

**PUBLIC SAFETY  
COUNCIL COMMITTEE MEETING  
OCTOBER 23, 2018  
10:00 A.M.  
MUNICIPAL PLAZA BUILDING**

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

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**Members Absent:** Councilmember John Courage, *District 9*

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**Staff Present:** Erik Walsh, *Deputy City Manager*; Liz Provencio, *First Assistant City Attorney*; Joe Niño, *Deputy City Attorney*; Savita Rai, *Assistant City Attorney*; William McManus, *Police Chief, SAPD*; Robert Blanton, *Deputy Chief, SAPD*; James Sides, *Lieutenant, SAPD*; Denice F. Treviño, *Office of the City Clerk*

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**Others Present:** Iris Dimmick, *Reporter, Rivard Report*

**Call to order**

Chairman Shaw called the meeting to order.

**1. Approval of the September 26, 2018 Public Safety Council Committee Meeting Minutes**

Councilmember Brockhouse moved to approve the minutes of the September 26, 2018 Public Safety Council Committee Meeting. Councilmember Perry seconded the motion. The motion carried unanimously by those present.

**Citizens to be Heard**

There were no citizens registered to speak.

**Items for Consideration:**

**2. Briefing and Action on Massage Parlors.** [Presented by William McManus, Chief of Police]

Chief McManus stated that there had been significant changes in the Massage Industry since adoption of the existing Massage Parlor Ordinance three decades ago. He noted that the existing Ordinance required the following:

- Businesses cannot operate between 10:00 p.m. and 8:00 a.m.
- Sanitation practices related to supplies and equipment

- Businesses to register with the San Antonio Police Department (SAPD) and acquire city permit

Chief McManus stated that the city has issued 110 active certificates of occupancy to massage businesses:

| Certificates of Occupancy |              |          |              |
|---------------------------|--------------|----------|--------------|
| District                  | Certificates | District | Certificates |
| 1                         | 20           | 6        | 6            |
| 2                         | 5            | 7        | 5            |
| 3                         | 0            | 8        | 18           |
| 4                         | 2            | 9        | 26           |
| 5                         | 1            | 10       | 27           |

He noted that since 2017, the SAPD Vice Unit had conducted 28 investigations related to drug and prostitution complaints as noted below:

|                          | 2017 | 2018 | Total |
|--------------------------|------|------|-------|
| Investigations           | 15   | 13   | 28    |
| Citations                | 29   | 19   | 48    |
| Arrests                  | 10   | 9    | 19    |
| Establishments shut down | 1    | 1    | 2     |

Chief McManus stated that approximately 15 establishments were responsible for the majority of complaints and violations. He noted that investigations were conducted in coordination with the City Attorney's Office, Development Services, Metro Health, and the Texas Department of Licensing and Regulation (TDLR) and consisted of:

- ❖ Internet search on prominent review sites to determine if the establishment has a history of illegal activity
- ❖ Undercover operation to attempt to obtain prostitution services

He stated that once a case was made, the owner and the landlord were contacted and the individuals were reported to the TDLR for possible revocation of the license. He added that the city may file a lawsuit once a minimum of 6 cases were made related to sexual, drug-related or violent crime at the property. He stated that the following proposed amendments would strengthen the Ordinance and allow the city to focus enforcement to address illegal activity:

- Require businesses cited for the following violations within a 12-month period to obtain a city permit:
  - Charge of any violation of the Penal Code
  - Three or more minimum housing violations
  - Failure to post TDLR license for business, owner, and/or masseur

- Prohibit living/sleeping quarters
- Prohibit barriers to entry
- Increase penalty for operating without a permit from \$200 to \$500
- Enumerated list of Penal Code violations which would first result in requiring a permit and then subsequent violation for revocation of a permit and Certificate of Occupancy

Chairman Shaw stated that the amendments were proposed to address repeat violators.

Councilmember Perry requested data on the Districts where the complaints were coming from. Chief McManus stated that he would provide said data. Councilmember Perry asked if the proposed amendments were benchmarked with other cities. Lieutenant James Sides replied that the proposed amendments were benchmarked with other cities in Florida and in Houston and Dallas.

Councilmember Sandoval asked if any high end spas served alcohol. Lieutenant Sides replied that he had not heard of any.

