

Public Safety Committee Meeting Transcript – 1/25/2016

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[4:03:57 PM]

>> Zimmerman: Hello, everyone, my name is don Zimmerman, I'm joined by councilmembers pool and Houston. Councilmember Casar will not be able to join us, or maybe he will later. It is 4:04 P.M. In council chambers on January 25. The first item is the approval of the minutes. Does anybody have comments or questions about the minutes from the last meeting? Is there a motion to approve the minutes? Seconded? So all in favor? It is unanimous, the minutes are approved with Zimmerman, Houston and pool, with Casar absent. That brings us to our second item, before we get started on the public safety metrics. I want to point out, Mr. Joe pet ronis is in the back. If someone wants to make comments on the posted items or anything after the meeting, items are concluded, see Joe, so we can get a record that you were here and see Joe in the blue shirt. Item 2, review of high-level public safety metrics with city staff. Mr. Ray aryano, it looks like you are here. Would you like to start us off?

>> Thank you, chair. Members of the committee. My name is ray arriono, assistant public manager for the public safety group. Last year, the three public safety departments had the groups that they tracked. I've been working with the office to determine what you have in front of you. This took longer than expected. And in the future we can provide it in advance of the meeting so you will have it. Each department's slide contains information relative to vacancies for sworn positions, overtime, budget expenditure and performance metrics.

[4:06:06 PM]

The information related to the vacancies and overtime are relative to pay periods that's how we track it. For the month of December as an example, that means it covers pay periods, number 26 and 27. Number 26 ended on December 26. The performance metrics on the right side of the slide you have will be calendar month based and unique to each department's line of business. Representatives from each of the three departments are here to answer questions you may have. We can also respond to any questions after you had a chance to review it, given again, that you were just presented with the information and in that case, we will make the questions and answers that you might ask us after this meeting available to all of you so you will have a common understanding of the information that will be provided. So with that, happy to answer any questions you have.

>> Zimmerman: Remember, there was an issue that was referred to us, you know, the last council meeting, I think it was concerning the medic 1 and 2 positions, are we taking that up separately?

>> Yes. Let me just turn to that, see where we're at.

>> Zimmerman: Does this have a bearing on this discussion here? This is terrific. I'm looking at the vacancy metrics. Ad of the end of the year, 13 vacancies in medic 2 and 32 medic 1.

>> I will ask E.M.S. To come up here, generally, we're talking about communications.
>> Zimmerman: These are not communications -- these are all the medics, whether they're in communications or not.
>> Jasper brown, Travis county E.M.S. You will see the field is up on top and the communications is down below.

[4:08:07 PM]

Item 4 on the agenda today, I believe is the discussion on the rca presented earlier for the reclass of the positions. So you will see in comfive -- comm, five medic 2 and 3 medic 1.

>> Houston: Could you put that up on the overhead? You are talking about the communications or field positions.

>> Communications.

>> Zimmerman: We should put that up. It is an interesting slide here. I will go ahead.

>> Pool: While you are doing that, I have a question for Mr. Aryano. Is this on?

>> Yes, ma'am.

>> Pool: Normally, are the metrics given in a report to the public safety commission, the citizens commission? How are these metrics disseminated?

>> So for our priority one calls, we actually put those on our website, austintexas.gov website. They're posted there. The commission has not asked for these metrics to be presented to them monthly. We do present them to the Austin Travis county E.M.S. Advisory board and those are presented to the board monthly -- actually they meet quarterly and so they're presented quarterly.

>> Pool: You're speaking about this portion of these, but Mr. Aryano brought us for the fire department and police department as well. Is this part of the conversation that takes place in advance of budget? How far are the metrics -- I'm not really -- so I don't understand why this item is in front of us. Why are we doing this? And what is this in aid of in the larger policy conversation?

[4:10:08 PM]

It feels to me like we're down in some weeds that I'm unclear as to why we are.

>> I would defer to the chair for that question. These are essentially management tools that we're looking at.

>> Zimmerman: Sure. It was my understanding that we are elected representatives and we're here to provide some oversight. And by taking a high-level view of things like vacancies and response times, we're doing our job. It was my definition of what we are supposed to be doing as elected councilmembers.

>> Pool: And that's terrific, but that was not -- this had no context. So I was not clear on why the item was on the agenda.

>> Zimmerman: The context is we are the public safety committee and it is not possible in my view to do our job as leaders in the community and set policy decisions if we have no information on the metrics of how we're performing.

>> Pool: Do you have information on how these should be changed or collected differently.

>> Zimmerman: This is the beginning of the process of deciding what we're doing. We want to decide what the metrics should be and measuring. This is the policy to achieve that.

>> Houston: The only concern I have -- and I love to get information in the areas we're doing. There is an item on the agenda on Thursday that has to do with E.M.S. I can't -- I can't remember the number.

>> It's item 71 for Thursday's agenda but your item 4 tonight.

>> Houston: How does this relate to what we will discuss on Thursday, is my question? Because that is a

short period of time between getting this information today and having to vote on something on Thursday. So I just need to know what the relationship is between what you're going to present to us now and what we're supposed to vote on, on Thursday.

>> Zimmerman: If I could, let me make a suggestion first. One of the metrics we asked for was vacancy savings. If you will notice, we have over \$1 million, if I am reading this correctly, in vacancy savings.

[4:12:12 PM]

And based on that, there is a million dollars of vacancy savings. These are positions we budgeted for and have not filled them. You could say we probably don't need -- correct me if I'm wrong. We probably don't need a budget amendment for additional money for additional positions if we already have a million dollars in vacancy savings.

>> So, it's not as simple as that, if I may. This is the subject of the longer discussion. This vacancy savings is a simple calculation. To carry out the responsibilities that the departments have, they're backfilling with overtime, which is certainly more expensive than the actual position, if you will. So there is -- there is there is a netting out that has to be looked out, not only in terms of the positions to be brought in on an overtime basis but other expenditures that may be unforeseen that they may look at using vacancy savings for.

>> Zimmerman: Very helpful. When it says vacancy savings, there would be helpful to say additional or unanticipated overtime charges. When we do budgeting, do we budget for overtime?

>> There is a certain level of overtime that is budgeted. Each department does it differently.

>> Zimmerman: Ok. That makes sense that we have vacancy savings that we didn't anticipate because we thought we were going to hire these people. Then we'll have overtime payments that are over and above what we budgeted for. That is what we would like to see, we would like to see how are we doing? We have money we haven't spent in vacancy savings and some taken out because of overtime.

>> At a higher level, the finance department puts out a budget update for each department. I would say the general fund and enterprise funds that nets out and says what the position is. This level of detail is certainly included in that monthly report.

[4:14:13 PM]

And I'd have to take a look at how we might incorporate what you are asking for, which is we have it here in terms of additional overtime hours converting that to dollars so you might be able to compare against the vacancy savings information here.

>> Zimmerman: That lets us know how we're doing. How are we actually doing compared to the budget?

>> Houston: Mr. Chair, I would like for them to present what they prepared for us and maybe hold questions until we hear everything.

>> Zimmerman: Great idea. Could you proceed if you have more to add.

>> Again, my read on the intent here, in addition to what you stated, it is for this to be available at the beginning of the meeting and if there are questions about it that we are able to respond to the questions. So that's -- we have no other presentation, except to respond to your questions. The specific issue of the reclass ordinance, this is peripherally associated with only because the vacancies are here is not really connected. We'll have the fuller discussion about the reclass ordinance and item number 4.

>> Zimmerman: That's terrific. Thank you very much. If there is no other questions, that brings us to item number 3.

>> Houston: We're not going to look at the metrics for the fire department and ... And the police department?

>> Zimmerman: If there are any questions, please. Ask if you have any questions now. As you said we just got the information, but if you have questions, sure. Let's ask them.

>> Houston: Is there someone here from the fire department?

>> Good afternoon. Tom Dodge, chief of staff, Austin fire department.

>> Houston: Thank you for being here. Can you tell us where we are on filling the vacancies?

[4:16:15 PM]

I see we have 79 firefighter vacancies; is that correct?

>> That is correct. We're in the middle of a hiring process. As you're well aware, we're under a consent decree. Involved in that is additional levels of scrutiny by the federal government. We're going through the process of doing a written test and a structured oral process that the combined scores of those have been assessed and those scores rest with the federal government, department of justice at this time. We're waiting for word to come back from them before we proceed further.

>> Houston: On the written test, who scored that test? The consultant?

>> The test-maker, yes.

>> Houston: And what about the video test? What is all that?

>> It was the structured oral process.

>> Houston: Who scored that?

>> That was made up of a group of raters, and it came from a local school teachers that made up a majority of the raters.

>> Houston: So we're still working on our consent decree and minority hiring.

>> That's correct.

>> Houston: Ok. I want to make sure I get you on the record for that.

>> Yes, ma'am, we sure are. Thank you so much.

>> Zimmerman: One thing to add. Thank you for the information. I like the way it is presented. I think this will be useful going forward. We appreciate you bringing that up.

>> Yes, sir zoim --

>> Zimmerman: Any other questions? That will bring us to agenda item 3, staff briefing, policy and discussion.

>> Houston: You know three -- you know, there is police here too. Could the police come share anything outstanding to pay attention to on your metrics.

>> Good afternoon, I think looking at the metrics and hearing some of the questions you had already. The biggest number on our slide is vacancies. We're at 130.

[4:18:15 PM]

That includes 50 positions that are not yet in our budget that came from positions you gave us in this year's budget. They will actually hit the books on April 1. Of the 130, those are 50 of the positions. We have a connect class in session with 41 individuals. We're starting another connect class on March 21. Slated for 50 individuals in that class. Another class starting in July and November. That is what we're putting toward the vacancies. We see there is 3.4 million. Our department was allotted a salary savings. And we're \$3.4 million towards meeting the necessary level of 11.4. So that's not money that we have that we haven't spent. That is actually money that is going towards the way the salary savings are allocated in our budget.

>> Houston: Ok. I want you to know I appreciate you having the breakdowns by sector so I can look and see what Adam and Charlie and Henry are doing, with hot shot and priority 1 calls. I appreciate it being broken down so I can see that.

>> Certainly.

>> Zimmerman: Are there any more questions on agenda item 2? Good. Thank you. Item 3, staff briefing, invited testimony and policy discussions regarding city of Austin municipal court judges. And we're very happy to have, I believe -- do we have, we have judge tapman, and do we have our new clerk? We do! We wanted to welcome you. I don't think we had a chance to visit with you since you took office, right?

>> Right.

>> Zimmerman: So thank you for coming.

[4:20:16 PM]

>> [Indiscernible].

