

PUBLIC SAFETY COMMISSION MINUTES

REGULAR MEETING Monday, February 1, 2016

The Public Safety Commission convened a regular meeting on Monday, February 1, 2016 at City Hall, 301 West 2nd Street in Austin, Texas.

Chair Kim Rossmo called the Board Meeting to order at 4:00p.m.

Board Members in Attendance:

Dr. Kim Rossmo, Chair Rebecca Webber, Vice Chair Rebecca Gonzales Brian Haley Michael Levy Sam Holt William Worsham Ed Scruggs

Board Members not in Attendance:

John Hernandez Daniela Nunez Emmanuel Loo

Staff in Attendance:

Chris McIlvain, Assistant Chief, Austin Police Department Jasper Brown, Assistant Chief, Austin/Travis County Emergency Medical Services Brian Tanzola, Assistant Chief, Austin Fire Department

1. APPROVAL OF MINUTES

• The minutes for the regular meeting on 01//4/2016 were approved on Commissioner Haley's motion, Commissioner Gonzales's second with a correction to page 4 from Commander Worsham to Commissioner Worshman and a vote of 9-0.

2. CITIZEN COMMUNICATIONS

• Jim VonWolske spoke to the board about his concerns over Red Bud Isle Bridge and its unsafe condition. There was a plan to tear out the old bridge and expand/improve with a new bridge, but nothing has happened. He stressed that Austin Police Department and Austin Fire Departments vehicles would have a hard time reaching injured people in the event of an emergency. Mr. VonWolske mentioned 64ft strip of land owned by University of Texas that would help to build a safer bridge. However for reasons unknown to him City of Austin has not inquired about purchasing the land from University of Texas. He has known Commissioner Worsham for a long time and they both agree on the future of the bridge to make it safer for all drivers who cross this bridge. Commissioner Worsham offered to write this concern up as a future agenda item. Commissioner Rossmo asked for the write up to show how this issue relates to policy.

3. WILDLAND URBAN INTERFACE

Justice Jones, Wildfire Management, Austin Fire Department and Palmer Buck were introduced by Assistant Chief Tanzola. Commissioner Rossmo commented the board was looking for a 10 minutes presentation with 10 minutes for discussion. Justice Jones started the presentation by discussing the progress of planning for City of Austin. A Community Wildfire Protection Plan was voted on and approved last year by the council. We are making progress on addressing Wildfire Risk and currently we are looking to move forward. Currently continuing work on Wildland Urban Interface Code and there's a need to development a regulation management place. We need to develop a Vegetation Plan; ensure we don't lose any more lives to wild fires; wildfires are not going away therefore we need to take a holistic approach to preventing the fires. Palmer Buck-WUI Code is working towards a grant to further define/identify dangers and what it would cost to implement home improvements, and education concerning the fires. We are here today to ask the Public Safety Commission to explore the option of making a recommendation of the Wildland Urban Interface Code to Council. We are open to questions, any questions? There were several questions from the board:

Commission Worsham – What's the importance and how is WUI Code base restrictions on present and future homeowner as opposed to open land? What is being done in wide open spaces? Commissioner Levy – Would you mind sending us (the board) a draft of the resolution you would like for us to support (WUI Code)? Commissioner Rossmo - Janet would you add the WUI (Wildland Urban Interface) Code resolution as a future agenda item for the March Public Safety Commission meeting? Janet Jackson – Yes Commissioner Scruggs – Does wild land protection issues make it more difficult to implement the WUI Code? Oak Hill residents complained about open space around their homes, would the code address this even though the land is privately owned? Justice Jones – yes, the Code would address the open space even though it is privately owned. Scruggs - How would you go about addressing that? Justin Jones - Prioritizing Austin as a whole regardless of who owns it. Scruggs - You mentioned CODE NEXT; do you have to wait for CODE NEXT before moving ahead with WUI Code? Justin Jones – We don't necessarily have to wait for CODE NEXT but this plan is lining up with some of the timeframes of CODE NEXT (i.e. land use and technical manuals). We (Wildland Urban Interface) should be aligned with the efforts of CODE NEXT. Commissioner Levy - You all (WUI Code) have come a long way in five years. **Commissioner Scruggs** – What about the removal of dead trees? **Justice Jones** – Currently there's no code on the books to do that, but we have been working with trying to get neighborhoods on board with adopting the WUI (Wildland Urban Interface) practices and we are receiving lots of support on various partnerships.

