline we've created does help us to both comply with the code that exists for the city, as well as the traditional process that we use for recruitments. You'll see in here we've identified in red those items that the, either the committee or the council has to take action on. And we are hoping to have this process conclude in about three months. That's fairly traditional for this recruitment, as well. What you'll see is we spent quite a bit of time making sure the process is clear in terms of the expectations for the position we're trying to fill. Getting feedback from stakeholders, and from those identified who have information. We've already been able to get some information from Rebecca related to the John -- job description, we're hoping to make sure that's clear. Once we have that, and we have the stakeholder feedback, we'll be formally launching the profile used for the recruitment process, and that will go

externally. We're hoping to get recommendations on locations -- and organizations that you think would be appropriate for providing either candidates or feedback to help make sure that recruitment process is robust. You'll see that by the time we get to week three and four, we're already talking about how that targeted process might work. Our team is very adept at finding talent, but certainly the more focus we have and feedback we have on great resources and locations, the better the process works.

[4:19:01 PM]

I also traditionally will then be screening the resumes, ultimately coming back to this group to get feedback on who should go forward. You would help us to define that. Based on your decision, we would move forward with getting those folks reviewed, and then finally taking that same group forward based upon the top candidate selections to an initial selection with the council. As I mentioned, we're hoping this process will take about 3-4 months, concluding sometime toward the end of June. Officially all we need formally from this group is an agreement that this recruitment process is reasonable and that you think it'll meet the expectations the council would have. This week, we can start talking with stakeholders and gathering further feedback.

>> Zimmerman: Is there anybody here to testify on in agenda item, anybody from the public before we go on? Okay. Going back to the council, there is an agenda item on this, right, that's coming up for Thursday's meeting, for the 26th, for the full council to consider?

>> Yes. The agenda item is related to the appointment of the acting clerk. That's correct.

>> Zimmerman: Okay, thank you. Yes, councilmember Houston.

>> Houston: Am I on? If I heard correctly, they're just wanting some agreement that this is the process that we would probably be following.

>> Zimmerman: Are there any other questions here on our committee? Any more questions? Well, thank you very much. I predict this will come up in the work session some tomorrow, so hopefully you guys can come there, as well, this -- in case the full council has questions. Terrific. Thank you very much.

>> Thank you.

>> I need to add one other point.

[4:21:03 PM]

So, between now and the next time we formally come back to the commission, the staff will be following up with each councilmember individually to get your perspectives on what should be the ideal knowledge, skills, and abilities of the successful candidate, and incorporating that in the profile. We'll be having one-on-one meetings with you, as well.

>> Zimmerman: Councilmember pool.

>> I think we are going to proceed with an interim appointment?

>> That's correct, we'll have that tomorrow to consider the appointment of Yolanda.

>> Pool: Great. I look forward to working with our municipal judges. I see the presiding judge in the back there. Working through these processes. It's a time of change for all of us.

>> Right. That's a good point. The stakeholder meetings that are part of the process to get feedback from all interested stakeholders would include the judges, law enforcement, the attorneys, and other users of the courts.

>> Pool: Yes, please. In particular, the judges whose courtrooms these activities take place. Thank you.

>> Mr. Chair, I just wanted to thank you, Mr. Washington for your really thorough and hard work on this. I know it's one job position but it takes a lot of jobs to find it. Thanks so much for your individual attention to this.

>> Thank you.

>> Yes, before you go, a couple more questions. Maybe we'll dig a little deeper. We did talk to some of the municipal judges, and they had a question about -- I think there was a local government code that talks about the organization of the clerk's office, and they pointed out that it does say in the law that the municipal clerk works under the direction of the presiding municipal judge. There was some state law language talking about who works at the direction of whom.

[4:23:04 PM]

And so, when we talk about the recruitment process and profile, would that maybe be a good time to clarify some of that policy? In other words, if we bring in -- when we bring in a new municipal clerk, is the understand that the clerk works at the direction and supervision of the municipal judge, or vice versa? Is that the kind of question we could ask there?

>> Sure. And we will certainly clarify the role of the position per ordinance and job description, as well as any state statute. But, the clerk is an appointee of the council and reports directly to council. The incumbent is here, and our attorneys are here in terms of the specifics, in terms of the integration with the judges. And I will defer to my city attorney's office.

>> Kalani, assistant city attorney. Yeah. Government code -- there is a government code provision, 30.00736 that says that you guys shall appoint the municipal court clerk, who serves at the pleasure of the governing body, which is council. There is, like they mentioned, other law that maybe alludes to how the clerk and judges work together. The law department has previously been asked that question, and we have some memos we can put together for you guys on that.

>> Okay, but what's the short version of how you read the Texas code?

>> The short version is that the municipal clerk answers to the council.

>> Zimmerman: Okay. No. I meant the relationship between the municipal clerk and the judges, municipal judges. That was the question.

>> I am not the attorney who has done that research in the past. We've been asked that question in the past, so I don't want to give you any information that's not accurate, but I can see what advice we've given in the past and get a memo together to present to the council.

>> Zimmerman: All right. Is there anything else? If not, we finished five minutes early. So, our next item's going to be 4:30. So, I guess we'll be recessed for five minutes.

[4:25:06 PM]

If the next group wants to come forward, I believe we have officer pat south. Are you here? Terrific. Could you come down and get ready? We'll start that at 6:30. 4:30.

[4:30:23 PM]

>> For the sign-in sheets, if you could put towing or code. If you could clarify that, that would help. I've got 4:30 P.M., so we'd like to pick up the issue on the APD towing. Let me say while we're on the record, this is dealing with -- we're not voting on the issue. But it's dealing with an rfp ead0119rebid, that deals with the towing fees. Because the item we were discussed back in February dealt with raising towing fees by \$25, and there was also an rfp. There's a copy if anybody would like to refer to it. A copy of the rfp. I have a copy, and he has one, as well. You can -- sure. We'll share this one. Just to let everyone know, there's -- it's a three-year contract. And my aggie math that I did based on page 2 of the scope of work showed that we were dealing with about -- what was the number I got? \$12.75 million is the estimated value of the contract. Right here. Based on how many vehicles were expected to be towed. Out of that, 20% would be returned to the city. \$3.4 million would be going to the contractor per year. So, it is quite a bit of money that we're talking about, so we thought it was pretty important. So, with

that, officer south, could you start us off and lay out the background for this, and what we were trying to accomplish?

>> Sure.

>> Zimmerman: Can we do, say, 15 minutes on your original presentation? I'll set the timer and we'll let you go.

>> Should be plenty of time. These items were brought before council this previous month and recommended to go to committee, so that's why we're here today.

[4:32:25 PM]

>> Zimmerman: Is your mic on?

>> Is it on?

>> Zimmerman: I think it's on, isn't it?

>> Both items were brought before council. Both the rfp and the change of city ordinance. Council then voted to move both items to committee, which we're here today to give some background information on. Next to me, the gentleman will give a background presentation, and then, the chief has comments he would like to make, as well.

>> Good afternoon, I'm the new commander of the highway enforcement division. We just have a powerpoint for you to present. You should have a handout. The current ordinance started in 2006. Our current collisions are based on a request list with the 45-minute response time for the wreckers to pick up the vehicles. The city is broken into six Zones during the peak rush hours that have designated tow trucks to reduce response times to 20 minutes during those Zones. To be on a rotation list for the police department to call you, you're required to work these rush hour tow Zones. The Austin police department's impounds are based on a contract in southside wrecker holds it. That has expired in October 2014. We're on an extension pending what's going to happen with the vendor program, the proposed one. The contract currently requires 45-minute response time. Towing impounds are separate from the collision side of towing. That's the current wrecker system, also. The process is labor-intensive, involving multiple points of contacts. The APD staffing levels are stretched and the current system ties up officers on related calls longer than the proposed system. The public is delayed in the response times to open the roadways, and customer service is not always functional.

[4:34:28 PM]

The ever-increasing population growth, number of additional vehicles, and lack of infrastructure enhancements, accurate data collection response times, lack of data hinders improvement, and lack of technology causes inefficiencies and delays. Basically, right now, if the officer does contact the dispatcher, all that basically says it takes quite a while. There's no gps system in place. It's through a rotation system. You could have a wrecker at one end of the city responding to another end of the city to pick up that vehicle. It has to go through layers in the dispatch from the officer. And if we wanted to conduct an audit or anything, there is no system set up in place that would be able to do that currently. Looking at what type of programs are out there, they handle collisions impounds, and most companies that were found did offer technology with the ability to track response times via gps software and also establish the ability to analyze data to improve the efficiency getting back to what are we doing, are they best practices. The current cost of record management programs anywhere between 20 to \$25 per vehicle. The benefits of going to wrecker management program would be to hopefully improve response time, and our process efficiency, ability to track and analyze that data later, substantially increased overall efficiency and effectiveness of APD to clear the high-speed roadways, and the reduction of committed resources eliminating the need to go through multiple layers of dispatch as we currently do now. Additional benefits are the wrecker management vendor would allow us to dedicate resources to other areas, and it would eliminate the need for the current traffic incident management system and a contract for the impound service provider, which is south side.

[4:36:31 PM]

Historically, cities who used these programs had a significant reduction in wait time and improvements in customer service. And that concludes the quick, brief powerpoint. I know there'll be other questions. Commander south is available and we'll have some other folks available to answer some questions. I know you probably have several. Thank you.

>> Anything else you want to add, officer south?

>> Just to answer questions.

>> Zimmerman: Okay. Chief.

>> Thank you. The program you have before you is something we're excited about. It's going to leverage technology. It's going to leverage the ability through the gps system to use smart response, smart towing, like smart policing. And so I think what it's really going to do for us is a couple things. Number one, the cost in terms of economic toll of recurrent congestion caused by disabled vehicles, vehicles in a crash, vehicles on the right shoulder, vehicles from the lookie-loos, one-hour delay is tens of thousands of dollars in terms of economic loss to the consumer, business community, and the quality of life. With this program, we can do a couple things. Number one, the efficiency in terms of the response is going to go way up. We've looked at cities across the country that use this system. They have been able to

reduce response time significantly, which in turn gets our people back in service, which is huge. Secondly, from a dispatch standpoint, the management company will be responsible for actually responding to somebody. We won't have dispatch having to call one company, that's not available, they have to call the next company. It is a management challenge, and when you look at these challenges we've had with the communications center and staffing, not just in the communications center, this management program that we're hoping to enact, and we hope you will recommend to the full council, is going to have a tremendously positive impact economically.

[4:38:38 PM]

We're going to get, like you said, Mr. Chairman, a significant chunk of change back to the taxpayer. And most importantly, we are going to really enhance the response capabilities and the ability to restore the flow of traffic, which is huge in this congested city.

>> Zimmerman: Are there any questions so far? Councilmember Casar.

>> Casar: Commander in chief, thanks so much to all of you for coming down here to answer our questions. I meant to say commander and chief, it sounded like I called you the president. I wanted to can -- ask if you could email the data that historically cities have seen higher levels of customer service, and better response times. I would love to see with this vendor and with others, city-driven data, not data from the vendors themselves. I'm sure that other police departments have seen these improvements that you've cited, and I think it would be really helpful for us to have those hard Numbers, which I'm sure you have. I appreciate the simplicity of the powerpoint, but, if you could give me deeper information, that would be appreciated for myself and the rest of the committee.

>> Zimmerman: Councilmember Houston.

>> Houston: Thank you all for that information. Can you tell me how many tow trucks are included in this system? How many tow trucks are we talking about?

>> There's approximately 45 companies. Total tow trucks, I don't have the exact number. It's a little bit over a hundred, per some of the smaller companies, bigger companies have more.

>> Houston: When you talk about -- remember, I am technology-illiterate. So, when you talk about a gps system, is it going to be just tracked from wherever this company is? I think it's in California, is that right? The company you're talking about is in California?

>> Yes, ma'am, the actual company.

>> Houston: Do the tow trucks have to have some kind of equipment in their tow trucks to monitor them?



[4:40:41 PM]

How is that going to work?

>> There's an application they put on their smart phones. It's used by the phone itself. That integrates with how the tow company goes back and forth, and will generate which vehicle needs to go to which scene.

>> Houston: Have there ever been any incidences where for some reason, there's an interruption in the signal from the company in California to the tow truck here in Texas?

>> There's going to be a local presence here, as well. So they have to maintain redundant systems. With the redundancy, there's not going to be any delay in having a system broke down. There's been no reported incidences of that occurring.

>> Houston: Thank you.

>> One other thing -- think about an uber-type thing. It pops up and the nearest driver gets to you. It's kind of that type of technology. The other piece that's really important is, right now, we have one storage yard for all the impounds. It's one location, which is not ideal when you have a city that's fast approaching 400 square miles. Under this program, we'll have three different storage locations, which means that the consumer and the taxpayer and the person who has their car impounded doesn't have to go to north Austin because there'll be three different locations throughout the city, which I think is going to be a vast improvement over what we have currently, as well.

>> Zimmerman: Councilmember pool.

>> Pool: Chief. Before you go. I get the idea that we have some folks in the audience who may not be real supportive of this program. Can you maybe speak to why -- what the concerns are? I don't know if you'll have an opportunity after they present to respond, but can you give us an idea what the . . .

>> The biggest one is going to be gps versus a rotation-type of thing. The problem with rotation is, it's great because you get guaranteed your next one up.

[4:42:43 PM]

When you're in a hundred-degree heat waiting for a tow truck, that's not going to be the person's concern. Or, that person that's stuck in traffic with that backup that's already bad enough without the nonrecurrent congestion, you know. I think that's probably the biggest piece. And then, I'm going to

venture to guess, I'm not sure who was selected in terms of the storage yards, but, I'm sure you can't select more than three, or there aren't more than three. There's winners and losers in everything. I think in this contract, the winner ultimately will be the austinite that is driving and breaks down or crashes, and the commuter that is stuck behind them. There's nothing more handing -- maddening than traffic in this city. With this gps system, bottom line is, if you're out there you're going to get the work, but you're not going to be guaranteed if you're not the closest cop. We kind of use gps for policing. If you have an emergency here in city hall, and we have a cop down the street, I'd prefer my date patcher to call that cop than the beat unit booking somebody or down somewhere farther away. I think technology is something we should leverage, especially in a city where we have such a congestion problem, with more people moving in every day. It would be huge. There will be plenty of business for all the companies, but I don't think it's a hundred percent for everybody.

>> Pool: Great, thank you. It occurs to me if it were me in the car that's broken down and blocking traffic, or if I was behind that car, I would want the quickest, most efficient clearance of that blockage, as opposed to waiting for the next person who's in the rotation.

>> We know one of the biggest challenges in our city is traffic crashes, traffic fatalities, traffic injuries. Every time you have lanes blocked, the longer the lane stays blocked, or the longer the backup, the higher number of what we call secondary crashes.

[4:44:51 PM]

Crashes are happening behind the incident, which is actually another challenge. The quicker we can remove these people off the roadway, completely off the freeway, especially, the better off we'll be.

>> Pool: It's a safety issue.

>> Zimmerman: I have a quick question, we have two minutes left. I want to go back to the scope of work for the rfp. There are four points here that everybody in the city will agree with this. This is in the rfp. Reduce the amount of time officers and emergency communications staff spend on managing tow trucks. Create a more efficient system. Introduce more technology like gps. And increase the reporting capabilities of the towing data. So, everyone° -- agrees with that. One thing that came to my attention is, there are software systems monitoring realtime databases, and web-enabled software systems that do what we need to do. To me, the big issue is whether APD should use the modern technology. Or should we hire a third party to use the modern software, technology. What seems to get lost in the conversation is this bigger question of, is it the best thing to put a private management company using the software instead of APD using the software? And of course you can price that any way you want. I had invited somebody to come, grant, is he here? Yeah, grant is here. Maybe we'll hear from him later to talk about the differences between the modern software versus the management company using modern software. Do you have any reaction to that?

