



## Minutes City of Tempe Transportation Commission March 11, 2014

Minutes of the Tempe Transportation Commission held on Tuesday, March 11, 2014, 7:30 a.m., at the Tempe Transportation Center, Don Cassano Community Room, 200 E 5<sup>th</sup> Street, Tempe, Arizona.

**(MEMBERS) Present:**

Pam Goronkin (Chair)  
Don Cassano  
Aaron Golub  
Ben Goren  
Nikki Gusz  
Charles Huellmantel  
Sue Lofgren

Kevin Olson  
Gary Roberts  
Peter Schelstraete  
Cyndi Streid  
Philip Luna  
Jeremy Browning

**(MEMBERS) Absent:**

German Piedrahita  
Charles Redman

**City Staff Present:**

Shelly Seyler, Deputy Public Works Director Transportation  
Eric Iwersen, Principal Planner  
Sue Taaffe, Public Works Supervisor  
Mike Nevarez, Transit Manager  
Joe Clements, Transportation Financial Analyst  
Marie Chapple, Public Information Officer

Travis Mullen, Administrative Assistant  
Bonnie Richardson, Principal Planner  
Julian Dresang, Traffic Engineer  
Robert Yabes, Principal Planner  
Yvette Mesquita, Senior Management Assistant

**Guests Present:**

Matthew Messinda, ASU  
Teresa Voss, Assistant City Attorney  
Donna Lewandowski, Bicycle Program Manager at Arizona State University  
Robert Hubbard, Deputy City Attorney

Commission Chair Pam Goronkin called the meeting to order at 7:33 a.m.

Commission Chair Goronkin introduced new commissioner Jeremy Browning and asked the other commission members to introduce themselves. Commissioner Browning introduced himself saying that he was born and raised in north Phoenix and moved to Tempe eleven years ago. He noticed the benefit of having good transportation including the use of Orbit buses and the light rail in his community. He went to ASU and studied Political Science and History, and he currently works in the government relations and public affairs field.

**Agenda Item 1 – Public Appearances**

None

**Agenda Item 2 – Meeting Minutes**

Commission Chair Goronkin introduced the minutes of the February 11, 2014 meeting and asked for a motion.

**Motion:** Commissioner Charles Huellmantel

**Second:** Commissioner Sue Lofgren

**Abstained:** Commissioner Phillip Luna

**Decision:** Approved

**Agenda Item 3 – Bike Theft Prosecution**

Eric Iwersen handed out a memo and introduced Robert Hubbard, Deputy City Attorney, to provide information about bike theft prosecution.

Commission Chair Goronkin welcomed Robert and said that the Tempe Police Department updated the Commission last month about the bike registration program.

Robert said that he understands and shares the concern with regard to bicycle theft. Increasing the penalty for bike theft would have benefits; however, there is an overreaching doctrine in criminal law that forbids disparate sentencing for similar types of offenses.

Commissioner Peter Schelstraete said that bicycles are a form of transportation that could affect how people could get to school, practice, or work. Having a bicycle as his major transportation mode in his youth made him realize that a bicycle has value. Bikes also have a very positive impact on the city by leaving behind a green footprint meaning bikes are quiet and good for your health. The city also puts effort in creating bike paths and other projects to promote bike usage. He asked what the impact was of increasing bike theft penalties when a bike is used for education, practice, or work.

Robert responded that it may very well make a difference, but he can see an issue in court. The argument by a defense attorney could be made that cell phones are equivalent to a bike in all of these instances. A cell phone has personal information and may be used for work, practice, and school.

Commissioner Schelstraete said that there is a different impact. One of the things he found, by talking to ASU students, is how discouraging it was to have a bike stolen. People have a lot going on and a bike saves time, and it is also a more personalized item. Robert responded by saying that all thefts are victim crimes. The way to address this, in the Prosecution's Office, is to ask the victim for input on how the crime impacted their life. If the victim is impacted to a greater extent, than the Prosecutor's Office will certainly take that into consideration. This would be handled on an individual basis where the victim contacts the Prosecutor's Office, fills out a victim impact statement, and provides the specific issues.

Commission Chair Goronkin said one of the concerns she has is when bicycle theft is tied to other crimes. She asked if prior arrests related to other crimes are taken into consideration. Robert responded that it is always taken into consideration. Generally, the Prosecutor's Office looks for similar types of offenses such as other theft charges, which will net a much larger sentence.

Commissioner Kevin Olson said that the frustration with the system is from negative feedback because it is not taken seriously. Or when caught, it will not be a serious offense. We do not need bigger sentences, but instead stress the seriousness of the crime to prosecutors so that the police department will be more motivated to take the reports

therefore making serious efforts to follow up. We don't have the swift or immediate punishment, which is what is needed to deter the crime as opposed to a longer sentence.

Commissioner Jeremy Browning asked how many prosecutions are made for organized thefts that are conspired with more than one individual, and what the increased penalties are. Robert responded that if it's a scheme it will be handled by Maricopa County Attorney's Office. The city of Tempe would not handle those cases because we can only deal with misdemeanor crimes.