Erik Walsh stated that SAPD and the City Attorney's Office would facilitate a stakeholder meeting to advise massage businesses of the proposed amendments and to solicit feedback.

Councilmember Brockhouse moved to recommend and forward the proposed amendments to the Massage Parlor Ordinance to the full City Council for consideration. Councilmember Perry seconded the motion. The motion carried unanimously by those present.

### **3. Briefing on Councilman Brockhouse's CCR on the Creation of a Mail Theft Task Force.** [Presented by William McManus, Chief of Police]

Chief McManus stated that on June 20, 2018, SAPD briefed the Governance Committee on department efforts to investigate and prevent mail theft. He noted that a Council Consideration Request (CCR) was submitted by Councilmember Brockhouse requesting the creation of a Mail Theft Task Force. He stated that this was discussed at the Governance Committee Meeting and SAPD did not recommend the creation of a Mail Theft Task Force. He noted that SAPD currently worked in coordination with various Local, State, and Federal Agencies to investigate and prevent crimes. He noted a 52% decrease in mail theft through September 30, 2018. He reviewed the following offenses and penalties related to mail theft:

| <b>Offense</b>    | <b>Classification</b>                       | <b>Penalty</b>                             |
|-------------------|---|--|
| Criminal Mischief | Class A Misdemeanor                         | Up to one year in jail; fine up to \$4,000 |
| Fraud Use         | State Jail to 1 <sup>st</sup> degree Felony | 180 days to life in prison                 |

| Offense           | Classification                              | Penalty                    |
|-------------------|---|----------------------------|
| Credit Card Abuse | State Jail to 1 <sup>st</sup> degree Felony | 180 days to life in prison |

Chief McManus presented the following mail crimes by service area:

| Service Area | 2017*      | 2018 YTD*  |
|--------------|------------|------------|
| North        | 155        | 40         |
| Prue         | 66         | 54         |
| East         | 26         | 9          |
| West         | 22         | 13         |
| South        | 11         | 14         |
| Central      | 9          | 8          |
| Bad Address  | 3          | 3          |
| <b>Total</b> | <b>292</b> | <b>141</b> |

\*As of September 30

Chief McManus stated that SAPD served on the following two multi-agency task forces responsible for investigating crimes associated with mail theft:

- Electronic Crimes Taskforce
- Financial Crimes Taskforce

He noted that the participating agencies were: 1) Internal Revenue Service; 2) Bexar County Sheriff/District Attorney; 3) Department of Public Safety; and 4) Local law enforcement (Bexar County and Rio Grande Region). He stated that House Bill (HB) 1747 was introduced in the 85<sup>th</sup> Legislative Session by Ina Minjarez. He noted that said HB would make mail theft a State Offense and would established penalties ranging from a State Jail Felony to a second degree Felony depending on the number of pieces of mail appropriated. He stated that the city supports this legislation and has included it in its Legislative Program for the upcoming Legislative Session.

Chairman Shaw stated that multiple agencies have worked to criminalize mail theft.

Councilmember Perry asked what attributed to the recent decrease in mail theft. Chief McManus stated that the decrease could be attributed to the number of arrests based on operations made by the taskforces. Councilmember Perry requested information on the number of arrests made and prosecuted for mail theft. Chief McManus stated that he would provide that information. Councilmember Perry asked of recommendations for prevention of mail theft. Chief McManus stated that San Antonio Fear Free Environment (SAFFE) Officers presented information on prevention of mail theft to residents.

Erik Walsh suggested that design standards be established as part of the Unified Development Code (UDC). He stated that said design standards and other recommendations for prevention of mail theft would be brought back to the Committee in two months.

Councilmember Sandoval requested written material related to mail theft prevention which could be sent to constituents. Chief McManus stated that said written material would be provided.

Councilmember Brockhouse stated that he supported taking this item to the State Legislature.

No action was required for Item 3.

### **Consideration of items for future meetings**

Erik Walsh stated that “cite and release” would be discussed at the November 2018 meeting and design standards and other recommendations for prevention of mail theft would be brought before the Committee in January 2019.

### **Adjourn**

There being no further discussion, the meeting was adjourned at 10:39 a.m.

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***William Cruz Shaw, Chair***

***Respectfully Submitted***

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***Denice F. Trevino, Office of the City Clerk***