

City of San Antonio



Minutes Public Safety Committee

2023 – 2025 Council Members

Melissa Cabello Havrda, Dist. 6, Chair
Dr. Sukh Kaur, Dist. 1 | Jalen McKee-Rodriguez, Dist. 2
Marina Alderete Gavito, Dist. 7 | Marc Whyte, Dist. 10

Tuesday, September 17, 2024

9:00 AM

Council Briefing Room

The Public Safety Committee convened a regular meeting in the City Hall Council Briefing Room beginning at 9:05 AM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Committee Members present:

Members Present: Melissa Cabello Havrda, *Chair*
Dr. Sukh Kaur, *Member*
Jalen McKee-Rodriguez, *Member*
Marina Alderete Gavito, *Member*
Marc Whyte, *Member*

Members Absent: None

Approval of Minutes

1. Approval of minutes from the August 20, 2024 Public Safety Committee Meeting.

Councilmember Kaur moved to Approve the minutes of the August 20, 2024 Public Safety Committee meeting. Councilmember Whyte seconded the motion. The motion carried by the following vote:

Aye: Cabello Havrda, Kaur, Alderete Gavito, Whyte
Absent: McKee-Rodriguez

Briefing and Possible Action on

2. Briefing on the San Antonio Police Department Crime Data for January 2024 to August 2024 and an update on the Violent Crime Reduction Plan. [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Chief of the San Antonio Police Department (SAPD) William McManus presented an overview of the Item. He explained that the FBI required reporting using the National Incident Based Reporting System (NIBRS) which recorded each offense occurring within an incident and classified offenses in two Groups: A or B. Group A included the most serious crimes and were divided in three crime categories: 1. Against Persons, 2. Against Society and, 3. Against Property. He indicated that there were 24 categories and over 50 offense types in Group A. McManus noted that Group B offenses were only included in crime statistics and only reported if an arrest was made. There were 10 Categories of Group B offenses.

For the period of January 2024 through August 2024, SAPD received over 1.5 million calls, according to McManus and the average response time for emergency calls was 6:22; the non-emergency calls average response time was 20:29. He noted that for the same period, crime was down 3% overall; violent crimes against persons was down 1.9%, crimes against society were down 2.1% and crimes against property dropped 3.4% mostly attributed to slowing auto thefts.

McManus introduced Dr. Michael Smith, with the University of Texas at San Antonio (UTSA) Center for Applied Community and Policy Research who presented the 18-month report of the San Antonio Violent Crime Reduction Project (SAVCRP). Smith stated that drawing from a substantial body of research on strategies with the most evidence for success, the Project included three primary components: 1. A near-term strategy (hot spots) meant to substantially increase police visibility in areas where violent crime was concentrated and prioritize street-level deterrence. 2. A mid-term strategy focused on violent places in the City using a Problem-Oriented, Place-Based Policing (POPBP) approach. 3. A longer-term, offender-based strategy that would utilize Focused Deterrence to help break the cycle of violence among the small number of repeat and high-risk offenders, who were responsible for the majority of violent crime in San Antonio.

Hot spots, according to Smith, were grids where crime was densely concentrated (San Antonio has 135,902 100 square meter grids), and the treatment focused on violence-prone micro-locations by increasing police visibility at or near those locations (associated grids) to deter violent offenders. He reported that in the first six months of 2024 compared to the same months in 2023 murder rates had decreased 28.6%, robbery of individuals had decreased 8.6%, robbery of businesses had increased 17.3%, non-family violence related aggravated assault had decreased 7.5%, and deadly conduct had decreased by 10%.

Smith stated that the second phase of the SAVCRP was Problem Oriented Place-Based Policing (POPBP) and included analysis-driven, problem-oriented approach to reducing the proximate causes of violence at persistently violent places. He indicated that department heads and POPBP working group members were trained by UTSA in the fall of 2023. Smith stated that the Rosemont at Highland Park Apartments located at 1302 Rigsby Ave was the first site chosen based on analysis of two-year rates of violent crime, arrests, and calls for service. He noted that work on the site began in June 2024; the evaluation results would be presented in the Year 2 report (Feb-Mar 2025).

