



**PUBLIC SAFETY COMMISSION  
MINUTES**

**REGULAR MEETING  
September 3, 2019**

**The Public Safety Commission convened a meeting Tuesday, September 4, 2019 at City Hall in the Boards & Commission Room, at 4:00pm, 301 West 2<sup>nd</sup> Street, Austin Texas 78701.**

**Ed Scruggs, Chair** called the Board Meeting to order at 4:01p.m.

**Board Members in Attendance:**

Ed Scruggs	Noel Landuyt
Rebecca Gonzales	Selena Alvarenga
Kathleen Hausenfluck	Preston Tyree
Meaghan Hollis	Rebecca Webber
	Chris Harris

**Board Member Absent:** Daniela Nunez, and Rebecca Bernhardt

**Staff in Attendance:**

Troy Gay, Chief of Staff, Austin Police Department  
Rob Vires, Chief of Staff, Austin Fire Department  
Jasper Brown, Chief of Staff, Austin Travis County Emergency Medical Services

**1. APPROVAL OF MINUTES – the August 3, 2019 minutes will be voted on at the October 7, 2019 meeting**

**2. CITIZEN COMMUNICATIONS –**

- Gavino Fernandez – Voter Registration Day
- Carlos Leon – Reverse discrimination on straight White males
- Piper Nelson – Chief Public Analyst with SAFE Alliance
- Sarah Black – Suggestions on addressing homelessness, 2year anniversary of City of Austin and APD starving the homeless, meals moved from CARITAS to ARCH

3. **Hotel Occupancy Tax and Fee Waivers** – Commissioner Scruggs introduced to the board and commented in the past there have been some questions on if the Hotel Occupancy Tax could be used for other things outside of tourism and the arts.

Ed Van Eenoo, Deputy Chief Financial Officer, City of Austin was invited to begin his presentation. Ed shared his information on the HOT tax:

- HOT tax is placed on each stay at a hotel /motel, bed and breakfast and short term rentals
- COA collects 11 cents, State of Texas collects 6 cents
- HOT tax is used to promote tourism and the convention center
- Use of the HOT tax is restricted by State Law

Ed shared some legal framework on Texas Tax Code 351. that list the authorized use of the tax. It (HOT tax) may not be used for general revenue like parks, and public safety. **Commissioner Webber** asked for clarification on the restriction of general revenue use. Was the general revenue spelled out in the state code or is that the interruption of COA legal department on which general revenue the funds cannot be spent? Ed presented a chart showing the amount/percentage of funding that goes to Cultural Arts and Historic Preservation. The chart provided the history of the tax and the increases that have occurred through the years.

On fee waivers, Ed provided the numbers showing how much different events received and commented that SXSW is the largest amount of fee waivers received. **Commissioner Scruggs** asked if ACL received any fee waivers and the response was they do not receive any fee waivers. There was continued discussion and questions on fee waivers and Commissioner Scruggs asked if there had ever been any discussion on scaling back on the amount of the fee waivers. With the recent cap by the State on the percentages of tax increases for cities in the future, he thought this discussion is necessary. **Commissioner Alvarenga** asked if there was any duplication of funds between Cultural Arts and Historic Preservation. Ed elaborated on how the Austin Convention Center created another way for the Historic Preservation and Cultural arts to get additional monies by giving money from other revenue such as concession's sells to the amount of 11.9million.

**Commissioner Hollis** asked about additional costs for APD serving SXSW. She mentioned the cost for specialized units such as SWAT, AND Bomb Unit.

**Commissioner Webber** asked how accurate is the number (1.5 million) for APD's cost?

**Commissioner Harris** asked if the 1.5 million was only for APD overtime.

**Commissioner Webber** made a motion to vote on the resolution she was presenting and **Commissioner Scruggs** seconded

**Vote: Unanimous**



**Public Safety Commission Recommendation no. 20190903-003**

Date: September 3, 2019

**Subject: Recommendation that Council Stop Giving Special Event Fee Waivers to For-Profit Corporations**

**Motioned by: Rebecca Webber**

**Seconded by: Ed Scruggs**

1. Whereas, Austin police, fire, and ems personnel work extra hours to keep attendees safe at Austin's many festivals,
2. Whereas, the cost for these extra overtime hours is typically passed on to festival promoters and organizers in the form of special event fees,
3. Whereas, most of Austin's for-profit festivals such as ACL pay their own tab for these extra public safety costs,
4. Whereas, in contrast to ACL, SXSW which is likewise a for-profit festival, annually requests that Council waive its special events fees so that taxpayers pay the bill for SXSW's extra public safety services,
5. Whereas, in the past, City Council has annually waived SXSW's public safety fees,
6. Whereas, the new property tax caps will require Council to look critically at nonmandatory expenditures, and
7. Whereas, the 2019 price tag to Austin taxpayers for SXSW's use of Austin public safety services and other services such as Resource Recovery was \$2,275,608.45, now therefore,