>> Thank you chairman and panel. I will try to keep this short. As you know, during the interview process for the full-time judge opening, the interview panel became interested in the juvenile cases brought by the court. They made a suggestion that a full-time juvenile judge be hired. Some criticism arose regarding this part of the process. And specifically was that the juvenile judge position was not posted in the same manner that any other new city job was posted. The city charter does not require these type of appointments to be posted like a regular fte. But counsel decided we should pull that and repost it. I'm in agreement that counsel made the right decision and though not required, we should treat this like we would any other fte. A secondary concern has also arisen. At the time the suggestion was made, it appeared that there was expanding need. And this was due to the enactment of new truancy legislation. On September 1, house bill 2398 went into effect. This bill decriminalized truancy, which is a very good thing. And it designated municipal courts and JP courts as truancy courts. An increase in dockets was anticipated but thus far, we have had no filings. And a group discussion with aid and the JP courts, county, and us has brought out that apparently, little or no cases have been filed in the JP courts either, which is a surprise, to say the least. So being mindful of the concerns about the posting process and the fair hiring practices and requests regarding the moving target of what the actual need is, I am respectfully suggesting that the public safety committee direct human resources to treat this as the city would any new fte, beginning with a thorough analysis of the need and fiscal impact as well as developing what the job duties would be, what the requirements would be, how we would post it, and upon completion of that analysis they would bring it to you, you would make a decision on what is the best way to go forward.

[4:22:42 PM]

Ms. Chadwick, court operations officer is here, and she's present with data on what our current dockets are. And she can answer any questions about that, if you have them.

>> Zimmerman: Any questions for the judge?

>> Houston: Judge, you mentioned Austin I.S.D., are you also looking at the other seven independent school districts in Travis county? In the city?

>> Yes, ma'am, county wide. It is surprising that aid and other schools haven't filed much of anything. The JP courts can only say there a handful in all the JP courts in Travis county. They're not sure if that it is difficult to file these or what's going on. But it was a surprise.

>> Houston: And the school year just started, too?

>> It started September 1. Usually, when we used to handle truancy cases by October, November, they would start coming in, we just haven't seen many.

>> Houston: That's interesting. Thank you.

>> Zimmerman: Do you have a question councilmember?

>> Pool: So when you were talking with theism -- the ISDs around the counties, did they weigh-in on being surprised? It sounds like all the kids are sitting in their seats in class.

>> Well, I don't think that is the case. I don't want to speak for aid. I think that it is how the cases will be filed, the process of how to file cases has not been thought through, so they're still trying to figure that out. And that's just a guess on my part. But it is still quite a surprise that we haven't seen a big change.

>> Pool: It sounds like what you are saying, in one hand, I was thinking well, if there hasn't been any filed, maybe we don't need to proceed to hire someone with taking the docket.

[4:24:42 PM]

What the reality is, it is taking the community some time to catch up with the changes to the law, and that in fact, truancy levels, while we would all hope that they would reduce just naturally, kids would go to school, maybe that actually hasn't changed, but having the reporting on it and sifting through the new process, maybe it is just delaying the reporting?

>> Well, we don't know. That is the big question mark. I think it is [indiscernible] Working this job, to take up time. What is the need? What is that going to look like at six months? What is it going to look like in a year, two years? Figure out what the situations are. Kim Chadwick is good at figuring out that data. Before we just jump into something, let's do it right, let's start exploring.

>> Pool: And the last thing, the funding for this position, if I'm remembering right, at the time we were talking about it, there is funds available in this special -- is it a state fund, these salary for this position would not come from [indiscernible].

>> The percentage of traffic -- that is a question. We know looking at it, we can fund it for a year maybe two years. We need to do a more thorough analysis to see if that fund will grow at the same rate as everything else. And I think this was a very good and well intentioned suggestion. We need to do more analysis.

>> Pool: I agree.

>> Zimmerman: I would suggest that, too, if you would give us a few comments. Anybody here from human resources, staff?

[4:26:44 PM]

Just -- if you have something to chime in when she gets done, that might be helpful. Go ahead.

>> Generally speaking we have seen a decline in all types of filings with the court, not just the juvenile cases, which impacts the fund that we're talking about. So the filings are 20% less for the juvenile filings. About 40% of the cases are now what we call diverted. So that was implemented in April 1, 2014, where for nontraffic and nonparking case, rather than go through the judicial process, if the child with the involvement of their family is able to and wants to complete a program, sometimes it involves community service and they're successful, we don't file the case at all. Then they move on and don't have anything on their record from there. Similarly, our docket sizes have decreased because the case filings are down and we're diverting them. We're roughly running 50% docket sizes for juvenile and parent-contributing cases, as it stands today. And average hours involved in this process run about 27 hours per pay period. From a judicial perspective.

>> Pool: When you speak of diversion, other staffing, another department or maybe another governmental entity is picking up that work?

>> No, internally we have the law outlines, we have juvenile case managers, through the authority of the presiding judge who approved the programs, they offer the services internally.

[4:28:47 PM]

We do refer out in some cases for programs we do not offer. Anything we offer at the court is offered free of charge to the families to make sure they can comply and not have a financial burden.

>> Pool: Are we collecting data then, on the increased workload of the staff doing the case management, if you are diverting.

>> It has shifted. Instead of them being in court, they have more time to be available to the families, providing similar services they were providing in the court setting.

>> Pool: It is the same staff, but their work is focused differently?

>> Yes.

>> Pool: Interesting. Ok. Thank you.

>> Zimmerman: Let me ask a quick question with H.R. Here. So you are really monitoring what's going on with these cases, right? And if there's a change in the workload or somehow you start seeing more of the truancy cases coming, the normal thing would be for you to notify H.R. That you see a need for another judge and you communicate with them? How would that work? If the need arose for a new fte, do you come to us first?

>> This is actually an appointment. We would come directly to you. What I am saying is before we do that, let's have hr do that analysis, exactly what's needed and give you a report of what's needed now, what the projections are, and you can decide, you know, do you want to make another appointment, do you want to make an appointment in two years, do you want to push this off and maybe a wait and see. So that would be up to you.

>> Zimmerman: But it sounds like, based on what I'm hearing, you will notify us if a workload picks up, then we can engage -- engage hr for a study and then can consider an fte.

[4:30:51 PM]

>> The last direction to hr was to post it and that's why we need your guidance for something different than that.

>> Zimmerman: Does that need to take the form of a motion. Ask can I ask, what is your position on what we need right now.

>> Rod crane, typically the city will define what the role or job is, we will work with them to make sure the final job description meets the requirements of how to structure it. If an analysis is done, we need an expert to help us determine what to look at. We can collect information from other cities that might have a similar role and can use that as a basis to help define the activities. But it is definitely a partnership. Then at whatever point the court wants to move forward with the position, they would come back to you and say I think we defined a role, we think there is a need for it. That is how I understand the process would work.

>> Zimmerman: So my understanding, based on that is right now, from what I am hearing from the court and from the experts we have here is we probably don't need to do that right at this time? And they will notify us if we need to research and post this position later, they will let us know that? So there is no -- it sounds like there is no need to post this right now.

>> That's what I'm hearing.

>> Pool: So actually -- I thought I was hearing something different. It sounded like the presiding judge was saying the analysis does need to move forward?

>> I think we should. Because we had the suggestion made that just in the interest of parent and following the city's fair hiring procedures, let's go ahead and do an analysis and present that to the public safety committee, and then you can decide, you know, whether you think this is something to move forward with or not.

>> Houston: So thank you, chair, Zimmerman, so what I am hearing is that you all will do the analysis

because you know what the caseload looks like and what the docket looks like so you will be able to say in the next year, give feedback to what that looks like?

[4:33:01 PM]

And whether or not that's increased or decreased and then that will then trigger whether or not we go ahead with the posting of a full-time position or -- is that --; is that correct?

>> Yes, ma'am.

>> And I add we would finalize a job description, based upon what that need is.

>> Pool: Right. It sounds to me like you do still need to go forward with that. And I would ask that changes to ftes would come during the Normal budget process. I think that timing is good for that sort of a conversation.

>> Houston: I would agree, except that may not be enough time to give us a good baseline of what the dockets look like in the juvenile court, in the system, for the next year. We wouldn't have a full year of filings.

>> We can see the trending. We do capture it monthly. So we're able to kind of see it trending and anticipate what the end of the year looks like, based on that. Unless there is somewhere holding the citations and send them all over at the same time. I think you can look at what we anticipate, based on the months that have come and give you a good projection, even before the year ends.

>> Pool: And the year-end for the determination would be into may, June, July. And the school year is over at the end of may -- or June. So we would have a year's worth of data.

>> And we do get filings from outside of schools, too, for the kids. So we could have curfew violations for being out too late on the street, or park -- I'm sorry. City ordinance violations. So we get most of our Kerr curfew and truancy related filings, but we will have other juvenile offenses.

[4:35:05 PM]

>> Pool: I would say continue moving forward on the path you laid out, based on what you had previously. We're not posted to take any action today. So ...

>> Zimmerman: Anything else? Thank you all for coming. Very helpful.

>> Thank you.

>> Chair, if I may on this particular item, as well. Staff has direction from council, if you will recall, from the meeting to actually go ahead and repost. I can work with your office to see how you might best inform the rest of the council for your support to do further analysis around this position. So --

>> Zimmerman: I wish you would do that. Thank you, that would be helpful, thanks. We had a time certain for 4:20 P.M. Before we go to item 4, let me remind everyone Joe petronas is over by the door if you want to register to speak. Item 4, staff briefing invited testimony and policy discussions regarding classifications and positions in the classified service of the emergency medical services department including eliminating and creating certain positions, establishing pay rates, and repealing ordinance number 20150008-006 relating to emergency medical services department classifications and positions. Let's go ahead and take that up.

>> Again jasper brown, chief of staff, Travis county E.M.S. We brought this to you in December, this is a reclassification of positions from the medic 2 to medic 1, not real eliminating ftes or positions, just changing them from medic 2 to medic 1. That was the initial request. We understood from council you would like us to meet with the association because of concerns. We have done that. We have met several times in meeting with the association we understand the concerns of not wanting to remove promotable positions inside the department, but the actual goal for us was to be able to hire in and continue to staff our center.