>> Yes, the management software is one part of the total solution that we're bringing forward to council. The cold air aloftware -- software is a big component. It's going to be able to have realtime data and analyze what's occurring, and show the methodology we need to utilize to do that. That's only a portion of it. When you start talking about the storage facilities, aftermarket when they have to deal with the tow companies and the services they're providing to the citizens, that will be lost.

[4:47:00 PM]

If we just utilize the technology portion of it. In addition to, when we have the company doing these portions of the job and we release other assets and resources within the city to perform functions, then we're all -- the department, the city, and the citizens are going to gain from that, as well. Specifically we're talking about --

[ beeping ]

>> Zimmerman: Go ahead and finish.

>> I lost my train of thought now.

[ Laughing ] Specifically, what it comes down to, we're proposing a total response to it. The technology and software is a component, but it's only one component of many parts.

>> I think what I hear is a question of accountability. And if we cede that from APD to a private towing company, the accountability would no longer rest with the police department.

>> Yes, ma'am, but it stays with the police department. It's specifically in the rfp that it designates the chief of police to still remain accountable and have accountability of all the rules, regulations, that the third-party vendor has, the department still has control of and we can change. We're not giving up our responsibilities as a department, we're giving up the management of that portion of it to make it a better, more efficient system. But we are still responsible as a department to ensure those things occur.

>> Pool: That's really important, I'd like to be assured that would be the case. We've talked about shifting responsibility for accountability with some other departments, as well. It was a big conversation last summer with Austin energy, and council from a policy angle was very clear that we wanted to retain that accountability with the elected officials. And I would have the same position with this issue. And I would like to have assurances that that oversight would still rest with APD, and that we wouldn't lose that.

[4:49:01 PM]

>> And councilmember, those are really good questions. We have performance measures that are a part of this program. Our job will be to make sure that we are monitoring those performance measures. Quite frankly, the dispatchers that we're freeing up to not have to keep calling the next person on the rotation have plenty of work. As the budget proceeds, you'll see across the entire organization we -- everybody is short-staffed, whether it's park or the police or whatever. I don't think we can do it as efficiently as a management system. But their number one goal is going to be to make money. Their second goal is to be able to compete in three years or make sure they don't lose the contract for cause. We will make sure we are keeping an eye on them to ensure they're doing what they're supposed to be doing, and the consumer is being protected.

>> Pool: Thank you.

>> Zimmerman: Okay, thank you. Chief, before you go, we're almost done here. But, I have gone through the 16-page scope of work in the rfp. And I appreciate you making those comments. But, the problem is I see a whole bunch of statements in here delegating a lot of responsibility to the contractor. I'm talking the written rfp.

>> Right.

>> Zimmerman: Okay, and to councilmember pool's point, on page 3 of 16, it is the responsibility of the contractor to negotiate any payments or reimbursements to the subcontractor, to the other towing companies. Contractor shall establish and maintain a list of towing companies on page 5. On page 4, the contractor and subcontractor need to negotiate the details of the gps or navigation system, including ownership, cost, and any other details. There are many, many statements like that through the rfp. And I'm also concerned that we're going to lose a lot of control over this process.

>> That's putting the work on them, the contractors have to do the work, but at the end of the day, the police department has to continue to monitor the contractor, their work, and to make sure that they are following the spirit of the law, the letter of the law, and treating people fairly.

[4:51:10 PM]

>> Zimmerman: Terrific. Maybe we can take that offline and you can show me where that is in the rfp. Thank you very much, guys. We've invited testimony. Is Mr. Lewis Clark here? Could you come up, please, Mr. Clark? And give some of your comments as a tow company operator here in Austin, and tell us how long you've worked here, how long you've had a business here in Austin. Tell us about your company first.

>> I own Clark auto care for 29 years. I've been towing for APD for 27 years. I've been on the rotation list. And I've got 22 trucks. And . . . But the only thing I don't like about this thing they're going to have, the gps they're going to have, you're going to lose a lot of business. But they don't understand how

you're going to lose business. How you're going to lose it by, like, at nighttime, the Austin police department don't have a full staff. Nobody have a full staff, a lot is not going on. You're going to pay for a driver to be out there in a tow truck hoping he's going to get a wreck. It ain't going to happen. You can look at the list, they probably had one wreck the last three hours. That means you've got a truck out there all them hours, you're paying them? Somebody going to go broke. They not looking at that. They just talking about this gps thing. It's not going to work. They're going to start running wrecks, and that's going to be a mess.

>> Zimmerman: I think maybe, could you back up a little bit, are you talking about the Zones? The traffic information management system?

>> The zone thing we do now, I think it's okay. The zone works like 6:00 in the morning, we have a couple trucks on the highways. And we do that for free. We set that way for accident response time is 20 minutes. We've been doing that for three or four years now, and we get nothing out of it but we've been doing that.

[4:53:10 PM]

The city wants you to do this, then they change that. What y'all want us to do? Now some other company comes, you're going to run us out of business? You like done used us.

>> Zimmerman: I'm sorry. Maybe back up a little bit and tell us more about how the business works. I don't think it's clear to everyone what you mean by how the business would change. What is your perception of how the business models would change if we went to this?

>> Let's go back to the zone. We've got to do six hours of zone. Three hours in the morning time. You have to have two trucks out there. Somebody got to be in them trucks. You're hoping for a wreck. If you don't get a wreck, somebody have a flat tire, you have to move them off the roadway. You do that free. You don't get paid unless you take a car to your yard. Now you want to do this 24/7, you have to have somebody on the street 24/7. They not looking at that. It's about the same thing with zone, but you want to carry it for 24 hours. It's like, I don't know who dreamed this up, but they're going to hurt a lot of companies, and a lot of people is going to lose some jobs.

>> Zimmerman: Okay. Thank you, Mr. Clark. It's not that I disbelieve you, for the sake of everybody here I'm trying to understand a little better how the business model works, all right. And you may be right. Some companies might, you know, lose their businesses. But I still don't quite understand why. If we could compare what's going on now, okay, and how would it change under the proposed, you know, auto return agreement. Tell us how it is now, and then what would change to make -- you know, it harder on small businesses.

>> The way they're going to do it, the gps will call the closest truck to the accident. So that mean, like, a lot of people can run scanners. You're going to run wrecks, everybody going to run a scanner. I can look at my phone and tell where a accident at before they dispatch it to a cop.

[4:55:15 PM]

We can run there before the cops get there. Basically, you're going to be running wrecks. And they don't understand that part.

>> Zimmerman: Are you talking about the practice that I witnessed in Houston, Texas? I lived there for 13 years.

>> That's a good example.

>> Zimmerman: When I went down 610, I saw a dozen tow trucks.

>> For two cars.

>> Zimmerman: Yeah, all these trucks circling around. I thought that practice was stopped by some of the APD policies, and they even sometimes ticket a tow truck driver if they should show up ininvited. Can you tell me about how that work?

>> The way it is now, you come to an accident, you have to be 200 feet away or they give you a ticket for soliciting. Basically, people stay back. Normally when you're on the highway, they leave it up to the officer. If it's blocking, go ahead and move it. I agree with that, but you have to look at, let's say there's an accident on east 12th street. Ain't no highway there. Not a lot of traffic. Somebody could get that regular rotation. Now you've got an eta45 minutes on a regular collision. During zone time, your eta is 20 minutes. During rush hour traffic. It works perfect. And we lose money, kind of balance out. But now, all of a sudden you want to start this other thing. So what, all the years we've been here working for the city, forget about y'all?

>> Mr. Clark, I think maybe what the concept is, is that you wouldn't have to either circle or sit and wait anywhere. Whoever is close toast -- closest to the accident, it's random.

>> No. The way it works now, I can tell when I'm up next.

>> Pool: What I'm saying is, the new process would --

>> The new process you're going to have to wait. You're going to have to have a truck on the road.

>> Pool: You wouldn't know where the accident is. It will be at a random.

>> You'll know on the scanners.

[4:57:15 PM]

They have a dispatch to find a truck. A lot of people scanners hooked up to the fire truck. That's the first thing be there. That's when it goes back to running wrecks.

>> Pool: Thank you.

>> Okay.

>> Pool: Thank you.

>> Zimmerman: Okay. Thank you, Mr. Clark. I appreciate you coming. It is kind of a complex subject. And I've been working on this for maybe a week or so, and I'm just finally starting to get it. But, I think we have a list. Mr. Petronus maybe has a list, but, we have another testimony. Could we have grant? Could you please come forward? And tell us who you're with. I think by way of introduction, one of the vendors that bid was united roads. Councilmember Houston, you are -- was it vms? United road vehicle management system. And they're now doing, I believe, the work in San Antonio. Is that correct?

>> United road manages the audit pound.

>> Zimmerman: Okay, you're grant from txi systems, right?

>> Yes.

>> Zimmerman: Thank you. Go ahead.

>> Thank you. I am here because of the disparity between whether technology solves the problem, or whether gps solves the problem, or whatever. You know the eta is the issue, the resource of the police department is the issue. And we just don't think that the technology is a reason to hire a management company. And the reason is because the technology is available to cities, municipalities, counties, whatever, and to towing consortiums or groups of towers around the country. We've implemented a very robust solution in a variety of large cities.

[4:59:19 PM]

Bear county is servable one -- certainly one of them. All of the towers that respond to the police department are on our system, as well as the auto pound. I've heard in previous discussions that this is to solve "The towing issue." And the towing issue is generally around what we call P ppi towing, which has got nothing to do with this particular rfp. The rfp -- yes, ma'am. Sorry. Private property impounding,

when you park your car in a lot you're not supposed to be in and the towing company is contracted with the private property owner to remove that vehicle. This is not going to solve that problem. It has nothing to do with that problem. Gps is not the solution. We have a gps product. It is part of the solution. The problem with gps is it doesn't give men like that man that was just up here to supervise the scene. If I told you I had a heavy-duet heavy-duet -- duty truck, a 4024 cannot do what a 9025 does, that man knows that. It is essential there is visibility by the towing company. You can't just dispatch the closest wrecker. The other thing is, what we've done in Seattle is, for example, we've created a fairness algorithm so the nearest truck who can meet the eta that still needs additional tows to make up his percentage of tows for the city, that truck is dispatched. And what that does is it gets rid of this -- what this man was saying just now. And that is wreck chasing. So, you're going to get your percentage of tows as long as you can meet the etas. It doesn't solve his problem about having to have trucks out all night in order to get business, but it does solve a little bit of the fairness issue.

[5:01:27 PM]

Multiple vsfs, I heard the chief -- and I totally agree that multiple vehicle storage facilities, sorry, ma'am, that is part of the way most large cities are going. You don't want one of your citizens to go. Management of that is not completely this -- thwarted by technology, but it's very easy for the police department to govern multiple auto pounds using technology. The eta, or the estimated time of arrival for the wrecker is very important, but it's not solved by staging wreckers. It's not solved by requiring wreckers to be there at a certain time by a management company, or by the police department. I will forward you a study that was done by the federal government. I believe the acronym is aashto, or some transportation technology group that decided that -- or that did a study and pointed out that the vast majority of time-saving occurred when the wrecker was dispatched as soon as the accident happened. So, in cities, for example, like Houston now, or in Dallas, with Dell trans, they're watching the highways and as soon as an accident happens the truck is dispatched to he can beat the traffic. One of the things you may not be aware of is, a tow truck is not a first responder. And so, it can not beat the traffic somehow without going on the side of the road. And it's on their own dime if they hit something. But it's a really, really difficult conundrum because you've got to meet that eta, but you're stuck in the same traffic because you weren't dispatched on time.

[5:03:28 PM]

So if you really are serious about reducing etas, the country will tell you, the experience in various cities will tell you, shorten the time between the accident and dispatching the wrecker, rather than the time between the wrecker being dispatched and the response that the wrecker gives. I think that the solution



just candidly, if I might close with this, a solution has to include all stakeholders at the table. I think that it makes sense to not start with the management company, but to start with designing the solution. And that design needs to be with the towers at the table, with technology options at the table, with experienced experts at the table, with the police department, the highway safety patrol. Let's get everybody at the table. Let's come up with a solution, then design the technology solution to fit that. Because every city is different. Some cities, Zones make sense. It's not always the best. Some cities, single contractor makes sense. Some cities, there are other different types of solutions. And you need to decide what's best for Austin, Texas. And then thirdly, after you've got the technology options, you decide whether to outsource the management of that program. Because really, what you're doing is you're -- I heard the fee thrown out, 20 to \$25. The fee for the technology, candidly, probably a much more robust technology offering is probably around \$3 a tow. So, what you're getting for the difference between \$3 the \$25, or the \$20, whatever, is a management of the towing companies. And the contracts between the management company and the towing companies.

[5:05:39 PM]

>> Zimmerman: Could you speak briefly about the San Antonio united roads system? I think they use -- do they use the txi software?

>> Yes, they use a small part of our offering to manage the auto pound. We have multiple offerings. The auto pound offering is called tops. And we operate under three brand names. Tow exchange, tops, and budget gps. And tops is a program that manages auto pounds and processes cars, does everything from the impound to the auction or release of the vehicle. It also enables -- enables anybody to log in, find their vehicle wherever it's impounded, and find even how much it costs.

>> Zimmerman: Could we talk about fees quickly? I talked about this earlier with a few people. There are a lot of different ways you can procure a software system. If you specify a system that does what you want it to do, some realtime public database, public web accessibility, etc., you don't have to buy software and computers, because a company maybe like yours or some other could have servers and a data center. All the maintenance taken care of. The software, you don't have to buy it upfront or maintain it. It would be paid for on a transaction basis, as you said.

>> Yes.

>> Zimmerman: Every time a tow request came in through the system, there would be a payment, \$3, whatever it might be.

>> That's correct.

>> Zimmerman: I want to emphasize that. There seemed to be some confusion when we talked about APD using a software system. Everybody said, we don't want to buy software and computers. You don't have to. The systems are designed so you pay for it on a transaction basis.

>> Our dispatch system is in the 911 operations, the communications center of bear county. And that is on their system. It's actually not in their servers. It's on our servers, but they use that system to automatically from the field, or from that center, to dispatch the tow trucks in bear county.

[5:07:49 PM]

>> Zimmerman: Finally, talk a little bit more about -- we've heard something about scanners, right? And how the tow companies pretty much already have the radios and technology. So they know when an accident takes place.

>> Yes.

>> Zimmerman: And so, the way your modern software system could work is that they're monitoring the scanner, right. And if there's a rotation list in place, they would know they're up next. As soon as they hear there's been an accident, they're on the way. Right? Before they get called, before there's a dispatch or anything. The tow truck is already on the way.

>> Game on.

>> Zimmerman: Okay.

[ Chuckling ] So, I'm in agreement with you that it would be really beneficial if we could get some more understanding of how the tow business works, how we could accomplish the goals that are put out. Because the rfp in front of us, everybody<sup>o</sup> with these objectives. The only difference is how much is it going to cost us, and how should it be done. Finally, I looked up something today to make sure the data was current. In Fort Worth, they're showing the standard towing fee for a light vehicle, right. Small car, say. It was \$135 in Fort Worth. San Antonio, \$132. Austin is right now at \$150, and that would be before we tacked on the extra \$25 charge, if we went that route. And that's about 23% higher. So, cost, right? And we're talking about cost to our constituents.

>> Mmhmm.

>> Zimmerman: Could you talk a little bit about how cities, or how the citizens react to increased fees on their towing? Because they're not going to like it if we go up and we're \$175, and San Antonio is \$135, I don't think the constituents are going to be happy.

>> I can only tell you, historically, it's been very painful for the towing companies, because the presumption where the person going to get their car released, the presumption is the towing company gets 100% of what they're paying the towing company.