Smith summarized the 18-month results noting that San Antonio had experienced an additional 5.2% decrease in the average number of monthly violent crime incidents during the first six months of 2024 compared to the same time last year, a 6.0% decrease in violent victimization over last year, average monthly counts of all crime types except for business robberies were down

compared to last year, with the largest decrease seen in murder (-29%), violent crime was down 8% in treated hot spots with some variation and even increases in some substations, primarily Central, and violence-related arrests and calls for service were down City-wide and in treated hot spots.

DISCUSSION:

Chair Cabello Havrda stated that this was good news and it was good to see the decrease in crime. She requested the crime trends over a longer period than the five years presented and asked how these trends could be attributed to the Program. Smith commented that five years was typically the longest term that would be studied and interrupted time series and hot spot level analysis were intended to determine cause and overall crime reduction was 24.6% greater in the treatment area as compared to the entire City. Chair Cabello Havrda asked how on-call versus proactive time and additional officers would impact the SAVCRP. McManus stated that a change in staffing would not affect the Program.

Councilmember Whyte asked why arson, destruction/damage/vandalism (criminal mischief), stolen property, and robbery of businesses were up. McManus thought criminal mischief rates downtown could have been related to the homeless population but robbery of businesses was difficult to predict unless the police had indicators or leads. He added that it was up to business owners to harden their businesses with cameras and placement of cash registers. Councilmember Whyte asked McManus if he knew why crime was down across the board. McManus surmised that the entire criminal justice system was a factor such as arrest and prosecution rates as well as how long people were held in jail. Deputy City Manager Maria Villagomez suggested proactive measures related to the SAVCRP Plan had made a positive impact. McManus added that property crime investigations had become more active than passive in catching those serial theft rings. Councilmember Whyte's takeaway was that the hot spot policing was working but the City had not made a dent in property crimes and recommended the development of a plan to bring those down.

Councilmember Alderete Gavito commented that thieves stealing packages off residents' front doors was a problem. She was recently at the San Antonio Board of Realtors (SABOR) meeting where businesses were broken into were concerned and suggested a more proactive approach. McManus stated that SAPD's San Antonio Fear Free Environment (SAFFE) Officers worked with businesses proactively. Councilmember Alderete Gavito suggested that increases in animal cruelty cases were related to increased funding in Animal Care Services (ACS). She asked about metrics for next year related to response times. Villagomez stated that the target was 6 minutes for emergency calls and 18:30 for non-emergency calls which should be improved with more officers.

Councilmember Kaur recommended more analysis of crime statistics to determine causality and requested violent crime numbers by area, specifically downtown. She asked how long it would take for her office to receive reports on specific area response times. Villagomez stated that the report would take about a week. Assistant Police Chief Jesse Salame noted that the report would need to be broken down by emergency and non-emergency times to be accurate. Villagomez noted that a dashboard had been developed and she offered to bring it to the Public Safety Committee next month for a demonstration and provide additional context in future presentations. Councilmember Kaur asked what types of robberies were listed within the report. McManus stated that stealing cash was considered a robbery but stealing goods was not

considered a robbery unless a violent act was also committed.

Councilmember McKee-Rodriguez recommended more context on the crime statistics noting that most national crime rates were decreasing at a greater rate than San Antonio. He recommended comparison data with other peer cities and per capita data to provide more context and requested a heat map of San Antonio by zip code with the crime rates per zip code. Villagomez stated that the dashboard contained a heat map. Maria Vargas, Director of Integrated Community Safety indicated that the dashboard displayed data by substation service area but could be broken down further, but the challenge was that sometimes an offense was mapped to the hospital or police substation. Vargas stated that the Lexus Nexus Dashboard had a heatmap of specific crimes. Councilmember McKee-Rodriguez requested an update on the work at the Rosemont Apartments and information on resident communications.

The Item was for briefing so no action was taken.

