

# Public Safety Committee (PSC) Meeting Transcript – 9/19/2022

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[2:06:14 PM]

>> Harper-madison: Technology is working. I have a quorum present. Good morning, everybody, I'm Natasha harper-madison. I am the chair for the public safety committee here in the city of Austin. Looks like we're doing a combination of meeting styles, and we are meeting both virtually and here in the chambers at Austin city hall. It is now 2:06 P.M. And I call this meeting of the Austin city council public safety committee to order. Our first item is the approval of the minutes of the public safety committee meeting from August 23rd, 2022. Is there a motion to pass the minutes? Techniques like councilmember Kelly makes the motion and it's seconded by council member vela. All in favor say aye? Looks like it's unanimous on the dais with councilmember Kelly, council member vela and myself.

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So our next item is discussion and possible action on implementing a sliding scale of fines for certain non-moving traffic law citations. If I remember correctly there was some confusion on whether or not there would be somebody here to speak on that item? Hi there. >> [Inaudible - no mic]. >> Harper-madison: You're welcome to make your way to the podium. Thank you. I believe it was my colleague councilmember Kelly who requested some information on the item and I'm certain we look forward to hearing the answers to her questions. >> I'll be happy to try to answer anything I can. I'm Michael Coffey from the downtown Austin must not court here at the request of judge statman. Are there questions?

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>> Harper-madison: I believe so. >> Kelly: When I requested a believing about alternatives to fees and fines based on when people are pulled over for things like broken taillights or other items it was to help with racial and socioeconomic disparities. I initially imagined that perhaps sliding scale fee might be the best way to approach that and I thought we could base that on median family income. Some of the minor violations I thought about when I thought about this item were speeding, failure to stop for a school bus or broken taillights, but over the course of the last couple of days I learned from our city legal departments that those fees are fines are set by state law for state misdemeanor violations and the city can't change or augment those standards. I do know however that the city council can set fines and impose general standards for assessing fines for a violation of its own ordinances. So thank you so much for this as an agenda item, colleagues, but in the future the focus of my time will be trying to figure out where with the violation of our own ordinances we might be able to impact a greater

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affordability for our residents so that we can make sure that our fines are not overly burdensome for our residents and that they won't force our residents in the community further into poverty. So thank you again for having this item. Judge Coffey, if you have anything to add I'd be glad to hear it. >> I think what you said is certainly accurate I guess from the legal department. In my understanding of the law as well. The one thing I guess I would add just to be sure everybody's clear is that both municipal court and the community court currently do sliding scale in the sense that we look at individuals and what their ability to pay is. So we do take financial information from people. We do hear anybody's -- anything they have to say or anything they want to tell to a judge when they impose a fine. And the judges have a lot of

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leeway as to what they can actually do once they've gotten information, excuse me, and have heard what a defendant or I guess the state has to say about a particular case. The judge does have the ability to adjust the fine either higher or lower, depending on circumstances of the case and the facts of the case, and the ability of the defendant to pay. So we get a lot of information. Once we have that if we think the defendant still does not have an ability to pay or to do something, we can convert, fine, costs into community service where they can do volunteer work for non-profit agencies or government agencies. Community court in fact even as vehicles they can go out and do community service through the court itself. And municipal court cents people over to do that as

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well. In addition to that, the judges have an ability to allow various different types of things to count as community service, so things they think may help the community and hopefully help the individual as well. We'll have them sometimes do essays on topics that are appropriate depending on what's going on in their life. May have them try to get work if they're not employed and show if they've done efforts to do that or shown that they've gotten medical care or dental care or they're working on housing. We're able to give credit against community service hours in a variety of different ways. Finally, we also have an ability to waive if they're simply unable to pay or to do anything, we can simply waive the fine and costs. And all of that type of thing does happen on individual cases. So we don't have a giant standard sliding scale, but

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we do have individual sliding scales based on the person's circumstances when they're in front of the judge. Does that answer what you were asking? >> Kelly: Yeah, I think that addresses it perfectly. Can you give the community a few examples possibly of where this has worked in the past so that we can know how much of an effect it might have on an individual who might not be able to pay a fee or a fine? >> Sure. Many times when people are unable to pay they will come to court. They still had an offense so they're found guilty and fined on it. But when they meet with the judge they find that the judge may find that they're unable to pay or have a difficult time paying a particular fine or cost. I have assigned myself people to do things like meet with social workers and follow recommendations that the social worker may come up with, and that many times will go along the kinds of

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lines that I've said just a minute ago. They may be asked to go see a doctor if they've been ill. They may be taken over to help get their social security check going. They may be asked to come back and meet with the social worker and they're given an hour credit for coming back and just meeting on a regular basis so we're trying to make contact and make -- get them comfortable with meeting with our social workers and be able to come in and get help when they need to do that. You know, many times I've had like public intoxication you mentioned. I've assigned particularly younger people state-required classes, but in addition to that reading a particular book that I've read or two, a couple of different ones that I've read that I think are very good and give them an idea of where they could be

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heading if they continue along the path they're doing. Usually that's for a second or more offense. So they read this book and get essays back from these that I look at and review and maybe send back to them if they don't address the points I want them to address. And it makes a difference many times in

people's lives how they -- when they learn information about how other people have been affected and how they might in fact be able to avoid that kind of problem in the future in their life. >> Harper-madison: Thank you, judge Coffey. Sounds like you try to meet with people where they are. And it sounds like my colleague should there be any more innovative ideas about how people can resolve fines in lieu of cash -- >> And we're certainly open to ideas too. >> Harper-madison: Awesome. Feel free to come back with yours and we'll come to you guys with ours.