[5:09:56 PM]

Much like when you go to the gas station, you assume the attendant is making \$4 a gallon in gasoline a year ago. It's not the case. Part of that fee is going back to the city. Part of that fee is depending on the city ordinance, or the state statute, all over the country. That fee differs. It goes back to the city. In Fort Worth, nothing goes back to the city. In, I believe, Dallas, none of that fee goes back to the city, and it's even cheaper than Fort Worth. So, it is -- can I just paint a picture, just so you know the industry? You've got to show up with an \$80,000 piece of equipment with a trained and certified operator, and you've got to show up in 20 minutes. And you're getting half of what a plumber gets with a four-hour window showing up in a Ford, you know, pickup that cost him \$10,000. That's what the towing -- that's why there's such a diversity, or such a massive amount of towing companies in Austin. Because it's really hard to afford overhead. And so, there's already a lot of pressure on what the towing company gets paid based on the resources and liability insurance, and those kinds of things, that the towing company has to come to the table with. And, you know, salting the ETA problem without them at the table, I believe, is not a good idea.

>> Zimmerman: Councilmember Casar.

>> Casar: One quick question. You said that candidly, the best way to solve the arrival time issue, which I think is the key issue here, in your view, was to lessen the time between the wreck occurring and dispatch, is that correct?

>> Mmhmm.

>> Casar: In your view, what are the best steps that one would take in order to lessen that time?

[5:12:00 PM]

>> I'm not familiar with txdot and the city police's access to highways and knowing what's going on on those highways. But the cities that have dispatched from those centers have reduced the smog or the damage to the environment unbelievably because as soon as you can get a wrecker on its way, he doesn't have to stand in the same traffic jam everybody else is standing in. That's the problem. Is that by the time the towing company hears about the wreck, he's in the same traffic jam you are. And so, we're trying to prevent that from happening by as soon as that accident -- one person sees that accident

happening, immediately that tow truck is out there. If you have to pay that tow truck for what's called a goa fee, or a gone on arrival fee because nobody needed to be towed, then it's worth it because the time that it takes for that tow truck to get there once the backup has already started has caused immeasurable, as the police department have pointed out, immeasurable harm.

>> Casar: I understood that portion. My question is, what technology or human infrastructure, what would we need in order to be better at exactly what it is you described?

>> Yes. We have a product called top cma, which resides at the emergency center or from the cab of an officer on duty, or from a variety of points wherever the city police department or the city communications wants it to reside. And so, as soon as they're in that room and they see that accident happening, or if the officer on the street sees an accident happening, or if whoever -- that access is everywhere, because it's on the internet -- can indicate that a wreck is there. Our software, the cma software will do things like dispatch it to the nearest tow truck, or dispatch it to the towing company that is in that zone.

[5:14:07 PM]

Whichever -- I'm not sold on the nearest tow truck thing, because you've got to know your truck's capability, and know the driver's capability. But, it's part of that formula. So, it could be Zones. It could be the closest truck. It could be the closest truck in that zone. There's multiple scenarios. But, to get it to that truck as quickly as possible, even while all the other first responders are on the way, that's the key to solving the eta problem.

>> Casar: Okay, one last question. Unless --

>> Go ahead.

>> Casar: The last point you made, one point you made was that purchasing the software comes out to about \$3 a tow, rather than 25. Of course it's going to be a lower number because you're not paying for the management. I guess my question is, it seems to me it's not three versus 25, but some other number which would be the cost to the city of managing the system themselves. What I'm interested in, it's all right if you don't have the answer, but something we should investigate as a committee, what is the actual comparison? Is it 21 to 27, obviously we would incur some cost as a city to manage the software, even if purchasing it is cheap at \$3. I'm sure managing it ourselves isn't free. I want to get some idea of what the cost comparison might be. And if you have your own Numbers, I'd be grateful.

>> It depends on the responsibility you want to keep inside your dispatch center. If you want to choose which company gets the call, that's different from our software automatically doing it, and therefore raises your costs. If you want to automatically -- automatically dispatch and manage by exceptions, which

efficiency guys like me love. I want a report at the end of the week to know who's missed their etas and if they've missed four, suspend them for a week.

[5:16:19 PM]

That system should do that automatically. There's no management load in that. That's a technology solution. Now, to the extent the city wants to do that, it'll be lower-cost. If they want a hands-on solution where you manage the fact that every tow truck has to have a bucket and a broom on it, you can -- you know, you can have a very high cost. So, I think just to clarify, for a city as large as Austin, a \$3 fee per call would be a very nominal add to a tow fee compared to a \$25 add. And the personnel cost, or the dispatching cost, I don't think changes. And let me clarify that. If I am stuck on the side of the road, and let's just say I'm in danger of my life because I'm on the side of a highway. And I'm going to call somebody. And a lot of times it's not going to end up with a road service or whatever. I'm in danger. I'm in the middle of a road. So I'm calling 911. The fallacy on the tow issue is another way that you can save tremendous resources. If I could just divert resources and just real quick -- I don't mean to raise another issue, I just want to show you how technology in the same industry can pay for itself. On ppi towing, a private property impound, every day hundreds of those vehicles call the communications center and read out a vin, and give data to your communications center somehow. And that person's got to key it in, and they've got to check the stolen car database.

[5:18:19 PM]

My car has just been towed. I'm at a bar. You know, on main street, and I'm going, my car is stolen. Well, sir, I don't -- let me see. And who knows what's happened to my car. I haven't looked at the sign on the parking lot. I'm just mad because my car's gone. And so, there's a very simple technology solution. And you probably have thought about it. You have an app that the towing company gets. They type in the vin of the vehicle. They decode that, it's a red Ford ranger, you say, yes. I took it from this address. You can even do it at the place where you took the car, if you want to. Or you can type it in afterwards. And it's a web solution. It costs very little. And it costs nothing to the city. But, you're taking out the communications resources that you currently do. Because there's an average or two or three phone calls that the city gets for every car that's impounded off of private property. And you can totally negate that.

>> Yeah. Councilmember pool, do you have a question? Let me let you ask a question, if you could.

>> Pool: I was just sitting here thinking that I've lived in this town long enough, I remember a previous council talking about putting tow trucks underneath the highways so that they would be close to where the wrecks would occur to reduce the amount of time that it takes to get a tow truck to a disabled car.

And it's an issue that's been, I guess, dogging this city -- or any city of any size -- for a long time. The solution that you're suggesting, is that part of the contract?

>> The solution -- no. The solution that I'm suggesting is that you get everybody in the room and decide how to do that. In Dallas, they require 15-minute etas.

[5:20:23 PM]

In a lot of cities now, you cannot tell a tower to be there in 15 minutes and not resource him. You've got to create a system that resources the tower to get there in 15 minutes. If you have a citywide rotation, and my company is on the south side, I can't get to the north side at 4:30 on a Friday afternoon in 15 minutes. You have to come one -- up with a solution first. The towers need a seat at the table, because they're the ones that live it every day.

>> Pool: Okay, thank you very much.

>> Mmhmm.

>> Zimmerman: Thank you, grant. We have some more people that are signed up here. And I think I've got this right. Is it mark chapla? Is mark here? There's mark. I guess that's mark. And then after mark would be pat Johnson.

>> Zimmerman: You're going to give your time to who? I'm sorry.

[ Off mic ]

>> Zimmerman: Okay. So, I guess that would bring us to pat Johnson.

>> Good afternoon. My name is Tasha, president of the Austin towing association. I want to provide some background information and history on the operation of the towing community. Now, I'm basing my presentation or responses to an email that we received from councilmember Zimmerman. You had a series of questions, and they were valid questions. And so, what I'd like to do is kind of go line by line on some of those questions. It's just really for informational purposes, which I think would be useful. I'm hearing you all ask the questions now. I'm hoping I'll be able to answer them. The responses I would like to mention were generated by a collective body of the Austin rotational towers.

[5:22:30 PM]

We're finally here at the table having the discussion on some history. The first question was, how do Austin towing fees compare to San Antonio, Houston, fort Worth. The Austin police and the towing fees are \$150 for light duty, 400 for medium, and 800 for heavy. The Austin police initiated light duty tow fees are within the police initiated tow fees of Houston, San Antonio, and fort Worth. I have a handout. I thought someone was going to go in front of me. Can I get that to you all? Okay. That way you can follow along with what I'm presenting to you. Now, in comparison, the question was specific to often, San Antonio, and Fort Worth -- Houston. However, Austin's light duty tow fee is 10% lower than police-initiated ones in other cities along the corridor. Now, if you look on that sheet that I presented to you, question number one, there was actually three questions there. We broke them down. The second part of question number one is, how are the towing fees structured. Austin police-initiated towing fees are structured based on the weight of the vehicle being towed. There's three different classes. Light duty, medium, and heavy duty, and that's where the tow fees came from I just reported to you. There's also different labor and machine rates that go along with that, as well. The third part of question one was, what's the difference between a police-initiated towing such as accidents on busy roads, versus towing in public places or private property. I'm glad you're asking the question. There's definitely some differences. There are three general categories on towing services. So there's some that are consumer-initiated tows.

[5:24:32 PM]

There's police-initiated tows. And there's private property tows, or known as impounds, the ppi that was discussed earlier. On a consumer-initiated tow, or also called a consent tow, it's a tow which the vehicle owner or operator requests and arranges the service to the towing company. You as a consumer have broken down, you give us a call, you arrange the service. The police-initiated tows are initiated by the police officer. And they fall into three categories. Towing of stalled vehicle or those involved in collisions at any time of day or night as part of the rotation system in which more than 40 local towing companies participate. The second is a clearing of stalled vehicles or those involved in collisions during specific peak travel times on Austin's busiest highways and interstates as part of Austin's traffic incident management system, the zone program. The same 40 local or 40 plus local towing companies participate in that. The last is the towing of vehicles involved in criminal behavior or abandoned vehicles left on public roadways and public property, assigned to one towing company contracted by the city of Austin. The last type of tow is a private property impound. Briefly, those are tows initiated, requested, and authorized by a private property owner or representative to remove vehicles parked on their private property without the property owner's consent or authorizations. So, there's the differences. The second question is how do other cities attempt to regulate response times. Some cities have a similar rotation system as Austin, in Zones. However, it's really important to notice, you'll see in the chart I presented, Austin has only two Zones, a north and a south. Whereas other cities have divided their coverage areas into four to five Zones, creating a smaller geographical coverage area within the city and optimizing response times for the wrecker companies that are positioned in those Zones.

[5:26:38 PM]

Another point to keep in mind, and even with the acquisition -- division of the north and south, the coverage area is 25% larger than other cities. We're expected for the solid eta, but the area is much larger. In addition, other cities implement a more efficient one slot per company model rather than practice the Austin model of one rotation slot per truck. These differences reduce time and distance for wreckers to respond, they reduce the wait time to clear and open the roadways. We've heard about how much it costs when the roadways are congested, and minimize on-scene time of the towing company and officers by doing this. Number three was how would the city staffs proposed proposal with a new fee help or hurt small towing operators. Well, the staff proposal is a very complex and in-depth discussion, but there are several areas of concern to the towing companies in Austin in how the proposal may hurt the small operators. The first and most concerning is the lack of inclusion of the majority of the rotational tow companies. These are major stakeholders --

[ beeping ]

>> Am I done?

>> Zimmerman: We gave you six minutes, but go ahead and complete.

>> The planning process to address a new management system. There were no -- we were not included in the planning process of this proposal. The last thing that I would like to mention is, there's more. But one of the key points that I want to mention is this zone program. If you do the math, these 40 local tow companies that have essentially been excluded from the planning process are giving the city almost \$1 million in free services a year through the zone program. The way that's broken down, you have six Zones.

[5:28:42 PM]

Two trucks at each zone six hours a day at the minimum paying them \$45 an hour. If you have 12 hours and seven trucks, that's 84 hours times five days a week, looking at 21,000 hours at \$45 an hour. That's over \$900,000 given to the city. We've been doing this for about seven years. That's almost \$7 million given to the city. Yet, we're going to be excluded from the planning process.

>> Zimmerman: Okay. Thank you. Are there any questions? Thank you very much. That's very thoughtful. Any questions? Well, thank you very much.

>> Thank you.



>> Zimmerman: Our next --

>> Casar: Actually.

>> Zimmerman: I'm sorry, go ahead.

>> Casar: A question. If you were to recommend to us, in your judgment, the best way to reduce the time that it would take for wreckers to get to these police-initiated tows for the wreck, what measures would you change at the city that that could help improve those times?

>> Well, the rotational towers are not against having a software program. I think the software program would help. We also have some ideas on how -- if there was a \$22 fee or whatever the fee is, if it was \$22, it would be almost \$700,000 available to the city to purchase the software, to implement it, hire new dispatchers, add to the enforcement personnel. There's ways to get those funds. Keep them in Austin rather than send them outwards and use local resources to help streamline this system. I think with that, and then, considering where the positioning is of the trucks, even possibly having multiple companies cover those Zones so it doesn't put these smaller businesses on a hold. We're already giving so much to the city. When we take our vehicles out of a service to provide this to the city.

[5:30:45 PM]

Not only are we giving, but we're also losing at the same time.

>> Houston: Thank you so much for your information. What I'm hearing -- specifics -- but the main thing I'm hearing is that you guys were not included -- is that correct?

>> It does not appear that the rotational towing companies -- there's 40 plus. Not even half, or the majority, were included in the planning process.

>> Houston: Okay, thank you.

>> Casar: And councilmember Houston, I think that the -- what I'm trying to understand your question, I think, is that the towing companies wouldn't be able to respond to this rfp because it's for software management. And the difference is that y'all weren't included in the process as we developed a proposal.

>> Right.

>> Casar: On what kind of software management to do an rfp for?

>> Right. And there is a company that operates in Austin who has a large software program much like what's being presented. And they would be able to speak on how they're able to utilize that, and what the cost is to operate that. You know.

>> Zimmerman: Thank you, thank you very much.

>> Absolutely.

>> Zimmerman: Our next speaker will be pat Johnson. Is there anybody to donate minutes to you, Mr. Johnson? Yes. I'm sorry. Hang on a second.

>> Good morning, members, my name is pat Johnson with Texas towing compliance. And --

>> Zimmerman: Hang on just a second. Did you want to say something?

>> I just started getting a little bit nervous. I think we have possibly a purchasing issue where the -- we may need to get some staff to respond on whether we can proceed with having this conversation.

[5:32:47 PM]

I know it's an open meeting. So we may be okay, but I don't want us inadvertently to create sticky problems we will then have to address or have blow up in the future. Can you give us a little bit of guidance?

>> Sure. Chairman Zimmerman, members of the committee, purchasing.

>> Zimmerman: Hear you.

>> Is this good? Chairman Zimmerman, members of the committee, James, purchasing. I just wanted to just make sure that you're aware that one of the presenters was one of the other offerers in the solicitation that we are putting before you for consideration. Because this is a public meeting, we don't necessarily have a no contact issue. But it does create some dynamics that are a little complicated. In the representative from the other offer going into detail about possibly aspects of their proposal or solution. I didn't see those aspects, I couldn't tell you if they were in the offer or not. But, that opportunity may not have been necessarily afforded to the other offerer if they choose not to speak here tonight. And staff, because we still may be in the position of negotiating the contract with the recommended company, wouldn't be in a position to provide that same information to you, because it's still confidential, and we keep it confidential. Access to the contents of the recommended offer wouldn't necessarily be immediately available to you for your consideration, whereas access to the contents, if other offerers choose to disclose them, may or may not be available if they choose to make comments. While we don't necessarily have a no contact issue at the moment, it does raise some issues that maybe we need to consider for future council actions so that we can keep all parties to the solicitation on equal footing.

>> Mr. Chairman? I think what I would like to do is maybe have a moment, maybe, that we could confer on whether we should continue with the public hearing.

[5:34:57 PM]

If we have maybe an unbalanced playing field developing here.

>> Zimmerman: I don't think I follow the argument here. As you said, this is a public, open meeting. So the questions that you raised about the contracts and the information that's not available to us or to me as a councilmember, I've asked some questions, of course. And there's the anti-lobbying ordinance, whatever it is. I don't have any visibility into any of these contracts, and neither does anyone else. So I don't understand the objection, I'm sorry. It's a public meeting and we're trying to understand the specifics about the towing business. And we're talking about hypotheticals about how much a transaction might cost to illustrate, to help us understand what it is we're talking about.