4. PUBLIC SAFETY COMMISSION WORKING GROUP DISCUSSION

The working group consisted of Commissioners Haley, Worsham, Webber and Nunez. Commissioner Webber began the discussion on reporting to the board the working group's findings/suggestions for extending the monthly meetings. Commissioner Webber - we were charged with looking into ways to extend our Public Safety Commission meetings and whether it made sense to hold a longer meeting. Our group decided we should try some other things before extending the time. We looked at possibly meeting outside of monthly meetings to prepare with the hopes of not taking so much time up with presentations at monthly meetings. Commissioner Worsham – That was a pretty good summary of our working group. Some procedural things like tracking agenda items and request for information and maybe the most important thing is how are we as a group going to express our consensus views in a manner effective for Council. We're leading to a possible resolution in the next month's meeting (March 2016). We need to be deliberate about what that process look like; learn, deliberate, and comeback ready to take action. I have been here long enough to see how it worked before. Commissioner Webber –so I will elaborate a little bit more on that; another suggestion from the group was a need to elaborate more on whose agenda

item is it, what it is you want to accomplish, and who (City of Austin staff) do want to hear or not hear from anyone? Commissioner Worsham – The requestor of an item needs to explain how the item/s is relevant to our charge/mission as the Public Safety Commission. Commissioner Rossmo - Any Questions? I'll start, first at our last Public Safety Planning meeting the consensus was this is an excellent document that will increase our functionality utility. My compliments to the working group for a lot of good working ideas. I have about 5 or 6 questions from a procedural aspect that could be answered quickly. One was on setting the agenda; I was a little unclear on this one "scheduling a time at the beginning of the meeting to discuss pending agenda items". Commissioner Worsham - At the end of our last meeting I was trying to get answers/information on an item and I wasn't sure of the best avenue to do that or maybe I was asking the wrong questions. Commissioner Webber – Wait I think you guys are talking about two different things. The reason this item was suggested is because we are rushed at the end of the meeting and felt this discussion (pending items) needed more time. Commissioner Rossmo - What about offering more time for the discussion at the end. I just don't want to repeat things if we don't have to. Okay #6 we will come back, #2 If you are unable to attend a monthly meeting please let the Chair know as well as the Staff Liaison for quorum purposes. #5 Monthly meetings, I have a concern if we start to have too many working groups and how it relates to Open Meetings Act. #6 Setting the Agenda, if some makes a fairly routine suggestion that falls into our area of responsibility I usually second the motion. It is a rare occurrence where I won't or can't second and I will let someone know to look for someone else to second the motion. Example, a request for TNCs to be on this month's agenda; last minutes things/requests are going to be problematic. Commissioner Haley- I think the intent on item # 6 was let's say this is like a pressing issue and we would like to address but we just found out about it. An example could be like a high level staff person's job is on the chopping block and want the commission to weigh in; this gives the commission an opportunity to accept a last minute item. Commissioner Worsham – It is also an attempt to follow our by-laws and if the by-laws are not working maybe we need to change them. Commissioner Webber – there have been issues since last summer maybe about adding and maybe we could set aside 20-30minutes of each meeting after you do the planning for just in case an issue demands to be placed on the agenda. Commissioner Rossmo - Could you show me where it says that in the by-laws? Commissioner Webber - Sure Commissioner Levy – I don't think it's in our purview to speak about personnel issues. Commissioner Haley – I rescind that example. Commissioner Rossmo – We don't deal with personnel issues and we need to remember we are an advisory body to the city council. Commissioner Haley – Okay Let's get off/rid of the example. Commissioner Webber – reads 6A from the by-laws. Commissioner Rossmo – Then we would have a meeting for twelve hours. I am trying to be realistic. **Commissioner Levy** – I think being realistic the Chair has to have the ability to pull things off the agenda to stay within the two hours. Commissioner Webber - Yes, I think we all have to work collaboratively on this and just be aware of what it takes to set the agenda. If there is a timely issue we use the power to request those items