**The Public Safety Commission recommends that City Council stop giving special event fee waivers to for-profit corporations but continue to waive special event fees on a case-by-case basis for non-profit events and festivals.**

**Vote**

For: 9

Against: 0

Abstain: 0

Absent: 2 (Commissioners Daniela Nunez and Rebecca Bernhardt)

Attest: *[Staff or board member can sign]*

Janet Jackson, Board Liaison,

Austin Police Department

**4. Update on HR Chapter B Policies regarding Workplace Sexual Harassment Allegations in Public Safety Departments**

Commissioner Webber gave a brief history on how this topic of sexual harassment in Public Safety Departments was brought up last year by an incident that occurred at EMS department.

Joya Hayes, HR Director for the City of Austin introduced herself and the Assistant Director, Monika Arevelo. Joya stated their reason for being there today; mainly to address sexual harassment in the workplace on the executive level. The need for some consistency across the three Public Safety Departments on how sexual harassment in the workplace is addressed. The HR department was working on new strategies to address this issue.

Monika Arevelo, commented they have met with legal, HR groups and stakeholders before finalizing, updating policies. HR worked closely with Internal Affairs to be sure the sworn policies address HR policies as well on discrimination, harassment and retaliation.

A Power Point presentation was distributed to all of the commissioners that outline the new steps to be taken at Public Safety executive levels when sexual harassment allegations are brought to their attention:

- Policy Updates
- Sexual Harassment Allegations
- Sexual Harassment Training
- HRD Initiatives for Sworn Personnel

All reports of sexual harassments in Sworn departments will be registered with HR, there is new on line training being finalized for all city employees and in class training for areas/departments that may require the classroom training.

There were questions from PSC Commissioner:

- What is the timeline on the policy changes?
- When will training go into effect?
- Has there been conversation with Office of Police Oversight?
- Does every department have a different policy and are we just mirroring them different?
- Has the LGBTQ community been contacted?

Ms. Hayes and Ms. Arvelo answered all of the board's questions and the board was very complimentary of the work that had been done by HR to update policy changes, promote transparency and consistency in all Public Safety departments for reporting sexual harassment in the workplace.

This item will come back to the Public Safety Commission once the departments have had an opportunity to implement the policies.

##### **5. City of Austin policies regarding assault on EMS Medics**

Selena Xie and Kevin Harner both employees with EMS presented this topic. They came before the Public Safety Commission to discuss the increasing number of assaults on medics and the need for prompt response from Austin Police and the need for established methods in place for reporting assaults while on the job, not OJI (on job injuries). They reported that 93 % of paramedics report that they have been assaulted at some point in their career and 63 percent reported being assaulted more than once in the last two years.

The purpose of their presentation was to bring attention to the increase of assaults and hopefully create changes to language of calls when a medic is down/assault, and the follow up of reporting the assault to EMS.

The commissioners appreciated this topic being brought forward and had questions and discussions on ways of moving forward and bringing this topic back on another agenda. APD Commander Rich Guadjardo was in attendance and commented that APD Communications was open to working with EMS on the language of calls from medics and how to distinguish when it is a medic in serious trouble similar to APD calls of an officer down.

Per the board, this will be a future agenda item for the PSC.

**7 2019 State Legislative Update – presenter Brie I. Franco, Austin Intergovernmental Relations**

Ms. Franco presented the number of bills that were introduced at the Legislature this session and the number of bills that directly affected the City of Austin. She provided the comparison of the 76th legislature to 86<sup>th</sup> and there was a huge increase in the numbers of bills brought forward.

The priority issues for City of Austin were:

- Austin Water
- Austin Energy
- Super Preemption
- Zoning/Short term Rentals
- Revenue CAPS
- No City Lobbying
- Red Light Cameras
- Cable Fees
- Bathrooms
- Planned Parenthood
- Annexation part 11: ETJ Regulation
- Employees Rights and Benefits

All of the items were elaborated on by Ms. Franco and a presentation packet was left for all of the commissioners to review.

Meeting adjourned @ 6:12pm