



**PUBLIC SAFETY COMMISSION  
MINUTES**

**REGULAR MEETING  
Monday, February 5, 2018**

**The Public Safety Commission convened a meeting Monday, February 5, 2018 at City Hall 301 W. 2<sup>nd</sup> Street in Austin, Texas.**

**Chair, Rebecca Webber** called the Board Meeting to order at 4:00p.m..

**Board Members in Attendance:**

Rebecca Webber, Chair	Daniela Nunez
Sam Holt	Ed Scruggs
Preston Tyree	Kim Rossmo
Carol Lee	Brian Haley
Rebecca Gonzales	Noel Landuyt

**Staff in Attendance:**

Troy Gay, Assistant Chief, Austin Police Department  
Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services  
Richard Davis, Assistant Chief, Austin Fire Department

**1. APPROVAL OF MINUTES**

The minutes for the January 8, 2018 meeting was approved with a correction requested by Commissioner Nunez to change “intentional to unintentional” and the addition of the last name: Sironi under Citizen Communications to complete full name, Karen Sironi. Commissioner Holt motioned for approval of the minutes and Commissioner Gonzales second. **The minutes were approved with a unanimous vote (10 approved 0 disapprove).**

**2. CITIZEN COMMUNICATIONS –**

- **Carlos Leon** – Continued challenges with Cap Metro and now the Central Library He will not negotiate with evil
- **Carol Phillipson** - Speed Cushions Item #3
- **Anthony Marquardt** – Update on Austin Travis County Emergency Medical Services contract negotiations.

### **3. Austin Distracted Driving Ordinance** – sponsored by Commissioners Scruggs & Tyree - Scott Johnson, Citizen Advocate

**Commissioner Tyree** introduced the item and posed the question “where do we go from here” concerning the Distracted Driving Ordinance? He commented that Austin Police Department is doing a great job with enforcing the current ordinance, but there are still some things to be looked at/studied concerning this ordinance.

**Scott Johnson**- begins his presentation by asking if the board was going to vote on any of the three recommendations today, he has presented to the board on two previous meetings. **Commissioner Webber** responded with an explanation of how a recommendation is brought fourth and a board member would have to make a motion before a vote could be taken on any of the three recommendations. **Scott Johnson**— elaborated on his three recommendations to the board and stated he was here to answer any questions they may have concerning his recommendations.

#### **Scott Johnson's Distracted Driving Recommendations**

A) Prohibit the use of a mobile communication device while a vehicle is stopped at a traffic light, a stop sign, in traffic or any other time when the vehicle is in a travel lane, but not in motion other than in an emergency situation.

Scott's note: This idea was recommended unanimously by the 2014 COA Distracted Driving Study Group, but was taken out by the former Austin City Council in 2014. This recommendation is not intended to apply to a cyclist who is temporarily stopped in a bicycle lane or in a cycle track lane.

Justification for this recommendation:

Based on my research the other app. 44 Texas cities who have adopted a hands-free ordinance allow for enforcement while the vehicle is temporarily stopped in a travel lane. Exemptions built into the Austin ordinance allow for phone use in emergency situations by public safety employees and the public.

B) Prohibit the use of music headphones that cover all or most of the entire diameter of the ear or greater while operating a motor vehicle and are not designed for 2-way communication. Ear buds would be allowed.

Justification for this recommendation:

Listening to music through headphones that cover most or all of the ear create an auditory distraction that competes with the driver's attention. These type of headphones are simply for listening to music and some of them are noise canceling meaning that the sound of a siren on a public safety vehicle is much more difficult to hear. Only headphones that allow 2-way communication and that can be operated hands-free should be allowed.

C) Prohibit the sharing of a video image or still image or the recording of a video image or the taking of a photograph with a mobile communication device or other electronic device by a vehicle passenger while a motor vehicle is in a travel lane.

Justification for this recommendation:

It is very common to share videos among friends by holding a smart phone in front of the other person's eyes to get a reaction. Some games such as "Pokémon Go" require a site map to find these virtual creatures. When the driver focuses on the smart phone to use as a guide or for enjoyment this can create a significant distraction that can put pedestrians, bicyclists and other vehicles at risk.

Another common activity among friends and family is to take still photos or videos. If the driver turns their head towards the camera while driving this along with any flash from the camera can cause a significant distraction that can put other road users at risk in the immediate area

There were questions and comments from board members:

- Requested clarification on someone other than the driver being cited for taking photos while vehicle is moving?
- Would the officer cite the driver or the passenger if the car is stopped for violation?
- Are there any numbers on the tickets issued under the current ordinance?
- Does APD cite or look for any other types of distractions (i.e. applying make-up)?
- AAA study was a fraction of a second difference
- Main concern is there is no evidence to support this recommendation. Maybe we could focus on an education campaign?
- An educational campaign has a much greater impact than the actual law

**Commissioner Webber** asked if the board could receive crash data on distracted driving crashes only from Austin Police Department. **Commissioner Scruggs** asked to bring the item back in a couple of months, and when it is brought back that the recommendations include an educational piece. We should also include Distracted Walking as well.