[4:37:15 PM]

Currently, the slide we gave to you earlier had five vacancies at medic 2 level and three via canses at medic 1 -- vacancies at the medic 1 level. We filled one today, so down to two. We don't have anyone available at the medic 1 rank. That is because of needing a year, having a waiver to get to one year because it is usually a three-year wait. Nobody is eligible until October. We cannot fill any of the medic 2 vacancies until October of this year. Once we fully staff medic 1s, we'll be in the holding pattern until we have eligible personnel to sit for the test and promote. Our concern was not continuing to have openings within the department and in our communications section which our 911 call volume is increasing every month. Some of the turnover is we have a small portion of the staff that is able to take 911 calls so they're getting a lost of frustration building up, I'm taking a lot of calls, no relief in sight I have no hope. The first step is to reclass positions and fill what we budgeted and our hopes would be to come back to the council in the budgetary process and ask for positions at whatever level is needed. In our discussions with the association, there was a discussion about maybe adding the positions now through a budget amendment from the council. Of medic 1 and I have those figures also. If that's what you would like to hear or talk about. But that is the background of the discussions. We've had discussions with the association. I know they're here tonight, if you would like to hear from them also. More than welcome.

>> Zimmerman: May I suggest we do that. Mr. Mar quat is here. I think it would be great to have one of you at each mic if we could, let's have a back and forth and see where we are. Could you give us a few comments to get started Tony?

[4:39:17 PM]

>> Sure. Thanks, my name is Tony marquat. What we had identified in December before council is the proposal to create medic 1 while eliminating medic 2 is something on the agenda. We need medic 1 positions logistically, we need the medic 2 positions as well. It is a 30% shortage in exponential call volume. Picking up more calls out of the county because of certain arrangements with some of the esd. It is taxing on the staff. We discovered we could do a cross-promotional opportunity for promoting into the field center. We feel like that will have appeal. The career path for a medic 1 that is in the field has to have a paramedic to move forward into that rank. And we have a dwindling supply or overall medics that are qualified for that. So we feel like advertising that will do -- will let us begin the process. It takes about six months to move forward. The ask is now not eliminate the medic 2 positions so we can work on this from both ends. Creating the medic 1 positions which are necessary to move forward and filling the medic 2 positions as soon as possible, we feel like it is a responsible way to navigate through this situation.

>> Pool: Which sounds like, to me, the most expeditious way to move forward. I don't quite understand why we would eliminate a promotable opportunity, why we would eliminate ftes and remove them from our personnel roster?

[4:41:20 PM]

Simply having them as vacancies means they can be filled at some time. If you remove them from the roster, then you have to go back and.

>> Jeff: -- Justicify them all over again. That takes up time and I'm at a loss to why we would eliminate promotable positions. We have the funds to staff at the level you're requesting. It seems to me more expeditious and efficient to manage the staffing is to continue the slots. If they're not filled then they're

not actually being paid for, right?

>> Yes. Yes, ma'am. The department's first obligation is to operate within our budget. So reclassifying the positions is normally our first choice and not coming to you with a budget amendment in the middle of the year while we still have positions that are opened up within our department. So from a fiscal, you know, agenda and for us to reclass the positions. Then once we fill the positions, come back for whatever we needed. Medic 2, captains, medic 1 with a complete package for those.

>> Pool: If we add the additional fte or leave the funding intact, then you don't have to come back before council.

>> That's correct. We would not come back this budget year to council with additional allocations. In outyears we may come back as volume increases for positions but not this current budget year.

>> Pool: The salaries you fill the slots with are medic 1.

>> Yes, ma'am.

>> Pool: Those that you assigned were they at medic 2.

>> The medic 2 are at a higher salary.

>> Pool: You would be spending less with the medic 1?

[4:43:23 PM]

Assuming you fill them all immediately, you would have some salary savings there?

>> There would be some salary savings, as Mr. Aryano or chief manning we're filling the empty seats with overtime. So our savings doesn't really come into play until we get people on the console to take the 911 calls.

>> Pool: That is important, too. I know the overtime has been a distinct pressure point and stressful for the medics. That is an area that we don't have enough staff. This would give us an opportunity to be successful in recruiting folks.

>> Yes.

>> Pool: In the last year, we have had difficult times for folks among our medics. We care about them. One of the things we can do is ensure we are staffed at levels to remove some of the psychological and physical stressors from the existing staff and maybe hope our attrition rate would fall, too, so people stick around longer and stay with us longer. We value them, they're a huge, important part of our community. So I would be interested in moving forward with the plan as Mr. Marquart has been speaking with management about. I know this isn't posted for action here today, but I believe it is on our council agenda for Thursday, so we could make decisions on Thursday. I think in the grand scheme of things, if we can bring people on to fill the comms positions without eliminating upward mobility and expand the Numbers of our staffing, that would help and reduce the amount of overtime we're paying folks, get people on regular salary and regular time schedule. It would benefit everybody. Mr. Marquardt, any thoughts you might have.

[4:45:26 PM]

>> I appreciate the remarks and appreciate that we were given the time to afford the opportunity to get together and have this discussion. I think we're on the same page, moving forward with management, making this work. I know that vacancy savings is somewhat of a complicated conversation. But in this case, the earliest we can move forward with the medic 2 positions would be in October which is into fy 17. I really appreciate your time and remarks. With our opportunities with new medical direction, I do feel like we're going to really make some progress here, especially with the support of our policymakers. So thank you.

> Houston: I have a question.

>> Yes, ma'am.

>> Houston: So councilmember pool, you're suggesting that the vacancies or the positions here be allowed to go down to fill a communications spot? I'm not sure I understand what you are talking about.

>> I didn't hear your question, Ms. Houston.

>> Houston: So we've got two vacancies in communications, medic 1.

>> Yes, ma'am.

>> Houston: And how are you going to fill those positions?

>> We're currently in a hiring process right now. It is posted and open. We hope to fill those shortly. So we're not in a crunch for field medic 1, you will hire people for that.

>> We started an academy with 30 and 32 is the open vacancies. So that fills all but two.

>> Houston: What about captains.

>> You gave us 15 for the 42-hour conversion. And those personnel have been promoted into the promotable positions from a captain's list established about a year ago. We have exhausted that list now.

[4:47:26 PM]

Those will change from captain vacancies into medic 2 vacancies because they came out of the medic ranks.

>> Zimmerman: Let me back up a second and help us understand why we divided out for communication? Let's stick to communication and why we divided out medic 1 and medic 2. What is the difference in the responsibilities? If we take a step back and explain that to us.

>> Sure. When we became civil service -- previous to civil service all of the entry level was communication medic, period. No 1 or 2. We went to civil service, so the structures align, we had to have the same amount of promotable positions within the ranks so at some point there is a crossover brink between the two divisions. Created medic 1, medic 2 and captains and commanders. With 1 and 2, it is the different levels. Communications they take 911 calls only. Medic 2, they have the ability to dispatch. They can take 911 calls and are now take those dispatch, as well. That is the difference between the two positions.

>> Zimmerman: If you don't have the need for the two medic 2 positions, I would commend you for eliminating those positions. That is a very good management step to identify where you need to shift resources. Add it somewhere and eliminate it somewhere else, that seems like a good management process, right? I have the opposite viewpoint of councilmember pool. I think it is good management to look at the resources and say we need to rebalance these based on the work we need to do.

[4:49:28 PM]

I want to commend you for the idea of eliminating one set and creating another. I think it is a great idea. I don't understand the objection to now what you asked for in the first place.

>> If I could, I would like to -- we have had 69 separations in 2015, only two of those were retirement. There is a significant problem. And councilmember Houston did bring that up. We are talking about communication center because that is what ended up on council's agenda for the last meeting of the year that doesn't mean we don't have challenges in other areas. We will have a challenge in the paramedics. I believe it is responsible not to eliminate the positions, it is a shell game. We're moving things around so it is less apparent what we need, rather than just asking for what we need and 30% shortage in comm with an exponential call volume really does indicate the purpose of moving forward. I understand how you empathize with management, but there are bigger issues at hand. I respect your view, though.

>> Zimmerman: Yeah. I'm trying to understand that. Things are not as simple as binary yes or no, but I'm trying to understand, you know, do we need the positions or not? Right? The three medic 2 and communications. Do we need them or not?

>> Yes.

>> Zimmerman: That is the discussion I would like to have, why do we need them, why do we not need them.

>> We need the total amount of staff to handle the volume of 911 calls we have coming in, it is currently the stopgap because of the inability to promote people into the position without being here a year and that is again, with a waiver because normally it would be three years. So our thought was instead of waiting 10 more months at the time we came back to you in December and October to move people into vacancies and move along, the thought was to reclass from medic 2 to medic 1.

[4:51:44 PM]

We would come back as Mr. Marquardt said and we need more medic 2 and you would say we reclassified medic 2s, but that is, for me as a department executive, still work within our budget. That is our first request to council. We have been meeting with the association, like you asked us to, several times. And I don't disagree with Mr. Marquardt's comments, any of his comments. We are on the same page in a lot of respects.

>> Zimmerman: Ok. So again, I'm trying to focus on the workload and the need. I mean, you're talking about promotable positions. I think I kind of understand that, but I would rather talk about the demand and need. It sounds like the staff is saying, you know, what the workload is and what the need is, is to have the medic 1, we don't need the medic 2 because there is a difference in the work they do.

>> There is a need for both, based on the call volume and logistics are they're unable to move forward without the additional medic 1 positions. The idea being we fill all the positions available because if we wait six months into fy 17, we may or may not come back with a question to ask for what we need. Right now is the opportunity to, you know, try to not lose momentum. Medic 1, medic 2, this is the working class. This is the call volume, et cetera, for field and communications falls on the shoulder of that group that carries our organization and makes us great at what we do, which is part of the metrics conversation. You know, the metrics given overall are a tribute to our staff moving forward, you know, how we navigate that through explaining the vacancies, et cetera, I think, is part of that other conversation.

[4:53:44 PM]

But I do believe we need all six positions right away.

>> Zimmerman: Ok. I think I heard a direct answer to my question in all of that. It was that if the medic 2 positions are eliminated, nine months, to a year, the workload will increase, we will need the positions being back and staff won't recommend them being added back.

>> Correct.

>> Zimmerman: That's the answer I was looking for.

>> And the overtime being generated right now could speak to that.

>> Zimmerman: That's a great point on the overtime. That is why I asked for the metrics to show us not only the vacancy savings, but also to show us what overtime, right is being expended overbudget. What overtime are we hiring for that were not slated. That would be great to see this.

>> I thought that was a good start, the idea being it is the extension of a conversation. There is a couple of things I noticed overall. I know we asked for classifications, because that ordinance is through the uniform staff. When you look at the total call and the three agencies and you leave out the civilian staff

that skews that number. And when you have the cost for fte, that is also part of that equation of the overall budget. So with that simple adjustment, I think we can give you a ratio that may be worth looking at and a more accurate number overall.

>> Zimmerman: Any other questions.

