

**PUBLIC SAFETY
COUNCIL COMMITTEE MEETING
SEPTEMBER 26, 2018
3:00 P.M.
MUNICIPAL PLAZA BUILDING**

Members Present: Councilmember William Cruz Shaw, Chair, *District 2*
Councilmember Greg Brockhouse, *District 6*
Councilmember Ana Sandoval, *District 7*
Councilmember John Courage, *District 9*
Councilmember Clayton Perry, *District 10*

Members Absent: None

Staff Present: Councilmember Rebecca Viagran, Councilmember Shirley Gonzales; Erik Walsh, *Deputy City Manager*; Rod Sanchez, *Assistant City Manager*; Ed Guzman, *Deputy City Attorney*; Joe Niño, *Deputy City Attorney* Jim Kopp, *Assistant City Attorney*; William McManus, *Police Chief, SAPD*; Carl Wedige, *Deputy Fire Chief, SAFD*; Robert Blanton, *Captain, SAPD*; Michael Shannon, *Director, Development Services Department*; Melissa Ramirez, *Assistant Director, Development Services Department*; Denice F. Treviño, *Office of the City Clerk*

Others Present: Martha Herrera, *Our Lady of the Lake University*; Crystal Negron, *Our Lady of the Lake University*; Rick Briscoe, *Open Carry Texas*; Tara Mica, *NRA, Texas State Rifle Association*; Keri Hillyer, *Citizen*; Brandon Burkhart, *TITFF*; Lamar Henry, *TITFF*; Stephanie Zarriello, *The San Antonio Observer*; Nathan Graf, *SAISD*; Chris Upton, *Brittlex Financial*; Drew Galloway, *Move Texas*; Dennis Kirsch, *Citizen*; Cortney Harris, *Bethel*

Call to order

Chairman Shaw called the meeting to order.

1. Approval of the August 29, 2018 Public Safety Council Committee meeting minutes

Councilmember Sandoval moved to approve the minutes of the August 29, 2018 Public Safety Council Committee Meeting. Councilmember Courage seconded the motion. The motion carried unanimously.

Items for Consideration:

2. Briefing and Possible Action on Safe Gun Initiatives. [Presented by Andrew Segovia, City Attorney]

Ed Guzman stated that under Texas Local Government Code 229.001: (a) A municipality may not adopt regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies. He noted that Subsection (b) provides that a municipality has the authority provided under law to: (3) regulate the use of property, the location of a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection. He stated that between June 26, 2018 and September 20, 2018, there were 111 shootings in the United States which resulted in four or more persons being killed or injured (not including the shooter/suspect). He noted that said shootings resulted in 95 deaths and 452 injuries.

Chief McManus reviewed the 2018 year-to-date gun violence overall and by City Council District. Mr. Guzman noted that gun violence had decreased in every City Council District. He stated that the city had the ability to amend the Unified Development Code (UDC) to define "firearm", "firearm sales", and "Gunsmith". He noted that the proposed amendments would allow the sale of firearms only in "C-3" General Commercial Districts. He stated that Gunsmith Shops could be located in C-3 or Light Industrial Districts. He noted that these clarifications and zoning requirements would have the effect of regulating the sale of firearms to specific, high intensity commercial areas of the city. He stated that it may be possible to establish gun-free zones that extend 1,000 feet from schools, consistent with State and Federal Laws. He noted that a Federal Appellate Court upheld a 500 foot gun-free zone established in California and the City of Galveston had established a 200 foot gun-free zone from schools, parks, and places of worship. He stated that the city could partner with Bexar County to identify defendants which were charged with family violence type cases, weapons cases, and felony cases so that judges could be encouraged to consider imposing a prohibition on the possession of any weapons while out on bond. He noted that once the city began to conduct its own magistrations, the same encouragement could be given to City Magistrates. He stated that the Governor issued a School and Firearm Safety Action Plan on May 30, 2018 in response to the Santa Fe High School shooting which resulted in 10 deaths and 13 injuries. He noted that said Plan included the following five items for consideration to enhance firearm safety:

1. Closing gaps in information reporting for background checks by creating a Case Management System for Texas Judges
2. Encouraging the Legislature to study the possibility of creating a "red flag" Law to identify persons who are a danger to themselves or others and who either have access to or own firearms
3. Work to make sure that adjudications affecting the right to legally purchase and possess firearms are reported within 48 hours. This 48-hour requirement should also extend to protective orders and family violence convictions.
4. Strengthening the Safe Firearm Storage Law
5. Mandatory reporting of lost or stolen guns

Mr. Guzman stated that staff recommended the following:

- Amending the UDC to define and regulate gun sales/gunsmithing and zoning
- Researching 1,000 foot gun-free zones from schools
- Engaging Bexar County regarding magistration and conditions of bond/establish city recommendations for similar approach
- Including the Governor's five proposals for enhanced firearm safety in the City's legislative package

Citizens to be Heard

Rick Briscoe stated that the recommendations were inconsistent with the intent of the State Preemption Statute and the Texas Constitution.