>> Chairman Zimmerman, members of the committee. I wasn't raising an objection, I was commenting on the concern expressed by a councilmember. Because there were comments made by one of the competitors, there was the possibility for information to be received that necessarily wasn't available to be countered by any of the contents. So, staff is aware of the contents of the recommended solution. We wouldn't necessarily be in a position to explain those items if the recommended company, if they wish to do so, it is a public meeting, and they could do so. Staff is not in a position to respond, we are keeping the information confidential.

>> Zimmerman: Thank you very much. Can we continue? I appreciate that. Mr. Johnson, you're going to have three minutes here.

>> Yes, sir. I want to make one comment, and then we're going to watch a video. We think the contract, the rebid should be rejected altogether because of a compromise on an addendum.

[5:36:57 PM]

It's dated August 22nd, 2014. And on the second page, somebody scratched out here, will contractor be given more points if they could exceed the timeframe for the milestone. Someone scratched that out and put max point in there. And signed that. When that addendum was put in there, and that change was made, southside, the current contractors, bought \$7 million worth of equipment thinking they'd get the contract. You should reject the bid altogether. Or reject the first bid and go to the second bid that hasn't compromised the process, because it's not fair. The companies have every right to be concerned, because the way they're going to do it, everybody's going to -- there could be a lot of companies having to sell their trucks. San Antonio, just like we talked about, they've got the software that they just put it in their laptop and a tow truck closest to the scene is dispatched to the call. So, just

like the gentleman spoke with you all about the software, the software is there. So why do we want to charge an administrative fee on a revenue-generating contract in the first place? That don't make any sense. What we should do is take all this money that we're kicking back to the city and put it back into these businesses so they can pay their employees and buy new equipment to do the job. I want you all to watch this video. It'll explain it all.

>> Good morning, everyone, I'm representative Steve, the chairman of the house emergency veteran affairs emergency repaidness committee. And I'd like to call this committee to order, and also this is a joint hearing with chairman Marsico.

[5:38:58 PM]

We're here to examine the Pennsylvania state police emergency towing pilot program.

>> To be clear, auto return is not a towing company. We do not own a tow truck, we are not in the business of dismantling vehicles, we are not a tow operator, we don't compete with them. We're also not an auto club. We don't decide to partner with towing companies based on low-bid contracts at the expense of service levels. Auto return stands for safety, efficiency, respect, and fairness. We are the only firm that works with existing tow companies in communities to customize our model to maximize the effectiveness of these important local independent businesses. The tow and impound company operators for law enforcement towing.

>> Thank you for being here today, Mr. Wicker. As you know, one of the goals of this hearing is to continue the dialogue between the towers, the state police, and auto return in hopes of reaching a resolution to this issue. I must say, at the outset, I was disappointed in your characterization of the motives of towers who don't agree with this process. I think we're all looking for a solution here. We're not looking at ways to point fingers, or make accusations.

>> Mr. Wicker, in your direct testimony, you stated you're not a tower, you don't want to be a tower. Auto -- to be clear, auto return is not a towing company. We do not own a single tow truck. I'm looking at an article, I pulled it up on my -- the technology in the state of Washington, may 16th, in a protest letter from your attorney, apparently, he claims that -- yeah. He claims that you are. Auto return, to quote, "Auto return was and currently is a registered tow truck operator in the state of Washington." Because you were cancelled out on an rfp.

[5:41:08 PM]

And to be able to get into that contract, apparently, you had to be a registered tow truck operator.

>> Okay, no. This is a great example of the misinformation campaign that's been brought against us. I actually -- give me one minute to respond to this. There was a requirement, in order to bid on the logistics contract, to dispatch the tows, in the state of Washington, in Seattle, that you must be a registered tow truck operator in the state. And that requirement had been put in place by existing operators to keep companies like us out. And so, what we had to do was obtain a registered tow truck operator license. And what we did was, we found a truck.

[ Chuckling ] We actually had to spend money putting the light bar on it and putting badging on it. And our competitors parade that one picture around. I've seen it many times. Matter of fact, I saw it from the Pennsylvania state police. Claiming we're now a towing company. We've never put a driver in that truck. We've never towed a vehicle with that truck, we don't intend to and we're not in the towing business. We're not a tower. Again, I've shared that with the folks and continue to share that information with folks in this deliberate misinformation campaign.

>> Well, then you were misrepresenting yourself to Washington, then.

>> Now we're getting into semantics.

[ Applause ]

>> Oh, please.

[ Applause ]

>> I have no further questions. That's fine.

>> That was given to dick Stevenson, representativesteinson, but someone in the Baltimore legislature, and we received it in a meeting with the major at dick's office. In review, I enclosed that within there and highlighted the points. As you said, representative, that the chairman, those are the same things we're talking about, and they're talking about.

[5:43:09 PM]

>> Mmhmm. Yeah. There's numerous concerns here about the -- that this has led to five to seven-minute longer response times, that the tow responders are not allowed to call police officers or the barracks, instead, they must call California. There's missing information. When the tower is dispatched, there's missed information because the 911 or the communications officer has to type in the data field to tell you exactly the details of the accidents, which I can imagine could be quite lengthy. I'm terrible, I'm a typist like this. It would take me a week to do the proper -- is there, just real quick, I guess -- well, I guess the members will all take a look at this if they can. Representative.

>> Thank you, quickly, a comment more than a question. I'm an investigator, try to look at the evidence and be fair. I had some real concerns about paying attention to the letter of the law, but not the spirit of the law. And I think by Ar's own testimony, in Seattle, they were willing to pay attention to the letter of the law by making a tow truck to qualify them for a towing company, but not the spirit of the law when they weren't really a towing company. When you say standards being lowered, I worry, if someone is willing to compromise that by following the letter and not the spirit, we have real concerns. Thank you, this was very informative, I appreciate hearing your testimony.

>> Okay. I'm glad that's done. Was that six or seven minutes? I don't know what it was. Are there any questions from the panel on that, or can we go to the next witness? Okay. We had next, we had Mike.

>> Please.

>> Zimmerman: You're going to donate already time to who?

[5:45:11 PM]

Okay, Donovan, you have six minutes, then. Could you come up.

>> Good afternoon, and thank you for the opportunity to speak to you today. My name is Donovan, I'm an owner and partner with Denver's towing and vehicle storage. I'm here today to discuss the change in the city ordinance and the rfp for total management of towing service in Austin, Texas. My background consists of growing up in the towing industry in Austin, Texas. I've been a driver, owner, and manager for over 25 years. This is my career. It's not just a job. I plan on retiring as a towing professional as my grandfather did, and my dad soon hopes to. I served over 20 years as a paid and volunteer firefighter in a position ranging from firefighter to chief of the department. I as well have had a basic peace officer certification in the state of Texas. I'm coming to you as a tower with the knowledge and experience as a first responder, as well as a person who's budgeted, made budget, and purchase requests for government agencies. This subject is more than a budget or a contract. This is people's livelihood. This is how I as well as others support our families. This will affect my life and everyone in this room, whether it's by loss of jobs or by you sitting in traffic 30 extra minutes every day during your commute. This subject is about right and wrong. This subject of letting a commuter software company manage a first responder organization. This is a subject of sending an estimated \$700,000 a year out of the Austin economy. The other owners and spokespersons of the proposed vendor stated nothing will change and things will improve vastly. However, they don't by their own admission know how the system will be improved or what changes will be made other than speculation. They have said all towing companies on the current system will be included, but they have openly and publicly stated they've made agreement with three of the more than 40 companies.

[5:47:15 PM]

They also at the same time have stated it was the opinion of those three subcontractors that everyone else be restricted from participating in this new system. They've made statements to owners that it would not be a good idea to make new truck purchases because "You may not be able to support the payments on that truck." That's when the current system right now would allow you to be able to do that. They stated to the officers they'll be on scene less, when in fact, their lack of timely requested for tow trucks, which we've talked about today, the fact that officers have to use a new technology, many of them, a new technology to do their work on the side of the road, and the fact that previous government leaders have allowed poor roadway systems in Austin. If the roadways were better, we wouldn't be having this discussion. Lack of public transportation is the culprit. They claim dispatchers will be free for more emergency calls, but, at the current time, it's only about 20% of their workload, the one dispatcher. There's a belief that wrecker enforcement officers will be freed up, however, this will change when more and more companies, in order to survive, will be making the business decision to provide private property impounds, which will result in more complaints and more time that officers will spend man hours doing investigations. The Austin police department has stated they don't want anything to do with the towing industry. That's a confusing statement -- when isn't it their duty that they're asked to do my the citizens of Austin? By asking a private company to manage an entire program, the city is giving the responsibility of traffic management to a private industry with no accountability, or no thought of long-term effect. The great recent local example is bastrop county subcontracting the ems program to have it fail fail -- spectacularly.

[5:49:28 PM]

The rfp should be divided, leaving the impounds and rotation systems separate. The city should only then do a maximum of one-year trial to see if it works, and meet with all of the stakeholders to see what improvements can be made. This contract should stay clearly and decisively no former city of Austin employee may work for the contractor while this or future contracts are in place. If they do, it should be an immediate revocation of the contract. The highway enforcement command wants a single point of contact. Let the towing companies give ideas to solve the solution on a local bases and keep the money in Austin. The dispatch software, I agree, may be of great benefit, but it wouldn't be at the risk of losing local jobs in Austin, Texas. Your gentleman earlier stated we are not first responders. I agree, we are not, we don't get dispatched to that perspective. But we are first responders. The state has issued -- incorporated us in the move over law, they consider us first responders. Nationwide, it's a general consensus that we are. Many tow companies train with law enforcement, train with fire departments to improve service. At the heart of this is businesses and families. Austin families. Tasha's family, mark's family, Mike's family, Debbie's family, my family, and many others. If we lose our livelihood, how am I supposed to live? My father is close to retirement age. How am I supposed to take care of him new? If I

lose my job, he could become a member of the welfare rolls of this great state and country. How do I send my son to college, or does he just flip burgers forever and possibly become a burden on society? This would be devastating. I would feel as if I had failed him.

[ Beeping ]

>> Can I keep going?

>> Zimmerman: Finish your thought, but --

>> I'm almost there.

[5:51:28 PM]

How is she supposed to take care of her special needs son that was supposed to not live more than one year, but is 18 years old? We rely on this income, not to get rich, but to survive and possibly thrive. Please reconsider this rfp and please don't make any changes to the current system. Please, if you do, let all 40 of the towing companies have input in this suggestion. Contrary to popular belief, we are experts in this field. Please remember, we are Austin.

>> Zimmerman: Thank you, thank you Mr. Donovan. Any questions? We have three more speakers.

>> Casar: I have one quick question.

>> Yes, sir.

>> Casar: Maybe for you, to expand upon, but then I would like to hear from APD or the current recommended vendor if they have anybody here. I had not heard until you spoke that there are already agreements between existing towing companies, three of them.

>> That's correct.

>> Casar: To your knowledge with the recommended vendor, but the rest do not.

>> That's correct.

>> Casar: We're short on time, can you very shortly expand for 30 seconds, and then I'd like to hear more from APD or the recommended vendor.

>> We were told in a meeting prior to this two weeks ago, right before the last city council meeting. The vendor was there and stated to everybody that he had agreements in place with three throwing companies in the city of Austin. My concern is if you already have agreements with those companies to provide service, why doesn't everybody have an agreement? That would be the logical step, go ahead and get your ducks in a row and all your stuff lined up. That's a concerning part for all of the towing



companies. Nobody's been contacted. Nobody's been talked to other than just general conversation, whereas three companies have had pretty firm conversations in private meetings with them at their own admission. They stated that, not me.

>> Zimmerman: Thank you, Mr. Donovan. Anything else? We have seven minutes. I have three more people here. We're going to run over.

[5:53:29 PM]

Is that good? That was a great question. We have Richard pope, Avery, and Mike, is it vasan? Those are the last three speakers. Are they here?

>> My name is Richard pope. I've addressed the public safety commission on this rfp to provide some information. I've been working for the last ten months with all four of the vendors that were involved in this process, closely with auto return here recently, as well as in the prebid processes. We have some very good companies that have come to Austin to bid in this proposal. I think that what APD is asking for, what I heard today from chief art Acevedo, quite concerning. Gps is a wonderful tool. Most every towing company has gps on their trucks today, and we utilize it to dispatch our trucks to APD accidents, to consumer breakdowns, to Travis county or Williamson county, or whatever county a sheriff calls it that are there. We do not -- none of the towing companies are going to promote wreck chasing, where you send five trucks to the wreck or five trucks race to the wreck to try to gain the tow. Mr. Acevedo talked about sending a tow truck from one corner of Austin to the other, and that is so wrong. The tow community is optimizing based on the systems that the city has provided. They've provided some very good systems. One is they post on the website where the accident is. And the tow company can get there, oftentimes before APD arrives, sometimes before fire arrives.

[5:55:33 PM]

It typically happens in the zone program. The wrecker driver is the first on the scene, first responder many, many times. We have 45 minutes from the time we get a call to respond to the accident. In the history of my company, we run quite a lot of wrecks for the city. We've never exceeded the 45 minutes. I want to get that data. I think I have a way of extracting it. I'll try to bring it. We're running in the 20-minute range, 25-minute range. Our 25 minutes is nailed because we can't get through traffic. We get called 45 minutes from the time that accident happens after APD -- APD is the last one there. Fire, ems, and APD all respond. After they're there, then they call the wrecker. We get the call 45 minutes after they're there on scene, typically. I have some data on that, as well, that I'll bring. And so, 45 minutes to respond. After 45 minutes of the accident already in play is excessive. Most of the wrecker companies

have a very good system. They have multiple truck. They send the closest truck. That's happening. That's happening today. This business of tracking down where the cars go, you know, I think that's an important feature that this rfp can handle. Chief Acevedo talked about this primarily being a collision event in this rfp. It's far broader than that, with the police impounds from crime scenes, fatalities, from the private property impounds, all that stuff gets tracked. There's a lot to this rfp beyond a collision event.

>> Zimmerman: Okay. I appreciate that. What was your name again?

>> Richard pope.

>> Zimmerman: Thank you, Mr. Pope. Do ef-- we have Avery and Mike, either?

[5:57:34 PM]

Okay, thank you.

>> How're you guys doing, I'm Mike, I own armada towing. I currently run approximately 27 trucks in the city of Austin. My average response time on 7,000 calls in the city of Austin is 24 minutes. And my data is backed up by avl. What's being proposed to you. Avl, is a tablet. A software. And an internet card. What a lot of us towers have concerns about is the three towers in particular. These guys are out there buying trucks from the vendors that we use. And it seems like there was a secret deal reached. Look. Why are you buying trucks? There's got to be a reason. Now, the way avl works, it takes a person to enter the data of the location of the vehicle. Then it sends a signal, and that goes to the closest truck. The trucks, avl is called automatic vehicle locator, that's what it's called. A lot of us don't have this software. I do. I've been using it for a long time. But, our problem could be fixed if we brought down the Zones in smaller areas. Los Angeles city has Zones. And they still use it by Zones with smaller Zones with dedicated towers. Now, if you guys are going to bring on the software with this other company, they're going to do away with Zones. But here's the thing. You know those seven hours that our driver is there every day? They're on the scene standing by on the highway waiting for something to happen.

[5:59:37 PM]

But I'm going to ask a question. Those -- in those seven hours, there's two trucks per zone. There's six Zones. That's 12 trucks. In those 14, total of 84 hours during the day, us towers are doing these services for free. Now, when you guys do the program with this rfp or whatever it is, it's going to go away. So who's going to pay for a customer that has a flat tire, or needs to be towed, off the freeway for free that we've been offering for the city of Austin for free? And the Austin residents have been enjoying this

program for free. So, it's going to go back and they're probably going to charge the local residents. But here's the thing. These guys are on the zone. They're on the highway. It's similar to the freeway service patrol that's used in the west coast and the east coast. They're on standby, they're waiting for something to happen. And they roll and they clear the highway. And they're usually there prior to ems or fire department, or police department, because they're on the zone patrolling. The total hours that is spent by each tow company -- well, actually the total hours that is spent a year by the 41 companies equates to 21,000 hours of free service that is given to the city. Now, in other states, in other cities, they charge for the service. At \$45 an hour. And what they do is they increase the property tax by half cents. That's what they do in Los Angeles and that's what they do on the east coast. You guys have a good thing, which is the zone, that we go out there and do it for you. And, believe me, if we miss these Zones ... We're -- we get suspended, we get taken off rotation.