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Colleagues, are there any other questions? Council member vela. Thank you, vice-chair, by the way. >> Vela: Just a quick question on deferred adjudications or deferred dispositions. >> Dispositions, right. >> Vela: Which again for the public is where there's not a finding of guilt. You kind of defer the finding of guilt, you let the person take some actions to kind of mitigate county charge and then if the person successfully does that you dismiss the case at the end. Do those -- I'm working from memory here, but those have a court cost or some kind of dollar amount that is required before their entered? >> They can. And in those cases we do the same thing. We still get the financial information and depending upon their circumstances we can add on additional community service or add on something else or just waive it entirely if unique. >> Vela: And let's say a

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speeding ticket, for example, there's a minimum court cost that has to be paid, assuming someone will just pay their ticket, and any fine will be on top of that, is that correct, judge? >> That's correct. >> Vela: And in my experience, municipal court prosecutors have been really good about like the fine would be like 100-dollar. >> We have -- one dollar. >> We have a lot of cases where the fine is one dollar but most of the expense is the fees that the state imposes. >> Vela: That's my memory as well is they're not trying to tag on a big chunk on top of that. They're really just trying to get the person to take the defensive driving class or do whatever, fix the tail light that was out or something along those lines. Once that situation is fixed, the court and the municipal prosecutors in my experience have been flexible in working with defendants. >> That's absolutely true. Our point is basically we want it fixed and to not happen again.

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And that's the point of most of what we do. >> Vela: And I do appreciate councilmember Kelly's initiative and I think she's going in the right direction with those thoughts. >> Harper-madison: Councilmember Kelly. >> Kelly: Thank you. I just want to acknowledge, chair, that in some of our previous meetings you it talked about riding dirty and how that could potentially have impacts on people down the road. I want

to say this was more of a collaborative effort to bring forward based on listening to you and my other colleagues talk about ways that we can help our community and lift them out of their situation instead of forcing them further down into poverty. >> Harper-madison: Thank you, I appreciate that. Judge, unless there's anything else -- >> I would just add that that's the whole point of community court as well is exactly what we try to do. >> Harper-madison: Absolutely. We appreciate the work you do. We recognize that you have quite the haul at the community court. >> We appreciate the work we get from council. >> Harper-madison: Thank you. We appreciate your time. >> Thank you. >> Harper-madison: All

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right. So item number 2 is discussion and possible action on implementing -- I might have skipped one. No, that was approving the minutes. Item 3 is AFD for the allowable distance for hazardous storage in relation to single-family and multi-family residences. >> Thank you for being here. >> I have with me Renee Espinoza and she's been doing hazmat for over 20 years. She has soft experience and I may defer to her for questions as we go through the presentation. >> Harper-madison: Awesome. We requested this presentation due to the impact these regulations have on multi-family housing reduction. In this case why does the city have different standards for single-family versus multi-family and does this requirement align with regional and national

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standards? And I see you have a presentation for us. And so that's sort of the baseline question if and when you get to being able to help us understand. >> For sure. >> We have about 10 slides and we'll go through pretty quick and be here for question and answer. I think that's probably where we'll get to most of the questions that y'all have. We'll go ahead and get started. We're here to talk about regulations for hazardous material storage. Really what we deal with for the most part is multi-family residences when we become involved. Can you go to the next slide or do I do it myself. Okay, perfect, easy enough. So we provide a high level conservative view based on evacuation, exposure hazards. Affidavit regulates -- AFD regulates and monitors hazardous materials storage and use. Storage and use at facilities around the city. Often times the zoning changes that we're seeing over the last few years really encroach on the buffer that we like to see around these facilities.

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So typically I know we talk about the thousand foot rule and I know that's thrown around a lot, but typically when what we do with 1,000 feet is we use that as our search radius to start as we look for above ground hazardous materials, permits and sites that are within 1,000 feet of that area. If we know it is closer to one of our chip manufacturers or one of the more dangerous areas we may expand it to

more than a thousand feet but it's a general guideline we use as a starting point. Hazardous materials, sites that are permitted provide an evacuation exposure hazard and we look at the three things below here. We either do an AFD hazardous materials analysis, with you use the emergency response guidebook provided by the dot. Those are the two methods that we typically use to decide what the distance should be for the buffer around the industry. And again, our best practice is a big -- the bigger the buffer the better around the commercial stuff. So for sites not meeting the

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acceptable separation distance that we find, typically what we'll do is we recommend housing and planning should the zoning change not be approved. We've been aligned with housing and planning with most of these approvals. Again, this is just a recommendation from us. The zoning board and the council makes the final decisions on these. So in 2017 we requested that it be added to the formal review process and so in 2019 we had several zoning changes that were not approved based on AFD's input regarding health and safety. So the developer's at that point started asking for an informal review process prior to submitting a formal review. So a lot of what we do is an informal review where the developers come to us saying hey, we're going to request the zoning change for this property, would you all oppose it? Question do an informal review and what we see in the area and give a recommendation to them so they don't get into the process and have us cut them