judicious. I mean the TNCs are an example. Commissioner Haley - Yes that's a perfect example of a timely issue going before council. There's a lot of discussion on TNC's Commissioner Rossmo - This is where I disagree with you. Is it a media item/hot item? Did the council ask us for our opinion? No Did the Public Safety Committee ask us, no. I don't bounce things by what's hot or trendy. Commissioner Haley - But I think what's important to you may not be important to everyone **Commissioner Rossmo** -How many of my items are on the pending list? Commissioner Webber - I think the fundamental issue is that this be a more collaborative effort of setting the agenda. Commissioner Rossmo – Let me ask the question again, how many of these items are mine? Commissioner Levy - Well. Commissioner Rossmo – hold on I'm waiting for an answer? Commissioner Haley – I don't think anyone is making that an issue. Commissioner Rossmo – As I explained before, what I try to do is 1. Balance between issues #2. Timing related to specific items, especially if it has to move to council. #3relative importance of various things #4 availability of speakers and I don't judge whether it's a hot item in the media. Commissioner Levy - Well TNC may be a hot item in the media, but if you look at the things the commission has put on the agenda, it has been pretty good. Nobody asked us to put on Wildland Fires we snatched that ourselves and over the last five years the city has made some headway. TNCs may be another example of that. Wildland Fire is very similar to TNC issue. Commissioner Scruggs – If I could interject a little I think discussion going back to last meeting there were comments about how it seems the council is not asking the commission for too much and comments about if we were being relevant and responsive to community as far as safety goes. We could play a positive role in some of those last minute issues, but also on numbers with an issue. Two commissioners asking for an agenda item; is it city code that two requests to get on the agenda? Commissioner Haley – yes it is City Code Commissioner Scruggs – So it is a City Code issue not just by-laws. To contract this a friend of mine on Advisory Resource Commission posted where they were on one item for four hours. Granted we don't want to be here four hours. Perhaps we need more time for the meeting. I think we remain more current and relevant if we are flexible with adding things to the agenda. Commissioner Rossmo – I just don't see it working. Commissioner Worsham – I think if you were at the last meeting and seen how Commissioner Rossmo – I watched the last meeting. Commissioner Worsham - You must have appreciated the discussion on TNCs. Commissioner Rossmo – Commissioner Worsham every item on here was proposed by one of you. So if someone else wants to punt off one of their items. Commissioner Webber - These last minute issues would be no presentation, possibly a working group and brought back to the next Public Safety Commission meeting. Commissioner Rossmo – We did do that, when the plane crashed into the IRS building, we added a last minute item. My concern here is that we are going to start playing politics. We are supposed to be apolitical. Commissioner Levy – I think it is unfair to say an item may be drive by the media. Commissioner Haley - I think its (TNC's) an important issue. Commissioner Rossmo - Is is an emergency? Commissioner Worsham - City Council is going down a path of emergency and we didn't/haven't weighed in. Commissioner Haley – So we weigh in after the decision has been made. Commissioner Rossmo – Well they (City Council) didn't ask us. Commissioner Scruggs - Citizens of Austin are our boss. Council deciding safety issues, but are not asking us to weigh in. If we are continually being bypassed then we aren't being used. Commissioner Levy - Council has not requested as much from us as we have offered. Commissioner Webber – We could give this a shot. Commissioner Worsham – timing conflicts can be discussed at the end of the meeting could it not? Commissioner Rossmo – I;m not quite sure of what the issue is here. Let me ask whose agenda item has not gotten on the agenda in a timely fashion? Commissioner Worsham – I think it would be fair to say a lot of us thought we would be talking about TNC's today. Commissioner Rossmo – did anyone bother to check what other items were on pending and how long they had been there? Commissioner Webber - Like I said we did ask Ms. Jackson to ready every pending item. Commissioner Rossmo: Let's move on, if an item is not being looked at by the Public safety Committee we can communicate to City Council. If an item is being considered by Public Safety Committee we cannot communicate to City Council. A lot more responsibility placed on the person who owns the agenda item. If it is a speaker you are looking to bring from outside then the commissioner is responsible for scheduling/coordinating.