[6:01:40 PM]

So it's a loss of revenue for us, too. So it's important for us to show up in the Zones. You could make the Zones smaller. You could dedicate towers to the zone and you could have a smaller area to run your calls. Thank you.

>> [Off mic].

>> Sorry, we have hit 6:00, we have another time certain item. I have one more individual, John Woodley, is John Woodley here. Is it okay with you if we take a five minute recess and pick up our 6:00 item. Do you have a comment or question?

>> I have, I have one question for A.P.D. If you all -- if you all could answer one more thing for me, please. Sorry to keep dragging you all down here.

>> Yes, sir.

>> Casar: So Mr. Pope brought up in his view we're dispatching for towers after A.P.D. Has arrived or after fire arrived and that creates a delay. Is that true? Or how are we handling that as far as the delay between the accident occurring and when we are calling in for a tower and just --

>> I'm not sure what data he is using, so I can't speak to it directly.

>> Casar: If you could just tell us a little bit about the protocol, how it works on the city level. A wreck occurs and then how do --

>> The wreck occurs, 911 is notified, officers are dispatched to the scene, we don't know if wreckers are going to be needed at the time of the dispatch unless there's some situation they can see ahead of time or if they are there quickly. But basically until the scene is reviewed by the officers and determined that we do need wrecker services, then they are called.

>> Casar: So we haven't done an analysis -- actually, here's a better question. With this current contract, would we -- would that change at all? Would it still -- would we still only contact the -- the third party in this case the recommended auto return after A.P.D. Or another city employee arrived and saw that we needed a wrecker?

[6:03:53 PM]

>> Councilmember, I'm not sure that we can discuss specifics. I would have to refer to purchasing on that beforehand. There are a number of conversations that have taken place about processes and how to improve those. Obviously we've heard a lot of things this evening, too. But I'm --

>> Casar: Sorry, I wasn't trying to get you in trouble with that.

>> Oh, no, no, I just don't know from purchasing whether I'm allowed to do that or not. Anybody here? Oh, there you are.

>> Casar: I guess not particularly with this particular vendor, but in this scope of work, I don't have it annotated would we still only be calling the third party management company or them getting call once the A.P.D. Officer or A.F.D. Has arrived at the scene? Can we ask that question?

>> Chairman, councilmember Cesar, what our colleagues are trying to convey, some of the answers to your question are straight out of the proposal from the recommended company. While we sign non-disclosure agreements, for us to convey that information would be contrary to what we -- what we indicated that we would keep confidential. So if -- if there is any way we can provide that information, we will look into that. As we made available or -- earlier. If councilmembers wish to see the contents of the proposals, we can convey a copy of the non-disclosure agreement to them and they can review the contents, but we're not necessarily in the position to get into the details of the actual proposal at this -- our apologies.

>> Casar: I understand perfectly. I just think -- this is a comment for the public more than for our staff. But that, you know, I think we've all learned a lot today about ways we can improve the speed in which - in which a citizen gets the wrecker that they need and so I think we're just all interested in figuring out which -- if this proposal or other methods would, you know, best address that need and so -- so I know that it can be complicated when we're bidding out for a third party vendor and I appreciate y'all's patience with us in the purchasing office as we sort out how to walk that difficult line, so thank you.

[6:06:13 PM]

>> Zimmerman: Thank you, councilmember Casar.

>> Before you break, again, James Scarborough, purchasing. As this particular item concludes and you move on to other business, we will be reentering the anti-lobbying period, so any communications -- I know there were other speakers who indicated they would share information with your offices, to the extent that any communication is conveyed that has to be run through the contact person in purchasing so we can protect the interests of the councilmembers as well as the competitive nature of the process, so -- so anti-lobbying will go back into effect as soon as this item concludes this evening.

>> Casar: Chairman, Mr. Scarborough, there was also a comment brought up by one of the folks that came up and testified that there -- that they have seen that there's different kinds of tow trucks that get to different types of accidents that in his view us approving this contract wouldn't solve that problem because the kneer tow truck may or may not have the extras to deal with that type of accident. Is that something -- is that specified in the scope of work that -- that any bidders will have to be able to do that or is that something that will be inside of these contracts and therefore subject to non-disclosure?

>> To the extent that it was stipulated in the solicitation instructing the offerer or contractor, what types of vehicles to convey to a scene or dispatch to a scene, we would be able to discuss that with you openly. But to the extent that there was any particular process or approach that was to be used by the contractor, that was inherent to their proposal, that right now would be subject to confidentiality.

>> Casar: Do you know if that issue was handled in the specs of this rfp?

>> Yes, it was.

>> Okay, thank you.

>> Thank you.

>> Casar: I'm getting better at asking those questions.

>> Zimmerman: Thank you, councilmember Casar. Thank you, everyone, who came to testify on this. I think we thought it was very beneficial.

[6:08:13 PM]

If there's no objection from our group, could we reconvene at 6:15, about seven minutes? Take a seven minute break. Sorry for being late, but we're only 15 minutes late. One quick thing, I want to point out our chief of staff for district 6, Joe patronas is in the back. We currently have six people signed up to speak on the code compliance, which is the next agenda item. So if you would like to get on the list for public speaking on it, please talk to Joe patronas in the back in the blue shirt, thank you.

[6:12:44 PM]

Zimbabwe,.

>> Zimmerman:.,.

>> Zimmerman:., >>> >>> >>> >>> >>> >>> >>

[6:20:40 PM]

>> Zimmerman: Welcome, everybody, we're going to go ahead and come out of recess, public safety committee. I have 6:20 P.M. For the time. Our chief of staff, Joe patronas is looking for councilmember Houston, but she should be here momentarily. And when Mr. Patronas comes back, I will point him out. Anyone that would like to speak, this is an open public meeting, so you can sign up. We've been doing our regular three minutes like we do in regular council meetings for anyone from the public who comes on the item. But we did have a couple of -- we had some invited briefings today. We want to start with our city staff, director smart, thank you very much for coming this evening. So I think what we'd like to do is give you about 15 minutes to start out and kind of lay out what code compliance is doing and then we have some -- some invited briefings and remarks from Ryan reed and -- is Ryan reed here? There's Ryan, Stephanie Tran, is Stephanie here? There's Stephanie, thank you, we have Matt palmer, is Matt here? There's Matt palmer, okay. Then after that we'll go ahead and take our regular public comments, thank you for coming.

>> Thank you, Mr. Chairman and Mr.

>> Casar:. Good to be here today, thank you for the opportunity to make this presentation on code and the rationale that we use in dealing with code cases and particularly with -- with the couple of cases that you'll be hearing about tonight. I have a short, brief presentation. Again, looking at our mission, the mission of the code department is to provide quality education enforcement activities. We're here, we're your enforcement arm. We enforce the codes and ordinances that are passed, that are adopted by city council is our job. And we attempt to be, we're working to be, and becoming the premier code enforcement agency in the country.

[6:22:44 PM]

We wanted to walk through briefly the -- the process, the flow chart for handling a code case, because I know that was part of the question is at what point certain decisions are made in moving cases forward.

We get our complaints primarily through 311 and we encourage citizens to call 311 when they have a problem and they can even do that anonymously and not give their name and address. But it is just a complaint until we verify that it's a violation. So we send the officer out to the site and check the site, see if it's a violation. If there's no violation, the case is closed at that point without a -- without any further action. If we find a violation, then we issue a notice, state law, federal law require that we provide notice to the property owner, giving them an outline of what are the violations, what are the remedies required for that violation, and a reasonable amount of time for them to comply. And so we give that notice of violation and that violation can be appealed and on the left -- in the middle there are appeal options. You can appeal sometimes to the code official, to the building and standards commission, to the board -- our board of adjustment and in some cases you can request a variance, a variance meaning a relaxation of the code and you can obtain that through the board of adjustment process. If compliance is achieved with that notice of violation, the case is closed. We're done. And let me just say that most of our cases are over and we get -- when we get to this point. Most of them are done. A lot of them are done without even a notice being issued and some are done within the time period allowed by notice or if an extension is granted, the case is taken care of. However, if we don't get compliance at this point, then legal action may proceed and three options there.

[6:24:44 PM]

One is municipal court, code can issue a citation or an affidavit to the court asking for a determination or trial or hearing by the municipal court. Can do the same with building and standards commission. Building and standards commission can hear the case. Building and standards commission can issue an order. They are enabled, they are authorized by state law to issue an order for the owner to comply or face a penalty for non-compliance and the same is a new process, we're just -- we've just implemented in January is the administrative hearing process, where a hearing officer can hear the case. There are specific types of cases that are allowed to go to the admin hearing process. So that's pretty much a -- a quick and dirty overview of the code enforcement process.

>> Director smart? May I ask you briefly what the criteria usually are for why and when an appeal is granted? I understand that the -- that -- could you just help me a little bit understand --

>> Sure.

>> Casar: When, for example, an administrative officer might say that you are granted an appeal, does it have to do with a gray area in the rules or why would those appeals be granted?

>> Absolutely. A gray area in the rule might be -- is an excellent example of why an appeal might be granted. If the -- if the court or if the building and standards commission, board of adjustment, agrees that that gray area -- I mean degree on the side of the appellant, then the appeal can be granted. Another reason would be if there was a mistake made, you know, either a mistake made in the

inspection or a mistake made in the notice of violation, the appeal could be granted. And a lot of times if the appeal is granted, that means code has to either, one, start over and make sure that they correct whatever mistake may have happened; or it may be that that case is closed because the ruling law is there's no violation.

[6:26:52 PM]

So there's an avenue for property owners, if they feel like a mistake was made or they feel aggrieved by the inspection or notice process, this he can ask for that appeal.

>> Casar: What about hardship, what about a low income property owner added on a deck close to the property line, it would cost them quite a bit to make an alteration, is that part of the appeals process? Does that go to the board of adjustment --

>> That is more -- more of a request for a variance, a relaxation of the code for specific reasons. So the board of adjustment has the power to do that. For example, you mentioned yeah if you build a deck into the setback, let's say the setback requirement is 10 feet and you built your deck such that it's five feet from the property line, they can grant that variance for the additional five feet, based on hardships. The other part of the answer might be that if -- if -- if we issue a notice of violation, there is a financial hardship, a lot of times, one, you can provide -- we can provide through the department an extension of time, giving them more time to comply and make that referral to an agency that can actually provide some help, get some resources, financial help and help the owner to be able to comply.

>> Casar: Thank you so much.

>> You're welcome. Just a listing just a listing --

>> Zimmerman: Councilmember Houston has a question.

>> Houston: On that last slide -- thank you. Can you tell me what kind of -- are there other orders, the building and standards commission can order them? What are the civil penalties that they can issue?

>> The building and standards commission is authorized to provide a certain amount of time for compliance, and then if the violator or the property owner goes beyond that time, they can set an amount that would run either per day, per week, per month.

[6:29:03 PM]



So, they can set civil penalties the effect that these sieve penalties have -- civil penalties have, the property owner would have to pay them out of these penalties or a lien would be placed on the property for that amount. I'll give you an example. It might be a house that -- a abandoned structure that needs demolished. It's an unsafe structure, vacant, it has been abandoned. The board might give them 60 days to comply. After that 60 days, there will be a fine that could start. That fine could be \$100 a week, or \$500 a week. And it'll run until the property is brought into compliance. And that amount would be a lien against the property. And that amount would be owed by the property owner. So those are civil penalties. A little different than the fine that would be placed by the court in a criminal situation. The court will set a set fine. One fine. And one fine amount. The building and standards commission, the fine could run daily, weekly, monthly, and continue to run until compliance is achieved. So, again, these are certain violation types. It could be structural, you see the examples there. Land use violations, zoning violations. We talked earlier about work without permits, certificate of occupancy violations, short-term rentals, home occupancies. Neighborhood nuisances, high grass. Junk and debris, water violations. We deal with all of those violation types. You saw this chart this morning dealing with a breakout, if you will, of the cases per district. And you can see there's over 17,000 cases that we dealt with just in the fiscal year of 2014. And so, we're Dell being -- dealing with a number of these cases daily.

[6:31:06 PM]

Daily. And that's a breakout that shows, again, a breakout by district. And so, a number of complaints there. Land use, structural condition, property abatement. This map shows the hot spots of where the complaints are coming, where the code cases are. And it runs from north to south Austin. And certainly, a lot of hot spots on the east side versus the west side of Austin. And that area is more undeveloped. That area has more abandoned properties, vacant properties, and the like. Now, the two cases that I think this committee is going to look at tonight, 1025 lot avenue and the other one, you will hear from the property owners about their property. The other one is 7001 Isabel drive. I'll try to give you a quick summary. Both of these cases have been closed. The first one here, 1025 lot avenue, was open in 2010 and closed in 2011. It actually closed before I got here. And I'm not trying to do a disclaimer, just saying the facts. I was not here during the handling of this case. I've researched the handling of the case to see what happened with 1025 lot avenue. And the first thing that happened, we got a complaint and we responded to the complaint, October 28th, 2010. The second thing that we made an inspection from off-site, we couldn't get on the property. The owner did not allow for the inspection of the property. And I think we've talked before a little bit about -- we have the right of entry, the code give us the right of entry for the purpose of enforcing the codes and ordinances that the council passes.

[6:33:07 PM]

However, we still must be cognizant of the constitutional rights that property owners have to deny code officers access to their property. If they say, you can't come in, we don't come in. The only way we can go in and do that inspection is by a warrant issued by the judge, issue by the court. That's what happened in this case. There was five attempts made at an on-site inspection, and they were denied by the owner every time, or the owner wasn't there, and the inspection was not done. The department applied for and received a warrant. And in this case, it was two warrants. And maybe that caused some confusion here, two warrants were issued. But let me just clarify. The first warrant issued on April 6th was not served. It wasn't served because of a scheduling issue. The warrant gives you three days to serve it, make the inspection, and get it done. That did not happen within the three days that the first warrant was issued. Warrant two was issued on the 11th, and that's the warrant used to make the inspection, which was made on April 13th in 2011. And so, that caused some confusion. And to further that, the property owner asked for a copy of the warrant. The copy the code officer gave the owner was warrant number one. And so, warrant number one had expired. They realized that, and within the hour, I'm told, within the hour they went back out and gave them a copy of warrant number two, which was a valid warrant that allowed for the inspection. And I think there was some confusion on that. I hope that clarifies. So, as a result of the inspection by warrant number two, a notice of violation was issued.

[6:35:09 PM]

A few days later, the violations were corrected and the case was closed. So, that case was closed back in 2011. It's over and done. You can see what the complaint was. You can also see that there were several possibly violations in -- possible violations in there. This case was complex because there was advertising notice, advertising that there was possibly a home occupation where there were private parties and/or weddings going on at the residential property, a commercial use in a residential area. There was also concern about slaughtering of animals. Part of the advertisement indicating that if you wanted a certain type of animal freshly done for your party or whatever, then we have animals here. You pick it out, we'll shoot it and then prepare it. And so, that kind of advertising is what the department used -- part of what the department presented to the judge to get this warrant, get the inspection done. 7001 Isabel drive is more recent complaint. Certainly, I was here for this one. It was done, too, as a result of a complaint. There was two complaints on this one. The first complaint came in in 2013. The complaint was that a recreational vehicle, a large one, in the side yard. And it was not screened. And so, inspection was made. A notice of violation was issued. And in accept -- on September 6th, from what we can tell, there was a miscommunication between the inspector and the supervisor. They closed the case with only two-thirds of the fence being in place. It did not extend to the ground, but the case was closed.