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off. It's a more efficient way to do it, but informal process to let us work with them and let them know where we stand on what our recommendation would be on the zoning change. So again, we continue to do the formal and informal. We make recommendations to housing and planning department and we work directly with developers. So what are our concerns? The potential evacuation of a large number of folks from a residents is our primary concern, the amount of time it takes can be several hours, folks can refuse to evacuate. Significant time is spent on evacuation. That's our primary concern. From the time of lease to getting folks out of harm's way is our big concern and when you add a large number of folks to an area it becomes very difficult to get them out in a quick manner. Sheltering in place is another thing that we could possibly do in some locations but again depending on the locations, time of year, we may be shutting off ventilation, ACC, heat, those types of things. Folks may not comply with

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that evacuation or sheltering in place and possible refusal to shelter in place where they will be out and about causes again significant concerns for us for their safety and for the public safety folks that will be working in the area to deal with it. So again, a commercial buffer is what allows us time to access the

folks and act. So that buffer allows us that time. Removing commercial buffer creates exposure risk for first responders and residents and obviously as I mentioned before the shelter in place is -- can be really difficult especially if we have any vulnerable populations included in the area that we're talking about. So again, there are some other -- these are some of the more concerning things that we have in the Austin area. We do have five semiconductor sites in the area. Typically they store large quantities of hazardous materials and again, these places were permitted many, many years ago most of them and they were permitted

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under the current guidelines that existed then, not the guidelines we have now. So they only have to meet the code when when they were permitted. If they do upgrades or update things we bring them up to code. Some have been here as many as 30 years so we're dealing with older technology and again that concerns us. So we're also seeing expansion in the trip manufacturing in the Austin area. As y'all might have seen, president Biden passed a 52 billion-dollar chip manufacturing bill recently. A large majority of the microchips that are produced in the U.S. For autos are produced in Austin. And 12% of the chips in the world are produced in the U.S., most of those are Texas and most of those are Austin. So this is a big deal and we do expect major expansion. I know that there were some articles that came out recently about 3700, 3800-million-dollar expansions in some of these areas that we're talking about currently. So also along with the semiconductor facilities, we also have all the supporting

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cast that brings in the gases and the things that they need. So again, typically the gas places don't have the same controls as the manufacturers and they are also regulated under whatever code was in place when they came into existence. So again, we have -- we're really concerned about gases. So when it comes to hazardous materials, compressed natural gas, fuels, diesel fuel, jet fuel, those types of things, we know exactly what we're dealing with. There's lots of engineering sciences that tells us what the distance should be and what the separation should be and how we should act around those. When we're dealing with gases it becomes a very unpredictable and it's really tough to figure out exactly, you know, what's going to happen because just something as simple as a heavy breeze from one direction really changes the fallout area and the possible folks impacted by

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that. So again, we're really concerned about the gases. Heavy industrial areas around town we do have folks moving in and out and when tenants move in and out and it's industrial to industrial, if they're not telling us and giving us exactly what they're storing at that place, there could be some unregulated

hazmat in those areas as well. So that's a big concern for us too is just really being able to keep up with all of the changes and the new places coming to town with the massive manufacturing and expansion we've seen on the eastside of Austin with Tesla and some of the other things we have in the area. Here are five semiconductor sites. And you can see Samsung up north and we have nxp and a few around Ben white. You can see that essential, you believe, lines up with this, which is our industrial area. So this is a fairly recent, I think it's 2020 from the

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pd shows what is -- from the police department shows what is currently the industrial areas of Austin. As you can see as you've driven around town and you are familiar with these parts of town, there are residential buildings going into those areas. So we have approved a lot of sites but we're still very cautious and want to make sure that we're doing the right thing for the citizens and the folks moving in to those areas. So options for developers, one of the things we do allow developers to do is provide a technical report from an engineer stating with the seal on it that they've done a full review of the site and that they are comfortable with the site. I think we've only had a few of those that come through that we've accepted at this point. But it is an option. It's an expensive option and I think probably in most cases it cost the developer six figures to do that. But it is an option. We also -- we advise the developers that there's always other uses for the

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site rather than residential, but if that was the case we probably wouldn't be having the conversation with them anyway. And one of the things that we've talked about is a setting on their sites having setbacks in place for separation distance. An example would be that if you own a spot in a and a portion of your lot was closer than it needed to be to hazardous material you may be able to place your wash R. Parking lot on one side and the building on the other to create additional setback. We've done some of that and we have at least 10 cases --, what did you call it? Like the Feng shui of it? >> Just the setback. >> Harper-madison: I thought you called it something in particular. >> I don't think I said Feng shui. Maybe I did. Maybe we could look at that and essentially we're negotiating with the developer to get us to a safer place and that's really what we want in most cases.

