



Minutes City Council Committee of the Whole Meeting August 18, 2014

Minutes of the Tempe City Council Committee of the Whole Meeting held on Monday, August 18, 2014, 4:30 p.m., in the City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

COUNCILMEMBERS PRESENT:

Mayor Mark W. Mitchell	Vice Mayor Onnie Shekerjian
Councilmember Robin Arredondo-Savage	Councilmember Shana Ellis
Councilmember Kolby Granville	Councilmember Joel Navarro
Councilmember Corey D. Woods	

STAFF PRESENT:

Andrew Ching, City Manager	Steven Methvin, Deputy City Manager – Chief Operating Officer
Ken Jones, Deputy City Manager – Chief Financial Officer	Judi Baumann, City Attorney
Brigitta M. Kuiper, City Clerk	Chuck Cahoy, Deputy City Attorney
Jeff Tamulevich, Code Enforcement Manager	Michael Greene, Central Services Manager
Mark Vinson, Principal Architect	Eric Iwersen, Principal Planner
Dave Nakagawara, Community Development Director	Shelley Hearn, Community Services Director
Steve Abrahamson, Principal Planner	Ryan Levesque, Deputy Community Dev. Dir. – Planning
Shelly Seyler, Deputy Public Works Dir. – Transportation	Renie Broderick, Internal Services Director
Elizabeth Higgins, Mayoral Aide	Mike Branom, Council Aide
Parrish Spisz, Council Aide	Various Department Heads or their representatives

Mayor Mitchell called the meeting to order at 4:33 p.m.

Call to the Audience

Darlene Tussing, Tempe, requested that all major development projects be reviewed by the residents of the impacted neighborhoods before they are submitted to the City, as part of the permitting process.

Darlene Justus, Tempe, discussed neighborhood concerns regarding the proposed Rolling Hills Hotel at Papago Park; residents should be involved in the development review process. In addition, the curbing along the new right-of-way landscape on Scottsdale Road needs to be replaced and elevated, and the graffiti abatement program should also address commercial businesses.

Kim Loza, Tempe, expressed support for the right-of-way landscape improvements, graffiti abatement program, and the proposal for the City to act as a bulk buyer of landscaping services. The City should install a uniform sculpture or branding sign at all the entranceways to Tempe, and hire landscapers that perform quality work.

Lane Carraway, Tempe, suggested using pavers rather than concrete for the medians on Scottsdale Road in Tempe because they would be less expensive and easier to replace.

At the request of Mayor Mitchell, the agenda items were taken out of order.

New Items for City Council Consideration

Dementia Friendly City

Mayor Mitchell stated that he is requesting to explore how the City of Tempe can become a “dementia friendly” city by working with partners in public safety, the Tempe Chamber of Commerce, the Alzheimer’s Association, Tempe human service organizations, the Area Agency on Aging, Tempe Community Services staff, legal advocacy groups, and other health or social service agencies.

Councilmembers discussed using alternate words, such as “aging in place”; expanding the scope to include individuals who have logistical issues; including the City’s internal partners in the discussions; and consulting resources used by the Fire Department to address the needs of the senior population.

Based on the discussion, Councilmembers concurred with the request. Councilmember Ellis and either Councilmember Arredondo-Savage or Councilmember Navarro will participate in the working group along with Mayor Mitchell.

Items ready for City Council Direction or Status Update

Councilmembers and staff reviewed items ready for City Council direction or provided a status update on items, as follows:

Improved Code Compliance Policy Options for Graffiti and Landscaping Procurement - City Council Direction

Jeff Tamulevich, Code Enforcement Manager, presented background information on the proposal to create two pilot programs that would provide residents and businesses affordable access to the services to comply with code enforcement:

- 1) Pilot Program for Landscaping Professionals – provides an established list of qualified landscaping professionals and standardized rates that residents would be able to request from the City and utilize to contract for services.
- 2) Pilot Program for Graffiti Abatement Professionals – provides an established list of qualified graffiti abatement professionals and standardized rates that local businesses or commercial property owners would request and utilize to take care of graffiti on their private property.

Michael Greene, Central Services Manager, reviewed the City’s evaluation/procurement process to qualify landscaping and graffiti abatement vendors, including the issuance of a separate Request for Proposal for each service type. Staff will solicit input from these companies; determine the standardized rates for services; and establish a feedback loop in the process with Procurement and Code Enforcement to ensure that the vendors are performing well and responding properly.

Councilmembers and staff discussed the proposed pilot programs and similarity to the City’s Service Line Protection Program. The City may incur some level of liability for the landscaping or graffiti abatement vendors’ performance; a subpar vendor will be removed from the established list. Staff will include a liability disclaimer in the City’s contract with the qualified vendors, and ensure that the companies have strong insurance levels. Staff will discuss with landscaping companies the appropriate number of visits to a residential property over a one-year period, and solicit feedback from residents to determine an affordable rate for such service. The ability of staff to remove graffiti from a business depends on the availability of resources and legal issues pertaining to accessing private property. The homeowner and the selected vendor would negotiate their landscaping agreement. Staff was asked to provide information regarding legal liability issues associated with the pilot programs. In one to two years following the landscaping pilot program, perhaps staff could explore ways to help residents who are most in need, such as by offering subsidized rates based on financial need.