[6:37:10 PM]

And so it was left alone. The next year, there was another complaint. And the second complaint, April 22nd, you can see, the inspector went back out. There was no fence. So you have a large recreational vehicle with not -- no fence. The inspector let the property owner know, you need to screen this rv. He want back a couple of days later, or the next day. The fence was up, but it do -- it did not extend to the ground. He got with a different supervisor, and it was decided, no, it did not meet the code. A notice of violation was issued. And as we know how this case ended, affidavit was filed. And then there was a jury trial decision of not guilty in this particular case. We think that there was some information that was -- we know that there was some information that the jury did not use in their deliberation that may have changed that decision, but we'll provide it to you. A couple of things the jury asked. The jury asked, one, is there any document that shows that the city met with the property owner and informed the property owner of the difference between the 2013 decision and the 2014.

[ Beeping ]

>> Oh, is my time up?

>> Zimmerman: Go ahead and finish. It looks like you're almost done.

>> I'll try to wrap it up quickly. Thank you, sir. The first question by the jury, any documentation the city met with the owner and explained. This wasn't given to the jury. July 10th, we did meet with the property owner along with a representative of the property owner. We met with them. They actually appealed the notice. The property owner appealed the notice. In hearing the notice, we heard from them and we also heard from the code officer.

[6:39:11 PM]

And not only did I agree, but the zoning official agreed the rv screening did not meet the code. That was the information. The second thing the jury asked for is, after the appeal, was there any written response from the city that let the property owner know what they needed -- what options there were, and that the appeal had been denied. And the answer is yes. On July 11th, a letter went out to the property owner saying it was denied. And the reason why it was denied, and giving some options. The option is, one, put a two-foot panel around the bottom. You can see the fence. A two-foot panel, or request a variance from the board of adjustment, which would have the authority to relax the terms of the code and make a decision. Here's some examples, I think that illustrate the difference in what we're talking about here with the fence that's required for screening. Fence a is the way we've been historically enforcing the code. And I think that the council want us to be consistent in that enforcement. And a is the way that we have consistently been enforcing it until that hiccup in 2013 where the fence was allowed to remain. That fence that was allowed is fence C in the illustration here, where you've got two feet left at the bottom. And so, that was an inconsistency, if you will. But we strive to be consistent. So, 2014 we made it clear that C was not acceptable. That a needed to be in place. And let me just say, if we

really want to be consistent, if we accept C then probably B and D would be okay, also. B is one foot versus two feet, and D is a three-foot gap versus two feet. If we accept two feet, where do we stop? That would allow for inconsistencies all across the city, is our thinking.

[6:41:17 PM]

And to wrap it up, again, just reminding that we really want to enforce the code consistently. And we want to do it at the direction of this council. Clearly, council can change the ordinance and allow for a different standard, as far as the screening of recreational vehicles in the area. And let me tell you, we'll be glad to enforce what the council passes as ordinance. We are trying to find that balance between compliance and enforcement, allowing opportunities for property owners to comply, making sure they have the right options to comply, and also find that balance with reactive and proactive code enforcement. Again, we thank you for the opportunity to present. I'd be glad to answer any questions.

>> Zimmerman: Councilmember Casar.

>> Casar: Thanks for talking with us first thing this morning, and you're still here. So I appreciate your time and patience with us today.

>> Sure.

>> Casar: One quick question. Does only the board of adjustment have the authority to grant a variance to the code as listed, or is that something the council can do? The reason I ask the question is, if we have a constituent who faces a hardship but may not know the entirety of the process and contacts the council, could the council refer such an issue to the board of adjustment, or can the council make such a decision, or is it solely in the board of adjustment's hands?

>> That's part of the legal question, but to my knowledge, the board of adjustment is the body that council has empowered to grant the variances, to grant variances. To hear those kinds of cases and grant. I think the proper step would be to refer them to the board of adjustment for that variance.

>> Casar: Thank you.

>> You're welcome.

>> Zimmerman: Any other questions? Councilmember Houston. I just have one question. I'm not going to give you a quiz on the ordinance number, but, there was an ordinance number referred to in the municipal case.

[6:43:18 PM]

The land use code ordinance number, I forget what it is. But, I studied that provision of the code. And I think the problem is, it says in there, a six-foot masonry or wood fence. What's missing is it doesn't say a fence that reaches all the way to the ground. Nor does it say, you know -- it doesn't address what happened in you have an irregular contour. The examples you showed in the sketch with fences a, B, C, and D, it all showed a flat ground, which I think kind of makes sense. But I think in this case, there was an interpretation of code that's not there. If the code doesn't say "Must reach to the ground," that would explain why one of the inspectors said, it's a six-feet-high fence, six feet from top to bottom, it's in compliance. By the letter of the law, it is in compliance. And the reason I'm belaboring this point is, I think this is a case that affects lots of different departments. That is, interpretation of code. It doesn't say what the city says that it says. So imagine what kind of confusion that causes if you have interpretations all over the place that aren't in the code. I think that's the root of the problem here. If you want to comment on that.

>> If I can comment, I think what you're saying is, we certainly need to be consistent. And so, by requiring a fence to the ground, I think it is consistency. Certainly, there may be extenuating circumstances, and that's why the board of adjustment is in place, if there's extenuating circumstances such as the topography, the sloping of the land, they can grant those kind of variances. The other thing is, we think it is in the code. The code says a solid wood or masonry fence. When it says solid wood or masonry, it has historically been interpreted to mean, all the way to the ground. It's solid from the ground all the way up to at least six feet high. It's not solid wood, because then that would be -- that's kind of understood.

[6:45:21 PM]

But a solid wood fence meaning that it's not having any gaping holes, or breaks or anything like that, or undue gaps, that kind of a thing. That's how the code has historically been interpreted, and enforced.

>> Zimmerman: Okay. I think that is a big problem. If we start interpreting code and putting words that aren't in the code and then say, we're going to do this because we've historically done it, that's a legal problem. That's why the city lost. There's an argument that could be made it was in compliance with how the code is written. Anyway. Councilmember Casar had a question, and then we'll go on to our next.

>> Casar: Sure. And councilmember Zimmerman's point, director smart, I do think that it may be helpful for this new council to hear from y'all since you're dealing with 17,000 cases a year which parts of the code, perhaps, we might want to clarify as a body. I know that's within our authority and responsibility such that solid fence might be better explained to say, fence that reaches the ground. I think this committee would be really open and interested to hear what those changes might be from both the

public and also in particular, from your department so that -- I understand that you have to create one solid interpretation of what solid means. So, if you can hand us those changes, I think that we'd be interested in helping citizens and y'all out by clarifying a piece of the code that may be interpreted one way, but that you're uncomfortable enforcing sometimes because it may not be as clear as it reads.

>> I'm certainly comfortable with coming to the committee with recommendations to further clarify the ordinance. There are some situations where we've had to make certain interpretations and look at historical practice, as well as look at best practices around in order to make sure that -- try to make sure that we are doing it fairly and equitably, but, there are some cases where the language can be tweaked, and we can certainly bring those recommendations to this committee.

[6:47:27 PM]

I appreciate the offer to do that.

>> Casar: One last comment. I know we didn't discuss too much in your presentation the more dangerous or unsanitary conditions. I appreciate your department working on that. I think we will have some testimony about that later during the committee hearing. But just my interest for my constituents has been how can we partner with our co-department to empower y'all and legal to deal with those truly dangerous and unsanitary conditions we know exist. I think that's also part of this conversation is, there are going to be -- we understand that you've got 17,000 cases ranging from the smallest violation of code to really dangerous ones. And I have a particular interest in helping y'all pursue those most dangerous cases first.

>> Absolutely. I think this committee can help us prioritize and make sure we're hitting the most dangerous, most hazardous situations first.

>> Zimmerman: Thank you, director smart.

>> Thank you.

>> Zimmerman: Now we have Mr. Ryan reed. Could you please come forward? And be followed by Stephanie trim.

>> Thank you, councilmembers, don, Carl, I'm 1025 lot avenue. His facts will agree almost entirely with mine. You will notice in the timeline, there was a six-month gap he ho ho -- omitted. I'm going to read my statement. I was born and raised in Austin, graduated from UT. Local business owner, by parents were local business owners. I own a house in east Austin. On April 13th, 2011, the Austin police department conducted a joint search and seizure raid on my private residence, conducted by two code enforcement officers wearing bullet-proof vests backed by five police officers. The search occurred off the record using an expired warrant issued by a substitute judge.

[6:49:29 PM]

They left empty-handed and told me they would be back. I captured it on video. What happened? Six months prior in October of 2010, a code compliance officer responded to an anonymous tip there was livestock on my property. He found goats and pigs. They were not code violations or under the jurisdiction of code compliance, but, he didn't want to leave empty-handed so he started a case. He found four other suspected violations. Those were a flag pole in my front yard, a backyard barbecue he said looked like it might be connected to the gas line. A backyard tool shed he thought might be too close to the fence, and a gazebo he thought might be too tall. He listed the violation on a stop work order posted to my door. I got home, found the order and took it very seriously. The attached letter indicates the order acts as a lien on the property, I can't sell or rent the house until it's cleared. It threatened in I didn't clear the violations in seven days, I would be subject to \$2,000 per day fines. There's a paragraph about an appeals process, it's very unclear. I wasn't particular, so -- particular -- familiar, so I pulled the barbecue away. I pulled the shed the required five feet. That was a violation, uh brought -- I brought is into compliance. The gazebo was in dimensions, I talked to reviewers, they said, you're good. I thought that would be fine. The flag pole was totally fine. The code investigator simply misinterpreted the code in that instance. I submitted all of this information to the investigator. I heard no response. The seven-day period passed. Three months passed before I would hear back from the code investigator. During that three-month break, I started to do some research on code compliance and found that there were horror stories everywhere about how these people operate.

[6:51:31 PM]

The stories occasionally made the news, but mostly dragged out with no resolution. Investigators made demands, owners said they would fix it, investigators would change their mind, it would get drug on until it might go to court. Code compliance didn't win cases Austin, but it was -- often, but it was the homeowner's expense. I had someone who misinterpreted the code, and I was afraid if I ever allowed him onto my property, I was going to be in for a nightmare that did not end. These thoughts were on my mind when he finally called back. He asked when would be a good time for him to swing by and inspect my property. I told him I thought I had provided sufficient evidence the violations were cleared. He indicated it was policy a full property investigation must be conducted any time one violation is discovered. So, I asked for a copy of what the accusations were. He refused, saying it was policy not to provide that information. I declined his offer for a home visit. He followed up with a ranting email filled with grammatical errors, in bold letters saying he was submitting an affidavit for my arrest. I submitted an open records request. I felt entitled to know what I was being charged with. Co-compliance refused to comply with the request, claiming they were exempt because they were a lament -- law enforcement

agency. I appealed, a process that takes four months. I reached out to the city manager mark Ott's office. They said this was their policy not to interfere. They told me I should allow co-compliance full access to my property. Now, I've been learning in information. I learned a scary fact. They had no written procedures. So, they cling to the word policy, but they have no formal policies or methods to govern their actions.

[6:53:32 PM]

They have an unwritten practice of putting all code interpretation and oversight entirely in the hands of each individual investigator. They had a smattering of training courses and a handbook with barely any pages. They said, don't look at that, we're in limbo waiting for the international building code to be the handbook of how to enforce the code. So, I said no. It would be -- I'm sorry. At that point, knowing this, I didn't want them on my property. They were just going to find everything they can, I'd be another victim. I decided on a compromise. I said I will allow you onto the property when you have a formal written policy on how you do that. I thought that was reason -- reasonable. One month later, they conducted a search and seizure warrant. Code compliance investigator, Malcolm, not even my investigator, a prior police officer reached out to his old friends at the police department. Apd conducted a background threat assessment, developed a tactical deployment with a unit to approach my house and assist with the code compliance warrant. They did the entire thing off the record. There's no record of them preparing it, APD denies having police at my house. They came, did the search, found nothing. I wasn't there, my roommate was there. Again, they did get two warrants issued. When Carl says that was not served, the first one, it's I incorrect. Malcolm shoves the expired warrant into the hands of my roommate, using that as the grounds to enter. Later that day, a city attorney representing them contacted me to say they were planning a brainstorming session with other departments to come up with all violations they could against me, regardless of if they would stick or not, and I should hear from them within the week. I told them the warrant was expired, she said she'd mail an updated one.

[6:55:34 PM]

That's not how search warrants work. Four hours later, police officers came back with the updated warrant. I readied myself for court, talked to defense attorneys, and sent the footage of the raid to the local news station, YNN. I had installed security cameras, because for the weeks prior, it had sustained vehicle break-ins, so I installed cameras which caught code compliance. They got conflicted stories, got an interview with the confused answers from the division manager, Melissa, who could not identify the police she saw in the videos. She wouldn't say they were police officers. You'll see that in a second. Pretty good story ran on YNN, their lead story every hour for a week. At the end of that week, code



compliance returned with a laundry list. They said they would. After the bad press, it became more of an olive branch, claiming only one violation, of an uncoiled extension cord. They would drop it in -- if I coiled it. I said, deal. Immediately, within days after, on the timeline it was weeks before they closed the case. I met all the violations immediately. Malcolm said, looks great, fine, we hope not to come back. I haven't heard from them since. Over the six months my case was open, they accused me of six violations. Only one was factual, the tool shed, which I complied with within the seven days originally, six months prior. To obtain that, my case required three code compliance investigators, two code compliance supporting staff, two city attorneys, two city manager's office staff, five police officers, two Travis county health investigators, one municipal judge, one flood plain reviewer, and the attorney general's office. That's 22 government officials working over six months to get a shed moved two feet that no one complained about.

[6:57:35 PM]

And then, as a final twist, I requested written documentation that the case had been closed. They told me it was not their policy to give that sort of documentation, but I could submit an open records request to receive it. So, I want to say, I am not alone by a long shot. I'm lucky to have the resources and footage to support my case. Until now, there's been no government official at any level who had asked the question, is this correct. I want to thank Zimmerman for hearing our stories on that. Again, if anybody else is interested in this, please contact me through him. This is the surface of this case. It's very, very deep. So, with that, I have a few video clips. The first segment, Melissa on the police officers, the second, video of the search sped up for time's sake and added a soundtrack I thought was fitting.

>> It's my understanding that there was one police officer.

>> Reporter: City of Austin code compliance manager could not answer questions as to why the beefed-up security was needed. In fact, she wouldn't even acknowledge the five police officers on the screen. How many police officers do you see there?

>> I don't know the police officers. I'm not -- I can't -- I would defer that to APD. 🎵

[6:59:48 PM]

>> And to comment, on one of Carl's -- two of his statements. He said Chris attempted five times to get access. Some of those I denied. In his notes, he talks about can't get into my backyard because the Gates are locked, and there's photos from in my yard. Knowing the boundaries is something he didn't understand. And Carl smart is also correct. The warrant contained no references to the suspected

violations. They gained a warrant based on a pig roast party I had in which a friend chicked -- checked in and wrote a satirical review of the party. They used that as a basis to search my house. Thanks again for listening to my story.

>> Zimmerman: Okay, thank you. Thank you, Mr. Reed. Are there any questions from the committee? So, I want to go back to something you said about resources. One of my concerns, I think you're an engineer by education?

>> Correct.

>> Zimmerman: You're a problem-solver. When something comes up, you do research, study the code.

>> A little OCD about it, yes.

>> Zimmerman: Understood. My concern is, we have a lot of people in the city that don't have the time, energy, education, background, access to technology. And I guess I want to commend you for what you've done. But I'm concerned that other residents don't have the background you have. What would you have done if you were a more average citizen?

>> I would've done what I initially did, start complying. They would've found something else. I would've started the cycle where my hobby was meeting the needs of a code compliance investigator, regardless of it was true or not. I don't want to take it to court. Most people don't have the resources to do that.

[7:01:49 PM]

I barely fought back. I said, prove it and they came at me with full force. Had I not had the resources, I would've had to just keep complying and hopefully they'd get bored one day.

>> Casar: I had one quick clarifying question. Of the -- on your original notice of violation, the purr ported or alleged violations that were spotted on your property, none of them wound up being true, except for the setback of the gazebo?