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So again for the future, we can continue to institute the setback requirements when zoning cases are active and also will obviously continue to do the things that we've been doing with the informal reviews to provide the developers the information on the front end so that they don't spend a bunch of money working on a development that's not ever going to be approved. One of the other things that we've



talked about doing, again, we would need direction on this, is just to provide a letter in the file of what we recommend the buffers to be for these certain known hazards. Essentially what we would be doing at that point is establishing an exclusion zone. We don't necessarily have the authority to do that, but it could be something if directed that we could work on. Again, we haven't done a full risk analysis of the city of Austin since 1996 for the hazardous material side so I think that's probably something that we could update at some point in the future with us -- the informal reviews and all the other reviews we're doing,

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along with trying to keep up with the inventories of hazardous material is really taxing on our hazmat group and we only have a handful of folks working on that stuff. It's a big job and they do a great job but it's a lot to ask of the team. So that gets me to the end and at this point we can take questions. >> Harper-madison: I have some and I'm certain my colleagues do too. I've got everybody here. Vice-chair Kelly? >> Kelly: I was going to say you're the chair. >> Harper-madison: You're promoted. See you later, folks! [Laughter]. >> Kelly: Thank you so much for that informative presentation and thank you, chair, for putting this on our agenda. I have two things. The first I noticed the presentation is not in the backup and I think that it would be of great value to have that for reference later so I would request that staff puts that online for us. The second thing is a little off topic but I think it plays into this.

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How does mopac and the hazardous materials that go up and down mopac everyday play into your emergency planning process for hazardous materials because I heard you talk a lot about residential materials and my concern is if something were to happen there's a lot of houses near mopac. So not knowing what's going up and down mopac everyday certainly must be a challenge so I would like to hear a little bit about that. >> So the fire department is only responsible for stationary installations. We're not responsible for anything that's in transport. So we're not the entity that regulates that. >> Kelly: But you would be responsible for going to one of those incidents if they were to occur, correct? Responding to it. >> Yes, that's correct. >> Kelly: What would that look like? >> It would look like any other response for us. Typically we would be closing down parts of mopac and using our emergency response guidebook to evacuate as necessary and then mitigate the situation.

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We would probably need some additional resources maybe from outside the area, depending on what we were dealing with. It would just be like any other hazmat response, but with the highway involved it would clearly interrupt the city and in a bad way, similar to what we had with I-35 being closed this

weekend for several hours for a hazardous material spill with the diesel fuel. >> Kelly: Okay, thank you. >> Harper-madison: Thank you. Council member vela? >> Vela: Just to get back to some of the points that you made on the presentation. So in 1996 we went and we did kind of an analysis to identify all major hazardous material storage sites and we haven't updated that since 1999 in terms of a master list? >> Correct. We do monitor the hazardous

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materials and we constantly permit so there's a permitting process for hazardous materials over certain quantities. So we still have that rolling. It's not that it's unregulated, we just have not done a comprehensive review of everything in over -- actually I guess we're coming up on 25, 26 years at this point, which is probably longer than most of us have worked here. So prior to us even working for the fire department. >> Vela: So we're aware of where all the hazardous materials are but we don't have a list. >> We do have master list but we haven't done a look and verified everything at every single location. It's a heavy lift and something we haven't done. Our staff has constantly -- we are permitting every year. We are inspecting every year. Again, not every site, but we're expecting what we can every year. And we're we're engaged, but again nothing comprehensive that goes through every single thing like they did

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in 1996. >> Vela: How many sites do you think we're talking about, total hazardous material sites? >> 3500. >> Vela: So other than the chip manufacturers, what are the kinds of businesses, what types of places are we talking about? >> It could be anything from an auto body shop to any type of manufacturing where they have any kind of chemical process. So there's -- it's a very wide variety of things. So the chip manufacturing, again, it can also be an above ground diesel fuel or gasoline storage. Again, any of the gas storage that's lpg or petroleum products we're comfortable with what our exclusion Zones are based on a lot of history and a lot of incidents. The gases that come with some of the things like chip manufacturing are very scary and can have a really significant impact. So those are our biggest

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concerns, but to your point, 3500 sites is a lot and we have a pretty small staff that spends their time on this. We do use operations crews to go out and inspect some of these sites too. They're on the fire truck and in service they do some inspections, but again it's not fully comprehensive and again, part of our concern with the buffers is the fact that so many of these sites exist and the buffers are there to protect the citizens and we'd like to maintain those as much as we can. >> Vela: Got it T and again not to alarm

people, but a lot of these sites, I'm thinking of, for example, a swimming pool maintenance company will have a lot of hazardous materials. Would something like that small would be on the list? >> Yes. >> Harper-madison: Even a little kind of oil change shop will have large amounts of oil. Would that be on the list as well? >> Probably not in most cases. If there was a large shop they may, but your typical jiffy lube or something probably would not be on the list. >> Vela: Okay. Well, thank you. I appreciate it and it does sound like it's time to

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update that list, but again, I know resources can be limited. I understand why it hasn't been updated. I have no questions from me, chair. >> Harper-madison: Thank you, council member vela. I have a lot of questions and I'll go back to one of them and I was thinking through what types of places. So like dry cleaners, for example? >> We used to regulate a lot of dry cleaner -- actually, we still do. They're using a combustible product to dry clean, so yes, we do have some dry cleaners on the list. We have about 3400 sites that we identify as a hazard. So out of 3500 or so there's about 400 in the city that are at the top of the list for our inspections and revisiting. >> Harper-madison: And the others, I don't want to use the word benign, but the