3. Briefing and possible action on the Council Consideration Request by Councilmember Marina Alderete Gavito (District 7) on a Bird Sanctuary Designation. [David W. McCary, Assistant City Manager; Michael Shannon, Interim Director, Animal Care Services]

Mike Shannon, Interim Director of Animal Care Services (ACS) provided background and overview of CCR 2024-0007 from Councilmember Alderete Gavito in Council District 7 which was a request to formalize San Antonio as a Bird Sanctuary to bar the capture, killing, shooting, trapping, removal, or relocation of birds by untrained/unlicensed individuals. He stated that additionally, the CCR requested that the City establish a policy to allow ACS to humanely capture, remove, and relocate peafowl or other exotic birds, only after taking community input into account and whereas the benefits of relocation outweigh the costs, to a sanctuary or rescue within City limits; and create an Ordinance to only allow licensed/permitted handlers to remove and relocate peafowl or other exotic birds. The CCR also recommended ACS remove language on its website indicating what was lawful but not encouraged regarding peafowl.

Shannon reported that the Texas Parks & Wildlife (TPWD) and Audubon Texas had certified San Antonio as a Bird City in 2021. He noted that The Bird City Texas Program focused on the protection of native birds and their habitats. “Peafowl” a neutral term that refers to male peacocks and female peahens that were non-native to Texas or the U.S. and were omnivores that mostly ate plant parts, flower petals, seed heads, insects, reptiles, and amphibians, and typically foraged for food during the early morning and evening; peafowl were forest birds that nested on the ground but roosted in trees. Shannon reported that ACS received 50 peafowl-related calls in three years out of 90,000 calls received annually. He stated that according to Chapter 5 of the City Code, it was unlawful to: abuse or cruelly treat wild peafowl, inhumanely trap peafowl, sell peafowl on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center, or outdoor public place; capture, track, take, or kill peafowl in a public right-of-way or on private property without the owner’s permission.

Shannon recommended that ACS host public meetings in September and October 2024 to garner feedback from stakeholders impacted by peafowl and present feedback to the Animal Care Services Advisory Board. Staff would return to the Public Safety Committee in December 2024 with policy recommendations.

DISCUSSION:

Councilmember Alderete Gavito commented that there were some neighborhoods in Council District 7 that had a significant number of peacocks and there was an incident where an individual was removing the peacocks in which neighbors expressed concern about mistreatment of the birds. She recommended the creation of a plan for non-native birds to ensure that only ACS or appropriately licensed persons could capture the peacocks. She noted that there was a researcher that wanted to capture and tag the birds so they could be tracked. She recommended targeting Dreamhill Estates and Glenoaks Neighborhoods for the meetings, rather than City-wide as that was the location of the peacocks.

Councilmember Alderete Gavito moved to Approve. Councilmember Whyte seconded the motion. The motion carried by the following vote:

Aye: Cabello Havrda, Kaur, McKee-Rodriguez, Alderete Gavito, Whyte

4. **Briefing on a Council Consideration Request (CCR) by Councilmember Manny Pelaez (District 8) regarding Bring Your Own Beer (BYOB) establishments.** [John Peterek, Interim Assistant City Manager; Amin Tohmaz, Interim Director, Development Services Department]

Amin Tohmaz, Interim Director of the Development Services Department (DSD) provided background and overview of CCR 2023-0025 submitted by Councilmember Pelaez on December 4, 2023 which requested staff to research possible restrictions to BYOB establishments to minimize the increasing rate of incidents involving violent crimes, property crimes, noise violations, and other threats to the public health safety and welfare. He indicated that the goals of the CCR were to: curb criminal conduct, protect residents' rights to quiet enjoyment of neighborhoods, require permits and registration, require adoption and enforcement of written internal policies (such as for video surveillance, interior and exterior security, vehicle parking, lighting, and noise), require routine inspections by SAPD and Code Enforcement, research the possibility of utilizing zoning to limit locations from residential areas, schools, or places of worship, and regulate hours of operation to match TABC hours (close at 2:15 a.m.).