Tara Mica stated that the recommendations would conflict with the State Firearms Preemption Law.

Keri Hillyer spoke against the use of tax dollars on the recommendations.

Brandon Burkhart stated that the right to bear arms should not be provided by the government.

Lamar Henry stated that the recommendations would not address criminals and would punish business owners.

Stephanie Zarriello encouraged the Committee to do everything it could to ensure gun safety.

Chris Upton stated that Federal Law created gun-free zones around schools.

Drew Galloway spoke in favor of the proposed policy solutions and the city's legislative package.

Cortney Harris stated that she supports the city's efforts against gun violence.

Dennis Kirsch stated that he was opposed to the use of zoning as a gun control measure.

Councilmember Sandoval asked what zoning category currently allowed the sale of firearms. Michael Shannon replied that gun sales fell under the category of general retail or pawn shops (C-1 or C-2 categories).

Councilmember Sandoval moved to recommend and forward amending the UDC to define and regulate gun sales/gunsmithing and zoning to the full City Council and researching the 1,000 foot gun-free zones from schools for consideration and moved to recommend and forward engaging Bexar County regarding magistration and conditions of bond/establish city recommendations for similar approach and including the

Governor's report for enhanced firearm safety in the city's legislative package to the Intergovernmental Relations Council Committee for consideration. Councilmember Courage seconded the motion.

Councilmember Perry asked if internet sales would be included. Mr. Shannon replied that internet sales would not be included. Councilmember Perry stated that he was skeptical regarding the success of the proposed zoning and would not support the motion made. He expressed support for the Governor's recommendations.

Councilmember Courage expressed support for the Governor's recommendations and recommended further research of gun-free zones in other cities. He made a friendly amendment to Councilmember Sandoval's motion to add the recommendation to further research gun-free zones in other cities to the items forwarded to the Intergovernmental Relations Council Committee. Councilmember Sandoval accepted the friendly amendment. Councilmember Courage noted that none of the recommendations would violate the second amendment. He asked if the issue would be forwarded to the IGR Committee and to a future B Session. Mr. Walsh replied that it could.

Councilmember Brockhouse expressed support for forwarding the Governor's recommendations to the Intergovernmental Relations Council Committee. He noted that a risk assessment for liability needed to be accomplished. He moved to table Councilmember Sandoval's motion until a legal analysis was completed. Councilmember Perry seconded the motion. The motion to table failed by the following vote: AYES: Councilmembers Brockhouse and Perry NAYS: Councilmembers Sandoval, Courage, and Shaw.

Councilmember Courage withdrew his friendly amendment.

Councilmember Shaw confirmed the motion by Councilmember Sandoval would include the following two recommendations: 1) Amending the UDC to define and regulate gun sales/gunsmithing and zoning; and 2) Researching 1,000 foot gun-free zones from schools and be forwarded to a future B Session. He also confirmed that the following two recommendations would be forwarded to the IGR Council Committee with support from the Public Safety Council Committee: 1) Engaging Bexar County regarding magistration and conditions of bond/establish city recommendations for similar approach; and 2) Including the Governor's five proposals for enhanced firearm safety in the City's legislative package.

The motion prevailed by the following vote: AYES: Councilmembers Sandoval, Courage, and Shaw; NAYS: Councilmembers Brockhouse and Perry.

3. Briefing on the School Bus Camera Program. [Presented by William McManus, Chief of Police]

Chief McManus stated that on June 30, 2016, the City Council approved an Ordinance establishing civil penalties for school bus arm violations. He noted that the following stipulations were made in the Ordinance:

- Video of violation must be reviewed by an independent third party.
- Written notice must be mailed to owner within 30 days.
- School Districts must appoint independent hearing examiners.
- 30 days to appeal from date of notice of violation received
- Prohibits warrant, appearance on driving record and credit report
- Fine may not exceed \$500 and \$25 fine for failure to respond