>> Not the gazebo, it was the tool shed. Ultimately, when you look at their report, they say I cleared most of them, the flag pole was invalid. Most of them I did nothing, they were incorrect. The only thing I acted on was moving the shed and coiling the cord. They gave me a violation totally made up, saying as a business owner I'm not allowed to associate my address with anything online. So, that's where they took the four square thing and were using that as a code violation, you need to clear this. I said, I can't. They said, copy us on emails saying you tried. That cleared that up.

>> Casar: Great. For some reason, I recall that one of the cases that was brought up by Mr. Smart was work without permit, but, that wasn't you.

>> That was the gazebo in back, it would've been if it exceeded the size restrictions.

>> Casar: Thank you.

>> Thank you.

>> Zimmerman: Thank you. Our next testimony is from Stephanie, and after that, Matt palmer.

>> Hi. Thank you, city councilmembers, for asking me to come here today. I hope I'm telling you what you consider to be a very important story. I'm here to talk about dangerous properties. Mostly dangerous rental properties.

[7:03:50 PM]

I am a newly licensed attorney. When I was in law school, I participated in the entrepreneurship and community development clinic. We put together a report called addressing problem properties and laid out legal and policy tools for safer housing -- recommendations that we had for the city of Austin. We highlight one case study in particular about an apartment complex called wood ridge. In may of 2012, the apartment complex, a second-story walkway collapsed. It turns out, code had visited over 30 times this complex in the previous 28 months, but did not take notice of the walkways. After an in-depth inspection found over 700 code violations. After the walkway collapsed, the fire department came into the complex at 11:00 at night kicking out over 160 residents who had no place to go. Wood ridge is on Riverside, historically a very low-income neighborhood where people who can't live in Riverside really don't have a lot of other options to go, especially at 11:00 at night. We're talking about low-income families, families with school children that go to school in Riverside who end up being displaced perhaps into a motel in the rundberg area, or have no place to go at all. And so, in June of 2012, about a month later, the property goes to the building and standards commission. They give a repair order to the property owners. And with the threat of finding up to \$15,000 a week if they don't repair the building. This property ends up on the agenda every month for ten months until the building and standards commission -- or this property has accrued \$493,000 in fines and no repairs have been made by April of 2013 the next year. Luckily for the property owner, they're able to find a new purchaser.

[7:05:53 PM]

Somebody's interested in buying and renovating this property to become luxury apartments on Riverside instead of the affordable housing it was before. Property owners offer to pay \$220,000 of the fine, and city staff says no. We want to -- we want you to pay more. We want you to pay more of the fine, you've accrued \$493,000 in fines. After negotiations, the property owners pay \$220,000 in fines. Dangerous housing exists in many low-income neighborhoods throughout Austin because landlords are

able to milk their properties with no accountability. This case study highlights three main issues. How do we keep landlords from becoming absentee landlords? Two, what to do when this happens and resident have no place to go, and three, how do we force landlords to fix properties when they disregard orders to do so. I believe the city has made some steps towards the first issue by implementing a repeat offender program, but it's unclear what the impacts of that really is going to become. When the housing crisis that Austin is in, a lack of code enforcement, whether in the department or at city legal, affects people's lives. We are lucky no one was hurt, but the city can't afford another Woodridge of. We must preserve the affordable housing stock we have, ensuring that every austinite has a safe and healthy place to live. Thank you.

>> Zimmerman: Okay, thank you very much. Any questions?

>> Houston: I don't have any questions, but I just wanted to thank you for being so succinct in describing the issues we face with absentee landlords and properties that we know are unhealthy and unsafe. And we need to figure out what to do about those.

>> Casar: I also want to thank you so much for coming.

[7:07:54 PM]

And I know you laid out three key issues that I think this committee is very interested in. And so, I would urge you and others that participate in the clinic and others in the community to present us with other policy changes that this committee might recommend to the full council so that code enforcement can address those issues in particular. I do sympathize with the balance that we have to strike, because of course you want to be harsh in our enforcement when there's perhaps 700 code violations and it's endangering folks' lives, but, at the same time when a homeowner receives a letter saying they might be fined \$2,000 a day for something I believe this body might see as minor, you might also -- I'll be asking the community and members of this committee for how we find that balance. It may sort of seem kind of -- common sense, but, I can understand, dealing with 17,000 cases we have to find a way to be harsh where we need to, but not go overboard in smaller cases. I'm not sure what the policy is and the kind of direction we need to give the code department, but, I would really appreciate your help in particular, and others you've worked with. So, thank you.

>> Absolutely.

>> Zimmerman: I also want to thank you for coming. And I think everybody in the city would agree the priority needs to be on safety issues. The amount of resources that were expended in Mr. Reed's case are kind of astonishing. The number of resources, government officials, calendar time, is pretty -- if we could spend that kind of time on safety issues, I think we'd be much, much further ahead. You probably agree with that. We should focus on safety issues first?

>> Casar: Yeah.

>> Zimmerman: Thank you. Anything else?

>> Thank you.

>> Zimmerman: Our next invited speaker was Matt palmer. Matt, could you come? And then we have, I think, about six people. So, if Mr. Patronus, if you have an updated list, I think we have six people after Matt.

[7:10:00 PM]

>> Good evening. I had a couple issues with a couple of Mr. Smart's comments. I wanted to let you all know that when they talk about getting a variance from the board of adjustments, there's a nonrefundable fee. I believe it's \$280, maybe 380. I can't remember what that fee is. So, that kind of makes a minor issue a little unaffordable when they ask you to go that route. He also says that he wants to enforce the code consistently, and that's what we should expect. Yet he and other personnel told me the cold can -- code can be vague and hard to interpret to allow flexibility. Are we going to be flexible, or are we going to stick to the letter of the law? In the spring of 2013, I approached code for direction on building a fence around my rv. I went to code. There wasn't a complaint. I went to them to get direction. I was told approval would be up to the interpretation of the code officer for my area, Moses. After calling and leaving messages over two weeks and not receiving a response, I built a fence. If I wasn't a target of a code complaint, I felt safe moving ahead. A couple months later, Moses said the fence wasn't compliant. I asked that he return with a supervisor so we could discuss it. He did, he returned with jerry, and we agreed on a compliant design. After I made the changes to the fence, Moses said jerry wanted me to add more panels to further enclose the rv. I asked why wasn't that requested before, how did I know this would be the end of it? Every time Moses came by, it was costing me more time and money. He replied this was it, and he asked jerry about the gap, and jerry said the gap wasn't an issue. Moses stated he was closing the case per jerry, so anyone else would see the fence had been approved by a supervisor, guaranteeing I would have no further issues.

[7:12:03 PM]

I recorded this conversation. Can you go ahead and play the video?

>> I'm going to put that we're going to close it. As per jerry, he's saying that piece there, and that piece there, and that's it. He did not say anything about the bottom. I asked him specifically about the bottom. He said no. He is a supervisor.

>> Okay.

>> He continues to be the supervisor.

>> Okay.

>> We're going through changes, but, I'm going to bring it to his attention, if you see this rv call again, jerry has blessed it. I'm going to put, ask for jerry. We're hoping -- I'll tell him I spoke to you. He knows to the situation.

>> That's pretty clear on what the expectations were. Those pictures were actual pictures of the completed fence, showing the panels they asked me to build. I built the panels, the case was closed in September 2013. In April 2014, I found code investigator Michael taking pictures of my rv. The fence was down, as I had just returned from a camping trip. I told him I would put it up and emailed him 30 minutes later that I had done so. The next day, I saw him taking pictures of the rv with the fence around it. He told me the fence wasn't compliant and I was in violation. I explained the fence had been approved and the previous case closed. He replied, "He's not my supervisor, he's been moved to the south sector." I replied, he's still a supervisor, the fence has been approved. He then said if I didn't close the gap, he would issue a citation. About four weeks later on May 29th, I received a notice that an attempted letter delivery had been made.

[7:14:09 PM]

I received the letter the next day. A notice of code violation stating I could appeal it by turning the appeal into the code office. I hand-delivered the request an hour later, and received a time-stamped confirmation. Despite my acknowledgment, a month later, he hammered a stake into my front yard and posted the same letter on the stake. This was harassing. So much so my neighbor across the street started yelling at him his actions were unwarranted. I consider this act of aggression inappropriate, when I started taking my case to the media. I believe my pushback is why the appeal was denied, and why I felt the full force of the city come down on me at the jury trial the city brought against me. Despite my being found not guilty of failing to screen the rv, two code directors, Paul and Carl stated to the news that they were consulting with city legal on ways to proceed with further legal action against me because they felt I was still in violation. This shows zero respect for the legal process, their own process, or the citizens they are charged with protecting. They finally closed my case last Tuesday, five weeks after I prevailed in the jury trial. I was told repeatedly that code can't know all the codes when they were saying they made a mistake, yet they always seem to know when you're in violation. They can't give you guidance, but they can put you in trouble. I was told if I had questions about what was permitted, I should've gone to planning and review, even though a permit isn't required. Their director said in his opinion the fence was compliant. He said so to code director smart. Going up the chain of command, I hit a ceiling when Michael refused to meet with me.

[7:16:12 PM]

He said he doesn't meet with city councilmembers. The meeting was cancelled the next morning by Mr. McDonald after I was on the radio discussing this. Code threatens with the letter of the law, but then they don't follow the law. They enforce through individual interpretation. They don't follow their own process. When they take a case to court, they disregard the court decision and look for other ways to come after citizens, showing zero respect for the process and the citizens of Austin. That's all I have.

>> Zimmerman: Thank you, Mr. Palmer. Any questions? I have one quick question for you. It's my understanding that if you were to have lost in municipal court, wouldn't you have been liable for legal fees?

>> I don't know. I mean, I was up against a fine, a \$2,000 a day fine. And there's no recourse for me to recover my attorney's fees. This whole thing was under their direction. They made a deal with me. They told me to build the fence this way. They came back again and told me to add on to the fence. The code says, the code they used when I met with Mr. Smart for my appeal, they said there was a one to four ratio of closed to open space. I did the math, I only had to add six inches. I asked if that would be acceptable. Somebody from his office, Leah responded saying he was out of town and would respond when he got back. He never responded. There's no flexibility dealing with them. One person tells you to do it one way, somebody else comes the other way and totally changes it. So, I would have loved some flexibility, to have been able to work with them.

[7:18:12 PM]

I was still trying to work this out with the city when I received the court summons.

>> Zimmerman: How much were -- if you could tell us, how much were your legal fees, do you think, that you had to spend on this?

>> About \$2,000, and a thousand on the fence now.

>> Zimmerman: Okay, thank you very much. Anybody have other questions?

>> Countless hours dealing with this.

>> Casar: Thank you so much for coming. I know this has been a frustrating experience for you, and I appreciate your commitment to continuing to have a public conversation about this. I think from hearing your case, Mr. Reed's case, and also the comments from Ms. Tren, I wasn't aware of how steep it was to go to board of adjustment. Thank you for bringing that up, I flagged it to take a look at to

find out why that fee is steep. And for us to investigate that, because I would like, especially in the case of a hardship, for a body to be able to make the decisions. I do know the difficulty on the staff side of changing their policies, and I understand that they are supposed to have flexibility. I think policy-makers and the board of adjustment is supposed to deal with some of those issues. I appreciate you bringing that up.

>> There should be common sense. That fee was just raised. I'm not sure what it is, but it's making it harder and harder for citizens to get help. If you look at the pictures of the fence, one thing I've asked repeatedly is, what is building it to the ground going to accomplish? There's no trailer there. What it accomplishes for me is I can water my grass, the lawn mower goes underneath it. My neighbors told code they prefer no fence, but, if there has to be one, they prefer the gap because we have crime in our neighborhood and nobody can hide behind it. You can see underneath the trailer. Building it to the ground won't cover up any more trailer.

[7:20:13 PM]

>> Casar: Certainly. I can understand why that might be a good case to hear in front of the board of adjustment. Taking a look at the history that will be helpful. I've made a note of that. I've invited director smart and citizens like yourself to find out which pieces of code this committee may recommend clarifications to. It sounds like solid fence, meaning fence to the ground, is a perfect example of what that might be. And then, finally, the comparison between your case and wood ridge, or Mr. Reed's case and wood ridge, I think, is a concern of mine. So, I want to bring to this committee some suggestions so we can empower code to focus resources and court cases on cases like wood ridge as opposed to cases such as your own.

>> Sure.

>> Casar: Thank you.

>> Can I address how many resources were in my court hearing? It was a full-day hearing. There was four code people there the entire day, including when they were done testifying. When the jury was in deliberations for a couple hours. One of them wasn't a party to the case. Mr. Smart was subpoenaed. He didn't show up at all. I'm still wondering how that works. And the decision was final. I mean, it was his decision. Why wasn't he there to defend it? I don't know how many people were there from the prosecutor's office. My attorney said he had never seen anything like it in a municipal court case. The lesson I learned is, when you push back, you get the full force of the city.

>> Zimmerman: Thank you, Mr. Palmer. We have some others that had signed up, public. We have Robert followed by dale flat. I think, we'll have a three-minute testimony.

>> Hi, my name is Robert.



[7:22:16 PM]

I'm not here exactly on what y'all spoke about in meeting the agenda and talking to Greg. I thought these were da cases that I knew about where code had gone overzealous. I'm the opposite. I'm a little confused. I have to look on the wall to see I'm in Austin. Nothing I heard tonight is anything that happens in my six square miles of Austin. Nothing. Code does nothing in my home, okay.

[ Laughing ] And that's what I've been talking with Greg and his assistant about with the new council. 388 days ago, while taking care of my neighborhood like I've done for 32 years -- I was 22 when I bought my home, paid it off in a fast 29 1/2. I was doing what I do in my neighborhood, which is try. I picked up the phone and made one phone call to get one car moved out of a yard. I happen to know that that is legal in my area, because I was the main chair and lead citizen on the combined planning association from 2007 to 2011. I learned a lot about city government in those years. I was last in this building five years ago when Laura Morrison threw me out for asking for help. I haven't been down here in five years. Things changed, you can see by my haircut. I'm not going to be around much longer. My house and things are passing to my daughter back here, which is now 23 years old. I've got a short time here to try. Those 388 days since I made that phone call last year resulting in 311 turning in complaints against themselves. That was Tom Wallace, supervisor. Tom Wallace has been transferred out of his position. My complaints led to sue of code coming out and starting to work in my area. He learned a lot. He was transferred out of my area.

[7:24:17 PM]

This brought 2da investigations from Manuel, who was transferred. I only have three minutes, I'm trying to make this quick. Greg has a lot of emails from me from last year. Whether it's code, APD, health, animal, traffic, 78753, otherwise known as Rundberg, receives nothing. One of my da complaints was against Acevedo for malfeasance, the attorney refused. The da investigated, their attorneys went, they take care of people daily, throw it away. Nothing is done in my neighborhood. I don't know if code knows what Brownie Drive looks like. It's the apocalypse. I do not see how Manuel, who has been in our area --

[ beeping ]

>> Zimmerman: You can finish your thought.

>> I don't see how anybody who works for code can drive by, or even Google drive by Brownie Drive and not close it down yesterday. Wood Ridge was a paradise compared to Brownie. We have tried for years

to get the city to help. So, that is my thoughts tonight, is that I came here on the opposite of what y'all were talking about, overzeal zealousness. My area receives nothing.

>> Zimmerman: Thank you. Any questions?

>> Casar: Good to finally meet you in person. Sorry for the distance, I'd shake your hand. You did come for the right reason. We were discussing code enforcement. There is an obvious need for code enforcement. It's a necessary department at the city. And I think that we as policy--makers are interested in making it work for people, and it sounds like it's not working for you. And I do have a real concern about some of the unsafe housing and some of the serious code violations that are hurting people in 53.

