

# TRANSPORTATION ADVISORY BOARD MINUTES

## DRAFT

HELD ON September 20, 2022

The Transportation Advisory Board of the City of Mesa met in the Lower Council Chambers, 57 East 1<sup>st</sup> Street, on September 20, 2022 at 5:30 p.m.

<u>TAB Members Present</u>	<u>TAB Members Absent</u>	<u>Others Present</u>
Michelle McCroskey (Chairperson)	Sam Gatton	Ryan Hudson
Ryan Wozniak (Vice Chairperson)	Rodney Jarvis	Jason Coon
Tara Bingdazzo	David Winstanley	David Calloway
Ashley Gagnon		Jack Vincent
Daniel Laufer		David Calloway
Megan Neal		Mark Venti
Melissa Vandever		Erik Guderian
Mike James*		
*Arrived during Item 4 presentation		

Chairperson McCroskey called the September 20, 2022, Transportation Advisory Board meeting to order at 5:30 pm.

**Item 1. Approval of the minutes of the Transportation Advisory Board meeting held on July 19, 2022.**

It was moved by Vice Chairperson Wozniak, seconded by Board Member Laufer, that receipt of the above-listed minutes be approved.

Upon tabulation of votes, it showed:

**AYES** – McCroskey – Wozniak – Bingdazzo – Gagnon – Laufer – Neal – Vandever

**NAYS** – None

**Item 2. Items from citizens present.**

None

**Item 3. Presentation, training, and discussion on Arizona Open Meeting Laws and issues related to conflicts of interest.**

Jack Vincent, Assistant City Attorney, introduced himself and indicated that he would be giving a presentation, training and discussion on Arizona Open Meeting Laws and issues related to conflicts of interest.

Mr. Vincent gave his presentation and gave information on how to keep from violating open meeting laws. He explained rules and gave examples.

One example was board members at a social event like a ribbon cutting. If the members discuss a topic related to the board, they could have an open meeting law violation. He said it is best to avoid talking about board business outside of a board meeting.

He then explained serial meetings. This can be created if a few members discussed a topic that they would like to bring up to the board, then one of those members discusses it with three other members. Now you have a quorum exposed to this topic without them being in the same conversation at the same time. He said this especially comes into play with emails and that is why board members are blind copied when informed of an upcoming meeting to avoid them from replying to all and mentioning items that are on the agenda. He asked board members to be careful when sending emails and to think about what information they are sending. He said to think about the email and if it is going to discuss legal action, contain facts, or contain opinions that are the subject matter of the body. If it does not contain those categories, then there is probably not an open meeting law violation. If it is a social event not related to the subject matter of the body then it is okay, but he reiterated to be careful. Anything regarding legal action or a Transportation subject going to a quorum (which is currently six members of the board) outside of a meeting, is a violation of open meeting laws. He said here could be an email with less than six members of the board which would not be a violation but if it is forwarded to other board members to include a total of six members it would be a serial meeting and a violation. Additionally, a social median post about a Transportation topic and other board members responding to it or simply liking it, could be considered a violation.

He said that the meeting agenda should be posted at least 24 hours in advance. It should have details about the agenda, the date, location, and time of the meeting. He said there have been documented cases in Arizona of opening meeting law violations where the building number was left off or the time was wrong. Posting at least 24 hours in advance gives the public time to decide if they want to attend the meeting. The public has the right to attend public meetings, but they do not have a right to speak. The board can choose to hear from the public.

He said if the public is allowed to speak at a meeting and brings up a subject that is not on the agenda, it would have to be added to the next agenda if the board would like additional discussion. Even if the board has the answer and could address it at that moment, they are not allowed to because of open meeting laws. It would need to be tabled for the next meeting. Mr. Vincent explained that the board cannot get into a discussion about a topic that is not on the agenda. There is one exception. He said that members can respond to any personal attacks.