Commissioner Huellmantel said that perhaps we are voicing our concerns to the wrong party. The Prosecutor's Office can only do what the courts will allow. This discussion is out of the Commission's purview as to what we should be doing at the Transportation Commission level, but the Commission could try to find somebody at the state legislature to make it a felony.

Commissioner Schelstraete responded that he disagrees because it is appropriate for prosecutors to bring up these issues. As a prosecutor, you have certain discretions on what you can charge so if you don't ask for it, then the judge will not have an opportunity to increase the sentence.

Robert said that this meeting has brought to his attention the sentiment that there is a disconnect between the Prosecutor's Office and the Police Department. If the city has a disconnect, then that can be corrected. We never want the police department to feel as though the prosecutors are not supporting them even though we are independent institutions. There are about 300 people on Mill Avenue with "order-outs," and a large number of those are because of bicycle thefts. This is where we place the defendant on a probationary period and order them out of the area.

Commission Chair Goronkin said that this was because they are not really interested in the bike, but more interested in selling it to support another crime. The sentiment that was expressed wasn't made to cause any type of disharmony. The Police Department felt that they were not in an advantageous position to tell the Prosecutor's Office how to do its job.

Commissioner Huellmantel said we should invite all the legislators representing Tempe to a Commission meeting because the only way to make a difference is to change the law. We are trying to create an environment where people are able to use bikes as an effective form of transportation. To do that, we have to make sure that bikes do not disappear.

Commissioner Aaron Golub asked if there are other examples we can look at by analyzing how other university towns address this problem. Commission Chair Goronkin asked staff to research that question.

Commissioner Schelstraete added that it is a problem for everyone, but especially university cities. Other universities have had success with their bike bait programs, but it is disconcerting that the same people take the bait bikes over and over again. He asked why the thieves are not put in jail. Robert responded that those criminals do receive a sentence of several months in jail. The problem is that these people do not care that they spend that time in jail, and it has very little impact.

Commissioner Huellmantel said that he revises his comment of inviting the legislatures to a Commission meeting and instead prefers that staff conduct research on what other bicycle communities have done with this problem. Commission Chair Goronkin supported this idea as well.

Robert said that we would be happy to report back to the Commission about interfacing with the Tempe Police Department and creating a better relationship on the bike theft issue.

Commissioner Huellmantel said that the relationship concern is between the County Attorney's Office and the police on what issues are important and how to spend resources. It is not directly problematic with Tempe.

Commission Chair Goronkin thanked Robert for his presentation and providing a direction for staff to conduct some research.

Shelly Seyler said that staff would bring this topic back in May and provide information on the research findings.

#### **Agenda Item 4 – Youth Transit Pass Policies and Update**

Sue Taaffe, Public Works Supervisor, handed out a memo and provided an update on the Youth Transit Pass Program and Policies.

Shelly and Sue met with the principal of McClintock High School and the school will begin issuing passes on May 12 for the next fiscal year. McClintock High School is the biggest user of the program with 720 youths enrolled. Marcos de Niza High School is the second biggest user, but that school declined to issue passes at the school this year because they do not have a dedicated staff member. Tempe High School already distributes the passes at its school.

Commissioner Olson said that Marcos de Niza High School has a new principal. Sue said that the exiting principal of Marcos de Niza High School asked for information from Tempe High School regarding the youth pass program.

Commissioner Olson congratulated staff on doubling the amount of schools that administer passes at their schools. He also asked staff to take advantage of the opportunity that a new principal will be heading Marcos de Niza High School.

Sue introduced Teresa Voss, Assistant City Attorney, to go over the requirements of the program such as the birth certificate requirement.

Teresa said that the city of Tempe provides free transit passes, primarily to minors. Upon review of the law, a birth certificate will still remain a requirement for parents and guardians who want to sign their kids up for the youth transit pass program when registering at the Transit Store.

Commissioner Olson asked because school records show who the guardian or parent is, why can't the city honor the school when verifying the parent or guardian of the child. Sue responded that at the beginning of the school year, the schools do verify that the child lives in Tempe, but often times they leave Tempe and they may not notify the school. There are also home schooled kids, charter schools, ASU, and community colleges, which make it more difficult to receive accurate information.

Commissioner Olson asked if there is a way to simplify the process for the students and the parents. Sue responded that anyone can download a Tempe school enrollment form online and say that they live in Tempe.

Commissioner Olson asked if there is an alternate form of verification as to who the parent is. Commissioner Schelstraete responded that they already go through the process once and asked why the city can't piggy-back on that paperwork to issue youth transit passes. Shelly responded that the process is already simplified because we do have the schools rely on what they have in their systems. An example is when enrolling in Corona del Sol High School, parents are required to provide a utility bill as a proof of address.

Sue said that those schools issuing passes at their facilities are taking responsibility of verifying parental approval in the program and that the students live in Tempe. When a child comes to the Tempe Transit Store, we do not currently except enrollment papers at a Tempe school. Sue explained that the way the program works at Tempe High School is that the student picks up a form from staff, the parents sign the form, the student returns it to the school, and the dedicated staff person at the school verifies that the student is living in Tempe and the parent's signature matches their enrollment information on file. Since the city has an IGA with the Tempe Union High School District, they have taken it upon themselves to verify residency and parental permission.