Tanzola –

Commissioner Rossmo – Look at our draft where it says what time. Commissioner Levy - My suggestion is to start @ 3:30pm and hopefully end by 5:30pm. I don't think there is any way we can do what is being discussed right now and being constrained to two hours to meet. Commissioner Rossmo – I'm still trying to get an answer to my question. Responsibility for contacting outside speakers will lie with the individual who brings the item up. I wanna make sure I've understood it correctly. Chief of Staffs wants to be sure they have understood correctly. Is that what has been proposed? Commissioner Webber – I don't think we have thought about it to that level of detail. It's something we should be thinking about. Our thinking was if you suggest an agenda item you would be responsible for coordinating it all. Commissioner Levy – It's impossible, I mean one of the most impressive presentations we've had the staff brought in outside professionals. They had the relationships and ability to invite them out. I mean we wouldn't have known who to contact. Would you be comfortable with staff making the decision? Assistant Chief Jasper Brown – Depending on the agenda item, we want to hear from both sides, okay who is that? Commissioner Webber – again

if it's an expert item and we ask who is that then clearly this is not working. Commissioner Levy – I think we can have that; let's say we ask who are the working staffs you want to have at this meeting? We commit a lot of time and let's not double work, let's let the staff handle securing/scheduling the speakers. They get direction from us and go schedule presenters. This is the way we have done it the last five years and it has worked. **Commissioner Rossmo** – Let's table the discussion today and let's ask working group to meet again and discuss what they have heard today. Then we could make a final decision at the next meeting. Commissioner Webber - Yes, I do think we could do that. Commissioner Levy – Janet could you schedule time for a conference call for the working group? Commissioner Webber – sorry to be a lawyer, but the by-laws states that the working group is not to request staff's time/support. Assistant Chief Jasper Brown - When something comes in that five minutes window we (staff) may not have adequate time to prepare /present something complete. Commissioner Webber – I think that would be fair that you may not have anything. I don't think anyone on the working group intended for this to be some type of I gotcha with short notice requests and you guys not have anything to present. Commissioner Rossmo - Remind people in terms of going to City Council there are sixty members and boards and if we go to City Council with everything we're interested in they will quickly get tired of us. So in the past we have tried to be selective and remind people there are three ways we can have an impact. 1. Go to City Council, 2. Council Committee, 3. Media and sometimes we can have a direct impact just by talking to Chief of Staffs of the three different agencies. Changes are made without having to go thru political process. Success with a number of things one being the issues related to Fire Codes. Commissioner Levy – that's a true statement and more so since Chief Brown is sitting in place representing Emergency Medical Services. I think it is absolutely true. Chair Rossmo – This is really a good document. Commissioner Webber – So the working group did not recommend a longer meeting and what we are going to draft for a resolution to vote on next month won't include that piece in it. Commissioner Levy – What I said was if the Chair has an emergency and someone else has three emergency items; we have to be flexible. We can't do all this in a two hour meeting. Commissioner Rossmo - to Commissioner Levy, you are retired some of us are not. I even had Commissioner Hot speak to me about extending the time of the meeting. Commissioner Worsham has to leave his job early to get to the meeting. So the amount we working people/group has is limited. One of the things I asked the working group was an item on extending the time that the take a poll. As you can see today we have eight members here out of eleven members today. The percentage of a quorum was less when we had the older system (before 10-1). So one of the things we don't' want to do is to have people skip the meeting because of the length of time. We've always been able to go to two and a half hours if need because the commission after us doesn't start until 6:30pm, but we have to remember that everyone has limited time. Commissioner Levy – I am not retired #2 and more important I don't have a walker yet, but the day is young. The assumption has to be that it will be two hours but even if we have four. If we are able to poll – could I poll everyone on that?

Commissioner Scruggs – issues of two commissioners requesting an item be on the agenda I think it is City Code vs by- laws are we putting ourselves in violation possibly of City Code? Commissioner Rossmo – So what are you saying you want every single item placed on the agenda? Commissioner Scruggs – No, the major conflict we are having is not getting everything in and I don't think we will ever get it all in. If I ask to put something on the agenda for April and it doesn't need to go on, but City Code is very clear on what it says. I don't know if other boards have this issue or not but City Code is very clear on what it says. Clearly there's an elephant in the room that needs to be talked about. Having a longer meeting or flexibility does give us the ability to negate some of the concern. That's all I am saying and I'd like the working group to look at that. Commissioner Rossmo – Well I want to point out that everyone thinks their item is urgent. Do you know how many urgent things I have coming from all of you; about five. I could put about two real ones on the agenda. Second, there are items on this list that have nothing to do with policy. I mean what does Rock Throwing have to do with public policy; it's outside of our area? Commissioner Scruggs – Well since you're going to bring that up it might be infrastructure deficiencies that could lead up to this problem. Commissioner Rossmo – You propose changing the infrastructure of all the