He then explained what can happen to the board or an individual if there is a violation. He explained if an agenda was not posted in time or if the date, time, or location was wrong, then anything decided in the meeting would be null and void. Depending on what was approved in the meeting, it could cost a lot of individuals time and money because the items would have to be voted on at a future meeting. He added that if an individual board member is charged with violating open meeting laws, then that person could be subject to a \$500 civil penalty, removed from the board, and would have to pay own court costs because state statute prohibits the City from using public money on such legal defense.

Mr. Vincent said with this being an advisory board, he does not see it having a problem with violation open meeting laws because of what they decide on. He said it is more at a council level but wanted the board to have knowledge of open meeting laws.

Mr. Vincent went over what would be a family conflict and which family members are included in that conflict. He read the state statute that refers to board members and family conflict. He said this applies the board member, their parents, grandparents, children, grandchildren, siblings, spouse, spouse's siblings, and in-laws. The interest needs to be a substantial interest which is any financial or ownership interest whether it is direct or indirect. If a board member or a family member of a board member falls in this category when it comes to an agenda item, then the board member should take the conservative route and recuse themselves. It is best not to take part in any of the discussions or decision making and make their interest known. There is a form through the City Clerk's Office where a board member can document their conflict and show that they have withdrawn from the agenda item.

Mr. Vincent asked if there were any questions at the conclusion of his presentation, and there were no questions from the board.

**Item 4. Hear and discuss a presentation on the Bus Stop Shade Study.**

David Calloway, Transit Coordinator, introduced himself and indicated that he would be giving a presentation on the Bus Stop Shade Study.

Mr. Calloway explained there are 682 total bus stops in Mesa, 332 have shelters and 350 do not have shelters.

Mr. Calloway said there were two parts to their study. One part looked at the 350 bus stops without shelters to see how many had other types of shade. Out of the 350 unshaded bus stops, 192 had shade from another source like a tree, wall, or some other structure. There are 158 that still do not have any shade.

Mr. Calloway explained the second part of the study is looking at new shelter designs that can be used at bus stops where traditional bus stops cannot be installed. This would be areas that have limited right of way or utility conflicts, given that the current bus stop design requires substantial concrete footings.

Mr. Calloway explained in the past when bus stops were damaged from a vehicle crash or other form of damage, or if it needed to be removed for any other reason, the Transit Department kept the components. Their group now has a stockpile of components that can be refurbished and repurposed.

Mr. Calloway said their next step is working with their consultants to design more narrow shelters that can be installed in areas with limited right of way or where other conflicts may exist.

Chairperson McCroskey mentioned the areas with alternative shade not having shade at certain times of day and areas that may have had a tree when the study was done but then the tree went down in a storm. She asked how those situations were being addressed.

Mr. Calloway said it is something they wrestle with constantly, and he mentioned the loss of trees over time at their facilities which is no different than street side trees. He said this is just the first step in the process. Their plan is to assess each non-sheltered location annually to see if it is viable to add a shelter. He added that they look for locations with higher ridership or close to activity centers, schools and hospitals when deciding to add shelters. He said some locations do not get shade, but it is something they are working on.

Chairperson McCroskey asked if they have looked at ideas or designs from the public or school students.

Mr. Calloway said they have not asked any schools. He said they need to balance maintenance, aesthetics, and serviceability. He explained they love some of the out of the box ideas, but they must manage some of the students' expectations and balance them with reality. He said he would be glad to share some of the options once they get a little farther along in design.

Board Member Gagnon asked if they pulled crime stats for the areas where they want to put these shelters.

Mr. Calloway said they have not pulled the crime stats for the areas. However, they are working with the Police. It will be reviewed by crime prevention officers and police supervisors.

Board Member Gagnon mentioned public safety, the layout of the design and the neighborhood it may be in. He said if the public does not feel safe or comfortable it is a waste of time.

Mr. Calloway said they are looking at comfort and safety and appreciated the feedback.

Vice Chairperson Wozniak asked if the City has agreements with private property owners to maintain a tree they may have at a location.