Commission Chair Goronkin said there are two ways to enroll into the program: one is at the school and the other is at the city. Shelly added that the city also receive copies of youth transit pass registration from the the schools; making the city of Tempe the keepers of the information. The city also performs random audits with Tempe High school.

Commissioner Goren asked if there was a possibility that a student who goes to a Tempe high school and lives in Phoenix would be eligible for the program. Sue responded that the numbers were researched and staff found that there would be a loss in revenue, and an increase in the usage cost to \$615,000 to \$800,000 a year. The transit revenue from boarding in Phoenix or Mesa in the morning would not be transferred to Tempe. Since many students have practice or stay after school for clubs, they are likely to get a ride home from a friend, which would increase operational costs while lowering revenue by essentially giving passes to everyone.

Commission Chair Goronkin said the original intention was to benefit students in Tempe and we realize there are a high percentage of non-Tempe residents attending these schools. Commissioner Olson added that he would like to see if Phoenix has a similar program so that we have some sort of IGA to share.

Sue reminded the Commission that youths age 6-18 pay \$1.00 per ride.

Commission Chair Goronkin thanked Sue and Teresa for the information.

#### **Agenda Item 5 – Bike Rack and Locker Discussion**

Eric Iwersen, Principal Planner, handed out a memo and provided information to discuss the process to fund and place additional bike racks and lockers in the downtown area.

Eric said this is a follow up item from the traffic calming funding project that was going to Council. Included with the memo, is an invitation to the downtown parking study that will look at all the parking issues downtown including bicycle parking.

Commissioner Cassano asked if the DTC installs the parking meters. Commission Chair Goronkin responded that they do.

Commissioner Cassano asked if the DTC could monitor and charge for bike lockers. Commission Chair Goronkin responded saying that the DTC may not recognize that subject as parking. She apologized because she will not be able to attend the two meetings mentioned and asked the commissioners who could attend these meetings and make a report next meeting.

Commissioner Huellmantel and Commissioner Streid volunteered to attend.

Eric said that we are working with Kimley Horne on the parking study. The design team will attend either the April or May Transportation Commission meetings to provide information as well. Commission Chair Goronkin added that is a good time to bring forward our concerns because the DTC will be receptive to such suggestions.

Commissioner Goren asked if the parking meters are a source of revenue for the DTC, and if so, they may see a return on the bike lockers. Commission Chair Goronkin responded that the DTC is nonprofit and revenue neutral and does not receive revenues for the meters.

Commissioner Huellmantel said the proceeds are invested into additional parking operations. If we have money to use from the transit funds, some ideas that we can follow are ASU's bike valet or install a decorative physical bike locker structure. Currently the HUB has no indoor or protected bike parking because every bike locker and bike rack is always full. This is a great sign that things are moving in the right direction, but if we want people to continue to ride their bikes downtown and it is not safe for them to do so, then people will stop doing it.

Commissioner Huellmantel proposed using transit funds to fund a project such as this and asked how he could begin the process. Eric responded that the process to package something for the request of the Council begins by staff forwarding it to the department head and the financial services manager. Then a discussion would be held at the Council when the next agenda meeting over the budget is discussed.

Commissioner Huellmantel said that this item is more transportation-oriented. Commissioner Olson responded that he agrees and asked if could be added onto the agenda for a walkthrough on this process. Commission Chair Goronkin said that the Commission would like to recommend this idea to the extent that the Council is willing to listen.

Commissioner Phillip Luna asked if the bike parking requirement varies depending on the area of the city. Eric responded that it does vary. There is a higher requirement in the major transit areas.

Commissioner Huellmantel added that in the bike commuter area, the bicycle parking spaces have increased areas. For businesses affected by this the process for planning bike parking will be negotiated based on the type of business. The city code formula requires increased bike parking in Transportation Overlay District (TOD) areas around light rail and the bicycle commute area.

Commissioner Cassano asked where does the (TOD) and the bicycle commute area extend. Eric responded that it extends to US 60. Commissioner Huellmantel said that those areas should be reconsidered because of the current expansion in bicycle commuters.

#### **Agenda Item 6 – Department and Regional Transportation Updates**

Commissioner Golub announced that SRP has awarded a grant to ASU's Dr. Mike Kuby and will lead a project to look at canal access for bikes. He said that by utilizing research already completed, we will be using a network-wide approach on applying barriers between bike paths and canals along with linking Mesa, Scottsdale, Tempe, and east Phoenix bike pathways together. A bike summit announcing preliminary results will occur in the Don Cassano room on April 30.

Commission Chair Goronkin said that the project is outstanding news and that SRP has stepped up to the plate on utilizing the canal banks for something beneficial to the community.

Commissioner Schelstraete said that he lives along a path next to a canal, and SRP has done excellent job of maintaining it.

**Agenda Item 7 – Future Agenda Items**

None

The Commission's next meeting is scheduled for April 8, 2014.

**Meeting adjourned at 8:36 a.m.**

Prepared by: Travis Mullen

Reviewed by: Sue Taaffe and Eric Iwersen