>> Houston: I have one last question. It is the question I always ask. What about diversity in the hiring.

>> Diversity in hiring is up across the board. We are hiring more women and more African-American and hispanic in our hiring process with the medic 1 process overall.

>> Houston: Ok. I'll be asking it again.

>> We'll have those Numbers readily for you next time.

>> And our point that we visited on this commission, this committee before is the measure of success is having our individuals make it off probation and continue to serve our community, that is something we will have to continue to monitor.

[4:55:59 PM]

Thank you.

>> Zimmerman: Any other questions? So this is going to be on the agenda coming up later this week?

>> I believe it is on the work session tomorrow. And be there tomorrow and Thursday.

>> Zimmerman: Terrific. Thank you both for being here. Very helpful.

>> Thank you.

>> Pool: Real quick. Jasper, did you say this item has been pulled.

>> I believe it was pulled for discussion tomorrow. I had a note on it. I will be there tomorrow.

>> Zimmerman: Great. Item 5, I've got 4:56 P.M. This was hosted for 4:40. Staff braving invited testimony and policy discussion regarding Austin police department S.W.A.T. Team metrics. We have somebody here. Terrific.

>> Good afternoon chairman, committee members. My name is Todd gander I'm with the office of S.W.A.T. The S.W.A.T. Team is one unit within the special operations command that I oversee. To understand some of the metrics that I'll talk about here in a minute, I want to talk about the primary function of the S.W.A.T. Team is in the Austin police department. It is to require tactical assistance in situations such as hostage situations, barricaded subjects, those are individuals who are wanted for a crime that may be barricaded inside a structure or field. Suicidal subjects that may be armed that do not accept the assistance, high threat warrant services, dignitary protection -- dignitary protection, fugitive apprehension duties. S.w.a.t. Is to potentially resolve critical life-threatening situations while protecting Austin citizens and their safety.

[4:58:08 PM]

Why use S.W.A.T. In these situations? Highly trained personnel that can train as a team on a constant basis. Maintain more sophisticated safety and protection equipment than the Normal patrol officer can carry. And have a nonlethal manner, able to incorporate trained hostage negotiators in every callout that we go on. That is a key point, in order to resolve the situations peacefully. It also allows law enforcement to contain the situation before it becomes a bigger situation and invades other parts of the neighborhood. By the S.W.A.T. Team we can isolate the incident and handle it in the most appropriate manner. It allows law enforcement to slow the situation down in order to provide the best response in an effort to end that peacefully. Personnel,

>> Personnel, we have three teams and they rotate on call for 24/7 coverage the entire year. We have a reserve team as well, 15 officers there that supplement our regular Full-duty officers and most of those officers are on patrol that we supplement and use. We also have three armored rescue vehicles

and those are for citizen and rescues of officers. Getting into a little bit of the stats, the swat callouts is any time the full team, including hostage negotiators and our bomb squad respond to an incident that need the entire team's response usually for -- patrol requests us. In those instances we've had in the past five years since 2011 we've had 117 of those. We're averaging about 23 a year for the past five years. Last year we had 21 callouts so we were just under the average but in 2014 we had 24. So we pretty much stay right around the average of 23 per year. In the past five years, no serious incident -- no serious injuries have resulted from the nonlethal force we've used in these swat caught outs in the past five years.

[5:00:17 PM]

Any time we use any type of nonlethal force there's been no serious injuries. In actuality if you look at all of them, only 37 of them have we actually used any type of nonlethal force, which that equates to about 32% of the time we have to use some type of force to get the person under control and in custody. 68% of the time we're able to have the subject self-surrender, come out through negotiations with our hostage negotiation team. Another thing we also track in swat or metrics is the High-risk warrants. These are warrants that we serve usually other units in our department request us -- our assistance in the most violent offenders, with violent criminal histories that the appropriate response would be to use a swat team to use that search warrant. We've had 267 of these High-risk warrants in the past five years. Something to take away from this is that there was never any lethal force used in any of these warrant attempts in the past five years and we've had no serious injuries resulting from this nonlethal force in the five years of these 267 of the most violent offenders that we've had to serve search warrants on. High-risk break down, we average about 53 a year and last year we had 50 so we're consistently pretty much staying the same when it comes to how many of those we're serve nag year. In 2014, in the summer, the Austin department -- the police department's swat team also took up fugitive apprehension duties. Those duties are that we also serve the majority of the warrants in our department for the entire year and in 2014 we did just for six months that year we had 144 and in 2015 we had 415 of these. At -- back in 2014, prior to that, the police department had a fugitive apprehension unit that was specifically doing this job at -- that unit was moved to other resources and we absorbed that responsibility.

[5:02:26 PM]

Pretty much those are the statistics that I have and kind of an overview of what we do. Any questions?

>> Zimmerman: I'd like you to just hold that thought nap was a terrific start to what we're trying to do. Did we have Mr. Derek Cohen in the room. If you are hang on, Mr. G Ander. Could you come forward, introduce yourself and make a few comments based on what we've heard. I think the context is we've made context on the metrics. Have you seen the A.P.D. Metrics.

>> Yes, I have.

>> Zimmerman: Terrific. We're looking for a way we might summarize from a high level some of the things you mentioned, you know, on a monthly, bimonthly basis, you know, kind of a report several times a year just to follow our progress and see how we're doing. But let me see if you have a few comments to make here before we go on.

>> Well, thank you, M R. Chairman. And to the city council's public safety committee for having me here today. I'm daring Cohen, deputy director for the center for effective justice, Texas public policy foundation. Prior to joining tppf I worked as a research associate for the institute of crime science a police research and consulting organization. During my time we had clients such as New Orleans police department, the Cincinnati police department, and many others. One common thread shared between

these cities were scisms that existed between the police and several communities they served. These divides usually stemmed from a headline grabbing use of force. The police would then be unable to root out the criminal element and crime both violent and nonviolent would worsen. While there were solutions it's far more add ren teenage us to keep the horse and T he -- in the barn prior to. First it should be noted the city of Austin does well in terms of transparency.

[5:04:28 PM]

The Austin police department is among the top agencies in the state if not the nation for public information dissemination. Very few cities post their com stat Numbers much less use of deadly force top lines. This is something for which Austin should definitely be prayed. However, there is an area where greater transparency is possible and that's in the deployment of the special weapons and tactics team. While many are familiar with the Hollywood conception, these pales in comparison to the real world job functions of these elite units. As a witness -- as the C commander pointed out swat teams are usually deployed when there's an active armed criminal, bear indicated subject hostage or R reasonable -- while swat teams fulfill necessary police function there have been several horrific stories as of late, luckily none within the city of what can be seen as overdeployment of this resource. The national tactical officers association identified what might be considering a creeping overuse of dynamic entries way back in 2010. The deployment is counteracting potential force with equal or greater force, the end result of such deployments and escalations ends in a officer-involved shooting. Luckily as we've seen in Austin these are mostly deployment of nonlethal munitions. This is not to say these S hoots are not justified. Many are. The advantage majority are the general use of force. However, several may be avoided absent this E scalation. As with greater use of force seen nationwide, we need an early warning system that would let this body know if there was a reason for C concern. Taking a look at the information that was available in the report prepared in the summer of 2015 on use of force in general, these variables, these facets carried forward into specific swat team deployments would shed light on this.

[5:06:37 PM]

Couple for suggestions. Triggering complaint in the nature of what it is that the swat team is called out for. If the suspect has a mental illness was experiencing acute mental health crisis. Weapons of both the subject of an officer, including any support material, and suspect and officer demographics if this body thinks it relevant. In some Austin should be lauded for their very proactive use -- Progressive use of their swat team. Not over-- you know, not overusing this. We don't have any reason to believe that they are being overused. However, this information of gathered and made public would shine light on that if such a thing were to occur.

>> Zimmerman: Any oxygens

>> Zimmerman: Any questions?

>> Houston: I have one. Are any members of the swat team on a federal task force.

>> No members of our swat team are on a federal it was.

>> Houston: Thanks.

>> Zimmerman: Terrific discussion, I think, and I like what I hear so far. So how could we present, you know, a very high level swat metrics page? It may not look exactly like this but could you give us some ideas of what that page might look like? Comments from both of you.

>> Well, certainly. Sir, I would refer to the officer involved shootings report done may 1, 2015, last year. In this report it provides us the top lines of use of force incidents. But it really provides a good breakdown on where these events are happening, what is being employed as far as force is concerned

and a bit of the surrounding nuance. Now, with the SWAT team deployment, it would be a little more advantageous if we had a little more granular information on that perhaps this information, not at top line but as an incident level analysis. Now that would obviously be barring any sort of information that could compromise intelligence as to gangs, drug-trafficking and of the like, anything that would compromise ongoing investigations but it can be done and represented to the city of Austin in a way that is digestible and could be a canary in the coal mine if there's a problem developing.

[5:08:51 PM]

>> Zimmerman: Exactly what I'm after in theory, not sure thousand to get it in P ractice. Do you have any comments on that? High level metrics we look at?

>> Yeah, I think that we could take a look at -- looking at that on an ongoing basis, some of the information that I presented to y'all as far as kind of having that as a point where the public could actually access and see that information, be it how many SWAT callouts we have in a particular period, information of what exactly kind of giving a general idea of why we were responding to that and that type of nature. I think that would be something we could take a look at in our internal department.

>> Zimmerman: Do you have any other other questions.

>> Houston: I think the location of a call out would be helpful.

>> We would probably --

>> Houston: Not the physical address but you could do it by district.

>> Yes, ma'am, we can do that, yes.

>> Zimmerman: All right. If there's no other questions at this time, really appreciate you being here. I thought that was very helpful so thank you for coming. Our time is 5:09 P.M. That brings us to item Number 6. Staff briefing invited testimony and policy discussion regarding sanctuary city city and booking policies. Who would liking to first on this?

>> Good afternoon again, Brian Manley, chief Austin police department. I don't necessarily have a comprehension I'm not sure exactly if you have a specific question. As you are well aware Austin is not a sanctuary city and we cooperate with any and all federal agencies whenever there's a criminal next us and take all of our arrests through the Travis county jail and it's then up to the Travis county facility, the level of cooperation they have with what used to be secure communities and that was the priority enforcement program.

[5:10:59 PM]

Again to re-emphasize we are not a sanctuary city ask&do coordinate efforts with any and all federal agencies if there's a criminal nexus.

>> Zimmerman: Hold that thought. Appreciate you being here. I had notes that we had Alejandro, casaras? Is he here? Is he here? I don't see him. We also invited major Wes P rity from Travis county. Terrific, you're here. Thank you for being here. Let's get introduced and if you could make a few comments that would be great.