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others are of less priority concerns, less danger, less content. Is it quantity, is it -- are they on a bad actor's list. >> The four hundred are on the list of both for quantity, the types of chemicals, and whether the manufacturing is more dike. So they're more likely to make changes without notifying us or their processes are just more complicated, so that's what makes the four hundred. >> That's very helpful. Thank you very much. And the risk analysis, what's the in addition standard for how often a municipality conducts that analysis? >> I'm not aware of any standard that would require us to do the risk analysis. It was back in 1996 as a result of a fire that required the evacuation

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of quite a few citizens. >> Harper-madison: So the fire was the impetus at that time, but there's no protocol for how often we make an assessment of our assets? And you think that's the case nationwide? I just found out something the other day that was really shocking to me about there's no -- is a people were dying all summer in ups trucks, for example, having heatstroke, but there's no national standard for requirements around that sort of inclement weather, like no air conditioning. So that really shocked me that there was no standard there. So I just wonder if this is one of those things where it seems obvious, but actually no, there is no standard. >> There's no standard to do the risk analysis like the type

that we did back in 1996 but there's certainly federal standards for siting of hazardous materials and with federal funding. So there is stuff out there on a national level, but it's just not -- there's not

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a whole lot of it. There's not a national regulation necessarily for cities to follow in regards to hazardous materials and siting. >> Harper-madison: It's safe to say that the 400 because they require the regular inspection as a part of the protocol that those are getting what would otherwise be covered in a more comprehensive risk assessment? >> We do try to go out and look at those sites as frequently as we can. We are a staff of three and -- >> Harper-madison: You said four and a half. >> We have a vacancy right now. >> Yeah, we have a vacancy right now. >> Harper-madison: Okay. Is that an issue for y'all like in terms of the kind of supports that council should be taking into consideration for the department? >> I think we can always use more resources and we were just granted more resources in this year's budget, including hazmat. >> Harper-madison: So it would be five and a half. >> It would be five and a half. >> Harper-madison: What's ideal for staffing, for hazmat?

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>> Honestly we could do with as many as seven or eight if -- so two more additional would be something that could possibly help us, but we're excited to see what we can do with the additional staff we just got this year. >> Harper-madison: Do you mind giving us an update maybe next year around this time just to see how it went and if that budget allocation of that fte was helpful? >> Absolutely. >> Harper-madison: I appreciate that, thank you. How do developers know to ask for that informal review? >> I think -- I think maybe word of mouth and then also guidance from the planning and zoning commission because the planning and zoning commission has done a great job -- the planning and zoning staff members have done a great job of sharing with folks as things have come in. Just for a few numbers, we've done 117 of reviews to this point. >> Harper-madison: This year? >> No, since 2019. And we've approved about 80% of the ones that have come in for informal review.

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So of those there were 27 that we opposed and then there were some that we asked for some setbacks. There's 10 that we asked for some change to their site that would allow us to approve it. So that was -- I guess we conditionally opposed it, but if they met our conditions we would approve it. >> Harper-madison: Thank you. >> So a majority of the ones we've looked at we have found a way to make it work for them, the staff has. We're despitd we were able to do that, but at the same time there are some critical areas that we're still going to kind of hold the line as far as we're concerned with making sure that we maintain those areas as a buffer for public safety. >> Harper-madison: I appreciate that. That

was actually one of the questions that I had when I was inspired to ask for this presentation is I wondered if there was any -- what's that expression about letter of the law, spirit of the code? I wondered if there was an opportunity for a human brain, you know, not ai, to determine whether or not this is a special circumstance and can -- do we have some more nuanced

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conversation? >> Absolutely, and when we hear the thousand foot rule and you guys are implementing the thousand foot rule. That's not really the case. That's where we'll start looking and then use judgment and guidance and evaluate as best we can. And on top of that, if we can't get to a place where we say we can, we offer them an opportunity to find an engineer to do a deeper study they can present to us that does say yes. That's a heavy lift for somebody because it's expensive and you may not -- you may spend \$100,000 on that study and they may tell you exactly what we told you already. So it's a tough place to be as a developer. I definitely recognize that. >> Harper-madison: I appreciate that. So you probably know this without me telling you, but a lot of our -- I think if I'm not mistaken, most of our semiconductor activity happens in district 1. Given district 1's pro expensety, especially -- proceed expensety, a lot of people don't realize that Samsung is in d1 because it's at Parmer and dessau

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but that's d1. And just thinking of when I think of how much development is coming to the district, it's not coincidental, it's because there were so many years of disinvestment in the district it's prime, it's ripe for -- you know, so that also leads me to wonder, though, given that history of disinvestment in the district, does we have enough fire resources in terms of proximity to those semiconductor sites. I know they all have their own fire suppression systems and fire departments on site, but just in terms of additional supports, is that ever a consideration for you all? >> I think the increased density citywide and especially in areas we had fire stations pretty spread out like in district 1, it's something we're constantly reevaluating. I don't necessarily have any major concerns right now, but I do think as we continue to grow and continue to infill and continue to increase the population, looking at infill stations or increasing the number of units at some of the

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stations that are in these areas may be beneficial for response times and that's what we look at as response times. In cases like this where we have a gas or hazardous materials incident, response times are really important that we're there in time to make sure we can evacuate folks or get them to hang out where they are while we figure out what's going on. So I -- >> Harper-madison: I appreciate that. I'll add that to my list of things for consideration. I had two more questions. You said you approve 80%.