[7:26:19 PM]

And so, I think that's something we're going to be takeping -- taking up. I appreciate you bringing that up. There are obvious places where we do need code, and we'll be looking at that. And I'm very aware of some of the conditions. My hope is to make sure it remains a diverse, affordable area, which I know you want, as well, while addressing the safety needs. So, thank you for bringing this forward to us.

>> One thing. Applegate drive, 400 feet from my house behind some barricades. It only took the city 216 911 phone calls and responses to tear that trailer down. In the end, nobody even knew who owned it.

>> Zimmerman: Thank you. We have dale Flatt, followed by Steve Simmons.

>> Good afternoon, councilmembers, good evening. Thank you for inviting me to speak. I have material, I've sent you emails. I am a retired Austin firefighter. I'm not new to this subject, or new to this space. I can tell you right now that I acknowledge that Carl smart as one -- has one of the hardest jobs in the city. But he lies. His people will lie. I've heard the term used this morning, and this evening, that they're code compliance officers. They are not officers. They are inspectors by definition. The problem I have is that -- again, as a retired retire fighter, firefighter, we need a code department. I got involved because my mother-in-law's house was a model home with a sliding glass door, not a garage door. They came after her estate, stating there was no permits. The problem is, working without a permit is a class C misdemeanor, which is a two-year statute of limitations.

[7:28:20 PM]

They went after something that happened 42 years prior. We told them, this was built like this. They said, we have a copy of every permit issued, you're in violation. We were ten days away from selling the

property. I did like everybody else, I paid the fee. Then they went after the car port. We showed them it was built in 1984, here's an affidavit. Nope, it's in violation. We sold the property. They immediately went after the new homeowners and made them buy a permit. The biggest problem is they're going backwards in time, past that two-year statute of limitations. So, in order to make my point, I started turning in city of Austin properties. I go, great. There's no statute of limitations, I want to see the permits. I started a long list of buildings. And they inspected those and go, we found the permits, everything is great. I did an open records request, show me those. We don't have permits. They lied. Malcolm mills, the lot avenue case, Ryan reached out to me early on. I had a website, I moved it to Facebook. Malcolm mills no longer works for the city. Malcolm mills lied in those -- in his affidavits. It was

>> Martinez: . Criminal. I hope he sues -- I wanted him to go to the department of justice. This is criminal what happened. And I tried to talk to Ms. Martin about it. He said, oh, that was before I got here and whitewashed the whole thing. That affidavit that they gave, they served the wrong affidavit, but they filed the proper affidavit and said it was served at 9:00 in the morning. All those documents are on a C.D., Mr. Zimmerman, in your possession. So the problem that we have is the co-compliance department, you're going to hear it from everybody, they can't make up their mind. They say one thing and do another thing. The biggest issue I have with them is they're not police officers. They do not have the proper training.

[7:30:22 PM]

[ Buzzer ] They dress like police officers, they give that impression to the community and that's where they stop overstepping their bounds. Any questions?

>> Thank you. Any questions?

>> I'll pass out the -- the cds with a all of the appropriate information. I'd like to close by saying I left the fire department early because I was speaking out on this issue and I went to Mike McDonald and he used the power of the fire chief to come after me. And you'll see some of that information here. It's not a closed deal yet.

>> All the information is on the cds and one for each board member.

>> Thank you.

>> Thank you.

>> Zimmerman: Well, I think that it was an interesting point about the permitting. And we can follow up on this by e-mail. I have your e-mail address. I'll send an e-mail to code and also the city legal to get

clarification as to why we enforce work without permit after two years. I'd like to ask that question and follow up with you about the answer.

>> I have no problem with somebody -- we don't educate our public about the permit process. A lot of people hire contractors and the contractors tell them, oh, yeah, you have a permit. And they don't. Public education has to be increased.

>> Casar: Thank you for bringing that issue up.

>> Steve Simmons, Steve is here? And our final, will Jones, will Jones, are you here? Let me see, will Jones. Okay, take a seat.

>> Since I'm the only one speaking on behalf of commercial businesses, I'm asking if I can have a little bit more time. The reason being is I'm going to relay some -- tell you three separate incidents. Is that okay?

>> Casar: I'm fine with that. Okay.

>> I'll go as quickly as possible.

[7:32:23 PM]

My name is Steve Simmons. My wife and I own Amy's ice creams. We also own Phil's ice house, we also own some shopping centers called austinville where it's all local tenants. We currently employ in our three businesses and the related businesses, thunder cloud in our shopping centers, I fly, suit peddler, southern hippy. All of these businesses are in our shopping centers, over 500 people are related to the business that we have. I consider myself pretty long-time stake holder. I've lived in the city of Austin for 34 years. Our business is 30 years old this year. Amy's is. Phil's is 10 years old. Austinville is 20 years old. I come up here because as business owners, we're the life blood of this town. We're the sales tax, we generate the business that runs this city. And oftentimes, that's ignored. I'm a rule follower. I follow the rules. I have had some incidents with code enforcement. Let's go back in history. I have an 11-year-old child so I remember when this happened. Once upon a time ten years ago, code enforcement was two guys. One residential, one commercial. I remember it because I remember when the requests for funding came for them to expand code enforcement. I went down to talk to mayor pro tem Betty dunkerly to ask her why. And she said it was really about safety and keeping people from building unsafe decks and not encroaching on their neighbors. And I pointed out to her, I said, well, isn't this going to be a bunch of neighbors just turning in each other's neighbors? And she said we hope it's not the way it's supposed to be.

[7:34:26 PM]

So my first run-in with code enforcement happened at 3100 south congress, which is where my store across from St. Edward's is. My store was broke into in the middle of the night. A homeless person had thrown a chair through the window. Thank goodness Thal got was ice cream. They took nine pints of ice cream. While I was cleaning up the glass, the young lady that was opening the store showed up and 17 years old, freaked out because here's glass all over the floor. It's a crime scene. So I told her just to be calm, nobody was there. And I went to told her, I said clean up the glass, I'm going to get some plywood to cover the hole. While I was gone, I came back, she was moving things out of the way, code enforcement showed up. And she had placed a sandwich board sign out in front so she could sweep up the glass. The code enforcement officer had given her a \$500 ticket for putting a sandwich board sign into the right of way. When I showed up, I asked the officer, I said, look, this girl -- give me the ticket. I'm the owner. Give me the ticket. She's 17 years old. She was just trying to help out. I was given the ticket and at the time code enforcement was hidden in solid waste. So I came down to the city to talk to the director about the ticket and when I walked -- drove up to the city hall on three corners of the city hall were sandwich board signs sitting in the right of way. Of course, I took pictures of it when I walked upstairs. The director in the solid waste department tore up the ticket and said don't worry about it. We'd be hypocrites. Minute second incident with code enforcement happened. I wasn't present for this. We have a store on south congress at 1301 and my employees wither working and code enforcement officer came in with three police officers. A young man, 18 years old. He was very intimidated by the police and the code enforcement coming in.

[7:36:26 PM]

And they wanted to know why there were tables out front. And where our right of way permit was? Well, the city had built the tables into the concrete out front as a safety issue and also as bus benches. So, you know, with the employee called me on the phone. And I told the code enforcement officer that really wasn't necessary to have the police there, number one. And number two, talk to the city attorney and talk to the engineers that reengineered south congress. My third incident was at the Phil's ice house, Amy's ice cream on south Lamar. And here's where we're talking about neighbors turning in neighbors. And I followed it -- I had all of my permits and code enforcement came up. The first time the man came up, he said we have a complaint that you are outside of your site plan exemption. I said well show me. He walked around and we were building within our site boundaries. The second time the man came, I got another phone call.

[ Buzzer ]

>> Go ahead and finish.

>> And he said I wasn't properly displaying my permit. Well, as at the time, we were down to one back wall, a remodel and I said exactly where do you want me to display the permit. He told me I had to get a real estate display sign and stick it in the ground somewhere so people could see the permit. The third time, which I find the most humorous was when a neighbor complained which I found out later on the open records act that it was a competitor complaining about me and said I had an illegal offsites sign. And what had happened was is I used a truck to -- which is just an Amy's truck, to store all my construction materials when it's on a job site. So the guy said it was an illegal sign. I said, no, it's a truck. The registration was up to date, the license was up to date.

[7:38:27 PM]

He said no, it's a sign. I said, well, call your supervisor. So the supervisor gets on the phone and he said my guy says it's a sign. He said well, it's a truck. It's licensed. He said help me out. Help me out. I said come to some sort of resolution. He said if I turned the truck north and south, will it be a truck again or will it be a sign? And he said yeah, that will do it. Turning the truck away from the street north and south not facing Lamar made it a truck again. But this just tells you just how ridiculous things are. You've got competitors and other businesses turning you in to make your life a little bit more difficult. And I would like to see code move forward and be a helpful arm. Their perception right now is that they're almost storm trooperish. And they come in and they write violations and they come and it's really an enforcement arm. It's scary if you're a business owner. And instead to be more of a helpful arm where you -- you don't come out and write violations, you write \$500 tickets and say, hey, let me help to understand the code. Let me tell you what's going on here. Let me help you with your business. That's my hope. I'm looking for solutions. I'm not looking to be a complainer.

>> Thank you. Thank you very much. Any questions for Mr. Simmons?

>> Thank you to so much for coming. And seeing as if you're one of a couple of folks that have come and talked about police officers showing up may add to the list of things that the committee might review between this meeting and the next couple of months. And I think police are very important. And obviously the case where you've got -- it doesn't seem like the best use, to me personally.

[7:40:30 PM]

So thank you for bringing it up. We'll tap you as a resource as we work on it. Because I hope we can see it's a difficult issue how to balance enforcement and compliance. And so thank you for --

>> Absolutely. Thank you for your time.

>> Thank you for your time. Thanks for coming down. Will Jones? Our last -- our last speaker.

>> I'm William Jones. I'm here -- I should have been here earlier. I had trouble finding a parking spot. This is about the towing, okay. I'm disabled. I have a little problem. I had a breakdown, fuel pump went out, fuel filter got plugged. I got the car and the truck out of the way. This happened last Saturday. Okay? I got it out of the way, out of traffic and everything. I've seen many vehicles on the side of the road sit there for days, okay? I found the person -- I found an old boy that would meet me at the house - - this is just right down the street here on Riverside just north of it. I live right there on woodland. I walked my way back up to the house to meet the old boy to come and take me down so he could tow the truck up. Wasn't even gone two hours, the truck was towed away, okay? Cost me \$171. It was a friend of mine who let me use it, okay? All that was wrong with it was the fuel filter. I know I'm a mechanic. Okay? I know what was wrong with it. It was a plug up every so often and shut the truck down. I rolled it right -- on an onramp going 35 going north in the access road. Rolled it up in the area there. Made sure it was out of the way. I had a handicap sticker in the window. Most people are handicapped that can't afford this stuff. It wasn't for the gentleman who owned the truck, I probably wouldn't be out, okay? They took it, within two hours. Wasn't even two hours we were down there and it was gone, okay? We got -- we got the truck out of there, paid the \$171.

[7:42:35 PM]

Had it for an hour. And we got it out. It was clattering and stuff. It didn't clatter before when it shut down, it was clattering and everything. We made it from south side towing to not even to congress before we had to end up towing it back to my place over on woodland and she -- Chelsea, which is not far from where it broke down. I finally had someone come out and put a filter in it. Now I have to replace the motor. I've had several people get their vehicles out of the tow lots. Okay? And this had problems, mayor problems with their cars. And they end up leaving the car parked because they can't -- you know, they can't afford it. It's -- it's a problem. It needs to -- something needs to be done about it. You know? I know it was south-southwest. I was going down to help the guy that let me use the truck, you know, to help him do the volunteer work. And that's the way we were treated. That's totally wrong. You know? They should at least give the person time to get it off of the road. That's all I have to say about it. There's just something that needs to be helped, especially people who are disabled. A lot of them live on a fixed income like I do.

>> Thank you, Mr. Jones. You finished in exactly three minutes. So congratulations. Any questions for Mr. Jones?

>> Thank you so much for coming down and as we examined if or how we integrate new technology into towing, I'd be pretty interested in ways to make sure that all of the towing companies the city works with treat people's vehicles.

[7:44:35 PM]

>> Doing some inspecting, find out who owned the truck, what the problem was. Because if they're disabled, say it on there, disabled, you know? It should have been a little consideration there.

>> Thank you for coming down, sir.

>> You bet. No problem.

>> One quick thing. How long was the vehicle unattended before it got hooked?

>> Not even two hours.

>> Not even two hours.

>> No, I don't walk that quick so from where it was up to Chelsea and woodland, and I'm sure you're familiar with where woodland is, it's only one block west of 35, Chelsea is. It's all it took. You know? It wasn't 13 blocks, 14 blocks, maybe. So --

>> So \$25 added to the tow fee, that can -- that's a big deal for some people, right? The \$25 extra.

>> Yeah, \$171, that was just outrage you. And now I have to replace the motor.

>> Zimmerman: Thank you again for coming.

>> You bet.

>> Zimmerman: Anything else our committee needs to deal with? Any questions or comments for anybody else?

>> Houston: I just want to -- I certainly appreciate everybody who came down and shared their stories about their experiences with code enforcement. And, Mr. Chair, in my district, it's almost exactly the opposite. We have people who build buildings with no permit. We can't get code to come out. We have animals in the back yard. It takes a year and a half so it's interesting to hear various sides of the story. So I think what we're looking for is how do we make a balance? How do we get to the right balance so that people who do have goats and pigs and geese and chickens and cats in the back yard and somebody next door is saying it's a problem.

[7:46:37 PM]



I've mentioned that every since we started these conversations that some of the ordinances from prior councils have turned us in to police officers in our neighborhoods. So there are some property rights that people have that if something is against the law, then the appropriate people need to come out is to call code enforcement. And so we depend on them to come into our neighborhoods because so many things go wrong. And we would hope that people are rule followers, as someone said. But in many instances, as new people move into the neighborhood, they don't follow the rules and they know that our people are not educated to the point where they know who to call or when to call. And so we -- we appreciate them coming when they come into our neighborhoods to come in. The.

>> Yeah, I was a little surprised of Mr. Atkinson's testimony and making repeated calls that are not getting response with code and other people who have a frustration, a feeling they're harassed. I didn't expect to see that difference between people saying what are you doing messing with me and others saying I've been calling you for months or a year and you never showed up.

>> And if I may make a comment, my guess is that it has to do with the policy seems pretty flat and perhaps this council might consider a ways to make more nuanced so that we can empower the code department dedicated to resources where the greater body desires. So I think it's going be a challenging conversation, bull I'm glad that you got it kicked off today. So thanks to everybody that came and thank you to code and everybody else that was involve in the discussion.

>> Okay, so with that, you have the time on your computer? I guess we'll theish if there's no objection.

>> 7:48.

>> I have a quick minor question.

>> Zimmerman: Okay.

>> As far as the towing policy or the -- is that going to be something that we're going to see as a committee again?

[7:48:43 PM]

When do you expect that we might take action on that piece?

>> Zimmerman: That's a great question and this, of course, is our first public hearing. And I think what's going to happen with these committees because this is a new way of doing business that we're going to have a list of items, right, for the committee to consider. The committee as you can see took three hours to get through or 3 1/2 hours to get through three items. So what will end up happening is we'll be meeting on an ad hoc basis. We're only four members. We're not a quorum. I was hoping we could meet every Friday for an hour. Talk about the issues. I thought we'd take this public feedback and make some decision hopefully that can be done by Friday to see if we want to recommend the agenda item say on

towing to the full council. We could vote on it as a committee. We can say we don't want to recommend it or we do and that would be a meeting that would happen this week or next. Do we as a committee want to send it to the full council. Do we want more information? Do we want another hearing? I hope we can have that meeting on Friday.

>> Okay, thank you.

>> Well, we don't necessarily have to have another hearing. We can have a meeting to discuss our actions at that point.

>> Okay.

>> Yeah, that's a good point. Councilmember Houston makes is if our committee gets together and we deliberate on it, we might want to come back for more public hearing or maybe not. Of course we let everybody know what's going on. So if there's no objection, can we be adjourned here at 7:50? Okay, thank you.