Mr. Calloway said he is not aware of any. He then asked Ryan Hudson, City Traffic Engineer, if he had any input on this subject.

Mr. Hudson explained that he will see it at the beginning, while a property is in development, what is expected from developers when it comes to landscape. Once it is established and if it is not being maintained properly, he believes it is something that would fall under Code

Compliance. He said it is not something he handles and would not be able to advise in detail on it.

Vice Chairperson Wozniak suggested that they reach out to Code Compliance to see if something is in place or can be added. He then spoke about high velocity traffic adjacent to locations with limited space and asked if the City of Mesa is looking at bollards or something to protect the public waiting at those locations.

Mr. Calloway referred the question to Mr. Hudson.

Mr. Hudson said there is nothing at this time but with new developments they are getting the right of way to have that distance setback that they want. He added that for more exposed areas, bollards have not been discussed for this type of use.

Mr. Calloway added that from a transit perspective, he is not aware of protection devices at bus stops.

Vice Chairperson Wozniak mentioned that the bollards are used in Europe and maybe it is something they can investigate. He then asked about acquiring easements.

Mr. Calloway said there is another option besides right of way. It is the public utilities and facilities easement that covers transit stops and bus shelters but there is a cost associated with it. He said he does not believe there is funding to acquire the bus stop easement. Mr. Calloway asked Mr. Hudson if he had a different perspective on this.

Mr. Hudson said no he does not. He said he shares the same sentiment and reiterated that the department's goal is to acquire what they can. He said easements are what they try to use when and where they can instead of right of way.

Vice Chairperson Wozniak recommended that they investigate if it is feasible to gain more space in some of these locations that are being studied.

Mr. Hudson said he believed that this is being covered in the survey and asked Mr. Calloway to speak to the right of way part of the survey.

Mr. Calloway said in an area with little or no right of way they consider different factors like ridership. He said in locations where they have low riders, they do not have a justification for acquiring right of way or to build a shelter.

Chairperson McCroskey asked Mr. Wozniak about the devices that would be used to stop vehicles.

Vice Chairperson Wozniak explained bollards are cylinder poles like you will sometimes see in front of stores. It is to prevent vehicles from progressing into a store front.

Chairperson McCroskey then asked if this could include items like large landscaping rocks.

Vice Chairperson Wozniak said you would want something that is designed to stop a vehicle.

Board Member James said accessibility guidelines suggest but do not require an eight by five boarding area. He asked if this is something that is being documented whether this size of boarding area is present at the various locations in this study.

Mr. Calloway said yes, they are.

Vice Chairperson Wozniak asked if bike racks at bus stops were part of the study.

Mr. Calloway said no. He said bike boarding typically starts at the beginning of the line like park and rides and that is where they have bike facilities. He said they have bike racks at some stops, but they are not frequently used. He said buses are set up to carry two or three bikes so riders can take their bike with them. Mr. Calloway said he rides; he prefers to take his bike with him on the bus and not leave it at a bus stop.

Vice Chairperson Wozniak said it would be great to achieve more secure equipment at stops.

Mr. Calloway said they have what they call bike lids that are more secure at their park and ride facilities.

Board Member Neal recommended reaching out to the City of Phoenix and Tempe because they have already gone through the same bus shelter studies regarding shade, lighting, and bus shelter issues.

Mr. Calloway said that solar light and technology has come a long way in the last seven years since he has been in this position. He also mentioned there is a dialogue between Phoenix, Tempe, and Mesa which they can take a look and appreciated the feedback.

Board Member Laufer asked if Transit gets revenue from advertising at bus stops.

Mr. Calloway said yes. He added that they are holding in a fund and plan to use it add more advertising shelters for more revenue.

Chairperson McCroskey thanked him for his presentation.

It was motioned by Vice Chairperson Wozniak, seconded by Board Member Laufer, to adjourn the meeting.

**AYES** – McCroskey – Wozniak – Bingdazzo – Gagnon – James – Laufer – Neal – Vandever

**NAYS** – None

Meeting adjourned at 6:27 pm