Those 20%, the no's, what do the characteristics look like? >> So most of the no's are usually sharing a property line with a heavy industrial property or they are completely surrounded by industrial properties. So I would say that's probably the common thread.

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>> Harper-madison: Okay. And then -- I think that might have been the last of my questions. Oh, there was one other one. And it was about -- it was about something small that I saw on a list of prohibited uses for something that came across my desk recently. Janitorial supply. Because there is ammonia and windex. Is that unwith of those ones that would be considered in y'all's her view, and I wonder if that's why folks are trying to add to that to prohibited uses? I didn't realize that was a big problem. >> Yeah, they could be storing quantities of chemicals that would require an above ground hazardous materials permit. It would have to be larger

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quantities, I would think. >> Harper-madison: Is there like a baseline, when you say quantity, is it a million gallons, 30,000 gallons? >> No, so for our permitted amount, let's say you have gasoline, it would be ten gallons. If you have -- you know, sulfuric acid, it's a gallon. For gas it's 100 cubic feet. >> Harper-madison: So there's no real easy to apply -- >> It's dependent on an F k704 rating. So if they have a minimum nf po rating of -- in any of the categories, that plus the quantity qualifies them or requires them to get above ground hazardous materials permit. >> Harper-madison: The last question I'll ask you, when you say the folks in building services, they are able to pre-empt people going out and getting that

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site plan before they determine whether or not AFD will approve it. Is that a standard, like is there a checklist, check, check, check and do this or is that just something folks do? Because I don't want it to be -- you know how sometimes services are inconsistent and just depends who you get. I don't want that to be the case. Is that part of their checklist or sometimes they do, that informal review the recommendation to do that. >> As far as I know it's not a formal process. >> Harper-madison: That's something we could codify to make sure we build in that predictability. I don't have any other questions. Councilmember vela. >> Vela: Is there a map of the hazardous materials sites? >> We do not have a map who shows all the sites. We use software for the firefighters for them to access that has all the tier 2 sites which is a state reporting requirement, and

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it shows the 400 sites that I spoke of. But that's the only map I'm aware of. I don't think it's accessible to the public. >> Vela: Okay. And just out of curiosity, you know, you spoke about the fire way back when that triggered the 1996 review. When was the last time there was a major hazardous materials fire, something that -- a serious type of hazardous materials fire? >> Well, in terms of hazardous materials incident, it wasn't a fire. We had in June of 2019, we had a incident off of Springdale that involved anhydrous ammonia, release of anhydrous ammonia. >> Vela: Recently we had Samsung we were discussing, was that the one the chemicals leaked into the creek? >> Was that an environmental incident. It was on the environmental side which is the different

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kind of regulation, but it certainly speaks to the fact that it does happen, it could happen. >> Vela: And what was the 2019 Springdale situation? >> I'm sorry? >> Vela: What happened at that 2019, that Springdale leak of that chemical? >> There was a leaking valve. And that was actually a pretty long incident for you. But that is on a pretty big site with a lot of space. So it did not require any evacuation of any housing, as far as I know. >> Vela: Thank you very much. >> It was a 13-hour incident and there were road closures associated with it, but fortunately there was a buffer there so we did not have to evacuate anyone from their home. >> Vela: Appreciate you all's response. >> Harper-madison: I think I did have one question that didn't get answered and it was about how -- what impact. Has there been any analysis

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about what impact these regulations have multi-family housing? The production of multi-family housing? >> I don't know of any report or any incident about that. I mean I can tell you that we've -- the sites we looked at that we did turn down were mostly multi-family. The 20-must that we've looked at that we said no to were at least mixed use with multi-family. So that -- that's, you know, I don't know how to exactly measure that because it was all proposed things, but it would add up to lots of available units. >> Harper-madison: I don't know that I -- Michael, you think that's the kind of -- is that the kind of thing we could come up with a formula for to make the determination of how many multi-family units weren't produced because of the regulation? No? How would we determine what that -- >> I think it's difficult because it's proposed, right? So they proposed this, but we said, you know, because

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we're trying to catch this at the site planning or prior to site planning with zoning changes. So there's not -- it's not a real property at that point. It's just what they said they would do with it. >> Harper-madison: In which case there's no real impact. >> Exactly. >> Harper-madison: Got it. Thank you. I appreciate it very much. All right. So we're moving on to item number 4 is is our last item and it is a briefs of Austin's right-of-way easements compared to the recommendations of regulatory agencies. >> Yes. >> Harper-madison: Hi there. I called you prematurely. >> Likal Gates, financial services department. I might be joined by a colleague from dsd. I'm not sure. [Off mic] >> Virginia I will, yes. -- Virgil. I'll go ahead and get started if that's all right

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then. Or maybe not. >> [Off mic] >> Okay. Good to go? Okay. Okay, so how easements from established - easements are established. This is focused on city of Austin owned easements. There's two main ways they are established. One is the exaction process

