

**Public Safety Council Committee
Minutes**

Wednesday, October 13, 2010

12:00 p.m.

Plaza Room B

Members Present: Councilmember John G. Clamp, *Chair, District 10*
Councilmember Ivy R. Taylor, *District 2*
Councilmember Ray Lopez, *District 6*

Members Absent: Councilmember David Medina, Jr., *District 5*

Staff Present: Erik Walsh, *Assistant City Manager*; T.C. Broadnax, *Assistant City Manager*; William McManus, *Police Chief*; Marc Castro, *Code Enforcement Services Assistant Director*; Jose Banales, *Assistant Police Chief*; Mike Burns, *Deputy Police Chief*; Dennis Rosenberry, *Police Department*; Jimmy Reyes, *Police Department*; Janette Torres Gloria, *Police Department*; Paul Wendland, *Assistant City Attorney*; Savita Rai, *Assistant City Attorney*; Samuel Garcia, *Assistant City Attorney*; Brandon Smith, *Office of the City Clerk*

Others Present: Joe Guerrero, *Bexar Towing*; Alexa Garcia, *Bexar Towing*; John DeLoach; Eric Wilhite, *Texas Towing*

Call to Order

Chairman Clamp called the meeting to order.

1. Citizens to be Heard

There were no Citizens to be Heard.

2. Approval of minutes of the August 24, 2010 Public Safety Council Committee Meeting

Chairman Clamp announced a correction of the meeting date for the approval of minutes to **September 8, 2010** and asked if there was any objection to the correction. There was no objection. Councilmember Lopez moved to approve the minutes of the **September 8, 2010** Public Safety Council Committee Meeting. Councilmember Taylor seconded the motion. Motion carried unanimously.

3. CCR (D9 & 10) – Requesting staff review the exemptions with the Peddlers/Solicitors Ordinance and prohibit placement of door hangers or pamphlets

Presented by David D. Garza, Code Enforcement Director

Marc Castro reported that prohibition of door-to-door solicitation was unconstitutional and that anonymous distribution of a handbill was also protected by the First Amendment. He provided staff recommendation to amend City Code 21-3 which would

give a citizen an opportunity to restrict the distribution of advertisements on their property where "No Soliciting" or "No Trespassing" signs or similar notices are displayed. He stated that enforcement could be triggered by a complaint by the property owner.

Councilmember Taylor entered the meeting at this time.

In response to Chairman Clamp, Mr. Castro explained that placement of handbills or literature in a mailbox was a Class C Misdemeanor and a fine of \$500.00; on the Federal Level, the fine is \$5,000.00. He stated that it was at the discretion of the City Council to require a Spanish translation.

Councilmember Medina asked of placement of "No Soliciting" signs. Mr. Castro replied that signs should be displayed on the premises in a conspicuous place upon or near the front entrance of the residence. Mr. Castro also replied that none of the cities contacted by staff required a Spanish translation. Councilmember Lopez expressed concern with proactive enforcement of the proposed ordinance. Chief McManus replied that enforcement was property-owner driven and explained that they would first have to initiate a complaint. Councilmember Lopez requested strict ordinance language regarding enforcement by complaint only. T.C. Broadnax explained that codifying strict language regarding complaint-only enforcement could limit an officer's ability to make an arrest for burglary or similar offense.

Councilmember Taylor stated that she was not convinced that the proposed ordinance would make an impact on crime and was pleased it wasn't a priority for the Police Department.

In response to Erik Walsh, it was the consensus of the Committee to include the option of Spanish translation signs and that "No Trespassing" not be utilized.

Councilmember Medina moved to forward said item to the full Council for consideration. Councilmember Lopez seconded the motion. Motion carried unanimously.

4. CCR (D6) – Requesting staff to revise and amend the City's ordinance related to Human Display Establishments and Sexually Oriented Businesses
Presented by William McManus, Chief of Police

Chief McManus reported that the City's current code provisions regulating sexually oriented businesses contain inconsistent definitions that weaken enforcement and prosecution efforts. He stated that a unified, consistent, and comprehensive ordinance was necessary to update City regulation in accordance with recently enacted legislation and to enhance enforcement efforts.

In response to Councilmember Lopez, Martha Sepeda explained that nudity was prohibited in the City of San Antonio and that the proposed ordinance would address businesses that operate with dancers that wear pasties and remove them. Chairman Clamp asked of the language regarding coverage of dancers. Mr. Walsh stated that the coverage definition had not been changed in the proposed ordinance and that the issue was open for discussion and direction by the Committee.

Councilmember Taylor requested clarification that businesses with employees that wear pasties and a thong were not considered sexually oriented businesses. Ms. Sepeda clarified that those businesses were not defined as sexually oriented businesses and noted that it was the State of the Law in the country. She added that the City Council had revised the ordinance as far as the law would allow in 2003 and again in 2005. She stated that staff recommendation was to revise the language terms and provide for a Class A Offense in place of a Class C offense. Councilmember Medina stated that he was open for discussion to increasing the amount of coverage and recommended discussion at another meeting. Councilmember Lopez recommended revising coverage from pasties to a bikini top.

Councilmember Lopez moved to forward said item a B Session to include the bikini top component and further discussion regarding the bottom component. Councilmember Medina seconded the motion. Motion carried unanimously.

5. Update on Towing Service Contract

Presented by William McManus, Chief of Police

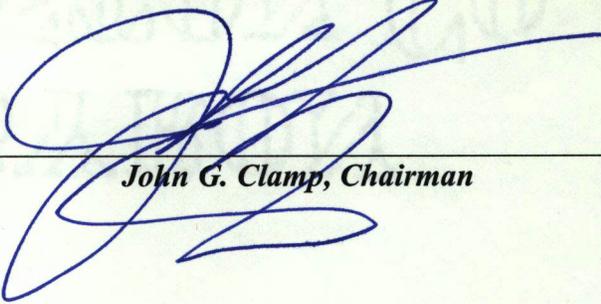
Dennis Rosenberry reported that ATS Towing and Allied Towing had submitted their audits and were currently under review. He stated that Assured Towing and Texas Towing had submitted their audits; however, the audits were not in compliance with Section 12.4 of the Wrecker Service Agreement. He noted that the Office of the City Auditor was currently conducting an audit of the Wrecker Service Agreement and was scheduled for completion by October 2010.

6. Consideration of items for future meetings

Mr. Walsh stated that the Transportation Study would be presented at the next meeting.

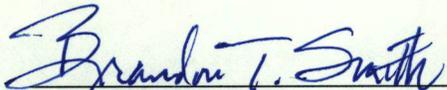
7. Adjournment

There being no further discussion, the meeting was adjourned at 1:35 p.m.



John G. Clamp, Chairman

Respectfully Submitted,



*Brandon T. Smith
Office of the City Clerk*