**4. Effect of traffic calming devices on public safety including emergency response times, evacuations, people with disabilities, and goal of safer streets** - Sponsored by Commissioner Nunez and Commissioner Holt Follow Up to agenda item no.3 from January 8, 2018 information request from Commissioner Holt to Austin Transportation Department: specifics on rubber versus asphalt traffic calming devices

- Robert Spillar, Director, Austin Transportation Department
- Eric Bollich, Managing Engineer, Austin Transportation Department

**Commissioner Webber** – commented this item was originally sponsored by Commissioner Nunez last month and is being brought back because the Austin Transportation Department was not available to attend last month's meeting. This item is to address the impact of traffic calming devices has in three different areas: people with certain disabilities, evacuation/response times by public safety, and the effect on home values.

Citizens signed up to Speak:

- **Karen Sironi** spoke on the impact of people with disabilities and the pain they can cause, She asked the board to recommend the City of Austin and Austin Transportation Department to look for other alternatives to speed bumps
- **John Woodley** commented the speed bumps tend to cause injury to people with spinal cord disabilities. He also expressed his concerns for cyclists possibly being injured by speed bumps and the traffic speeding in between the bumps.

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**Rob Spillar** introduced himself and stated he did not have a presentation but was happy to answer questions from the board members. He was then asked by **Commissioner Webber** to talk about the process of applying/receiving traffic mitigations on Austin streets. **Rob Spillar** reviewed the steps with the board:

- We respond to request from citizens to install traffic mitigations
- We go out and complete a traffic study on the area
- Requests are ranked as they come in
- We ask citizens who live on the street their take/opinion on the traffic devices being installed
- We are moving into a more comprehensive program

The LATM (Local Area Traffic Mitigation) program has been operating for the last 15years. I have been on this program for the last 10years. The program has been successful, however speed cushions are just one tool in a tool box to combat speeding in neighborhoods. The Urban Transportation Commission has admitted that going over speed bumps can cause some pain, however reducing speed can help in reducing or lessen the pain. We have asked City of Austin, ADA department to review the complaints from people with disabilities and their finding was we are in compliance. Rob took questions and comments from the board:

- Can you expound on which one was less intrusive, rubber or asphalt?
- Define “good compliance” from City of Austin, ADA?
- Have we tried other combinations besides speed humps/bumps?
- Explain roadways and different classifications?
- How have you refined your tools depending on classification of the roadways?

There was extended discussion between the board and Mr. Spillar ending with a request for information/data that relates to the effect of traffic calming devices on public safety including emergency response times, evacuations, people with disabilities and goals of safer streets to the Public Safety Commission board members.

## **5. Introduction of Interim Police Monitor Farah Muscadin by Assistant City Manager Rey Arellano – sponsored by Commissioner Rebecca Webber**

Assistant City Manager Arellano introduced Marah Muscadin to the board members and shared some of her prior positions/experiences before coming to work for the City of Austin.

Ms. Muscadin expressed how she is committed to this community and will use her profession as an attorney and her personal/professional skills to work for City of Austin. There were comments and questions from the board:

- Given the situation with Austin Police Association contract as it is now, you mentioned you all (Police Monitor’s Office) are open for business, what is the business?

- Have you met with community stakeholders and if yes, can you tell us who?

Ms. Muscadin was welcomed by the PSC board.

## **6. Current Status and Future of Citizen Oversight in Austin** - sponsored by Commissioner Daniela Nunez

- Kenneth Casaday, President Austin Police Association
- Kathy Mitchell, Texas Criminal Justice Coalition
- Chas Moore, Austin Justice Coalition
- Brian McGiverin, Austin Community Law Center

**Commissioner Webber** invited Ken Casaday to talk to the board about the current status of the Austin Police Association contract with City of Austin. **Ken** shared that after meeting with city council they (APA) are going to take another shot at the contract. **Mr. DeLord**, attorney, a former police officer, a member of CLEAT (Combined Law Enforcement Association of Texas) joined Ken Casaday at the table on behalf of Austin Police Association. He commented that there are just a lot of unknowns right now. We are optimistic at this point and we will be ready when the City of Austin is ready to begin negotiations again.

**Kathy Mitchell**, Texas Criminal Justice Coalition – commented we have been exploring new ways to establish a Citizen Review Panel without being under the contract.

- Major issue found from a citizen survey conducted, was it was too difficult to file a complaint, and they didn't understand the process
- We are looking at having a non-profit be on the front end of receiving complaints to help people process their complaints.

**Chas Moore** commented they are looking to have the Citizen Review Panel community driven nonprofit for the complaint process. **Brian McGiverin** spoke on the proposal to move the CRP to a nonprofit. He explained some questions would need to be answered before establishing a non-profit:

- Who is custodian of the files
- Type of files to be maintained
- Use/cite the 2010 position of Office of Attorney General with City could create a Citizen Review Panel

There were comments and questions from the board concerning the non-profit proposal for Citizen Review Panel.

- Is it accurate that we could have had a Citizens Review Panel without the Austin Police Association?
- There was a question on how would a nonprofit have a democratic responsibility?
- What was Austin Justice Coalition position on the specialty pay for officers in spite of there not being a contract?
- In the meantime what kinds of stop gaps are you putting into place until you can have a board established?

**Chas Moore** explained that they have proposed to launch a board with a one year term to work on establishing a selection process of selecting board members and procedures for the board in addition

to hearing the complaints. We would hope that at the end of the day the City of Austin and Austin Police Association will agree to some funding for this type of board.

Citizen Comments- Item #6

**Nelson Linder**, President of NAACP – commented filing complaints with a non-profit is nothing new. This is not an alien idea. The question is how do we see results and hold the City of Austin accountable.

**7. Future agenda items**

- Distracted Driving
- Status of Walking Beats in high crime areas

Adjourned @ 6:10pm