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and they have to dedicated easements so they can be serviced with utilities and also safety agencies. And the other primary way is by acquisition basically, oftentimes under the threat and this is where there are no existing easements but we need to install utilities and we will make the threat to the property owner and acquire easements by separate easements. We've got some engineering types on the line that can answer specific questions, but by and large there are these manuals and if they are putting in, for instance, a six-inch pipe, it is going to be this deep in the Earth, they look into the manual and determine it needs to be a 15-foot-wide easement and that more or less dictates the size of that easement. The location is often termed by the needs of specific areas and/or the natural environment or self-evident to serve a particular subdivision they need to be

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in certain areas. City easements are not unusual or atypical so the rights we seek in our easements are very much like those sought by other governmental entities, not only Texas but the United States. So there's nothing unusual about our typical easements. So to the extent possible, easements are designed to minimize impact to development potential properties. And the exaction process, the developer is incentivized to make sure they leave as much area open and they are looking to site these things where they are minimize to the property's potential. When we are acquiring new easements, early on in the process, sometimes design engineers, their motivation is basically the most expedient route from point A to point B and they are not always mindful of property lines or impacts to property, but when we are



at the table with them, we can kind of explain to them how you can site this particular property to minimize the

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impact and thus minimize the cost to the city for acquiring that easement. Easements can overlap. If you have interference in overhead electrical easements and sidewalk, they can co-exist peacefully. If say you had an over head electrical easement with poles and storm sewer, you wouldn't want that running under the poles of the electric lines. That would be a material interference so that wouldn't be with a good co-exist tense. Correct owners can dictate the terms. You see this most often, for instance, with pipeline easements. You got a petroleum pipeline company, if you want to cost their easement, they are entitled before we are so they have superior rights to us so we need to accommodate their concerns and requirements. They might want some kind of certain barriers between what we're installing and they are installing or making sure we're roscoing

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perpendicular rather than parallel which can be an issue with accessing their particular line. The locations and types of easements can impact the property. That may go without saying, but the classic example would be a conservation easement which development is strictly limited over a particular property. Easements can impact the value, not only the type of easements but how they are located on the particular property. The city does employ measures to limit the impact on easement properties. We acquire subterranean easements. When you acquire an easement, you can think of it as basically being able to control from the core of the Earth to the heaven above for the particular use we are awiring the easement. But when we get a subterranean easement, rather than getting that heaven to Earth right, we are actually putting a floor and ceiling on our use and acquiring a volume of soil. If we need to access that

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particular line we have to do that in designated locations rather than anywhere we would want to access the line. We also notch out easements. If we're going close to an existing improvement. There's a eve or overhang, we will notch around and have an easement with a tooth to make sure that structure is clear of that easement. Along with that, the easement areas are defined. Our ability to control the remaining use of the property ends at the border of that easement area. That is basically what we control. One of the things about the widths we establish for our easements, if there isn't anything built up against it right now that would basically kind of preserve or save that space, so there's nothing

coming up against that easement in the future. For instance, say the criteria manual did indicate to 15 or 20-foot-wide easement and we were opting to go less than that, you would -- could

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inadvertently that could result in someone building up against that and when you need to maintain that line you don't have the width to do that safely. That's one of the considerations that would apply. I believe that's it for my slides. [Off mic] >> Okay. With that any questions. >> Harper-madison: Colleagues, any questions? [Off mic] >> Harper-madison: Just a moment. You said let you add what? [Off mic] >> Harper-madison: Vice chair Kelly. >> Kelly: I was going to be that councilmember that would ask for these slides to be in the backup. Thank you so much for your presentation. >> Pleasure. We'll get them in the backup. >> Harper-madison: No other questions? Okay. I have some.

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So how many miles, ballpark estimate, of overhead line does the 15-foot easement rule apply to? >> So there's no 15-foot rule, and how many miles, I would hate to hazard a guess. >> Harper-madison: I thought we created a new rule that required a 15-foot easement and they said it's necessary for safety. >> Stewart Riley is on the line. >> Good afternoon. Stewart Riley, acting deputy general manager and chief operating officer for Austin energy. And it is not an easement, that's correct. It is a rule for safety to keep the clearance of 15 feet away from high voltage power lines. >> Harper-madison: So to be clear, the 15-foot is accurate, but the semantics issue, it's not an easement, it's a clearance. >> That's correct. >> Harper-madison: Is that

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what you guys officially call it? I'm sorry, I didn't mean to interrupt you. I'm just want to go write down what it's actually called. A 15-foot clearance? >> Well, that's what we have referred to it as. It's a rule that's consistent with what other utilities do for public safety. OSHA requires a minimum of 10 feet for the worker. And state law as well dictates that workers must be outside of a 10-foot clearance. And so in order to have space between the building and that 10-foot clearance, there needs to be that 5-foot buffer for the worker to conduct the work in. That's how the 15 feet is calculated. >> Harper-madison: I'm sorry, I want to make sure I heard that right. OSHA requires 10-foot. >> For the worker. >> Harper-madison: And the

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additional 5-foot. >> Is so the worker has working space. If the building went up 15 feet, there would be no place for the worker to be because the building would take up all that room. And necessarily if the worker was at the edge of the building, they would be violating state law and osha. For scaffold, ladders, equipment, things of that nature, there needs to be some space between the building and that 10 feet so that the worker can stay within -- stay outside that 10-foot. >> Harper-madison: Got it. Can you -- I'm sorry. What was that? >> Does that make sense? I'm having trouble explaining. >> Harper-madison: You're doing fine. I'm just having a difficult time, for the sake of full disclosure, I'm getting calls about the item and there are some folks trying to do remodels and infill stuff that are being presented challenges. And so I'm just trying to figure out the whys.