>> Good afternoon. Can y'all hear me? Is this working? Okay. Thanks for inviting me, chairman, fellow councilmembers, Wes prity, major over the jail at the Travis county sheriff's O office. Just as chief Manley was talking about cooperation with all law enforcement agencies, the Travis county sheriff's office also cooperates with all law enforcement agencies as well to include honoring all detainees, lawful D etainers placed on individuals in our custody and that would include ice D etainers.

>> Zimmerman: So the -- I'm going to open it up for questions here if anybody has any, but there's been some -- a -- actually a lot of political discourse about this and I've gone through our ordinances and I can't find anything in our ordinances that says, you know, we're not gonna enforce immigration policy. I

see nothing like that in our ordinances or on our books. But I think the impetus here is that we've had a number of spending requests come through council and we have nonprofits that are funded through city taxes and sometimes they come across the council dais and I ask for metrics. You know, what is this money going to be used for in the nonprofit organization? And sometimes I don't get answers. I don't know how the money is being used. So to me it's conceivable that taxpayers are funding nonprofit organizations that are doing something that might be -- that might run afoul of the law but I don't have a way to prove that.

[5:13:06 PM]

Could I get some indication from you or, I mean, are you completely confident that there's no tax dollars going to any organization that might be, you know, scurrying with the law as far as immigration.

>> I'm not in a position to tell you what organizations are doing with the funds. I'm only hear to let you know how my organization operates and comply with the law.

>> Likewise, I'm in the same position. We don't know how funds are being appropriated nor being used. Those funds that are being appropriated by private organizations. All we know is the budget we're given and have to work with within the law and within that budget.

>> Zimmerman: Okay. So you're in the same boat I am.

>> Yes, sir.

>> Zimmerman: Are there any questions, either of you have any questions? So I think another thing T his -- another issue that comes up on this is the discussion about who would have the authority to say if your immigration and customs officials and enforcement, who has the authority to make that decision to say you're welcome to come into the jail or to sit side by side with -- when we process people or you're not welcome? Who -- I guess where does that decision-making power come from?

>> For those within the jail, Travis county jail, that authority lies solely with the sheriff of the county. That is my understanding.

>> Zimmerman: Okay. Is that your understanding as well?

>> Yes.

>> Zimmerman: So couple of things intersect here. I'm trying to connect dots. So if there's a discussion about the image administration and -- image administration and magistration and the booking -- the booking question says, well, A.P.D. Maybe would like to have their own booking for efficiency so that the officers can come in and more quickly get people processed and get back out on the road. It's always come to me in that format. But doesn't this touch on the question?

[5:15:08 PM]

>> As far as the image T raition services of course the city and county work through an interlocal agreement that is -- you know, we work through that each Y ear, actually, and certainly the city provides certain services among those are magistration services, identification services, the county provides the jail, and, you know, so that -- that's kind of where we are. There are services that are provided. Those are negotiated and, you know, so we try to figure out what the value is of each of those services and work through that process.

>> Zimmerman: And that negotiation for the interlocal agreement, the Ila, is that going on now for maybe the next fiscal year or can you give me guidance on where that conversation --

>> It will start in the next couple months. We're not discussing next Y ear's interlocal just yet but we will start -- I guess, we haven't talked yet but N normally around the April time frame we'll start discussing if there are any changes we need to make. Again we do a trueup every year to true-up the number of bookings and, therefore, the total cost the city is responsible for so we make the appropriate

reimbursements to the county.

>> Zimmerman: That's terrific and exactly what I was hoping to dig into a little bit. Do you have any questions on any of this?

>> Houston: I see the police monitor here. I wondered if Margot Frasier has anything to add to the comments?

>> Zimmerman: Thank you both for being here, and I would like to be connected to that I la conversation when that starts and if maybe the committee could join in that would be helpful. Thank you.

>> I guess full zero, I was a sheriff when we negotiated the agreement. Full disclosure. And I do think that it provides a very economic way for the city and county to work together. You want to look at counties and cities around the country where they have separate jail facilities. You have incredible duplication of services. Now, that being said doesn't mean that there may not be proven inefficiencies that can't be, had but it is a very complex formula that allows for true-up, for example, the city books less people, that there's a credit given there and the magistration, there was a question when we originally started it whether or not we could use, say, justices of the peace because of the fact they wouldn't be able to magistrate necessarily on a city ordinance violation so it made more sense, quite frankly to use the city's magistrates and give the city of Austin -- the city gets a credit under the agreement.

[5:17:47 PM]

>> Pool: Thanks for being H ere.

>> Sure.

>> Pool: Sheriff and gentlemen for coming and speaking on this issue. I would just say because I have a meeting at 5:30 so I'm going to have to leave, sorry, but I am not -- I'm not enthusiastic about digging into an interlocal agreement with the language -- what the language is on that. I think if that is normally a T -- and I think the chair is talking about involving this committee in the formation or the language of the interlocal and I think normally maybe -- Mr. Ariano or chief Manley can respond normally does council get involved in crafting interlocal agreements?

>> That is not a process that council has been involved in. We work with the county. We've got our legal team. They have their legal team. We brief the city manager's office. They're involved every step of the way.

>> Pool: And that's exactly where I think it's appropriate for our professional staff to continue with that process. So, chair, all due respect, I would not be interested in having that as an agenda item on this committee's agenda in the future. And I'm sorry I have to run, but thank you, all.

>> You're welcome.

>> Zimmerman: Any other questions? Again, thank you very, very much for being here and I look forward to visiting with you in April. Thank you very much.

>> Thank you.

>> Zimmerman: That brings us to agenda item number -- oh, you're here. You weren't here before. I'm sorry. Go ahead and come forward.

>> My name is Alejandro, I am the campaign manager of a campaign called ice out of Austin, correct, and I think that I'm actually been given permission to talk about some of the frustrations that we've had.

>> Zimmerman: Yes, did I call earlier and I didn't find you. Go ahead.

>> Yeah, yeah, I mean, just in general some of the last three years the immigrant community members have been talking about the direct effect deportation has been having and for the last three years it's felt the county has M moved, that the city hasn't done enough.

[5:19:55 PM]

We actually think this tear hearing is a reinforcement of bad politics we know y'all don't actually have the decision to make about what happens with separating ice and the police department because that is what we want. So actually I'm asking for all the folks who came here with me to actually get up and go upstairs because we need to be talking to, Steve Adler and his office. So I ask you to get up and walk out with me because we need to be talking to Steve Adler because he continues to have inaction when it comes to this.

[Off mic] Who do we need to talk to?

>> Adler!

>> Who do we need to talk to?

>> Adler!

>> [Speaking non-english language]

>> Zimmerman: Thank you, Alejandro. That brings us to item Number seven. We have code compliance discussion posted for 5:20, and after that we'll have communications, citizen communications. So item number 7, and let's see. Who do we have from -- do we have anybody from city staff for code compliance? Yes, Mr. Smart, director Smart, and is Kerri Ingall here? Kerry is here and also Pinachi, you're here too? Could you guys please come forward? We are at 5:20. And if we could try to do five minutes for each one of you for some comments and then we'd like to get a response. Yes, sorry? Oh, it's at three -- is it three?

[5:21:58 PM]

Okay. Is it three? Okay. I didn't read it right. I'm sorry. Thank you, Ms. Ingall. Please go ahead and start.

>> Good evening. Thank you for having me. My name is Cari Ingall, I'm like many others the victim of a neighbor who continuously used Austin code as an ad hoc homeowners association in attempt to force a change to the neighborhood which she wants. Again, like many others who have brought you their horror stories, my attempt to be compliant was met by code an unbalanced zealotry which amounted to abuse of authority. The FBI calls this a color of law violation. I've spent thousands of dollars and countless months and hours of unlimited time defending myself from allegations which appear to be motivated directly and personally by Mr. Smart. On September 8, code inspector responded to one of these nine complaints this neighbor made within a two-day period about a sign on my fence which was legal had already been deemed so by previous visits by code inspectors for the same complaint by the same woman. Mr. Collins took it upon himself to trespass on to my explained use a box cutter to destroy my sign without so much as a single word of communication from either him or his department, either written or verbal to me. I submit a proof that that sign was legal. You've heard from Matthew Palmer and Ryan Reed as much as ten months ago. If a citizen pushes back against the storm trooper tactics of Mr. Smart's quote, officers, then you face retaliation in the form of unabated bullying. The next day on my property next door, I was told by a different CCD inspector that I would receive a notice of violation for an illegal use of my garage. Although a different previous code inspector had already responded to my neighbor's complaints in past years, and he had done a thorough on-site investigation and deemed our use to be a hobby, he called it, and compliant, this new inspector deemed it as a business and not compliant, threatening me with a \$2,000 a day fine.

[5:24:03 PM]

Does this inconsistency sound familiar? In an attempt to be compliant I immediately appealed, hired an attorney and personal representative, Mr. Nash Gonzalez. Because the Uber of my garage had been the

same for the past nine years beginning prior to my annexation into the city in 2008, the planning and review department of the city of Austin looked at my evidence and told me that what I had was nonconforming use, in other words, I was grandfathered. I was told specifically that I had been previously in the two-mile etj and, therefore, eligible for an amnesty certificate of occupancy so I got my fire permit, building permits, paid my fees, and I was granted my amnesty Co. At this point, I was totally legal. And I thought that upon M R. Smart's receipt of my Co the harassing calls, emails, threats, photo shoots of my property, repeated trespassing, that these would stop. But the response that I got was that Mr. Smart personally was very angry and intended to meet with city legal to find a way to retract my Co. Thus making me illegal again. This is what Mr. Smart -- 'causes.

[Buzzer sounding]

>> Do I still have five minutes?

>> Zimmerman: If you can finish. You have three minutes. Try to wrap that up. Thank you.

>> Okay. It is when Mr. Smart became out of control with respect to his abuse of authority. I was told my Co would be revoked because suddenly somehow the city's Amanda computer program showed I was actually annexed in 1984, thus making me ineligible for my amnesty Co. I appealed to help from former city attorney and bob Allen, president of the company who did a lot of those surveys in my issue and it turns out this sudden adjustment to their computer system was inaccurate.

>> Zimmerman: Hang on a second. So it sounds like there are some issues of fact or disputes.

>> Yes.

>> Zimmerman: Yeah, there's disputing of facts. We're going to have to follow up on this.

>> Okay.

[5:26:04 PM]

>> Zimmerman: Because it can't be both, right? I mean, was it either --

>> Actually, I had --

>> Zimmerman: Either annexed or it wasn't.