highway in Austin and how many millions of dollars? Commissioner Scruggs - Chair, I would say to you that no one knew about the issue before last month and who knows, is there a temporary fix or something that could be done. Thant's what we're here to do, air public safety issues. Commissioner Rossmo – No, no show me in the code where it say that. Commissioner Scruggs – show me in the code where it doesn't say that. How do you discuss a public safety issue without hearing the issues? Please tell me that **Commissioner Rossmo** – Let me read it to you because we keep going off track. (reads from the by-laws) So I think it's very clear what we are supposed to be doing not putting our nose in public investigation. Since our 11-1 model our area of looking at issues has grown considerably. Now with more items than in the past we shouldn't take on items that don't fall into the guidelines, because we are now running out of time. Now WUI Code is a policy matter. Commissioner Scruggs – Long term infrastructure planning is a model that council is involved in; that's why we have a discussion so we can talk about that. Commissioner Holt – I would like to keep the meeting to two hours limit, because there are other engagement and things people have to do or attend. Last meeting I had to leave when it went over the two hours because I had another engagement. I can give two hours but three or three and a half I can't do. Commissioner Rossmo – I'm going to echo Commissioner Holt. What has happened in the past with City Council is if we do too much they will ignore us. If we focus on some key things we can help somebody. We are an advisory board one of sixty. If we focus on key things we make a difference. Commissioner Levy - the driving force should be our community. What are the priorities? If the chair listens to us; what the Chair has said is true, there is only so much time, but I believe we can start @ 3:30pm and end at 6pm. I don't think anybody expected this discussion to last as long as it did and the Wildfire discussion was shorter than expected. Commissioner Webber - I'm willing to come at 3:30pm if that's what everyone else wants to do. Commissioner Gonzales - I feel the same way; come at 3:30pm with the expectation that we haven't been efficient with our time as we should be. The Wildland presentation didn't go shorter because it started prior to 4:20pm and it went past ten minutes to 4:40pm. Commissioner Rossmo - There's a lot of push back when I try to be efficient. Commissioner Worsham – I don't demand we start at 3:30pm, but I will make myself available if that's what we want to do. Commissioner Haley – I agree with the sentiment on this side of the room; coming earlier and stay later if that is what everyone wants to do. Commissioner Webber – I will run it by Daniela Commissioner Rossmo – Okay thanks very much.

5. VISION ZERO FINAL REPORT

Commissioner Rossmo - Moving on we are up to Vision Zero Final Report - Commander Fortune – Do we want to go over this Power Point again or just ask the questions this time? Commissioner Rossmo – Yes, I believe that's what we are going to do; at least that was my understanding from what I saw of the last meeting. Commissioner Worsham – Were there any changes to the slides? Commander Fortune- nothing new; just added a little more substance **Commissioner Gonzales** – maybe the order of the slides more than anything is what changed. Commissioner Scruggs – I would like you to clarify this is your final report and this is what will go to Council or Council Committee? Francis Reilly – This is a full draft report and it is out on the web and we are taking public comments. Commissioner Scruggs – What is your timeline to take something to the committee? Francis Reilly – that will be this week Jim Dale – We are looking to go to Council in May; actually we will see the Mobility Committee this Wednesday. They (Mobility Committee) wants to hear from each of the commissions Commissioner Scruggs – So if we wanted to add comments/recommendations there would still be time for that? **Jim Dale** – yes, March they are still compiling looking to go to Mobility Committee in April and Council in May. So there will be an opportunity. Commissioner Scruggs – I have a few comments from looking at the report could you explain once again what the purpose of this document? Is it a planning tool or document of policy or is it similar to Imagine Austin but for Transportation; could you cover that quickly? Jim Dale - Basically it's a work plan. It's over 100 recommendations in the plan. Where do we start?