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And another question I have, what other safety measures has Austin energy implemented to inform property owners, contractors and workers about risk of electro -- electric execution. >> We have an ongoing awareness campaign of maintaining clearance from power lines and downed lines. That's just part of our operations. When we adopted this change, we did seek input from the building community as well as labor unions. The building community obviously as you would guess had concerns about it. There wasn't really another option that we could come up with. We worked together pretty closely for a period of time. We also reached out to all the labor unions involved in this work and they were

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all -- of those that responded they were all supportive of this rule. >> Harper-madison: Can you tell me which ones did not respond? Do you know offhand? >> I -- >> Harper-madison: That's something I can get later if you don't have easy access to. >> I have that information somewhere, but not at my fingertips. >> Harper-madison: If you could get it to me later, that would be helpful and I'll share with my colleagues. Another question I have, one of my colleagues, mayor pro tem alter requested research to see if the 15-foot buffer rule is on par with peer cities. So what is the status of that research and how do other cities address these types of safety issues? >> Yes, so officially when we did research into this to some comparables for our peers, we looked at utilities in our immediate vicinity, like pedernales,

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bluebonnet and so forth. And they were all 15 feet. The request was that we look for data for utilities that were in more of a dense urban environment. Although keep in mind part of pedernales' service

area is getting quite dense so they are dealing with many of the same challenges we are dealing with on their eastern side of their service territory. But, you know, so what we did in that -- in the course of researching it further was we reached out to as many utilities as we can, some of our peer groups, industry groups, and this is something that a lot of utilities are struggling with. They -- they are encountering kind of the same confusion where people think that the 10-foot working clearance, the safety requirement, is the same as a building clearance requirement and not leaving any room for that worker to conduct their work. But -- so many of them might actually have the easement space to where they have a

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real property interest in that electric line space to where their clearance requirement might not be as big of a deal, but what we did find, those who did have it documented, 14 feet and 15 feet was most common. For example, Detroit, Seattle, you know, Toronto, San Antonio, we did look at cities like that and found this was consistent with what they have in place. Although some of them might measure it slightly different which would make the 15 feet actually -- ours is a radius around the conductor rather than a vertical plane which helps out and helps out the developer in many cases here. >> Harper-madison: Thank you. I appreciate that. And then -- actually that -- oh, and then so my last question is does Austin energy report safety violations to osha?

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>> I don't know, but we do -- we do track safety violations internally in terms of hazards that we find. And that's partly what led to this was we were seeing many instances in which people had scaffolding up against power lines. There was a fatality in new braunfels of a window washer. We see it in terms of tracking the safety based on what is being built out there that we might see that is encroaching within that safe clearance requirement. But in terms of reporting a violator to osha, I'm not aware of that. What we'll do is we can tag it and we can stop development and they can have to go through the review process if there is work taking place that's not permitted or so forth. >> Harper-madison: Thank you, I appreciate that. That was all my questions. Colleagues, any other

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questions? Councilmember vela. >> Vela: Not a question so much as just a comment, and I've heard a lot of same concerns that our chair has heard. Which is basically -- especially in central Austin, where, you know, you have smaller lots, you know, people are trying to do a duplex or Adu or something to that effect. And again, we have things like the heritage tree ordinance. We have kind of like so many restrictions that the buildable area where, you know, people can realistically fit a building is just getting

reduced by so much. And again, that rolls into costs, that rolls into a lot of other factors. Of course, you know, we want to make sure that -- that our employees, Austin energy employees are safe and again

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any workers around there are safe. But that's just my sense also for the -- where the concerns are between your side setbacks and front setbacks and utility polls are in the rear, we have a smaller and smaller buildable area which is just making it more and more difficult to build a housing that we so desperately need. I very much appreciate the presentation, Mr. Riley. >> Thank you. >> Harper-madison: Thank you both very much. We appreciate it. All right, colleagues, if that's it, I'm open now to brief discussion on items that we can discuss in the future, if there are any. Either of you? Vice chair Kelly. >> Kelly: Thank you. I would like to get an overview of the various public safety interlocal agreements that we have. I think that would be helpful for us to know. And then I'd also like

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something about our wild urban land -- our wildland-urban interface risk assessments. >> Harper-madison: I'm assuming our staff liaison is going to take that down. Would you mind putting that in email form to me and my staff so we can make sure -- thank you. I appreciate it. There's a couple things I'm still ironing out around their application so I'll bring them forward in a couple weeks. Councilmember vela? >> Vela: We could look at them as a committee, but the report that came out just on Friday with regard to the response to the George Floyd protest. But my sense would be that's probably something that the full council would probably want to hear about before our next meeting. But I just wanted to put that out there because I know a lot of questions about that and we have to talk through that.

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That comes to mind right now. >> Harper-madison: I tend to agree that will probably be a matter the full council will take up. Thank you. I appreciate it. All right, folks, if that's it, with no objection, we are adjourned at 3:11 P.M. Thank you everybody.