>> I have plenty of evidence to show my property was not annexed. I'm not here today for that purpose because my attorney is not going to have any problem proving. I am here today to ask why are my property records kept from me? Why does Mr. Smart have to hide my property records? Why am I not allowed to see them? Why does he have to appeal to the attorney general to keep those from me?

>> Zimmerman: He's going to speak to that in a moment. Let me go ahead and --

>> Stop?

>> Zimmerman: We're pressed for time here. Very much appreciate it. We're going to have more to say about this, okay?

>> Okay.

>> Zimmerman: Thank you for coming. I believe we also had -- is Mr. Gosh here? Will you set the clock for three minutes here and try to get going? We've got testimony from a number of people as well. Thank you for being here.

>> Can I please -- okay. First of all, disclaimer. 99% of the code compliance employees are hard working, diligent. There is 1% rogue employees. And I want to talk about them. Because last year I had lost about \$50,000 due to couple of those rogue employees and I'm going to show examples of what they can do to a human being. And by the way, Mr. Smart, I have gone to him. I have shown all this to him. Those are my -- so the concerns are that the code compliance is identifying dangerous and substandard conditions and take action on them but what happens is that when a code enforcement employee becomes rogue and starts harassing, then citizens do not have a place to go to.

[5:28:06 PM]

So what happened to me? Why am I here? My 70-year-old house was taken through five -- think about, five variances. I had a four month old daughter. Mr. Smart knows about it because code compliance officer concocted data, put false data in the system. My rv for storage was R moved -- or I had to sell it because it was marked as mobile home. False data. And you know what? City supported to destroy evidence. And I can prove that. I'll show you. And it goes on and on. I lost \$50,000 last year because everything -- code compliance officer, when they were telling you that they don't have -- they were C coming -- have people, they were coming to my house every day. My 70-year-old house, code compliance said your porch is illegally done. Does that porch look illegally done? It is not 25 years from the street. The street was built after the house was built. And they put this data and forced me and everybody was marking. My rv, and this is the C comment, please see, this is the comment from the code compliance officer. Mr. Gonzalez has hard copy file and emails, photos, questions from Mr. Pinaki. Why would he keep a file unless he wants to harass me? Why does he not record it in the system? Because he destroyed it. Nobody here can deny it, destroy, think about it, city employee destroying evidence. What did they do? Nobody has done anything. He's still in there. Think about it. City talks about recycling. I spent thousands of dollars because somebody was throwing away some old decks. I got those old decks to build a little deck on the ground for my little daughter, 4-year-old daughter.

[5:30:06 PM]

They said I am doing salvaging operation. Same officer. I had a cable to have a C camera. Because my house has been burglarized three times.

[Buzzer sounding] I wanting to one more minute if you'll kindly allow me. Kindly.

>> Zimmerman: Go ahead. I'm sure you have a lot more to say.

>> Yes. I'm trying. So I did investigation on code compliance on three P roperties. Hundred% hit, hundred percent hit. When I was being forced to go through with a four month old daughter 11 clock here at night. What did code compliance do with it? They came. They all opened up a ticket. One year later, somebody knew somebody in the city. They closed the ticket. I protested against my house being blocked. This is the comments from the city planners, that this is illegal. Again, I have email comments on this. We know people in the city. Nobody can do anything else. And this is harassment beyond belief. So what is the issue and perception? I mean, I have lost a lot of money. I have lost -- I had sleepless nights. Code compliance, first thing I'll say, I'm blaming the neighbors. It's a tool for neighbors to turn on neighbors so first I'm blaming myself. There is very little transparency of code compliance work. No transparency. Code compliance and city planning is never able to work together and address issues so we are being like a -- when am I going to earn my money? And so there are a bunch of issues that I have -- but W hat -- at the end I have done is I have also put in some solutions which I think based on my suggestion should be working pretty good.

[5:32:08 PM]

But that is my -- but my loss is already lost. I want to make sure other citizens don't go through T his, what I have gone T through.

>> Zimmerman: Okay. Appreciate that. Thank you for coming. If we could ask --

>> Just one second. There is one in code compliance employee called Barbara bosswell when I was going through hell, she really helped me with personally bringing her truck and I did not have any means. She took care of everything. I just want to say that.

>> Zimmerman: We appreciate that. Thank you, Mr. Pinaki. If we could get city staff, if you have any responses? If we could -- that's item 8, lats item yeah. We're still trying to finish up item 7 here. Thank

you. Go ahead.

>> Mr. Chairman, members of the public safety here, thank you for the opportunity to respond. We're trying to get our powerpoint up now. Just had a brief powerpoint that addresses some of the issues that have come up. And certainly, as you mentioned earlier, there have been -- there will be need for follow-up and we'll be glad to do whatever follow-up that this committee deems appropriate. One thing is understand how code responds to complaints. Primarily, we're a complaint driven -- we get our complaints primarily through 311 and anyone can call in, usually it's a neighbor or any citizen can call in and ask for our services. And we'll go out and we'll check the property, and if we can, we'll talk to the property owner while we're out there and try to get information and let them know about the code process. If there's no violation, then the case -- the service request is closed. If it is a violation, then we'll issue a notice and that notice will provide adequate time for the property owner to comply and if the property owner complies, indicates it's closed.

[5:34:19 PM]

If not, then there's legal action. Sometimes when we're preparing the case for municipal court or for legal action, in case -- case can also go to district court, as you know, we want to be careful about the information that we provide. But I think we are fairly transparent and we have code case tracker where folks can go online and check on the status of cases and they can go on our website and check on processes and also check on the status of a lot of different cases. These are a violation type. Sometimes it's substandard housing or dangerous buildings, structural failures, et cetera. Other times it's land use and zoning. And that is whether or not the particular use, one of these cases has to do -- randy road has to deal with whether or not that use is appropriate for the zoning district and also we get into work without permits and some of the grant street case deals with work that was -- apparently was done but did not have the proper permit. And you're right, development services issues the permits but we're the ones who investigate whether or not it's a violation of the code. And the last one, neighborhood nuances is when there's junk, agree, did he before I, overgrown grass, stagnant water, we're the ones who go out and confirm these cases. And so I'll let one of the officers come up. Our assistant director Paul will quickly go over the grant street case and we'll quickly go over the randy road case. You're doing grant street?

>> Grant street here, okay.

>> Zimmerman: That would be helpful, if we can get a highlight because they had three minutes, so if we can do three minutes to talk about it from this side. Thank you.

>> Okay. My name is Elaine and I'm going to review what you see there.

[5:36:20 PM]

I know we're on -- limited on time. At 3606 grant we had 14 total complaints. Violations ranged from the unscreened rv to property abatement, which is unsanitary conditions to electrical wiring and land use, which requires building permits. In reference to that, scroll that -- how do I scroll? We met with the property owner on the site. We did send notice of violation upon the first violation that we observed. Once we did that, we did meet with the property owner, Mr. Gosh in reference to some of the concerns that he brought toward us. A third violation was sent to him. The owner did comply with all the violations on the site. And currently the case is closed. And that's a summary of 3606 grant. You'll see before and after photos. I believe he mentioned the deck out there. The before photo actually shows the deck is in violation because the size is over the amount, over 200 square feet. After it shows where Mr. Gosh brought it into compliance by reducing the size. I'll see the electrical wiring run from the primary structure to the lighting that he had out -- set up and of course that was in violation. He

removed the wiring.

>> Zimmerman: That sounds pretty simple from your side. You want to talk about Randy road?

>> Yes, Paul, assistant director with Austin code department. Randy road, it's -- the property in the area is developed -- or is developed reserved zoning, primarily a regional use -- residential use, currently operating is an underground vw. From June until December 2015, we received 24 complaints by 12 different individuals.

[5:38:22 PM]

Currently we have sent notice to the individuals for prohibited use of operating an automotive repair business in a prohibited zoning district. The issue -- the notice of violation was issued. Property owner had filed a request for an appeal with the department director. After that time, we had found that an amnesty Co was issued by development services, development services department. And the appeal hearing with the director was set up. However, the property owner did not appear to that appeal hearing, although we did have it set up and were ready for that. In August, code received a copy of a notice to revoke the amnesty Co and currently the status is still active. Here are photos of the property showing the vehicles and other miscellaneous stored vehicles out there. And this here, part of the amnesty Co was -- the information provided was based on that the business was operating out there prior to being annexed in the and I, which D the city, which was the the information provided was prior to 2008. However, city documents do show that the property was actually annexed in 1984. Therefore, that's where we stand on the revoke of the amnesty Co and we are awaiting to hear back from dsd on what the outcome of that will be. These are current snapshot of information readily available on the website, underground vw does operate from there, hours of operation. You can find different types of remarks from individuals, different services they've received out there.

[5:40:22 PM]

And then this is their face page showing the location of the operation and the fact that they -- their address a nd, you know, that they work on, obviously, vws. Another just miscellaneous website showing the location for niche Volkswagen repair shops, underground vw. And this case we have not.

>> Zimmerman: I appreciate that. Could you back up.

Let's talk about this: Where did the website screenshots come from? More than that, who is responsible for putting up those website posts? Is that postings? Is that the individuals themselves you're connect together property? Would that be Ms. Sylvie, or who is alleged to have put these -- they look like advertisements.

>> Right. I think they are advertising, Mr. Chair, but we're not sure who is responsible for putting them --

>> Zimmerman: I think that's very, very, very important. Who is responsible for putting those things on the web that look like advertisements.

>> Yes, sir.

>> Zimmerman: That's extremely important. Because anything, anybody can put anything on the web. Right? And I've dug into this some myself and I know the individual that's targeted here, the guy that used to own this business, he went out of business. He iced to have a business I think it was on Lamar and he retired and he said "Stop advertising. I don't have a business." But yelp and yellow pages, whoever it is, they're posting stuff on the website against his wishes.

>> Well, we don't have that information.

>> Zimmerman: Well, I do. I just gave it to you. I think it's very important.

>> He filed an appeal and he had an opportunity to come in and speak and present that information and they did not appear. So we don't have evidence -- we don't have that kind of evidence.

[5:42:23 PM]

This is an active case. So I think we need to be careful on how much discussion because this case may end up in litigation. So at that time, whenever, time they can come forward and present that information.

>> Zimmerman: I'm glad brought that up. I'm not a liquor as you know, I'm an engineer, not a lawyer. Here's the thing. I don't see your job as being prosecutors. Aren't you trying to determine matters of fact?

>> Yes, sir.

>> Zimmerman: Matters of fact.

>> Speaker2: Absolutely, absolutely.