Tohmaz stated that the current efforts included the City of San Antonio following current alcohol possession and consumption laws that applied including: legal hours of consumption, public intoxication, Class A misdemeanor to supply minors with alcohol; the violator's license was automatically suspended for 180 days upon conviction of supplying alcohol to a minor. According to Tohmaz, the City of San Antonio conducted routine police investigations of criminal activity and noise disturbances; a multidisciplinary Dangerous Assessment Response Team (DART) that looked into egregious situations; Code Enforcement and DSD conducted inspections and could suspend or revoke Certificates of Occupancy (CofO) and enforce Zoning.

Jose Niño, Deputy City Attorney stated that the City Attorney's Office performed a legal review. He noted that in the 1970s, the State of Texas created the Texas Alcohol and Beverage Code (TABC) and Chapter 109 of the Government Code gave TABC exclusive jurisdiction over possession, sale, consumption, transportation, licensing, location, production, etc. of alcohol. Niño stated that the Texas Supreme Court in 1993 and Texas Attorney General Opinion – GA-0561

from 2007, stated that municipalities had no authority over possession, sale, consumption, transportation, licensing, location, production etc. Nino noted that however, the City may regulate possession or public consumption in the Central Business District (CBD), regulate the sale of alcohol in certain instances, prohibit sales of liquor in residential areas, allow more restrictive hours on the sale of beer, and prohibit sales within certain distances of schools, churches, hospitals, daycare, and child care centers.

Niño reported that a study of peer cities indicated that the City of Austin had passed an Ordinance in 2007 but did not enforce it and issued no permits/registrations since its inception; Austin's program was complaint-driven and generally utilized existing laws to address concerns about BYOB. He stated that the City of Houston passed an Ordinance in 2023 but did not enforce its rules following the threat of a lawsuit. The City of Dallas also passed an Ordinance in 2023 that created an alternate nuisance Ordinance that applied to all businesses, however, it had yet to be enforced.

Niño concluded that the City had no authority to regulate BYOB establishments because the State had not given municipalities any authority to do so. He noted that however, the City would continue to utilize existing enforcement tools such as routine police investigations, enforcement of the noise ordinance, nuisance abatement through DART, zoning, and applicable building codes. Niño recommended referring the CCR to the Intergovernmental Relations Council Committee (IGR) if the City Council wanted to seek State Legislation to codify local governments' power to regulate BYOB establishments in the upcoming legislative session.

DISCUSSION:

Councilmember McKee-Rodriguez asked if there was another designation that could be applied. Nino expressed concern that any new rule would apply to all businesses. Tohmaz stated that zoning could control the use of a property and limit alcohol; he noted that DSD only found eight Certificates of Occupancy (C of O) that allowed BYOB and an internet search found 39, most of which were restaurants. Councilmember McKee-Rodriguez requested a crime/noise complaint overlay heat map of the 39 locations to return to the Committee. Tohmaz confirmed that none of the locations had received any calls.

Councilmember Kaur asked if DSD conducted a proactive review of C of O's for businesses. Tohmaz stated that C of O's were reviewed anytime there was a complaint received. Councilmember McKee-Rodriguez proposed bringing the Item to B session instead of the IGR Committee. Villagomez explained that taking the CCR to the IGR Committee would mean it would likely come back to the full City Council.

Councilmember Whyte moved to approve the staff recommendation to forward the item to the IGR to discuss asking the State for State Legislation to allow cities to regulate BYOBs. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Cabello Havrda, Kaur, McKee-Rodriguez, Alderete Gavito, Whyte

Consent

5. **Briefing and possible action on the San Antonio Police Department (SAPD) Targeted Violence and Terrorism Prevention Program Grant (TVTP) award in the amount of \$344,982.00 from the U.S. Department of Homeland Security (DHS).** [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Councilmember Whyte moved to Approve. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Cabello Havrda, Kaur, Alderete Gavito, Whyte
Absent: McKee-Rodriguez

Executive Session

There was no Executive Session.

Consideration of items for future meetings

Adjournment

There being no further discussion, the meeting was adjourned at 10:24 a.m.

Approved

Melissa Cabello Havrda, Chair

*Debbie Racca-Sittre
City Clerk*