We are already working on the item and not waiting on the plans to be finalized. Commissioner Levy – I was on the task force and I don't believe these are recommendations. I believe these ideas that were put on different bulletin boards and the task force put them together and nothing ever was solidified. The task force never got together and said these are our recommendations; correct me if I am wrong on that Francis. Francis Reilly – the task force didn't see the draft that ultimately went to Council. They did see the action plan tables and review; decided whether to keep or discard actions throughout the plan. Commissioner Levy - yea, but we had 100 bulletin points of ideas, a lot of those were things on the bulletin board where people said these are ideas Francis Reilly – people did discuss and opt to keep those ideas. We are in the process of reworking this draft to draw out the major recommendations. Commissioner Levy - People opted to keep those in the plan but there was no filter, no prioritization. Obliviously giving us a kitchen sink with no filters, doesn't give us or the Committee any hard specifics of okay this is what we need to do immediately. My concern is that this thing is very long and this thing should have been about 10 pages in my opinion with about five high points listed. One hundred bullet points is not helpful you know. Jim Dale – one of the things we are working on is and City Manager asked us to do is bring forth cost estimate with each line item and then go to Mobility Committee. Commissioner Levy – so this is not a final document ? **Jim Dale** – It's a draft we are working to get final copy to submit to Council Commissioner Levy - Fine the reason Chair that we had this on the agenda was for them to bring the final document and we come up with a resolution. Commissioner Rossmo – Talk about efficiency, we have had this item on the agenda three times in the past four months. Commissioner Rossmo - What is the Working Group's Recommendation? Commissioner Scuggs – Daniela is out today, and there is a draft resolution Commissioner Rossmo – no such thing Commissioner Scruggs – there is today Commissioner Levy - On I think the Chair is right. I think we can talk this thing to death. Ed is it okay if I make a resolution on behalf of the working group today? Commissioner Scruggs responded yes. After discussion on a piece referring to uninsured drivers a couple of key words were changed in the resolution. 5) Since a very large percentage of fatal accidents involve unlicensed drivers, whenever a car is stopped for any reason, and the driver has suspended or no license the car must be impounded.

Commissioner Levy motioned to accept the resolution and Commissioner Scruggs second the motion Commissioner Worsham – to Chair Rossmo is this closed for discussion? I am going to have to vote against this one because I believe it is a runaway train with a lot of unintended consequences.

Vote: 5 FOR and 2 AGAINST with 3 board members absent

6. IH 35 ROCK THROWING UPDATE

Chair Rossmo – The goal with this item is to report back on what TxDot has said. **Assistant Chief McIlvain** – We have not had a meeting with TxDot yet, we will meet on February 9, 2016 and can provide feedback afterwards. **Commissioner Rossmo** – we will place that update on the March agenda.

7. FUTURE AGENDA ITEMS

Commissioner Rossmo – We have Additional Units and Fire Stations for the next meeting and also a request for TNC's to be on the agenda. Commissioner Levy – Chief Tanzola is the fire station presentation going to take that long? Assistant Chief Tanzola – I'm not really sure it will be Chief Nicks doing that presentation Commissioner Rossmo – I have already spoken with Chief Nicks and it will take about forty minutes. Commissioner Rossmo – One other thing regarding TNCs we (Tanzola & Brown) just weren't certain what to focus on when we looked at this item. The police department supports this and I don't believe anyone else doesn't support this so I'm not sure what we're doing on this one. Just for example one of the aspects is to reduce the drunk driving and I know the Council is in agreement with that. I'm not sure what we are focusing on for this item on the TNC's what exactly do we focus on , requirement for fingerprinting seems to be a public safety

issue. What other areas are we to focus on ? I am going to defer to Commissiner Haley since you brought this up. Commissioner Haley – Thank you Chairman, my understanding. We did want to have a dialogue around the idea of fingerprinting or if there are other mechanisms for background checks. We were going to look at all of the recommendations coming from Council. The Mayor has offered another option. Commissioner Rossmo – sometime within the next two weeks since you were the two who put this on the agenda and anyone else could weigh in. Let us know who might be speakers and generality. Commissioner Webber – I would like to weigh in on the discussion. Commissioner Scruggs – had questions on background of fingerprinting on why is it important etc.. Commissioner Rossmo – asked Commissioner Scruggs to please send the information in an email. Commissioner Gonzales – asked to get as much background information early so we (the board) have time to review.

Adjourn: At 6:00pm Commissioner Levy motioned to adjourn (No motion, second or vote is required to adjourn the meeting unless there is an objection to adjourning)