>> Zimmerman: Matters of fact have nothing to do with whether you're in a prosecutorial mode or defense mode, right? Facts are facts. Facts don't necessarily favor prosecution, facts don't favor defense. So I want to -- I'm trying to understand some of the nature of these very emotional conflicts going on here. I think part of it is if we're in fact-finding mode, right, than all the facts should be laid on the table. There shouldn't being any secrecy, any fear that some piece of information is gonna be released that's truthful that might benefit the defense instead of the municipal court prosecution. So am I misreading that? Can you help me understand what the secrecy would be about?

>> I don't think there's any secrecy. There's a lot of transparency to the process. Just need to understand if we are preparing a case for litigation, then we do have to be careful about that information.

>> Zimmerman: Okay. I --

>> It will be released. It will be released publicly.

>> Zimmerman: But facts are facts, right?

>> I do want to add to that, we did -- the information is requested from is and we readily turn that information over. There was an appeal hearing set up. We found time for all of our schedules to meet. Unfortunately, the owner and the agent said that they were not gonna come to those meetings so those -- where we tried to get that information out and discuss these things and we have attempted that and have been open to that and are still open to meeting with them to discuss all the information provided in this.

[5:44:30 PM]

>> Houston: So, Mr. Chair, in the -- one of the first S slides, it talked about several opportunities to appeal. Could you tell me what those opportunities are? I think building and standards was one. What are some of the others? Because that slide is not up now.

>> Yeah, the first opportunity to appeal is an administrative appeal. This is a zoning -- this particular issue before you on the slide now, 11 --

>> Houston: I don't want to talk about a particular case.

>> Okay. All right.

>> Houston: I just want to talk about if I come in and you've cited me with a code violation, what are my options to appeal?

>> You can appeal administratively to the director and you can also appeal to -- option is to appeal to the building and standards commission. If it fits that type of case that they hear. Usually they hear housing cases, dangerous building C cases and of course they can hear appeals of str -- short-term rental suspensions and denials. Otherwise the case goes to administrative hearing and they can prove their case there, the administrative hearing and/or if it goes to municipal court, you can appeal your case there to the municipal court judge.

>> Houston: Okay. Thank you. Mr. Chair, I don't see myself as being a prosecutor here and it sounds like that's what we're doing as members of the council. I authenticate we were getting information, but I'm not going to participate in being a prosecutor because I too am not a lawyer and I'm not an engineer. But fair is fair and that's what it sounds like we're beginning to prosecute something.

>> Zimmerman: So I think we're probably done here, and unless you have anything else to add for now I think we're good for now. So --

>> No, sir. Thank you much.

>> Zimmerman: Let's move to our last item. We have citizen communications here. We finally got to that. I think I've got five people registered. Let me read out the names quickly in the order I'd like you to come up, please. Audrey Williams, Doug Ingall, Daily Flat, Mark Fisher, Michael Fausom.

[5:46:36 PM]

So thank you all for being here. And we do these generally three minutes each, okay?

>> I don't have a lot to say. My name is Audrey Williams. I moved on to Randy Road in 1984 and I understood at the time I moved there we were in an etj. Nice residential neighborhood. Everybody knows everybody. Even when they moved in we got to say hello as friendly neighbors do. They built a garage and my biggest complaint not really the building itself. It's the junk cars. There's a lot of junk cars. When complaints started being made the junk cars moved from their house to their other house next door, an assisted living home. I think if you had someone in an assisted living home you probably wouldn't put junk cars in the backyard of that assisted living home. I just think there's a lot of oil on the street from leakage, they have a commercial dumpster. It's a commercial business of some type being run out of their home. And I've been -- I don't think anyone that lives in a residential area wants to have any type of a car repair or whatever type of repairs are being done in your residential neighborhood. Toxic waste, I just don't really know. We have a water well. I'm really concerned. I don't live directly across from them so I don't see a lot of it on a day-to-day basis but I walk the street and see the junk cars and I think it's concerning and devaluing my home and I think it's not right. That's all I've really got to say.

>> Zimmerman: Thank you. We have Doug Ingall. Is Doug here?

>> Yes I am.

>> Zimmerman: Okay.

>> Mr. Chair, you and I had spoken about this back in November, at your party that you had at your satellite office. I also live on Randy Road, and I also have three children. I have -- there's about ten children on our street, and we've been rather appalled at seeing the number of tow trucks, number of flatbed trucks and the other types of vehicles that are present I N -- inherent in running a commercial car business that was never there before.

[5:48:46 PM]

So we -- and in fact on my way to your party, I had a tow truck, flatbed truck, block the entire street. We have a small street. It's an in-and-out cul-de-sac. If those tow trucks want to get out, they drive by all the way to the end of the street, drive by my family with young children. This really is a public safety issue and this is a great place to have it. I really appreciate efforts of code enforcement for trying to shut this down because this is not designated as a commercial street. This is distributed as a residential street. These folks are trying to run a commercial business and from all evidence -- I know you're saying is it on the website. I drive by there everyday, and I see the cars moving in and out of there. I see tow trucks bringing cars in, and there's just no question in my mind that they are running a commercial business is it -- it's going under the -- on Volkswagens. They also park a number of cars at assisted living house.

Those cars sit for days on E nd. They're violating parking restriction that's enough backyards. I know nobody would want to have a 18-wheeler semitrailer parked in the back -- in their neighbor's backyard. They have that, a metro bus that hasn't run in years, been sitting there. They've also got -- and so as a result I just don't know what else they have back T here. It's just hard to believe. If they'r running a commercial auto shop they've got to be storing all that oil somewhere, and I question whether they have permits for any of those and how much leakage is going on. So it's just time to shut this down and turn it back into a purely residential house as it's supposed to be because of our zoning. That's what we look for the -- our code enforcement to really maintain our quality of life and make sure that we continue to enjoy Austin as the great place that we have. I've lived here 25 years, and, you know, I still enjoy how nice a place this is, but when people are running commercial businesses, opening them up, especially industrial-type commercial businesses, you're really degrading what this city is like, especially down in our neighborhood, depreciatesing depreciating the house values, et cetera.

[5:51:08 PM]

>> Zimmerman: Thank you. Next speaker we have is daily flat. Followed by mark fisher.

>> Speaker2: Good afternoon, conditions. Actually, it's evening. Thank you for the opportunity to speak. I'm not here to talk about any of the declares we're here today, just in general I'm here again speaking about Austin code. I have been at this since 2 009. And it is 2016. My friends ask me why I keep coming back and speaking in front of council, and at board meetings. They suggest I am wags my time and at times I think they're right but I remind myself of the importance of free speech and, more importantly, that this activist free speech will for be documented and archived by the city of Austin and recorded that I, a citizen has once again come before a group of elected officials and brought forth an ongoing concern of fraud, illegal activity, abuse of authority and now a pattern of events and documentation that S strongly suggests that some city officials are accepting bribes and/or looking the other way and closing code cases without the proper permits and inspections. And most importantly, that I can and have demonstrated multiple times that the director of Austin code, Carl smart, has lied to this body and most of you do not care. Standing here once again publicly documenting my concern places you, the members of this committee, in the position of being made aware of the issues. This places the burden of action directly upon each of you. I find it odd that after many emails to the complete council and to the office of the M mayor, with the exception of councilmember don Zimmerman no other city official has taken the time to respond. The mayor is unable, as you are, as councilmembers, to directly deal with these issues due to our city manager form of government. That is why the heat is on M R. Smart and Mr. Ott.

[5:53:10 PM]

So this is the new course of action. I and a confuse others have opened a dialing with our -- dialogue with our state of Texas representatives, Texas department of public safety, Texas rankers, public corruption unit, as well as the aclu to discuss the I issues. I ask that this public safety committee establish a town hall meeting style forum in each of the city's voting districts so other voices can be heard and those meetings be recorded and archived as well. I have press packages for the media and attendants this evening and I will visit with others we have notified during the next week. To those of you at home watching, this recording, you can reach me at 5129171666 or by email at F ightcodebruise@yes, I do.com. My name is dale flat. Seven years is long enough. It's a time for leadership -- change of leadership in the Austin code department. We're long overdue for a lack change of policy and a lack of policy in the Austin code department. Thank you.

>> Zimmerman: Thank you, M R. Flat. Next speaker, mark fisher. Is mark here? Followed by Mr. Michael fausum and, finally, Ross sillie.

>> Mr. Chair, perhaps at the end I'd like a moment to address those comments.

>> Speaker2:.

>> Zimmerman: Sure.

>> Mr. Chairman, councilmembers, my name is mark fisher, I've lived in Austin 60 years. This is only the second time I've appeared before any type of city council but recently the police chief got on TV all upset over the 102 fatal fatalities and wants something done. Well, I do too. And I'm not -- some of you have been privileged to receive what I have dropped at your desk, at your offices, through your staff. The Austin american-statesman did an article January 8 and the most impressive part of that article that they did all kinds of charts and graphs, but I'm going to cite it.

[5:55:25 PM]

It says accidents -- because 34% of last year's fatal crashes involved a driver with a suspended driver's license or none at all. So that's over a third. And it goes on to say, too, that there was 8% were hit and run. I don't know whether you're aware of it or not, but the city of Dallas implemented a policy several years ago that if someone is stopped, they don't have a driver's license, they don't have insurance, their car is towed. After they started that program, within several months they noticed the accident rates decreased by 20%. The city of San Antonio has implemented that policy way before 2007. I'm getting -- trying to get information from San Antonio and Dallas, some stats. I've also asked our own city municipal court to prepare some type of documentation showing how many citations were written last year for either not having a driver's license, suspended driver's license or no insurance. But my big concern is that when I called the city M anager's office, I was told, number 1 -- and I wish that police commander was still here -- that we are a sanctuary city. And that they put the total blame on not towing cars on the police chief. And they actually verified that. It is literally the police chief that made that decision. My question is, do we have a policy of not towing? And if we don't, why don't we have a policy? And with the zero vision task force, supposedly they might be making a recommendation to do that, but when I contacted one of their members, nothing was said about towing --

[5:57:37 PM]

[buzzer sounding]

-- If no one has insurance. So I urge y'all to get with them and let's see if we can't get something in place to really eliminate traffic accidents.

>> Zimmerman: Thank you. I did read that article that you just referred to. But it frustrated me that they didn't even make an attempt to identify how many drivers in our area. If there's nearly a third of the accidents from people with no insurance, no driver's license, but how many total drivers are there with no insurance?

>> Well --

>> Zimmerman: In other words if it's a tiny percentage of people causing a huge number of accidents, you know, the point is kind of well made. But if it turns out we have a heighth number of -- huge number of people with no driver's license, no insurance it's tougher.