He stated that five School Districts had operated programs since the 2016-2017 school years to include Judson, Northeast, South San, Southside, and Southwest Independent School Districts. He reviewed the number of buses with cameras, citations issued, fines assessed and collected, and percent of fines collected for each School District. He noted that the City Attorney's Office contacted BusGuard regarding actions which violated the Ordinance such as:

- Use of the city logo and wording on notices
- Improper filing fees charged to violators
- Excessive late fees and threat of civil action

Chief McManus stated that residents have expressed concerns due to:

- Lack of public communication/education
- Lack of information on citation/difficulty appealing
- Lack of School District point of contact

He reviewed the appeals process for the San Antonio, Northeast, South San, and Southside Independent School Districts. He noted that the proposed improvements for School Districts were to:

- ❖ Create a uniform appeals process
- ❖ Post program information on district websites

He stated that the proposed improvements to the Ordinance were to:

- Require School Districts to designate a point of contact
- Require citations to include School District contact information

Chief McManus reported that the Northeast Independent School District would not issue citations during the current school year and Southwest Independent School District would suspend issuing citations until process improvements were implemented. He stated that

the remaining three School Districts would continue to operate their respective programs. He noted that School Districts were considering development of an Interlocal Agreement to piggy back on the contract executed between the San Antonio Independent School District (SAISD) and American Traffic Solutions (ATS). He stated that SAISD implemented a Bus Camera Program at the start of the 2018-2019 school year administered by ATS in which the following would apply:

- SAISD controls disbursement of revenue and monies sent directly to the district.
- District to receive 15% of revenue Year 1 with share increasing each year to 35% by Year 5
- ATS equips buses with cameras, Wi-Fi capability, GPS technology, and electronic card readers.

He stated that staff recommended that the Committee recommend and forward the continuance of the Ordinance with suggested amendments to the full City Council for consideration. He noted that the San Antonio Police Department would continue to communicate with School Districts and monitor progress and provide the Committee with an update in early 2019.

Councilmember Courage requested that a revision/addition to the Ordinance be made stating that funds collected by School Districts be utilized for school safety. He requested that School Districts supply quarterly reports to the city to include information on areas where violations occur.

Councilmember Perry asked if the Bus Arm Camera Programs created a cost to the city. Chief McManus replied that said programs did not create a cost to the city.

Councilmember Brockhouse stated that the Ordinance should be abolished.

Councilmember Courage stated that Bus Arm Camera Programs offer a clear advantage to School Districts.

Nathan Graf stated that the SAISD Bus Arm Camera Program included other features besides outside cameras such as on board cameras, GPS, Wi-Fi and student tracking. He noted that the features included an educational component including advertisements and signs. He stated that their revenue model was different from those of other School Districts and their appeal process followed that of the Austin Independent School District.

Councilmember Sandoval requested information on the effectiveness of the Ordinance.

Councilmember Courage moved to recommend and forward the recommendations for an amended Ordinance to include a point of contact designated by the School Districts, include a School District point of contact on citations, add statistical quarterly reports, and language outlining the use of funds collected by School Districts for school safety.

Councilmember Sandoval seconded the motion. The motion prevailed by the following vote: AYES: Councilmembers Shaw, Sandoval, Courage, and Perry. NAY: Councilmember Brockhouse.

4. Briefing on the San Antonio Fire Department's Completed Self-Assessment.
[Presented by Charles N. Hood, Fire Chief]

Carl Wedge stated that the Fire and Emergency Services Self-Assessment Manual (FESSAM) along with the Strategic Plan and the Community Risk Assessment Standards of Cover were part of the accreditation process which would be considered by the full City Council in October 2018. He noted that the FESSAM:

- Evaluates all divisions in the department
- Includes 252 criterion
- Includes 88 core competencies

He stated that the 88 core competencies included the following 10 categories:

1. Governance and administration
2. Assessment and planning
3. Goals and objectives
4. Financial resources
5. Programs
6. Physical resources
7. Human resources
8. Training and competency
9. Essential resources
10. External systems relationships

Deputy Chief Wedge noted that a description, appraisal and plan were included for each criterion. He reviewed the completed parts of the accreditation process and stated that the accreditation site visit would occur from January 6-10, 2019. He added that the Commission Hearing would be held in March 2019.

Councilmember Perry asked of the cost of the accreditation process. Deputy Chief Wedge stated that the cost was \$50,000. Councilmember Perry requested a summary of the benefits of accreditation.

No action was required for Item 4.

Consideration of items for future meetings

Adjourn

There being no further discussion, the meeting was adjourned at 5:20 p.m.

William Cruz Shaw, Chair

Respectfully Submitted

Denice F. Trevino, Office of the City Clerk