

**JOURNAL OF COMMISSION WORK SESSION**  
**May 15, 2012**

City Commission Work Session

Mayor Winters presiding

**CALL TO ORDER:** 5:30 p.m.

**ROLL CALL:** City Commissioners present: Michael J. Winters, Bill Bronson, Fred Burow, Mary Jolley, and Robert Jones.

**STAFF PRESENT:** City Manager; Deputy City Manager; City Attorney; Directors of Fiscal Services, Park and Recreation, Planning and Community Development, and Public Works; Fire Chief; Police Captain; and the Administrative Secretary.

**1. PROPOSED ORDINANCE REGARDING CELL PHONE/TEXTING WHILE DRIVING**

City Attorney James Santoro provided a PowerPoint presentation regarding the use of cell phones while driving. Mr. Santoro recognized audience members Police Captain Bryan Lockerby and Cascade County DUI Task Force Coordinator Al Recke as players when discussing cell phones and distracted driving.

City Commission options include doing nothing, absolute prohibition, or drafting an ordinance. He reviewed current distracted driving offenses.

Mr. Santoro discussed communities in Montana that have adopted a primary, civil offense cell phone ordinance, with exceptions. He noted Havre made the ordinance a criminal violation.

Mr. Santoro suggested adding a new section, 10.39.110 – Use of electronic communications devices while operating a motor vehicle, to Title 10, Chapter 39, Vehicles & Traffic, Miscellaneous Driving Rules. He presented proposed language to the new section, but noted the Commission will determine the penalty section.

Mr. Santoro discussed six exceptions to the proposed ordinance including persons reporting an emergency; law enforcement, firefighters, and ambulance workers; drivers or passengers safely off the road; drivers using a hands free device; drivers using two-way radios; and drivers holding a valid amateur radio license.

Mr. Santoro recommended a primary offense rather than a secondary offense. He reviewed penalties from other communities in Montana, in addition to various other states.

Captain Lockerby noted the Police Department believes the issue is a matter of public safety.

Mr. Recke stated impaired driving is impaired driving. He supports an ordinance for the use of cell phones.

Commissioner Jolley noted texting was not part of the proposed language.

Mr. Santoro responded that the language includes hands-on possession. He noted an inattentive blindness ordinance was recently passed in New Jersey for texting while walking.

Commissioner Bronson supports a draft ordinance with a primary offense and a civil penalty.

Commissioner Burow questioned if other distracted driving issues could be incorporated in the ordinance.

Mr. Santoro noted there are other tools currently available to law enforcement including reckless driving.

Commissioner Jones supports a draft ordinance, with exceptions, and a primary offense with a civil penalty.

Commissioner Bronson questioned how other communities used an initial policy of deferred enforcement.

Mr. Santoro responded some communities made the ordinance effective immediately, some were under the 30-day statute, and some used delayed dates up to two months.

Mayor Winters supports a delayed effective date, a civil offense, and a stricter penalty if the violation causes an accident.

Commissioner Jolley does not support proceeding with the ordinance.

The consensus of the Commission was to proceed with an ordinance.

## **2. COMPLETE STREETS DRAFT POLICY OVERVIEW**

Deputy City Manager Jennifer Reichelt provided a PowerPoint presentation on Complete Streets. She reported the Complete Streets project has involved staff from several departments, and Commissioner Bronson represented the Commission on the project.

Ms. Reichelt explained that Complete Streets are designed for everyone, young and old, walkers, people who use wheelchairs, motorists, bicyclists, and transit users. Goals include making streets safer and easier to cross, and reduce automobile/pedestrian/bicycle accidents.

Ms. Reichelt noted nearly every street in Great Falls was designed with Complete Streets up to the 1960's. Complete Streets will not make sense for all streets. However, when street maintenance or repair is needed, or a new development with public access is planned, the Complete Streets approach would be considered. The Policy would be implemented with incremental projects over time.

Ms. Reichelt discussed the need for a policy and noted the Downtown Master Plan recommended a Complete Streets Policy. She reported that Billings, Bozeman, Helena, and Missoula all have

policies in place. A policy would provide guidelines for departments and private partners, and increase efficiency upfront rather than retrofit.

Comprehensive Planner Brant Birkeland noted a slide where a street was installed without a sidewalk and later had to install a sidewalk.

Mr. Birkeland discussed the benefits of Complete Streets. He reported design would involve looking at the context and character of the City, the adjacent land use, and the neighborhood. He also discussed the common elements that would be included.

Mr. Birkeland noted a slide of 1<sup>st</sup> Avenue South with simple resurfacing and striping. Almost one third of the population of Great Falls either relies on parents or transportation other than what they can do on their own.

Ms. Reichelt reviewed the segments of the draft Complete Streets Policy including vision, users and modes, and projects and phases.

Mr. Birkeland discussed the exceptions to the Policy, network goals, design guidance and flexibility, context sensitivity, and implementation steps.

Ms. Reichelt reported a Complete Streets Open House will be held May 23, 2012. If the Commission decides to move forward with a Complete Streets Policy, a resolution would be brought forward.

Commissioner Jolley questioned the time and location of the Open House. Mr. Birkeland responded that it will be held at the Cameron Auditorium, Benefis South Tower, 5:30-7:30 p.m.

Commissioner Jolley questioned exceptions needing approval by certain staff, and costs and benefits not workable with some projects.

Mr. Birkeland responded that rather than requiring every exception be approved by the Commission, the Director of Public Works, the Director of Planning and Community Development, and the Police Chief would have authorization to approve certain waivers.

Ms. Reichelt commented that issue had a lot of discussion within the committee. She believes some exceptions are necessary, especially for small improvement projects.

Commissioner Jolley noted Complete Streets is a City project. Ms. Reichelt agreed and added that having Complete Streets is providing safer streets and a safer community.

Commissioner Jones questioned adding bike lanes to streets and losing parking. Mr. Birkeland responded that if there is not width for a bike lane, then it would not be appropriate for that street.

Ms. Reichelt emphasized connectivity. There are no bike routes to get pedestrians or bikers to the River's Edge Trail. She stated the Policy allows consideration of how transportation plans

interrelate at the beginning of projects vs. the end.

Commissioner Burow expressed support for the Policy.

Commissioner Bronson noted the Policy would provide greater efficiency for the taxpayers.

Captain Lockerby believes the Policy would be a great fit for the Police Department to provide safety in the design process as well as enforcement.

Director of Public Works Jim Rearden believes the Policy formalizes efforts that have been made for a wholistic approach to projects.

Park and Recreation Director Marty Basta believes the Policy would help promote health and fitness and provide safe and easy access to the park system, as well as the River's Edge Trail.

The consensus of the Commission was to proceed with the Complete Streets Policy.

The Commission reported the City Manager evaluation will be held in closed session following the Agenda Meeting on May 30, 2012.

**ADJOURN**

There being no further discussion, Mayor Winters adjourned the informal work session of May 15, 2012, at 6:37 p.m.