>> That's one reason why I requested through the municipal court do see just how many citations have been. My biggest problem is when a police officer gives a ticket for not having insurance or not having a driver's license he lets them driveway. My concern is if I was a H igh-powered explorer all of a sudden two blocks away I has a wreck and kills somebody and there's a ticket laying there, my question is why did the city let him drive off?

>> Zimmerman: I think you bring up an excellent point. This is the place to do it. This is a public safety committee so I'm glad you C ame.

>> Zimmerman: Hopefully I've contacted all the staff members, all the city council members so hopefully y'all -- you guys can all get together and get with the zero task force and implement this and then maybe we can reduce the accidents. Thank you for your time.

>> Zimmerman: Thank you.

>> Appreciate it.

>> Zimmerman: Mr. Ariano, you may have something else to respond to, apparently, if you wish to. Did you want to talk quickly before we go to the next testimony?

>> Yes, assistant city manager. In reference

[5:59:41 PM]

>> In reference to Mr. Dale flat's testimony, I had the opportunity to speak with him about a week ago, where he made me aware of the specific allegations he's making. I want to first state, that I certainly defer to the city manager and behalf of director smart, we take versus seriously, any hint of allegations where there may be wrongdoing by city employs -- employees. So we're conducting an investigation in that regard. He's provided me only a certainly amount of information. It would be helpful to have the total amount of information. Certainly as we start that investigation, we will reach out to him to conduct a thorough investigation into it. Again, we take that very seriously. We want to get to the end -- to the bottom of it and address whatever issues there may be. Beyond that, just generally, I know that he has an interest in identifying issues with regard to permitting and so forth and code processes. And we've been working -- I certainly have been looking into the information that he's been providing me and working with code to try to address those issues. So I don't want to let it be said that we're not working on those at all. To the first one, I felt the need to address that specifically, that we're not letting that go as a comment without any merit, without doing the investigation on it.

>> Zimmerman: Ok. Second thing. Has there been any discussion about the policy regarding drivers with no insurance or no driver's license? Has that come up before in past discussions.

>> So on that particular regard, I'm not certain. I have not been a part of those in particular. So I would have to go back in fact, because I was so concentrated on the comments that were made by Mr. Flat, I was not really paying attention to the testimony. I will go back and take a look. I believe staff has provided information. I'm not certain that is as accurate as portrayed. I will want to certainly address those deficiencies.

>> Zimmerman: It is an interesting question if other cities are doing that for us to at least kind of talk about it.

[6:01:45 PM]

Thank you. All right. We're -- is Michael fossam here? Michael, you will be followed by Ross silvy, followed by Ruben Rodriguez and then we'll be done. Hang in there, almost done. Thank you, Mr. Ross, go ahead.

>> I'm waiting for some slides.

>> Zimmerman: Oh.

>> Good afternoon committee members. My name is Michael fossman. I'm here to update you on the county plan. There was an e-mail to Texas wildlife services stating they were not to trap any coyotes in the city of Austin on public or private land. Then a call was made to inform the city of Austin giving 30 days notice to cancel participation in the coyote management contract. Ms. Flemming informed her it required 60 days notice and in writing. In January 11, 2016, the animal advisory commission unanimously agreed to send to mayor to assign to committees. January 16, the assistant city manager Bert Hom brerass to cease cancellation of the contract and talk to Texas agrilife about complying with

policy to folks on the policy to work jointly on each case when lethal action is considered. January 18, 2016, the aac rescinded their October 12, 2015, recommendations as per chair Lund stat because they're outdated. Officer Hammon and the aac are clearly trying to stop public discussion on the issue and effect change through staff action. This will result in changing the current code and management policy in violation of the 2014 resolution. This would be a fundamental change to the current policy. If Ms. Hammon is in control of the also public and private lands of the city, the removal will only happen if a human is attacked without provocation.

[6:03:56 PM]

She will state she will follow city code. As we have seen in past statements concerning this issue to city council and Travis county commissioner's court her statements cannot be relied on to be true. I have submitted a formal complaint to the city manager Marc Ott detailing how they made material misrepresentations concerning the coyote management policy. I have some requests. Please contact assistant manager lom breros or manager Ott and ask that it continue to be in effect as part of the interlocal agreement with Travis county. Request a briefing from Mr. Lombroros or Mr. Ott and ask why Ms. Hammon is changing the public policy without vote or input from council. Request that city manager assign duty to park rangers and remove it from animal services. Start the process to remove wife management to the aac and move that to public safety committee so public safety not ideology will governor the setting of policy. Thank you very much.

>> Zimmerman: Thank you, Mr. Fossam we're looking for more discussions on this, I believe. That brings up Ross silvy, followed by Ruben Rodriguez and I think we're done.

>> Thanks for allowing me to speak here before you all. I enjoy the members and I want to keep them happy, I have done things in the past where neighbors have approached me, and I want to be a good neighbor. I want people to get along. So I'm surprised that my neighbors are here even talking today. And I could have answered some of the questions for them.

[6:05:56 PM]

I want this on record, Carl smart said we didn't show. It made it sound like we were standing him up and hiding. We had a certificate of occupancy issued and called him up and said we don't need to meet now. We're done. It's all good. Everything is ok. We have been doing this before we were annexed. We were in the etj. We are running a small facility, no signage, no advertising. It was really small. And we're still doing that. That's what we're doing. And we have the right to do that. If there is some problems with it, I would like to hear from Audrey and Doug, but if they want to come here and talk about it through you, I will answer them. The oil, we have oil containers, we do very little oil, maybe once every other year, we'll have somebody come and take it away. We have receipts for that. The fire didn't knows about it. The EPA knows about it, everybody is happy with it. We don't want to get in trouble with anybody from that. The oil in the street is from the trash truck. The guy across the street has a commercial dumpster, I don't hear them complaining about that. Mine is little, his is huge. The junk cars, I have one car next-door in the backyard. It is a jaguar s-type. I have cars in my backyard that cost more than Doug's house. I don't find any of them junk. And I welcome anybody to come back there and look at them. My rvs, yes, I have those. I ren joy those, that is part of what I have. Nobody mentioned I just put up a \$3,000 fence a few weeks ago, to make my neighbors happy. That is the only reason I did that. My 18-wheeler, there is all the way in the back, there is an 18-wheeler that the city has come out and inspected they said it is fine forny to have as storage. They came an inspected it. Everybody was happy with it. I even bought paint to paint it. If Doug and Audrey want to kinda paint it because they can somehow see it through my house, I will let them do that.

[6:08:00 PM]

So um, anyway. I don't know if there is anything else I can say. Did you have any questions for me sir or ma'am.

>> It is after 6:00. You don't have to use all your time. I appreciate you coming.

>> Ok. Thank you for having me.

>> Zimmerman: Thank you for coming. Mr. Ruben Rodriguez? That's our last speaker.

>> Thank you, councilmembers, and good evening. I had not planned on speaking today, but I feel compelled to step forward and equip you with some brief information that may merit further discussion at a later time. The two things that I want to equip you with pertain to the appeal process that was mentioned earlier by Mr. Smart. And the second is the abuse of the enforcement that I have been clearly made aware of. The first is the appeal process that's in place, the code provides that once they receive a letter of violation, the recipient has three days to appeal from the receipt of the letter. The letters when they go out are dated one day. The process is somehow, somehow, they don't get mailed out until close to the third day if not after the third day. I have correspondence that will demonstrate that.

[6:10:02 PM]

After they go out, even if the recipient requests the appeal, the appeal hearings are never given. In fact, I have the experience of cases -- and I can bring those forward, if need be, where the appeal is not given and the cases go to trial and the city brings code enforcement officers that will testify they've never had any experience with the appeal process, they don't know what you're talking about. The long and short is that it's a process that is not practiced and it's really disingenuous to bring forward to the council here today and say there is an appeal process. I have evidence and documentation that will demonstrate this. It is really horrific to know that there is a process and the city controls that and abuse it by not exercising it. It's a shame. The second part I want to share with you is the abuse process. There is a resident that has seven children, doesn't speak English is a U.S. Citizen, has a special needs child, and it wasn't a case where someone called in, but rather where an inspector just happened to show up and accused and charged this tax owner -- give me one minute and I'll wrap it up [beep] Of placing fill of overfour feet without a permit. They charged him with six different cases, lawsuits. The first two, he was prosecuted, in part because he didn't understand what he was signing. What they failed to tell him, in order to get a permit, he had to go through varying variances which required going through the planning board, the environmental board, going through the council, and it is an expensive process and getting a high -- hydrologist standard and impossible to comply with.

[6:12:19 PM]

The long and the short, there were four remaining cases, that's when I got involved, to which they were dismissed based on "Full compliance" when in fact he didn't do anything to fully comply. But you have this man, initially was charged with a fine, I was able to reduce that to community service, but he did no wrong. This is a clear case of abuse. Unfortunately, most people don't have the opportunity to have counsel that represent them. In this case, Mr. Hernandez at 326 hartwood drive had me that did it pro Bono.

>> Zimmerman: You're an attorney?

>> I am an attorney. I'm not here as an attorney. I'm here to empower you with the information I have and I would be willing to share more. Thank you.

>> Zimmerman: Appreciate you coming. Thank you very much. We're at item 9, discussion of future agenda items.

>> Houston: I want to thank everyone for coming tonight. I'm glad for the citizens' participation. I'm sorry that some of the situations that caused people to feel like this was the only resort that they had. I cannot speak for everyone about code compliance but I can speak for some people on the work code compliance does because we have the same issues in district 1 where people start working without permit, because they know the neighbors don't know what the rules are and don't know who to call. I also have people who decide that they're going to have automotive businesses in neighborhoods and when the neighbors call, code does go out and issue a violation. So everything I have heard tonight, I have heard from people in the neighborhood. And there is always a balance between those who feel like they've not been heard, that they've not had an opportunity to be appealed, that they feel like they've been misused and misrepresented and the other side that are very appreciative.

[6:14:32 PM]

I want you all to know that we're paying attention to all of that. We hope that we can make sure that there are some specific guidelines. I think three days to appeal is a little quick. And I'm seeing people shake their heads that may have changed by now. That is good to know. I think we have to give people the right information in the language of their choice so they understand what we're saying to them and what our expectations are of them and what their expectation should be of us. Again, I appreciate you coming. I know it is difficult for neighbors to come down and say things about the way their quality of life is being affected, and so I hope that there won't be any hard animosity, and that you all can continue to live on the streets where you live. And again, thank you for coming.

>> Zimmerman: Thank you, councilmember Houston, with that, if no objection, 6:15 P.M., public safety committee is adjourned.