Based on the discussion, staff will proceed with creating two pilot programs to enable the City to act as a bulk buyer for residents and businesses for graffiti abatement and landscaping services to help them comply with code enforcement. Staff will provide follow-up information on the pilot program to City Council.

Connectivity between College Avenue, Mill Avenue and Ash Avenue - City Council Direction

Mark Vinson, Principal Architect, presented background information on a potential pilot project that would incorporate certain concepts and elements to enhance connectivity on 7th Street between Forest and Myrtle Avenues, with a focus on the 7th Street/Forest Avenue intersection. The pilot project would integrate the following: bulb-outs; intersection, sidewalk, and crosswalk treatments; sharrows; parklets; color schemes; wayfinding signage; shared space; recommendations of the Downtown Parking Strategic Plan; and potential improvements along 5th Street. The installation of parklets would require the elimination of one to two parking spaces in order to create unique seating and interaction opportunities, in partnership with Downtown Tempe Community, Inc. (DTC) and private businesses.

Kate Borders, President/Executive Director, DTC, discussed the need to enhance pedestrian connectivity in the downtown area. DTC wants to partner with the City on the pilot project. DTC is willing to install and maintain the planters in the pilot area, similar to the planters owned and maintained by DTC on Mill Avenue. DTC is also willing to partner with private businesses in the pilot area to implement the parklets.

Eric Iwersen, Principal Planner, noted that implementation of the pilot project is estimated to cost between \$20,000 and \$30,000, which would be shared between the City's Public Works and Transportation Departments and DTC. The City would be responsible for the striping and street changes; DTC would be responsible for the landscaping and its ongoing maintenance.

Councilmembers and Mr. Iwersen discussed the importance of connectivity from College Avenue on the east to Mill Avenue and beyond to Ash and Farmer Avenues on the west. Councilmembers expressed support for the parklets, wayfinding signage, potted plants, and bulb-outs. The pilot project would allow for features that can be easily removed; permanent infrastructure would not be implemented. As part of the intersection improvements performed by Arizona State University (ASU), some of the designated bulb-out locations are already striped to indicate that they are a "no-driving" area; planters would be added to enhance this area.

Councilmembers continued discussions regarding the need to provide temporary, innovative, and inexpensive shade structures for pedestrians to support walkability; perhaps, through collaboration with ASU. The street painting should be durable and able to withstand the hot climate; in addition, other surface treatment options that have minimal maintenance issues should be explored. The downtown atmosphere could be extended to other parts of Tempe through the installation of similar walkway bricks and trees. The parklets should contain trees and permanent shade structures, their placement and design should be carefully planned, and their ongoing maintenance and stormwater management addressed. Small sections of green paint could be applied to the bicycle lanes to help reduce material and maintenance costs. Implementing the connectivity improvements within a smaller section of the pilot area would enable staff to monitor and verify their effectiveness before advancing to another section. Staff was asked to explore ways to blend the improvements implemented by ASU along College Avenue with the improvements planned for the pilot area, such as use of brick for pedestrian throughways.

Mayor Mitchell left the meeting at 5:32 p.m.

Based on the discussion, staff will move forward with the Farmer Avenue to College Avenue connectivity pilot project.

Methods to Improve Customer Service in Community Development - Status Update

Dave Nakagawara, Community Development Director, reviewed the following efforts and programs that have been implemented or will be implemented by the City to address stakeholder suggestions or concerns:

- October 2014 – a one-stop permitting center will open to allow staff to issue both engineering and building permits and address planning issues in one place, following approval of budgetary changes by the City Council.
- November 2014 – the Adaptive Reuse Program to facilitate the reuse of older buildings will go into effect, following City Council action on October 2, 2014.
- October–December 2014 – Planned Area Development (PAD) reform is a comprehensive overhaul of the way the City reviews flexible zoning overlay districts to accommodate creative development projects. Staff will continue discussions with various stakeholders, including the Development Review Commission (DRC), regarding proposed changes to the administrative and decision-making processes for zoning and PAD requests, and improvements for greater outreach in the public process. Preferred locations and regulations for student housing will also be considered. The proposed changes will be presented for discussion at the September 15, 2014 Committee of the Whole meeting and the September 29, 2014 City Council/DRC Joint Meeting. Final consideration by the DRC and City Council is scheduled for October 28, 2014, and December 4, 2014, respectively.
- September 2014 – staff plans to launch the Fast Track Tempe pilot program to facilitate a fast permitting process for tenant improvement projects to assist small business customers while utilizing third party private sector plan reviewers. Staff presented the draft pilot program to the stakeholders who had participated in last year's World Café Sessions, the Tempe Chamber of Commerce, and other constituents; general feedback received was positive and a desire was expressed to expand the program in the future to cover a larger range of projects.

Councilmembers and Mr. Nakagawara discussed the need to evaluate the Fast Track Tempe Permit Pilot Program to determine if additional modifications are necessary, reform the PAD process, implement a wider notification area, and better

define student housing. The fast track permitting process is separate from the public involvement process. Councilmembers expressed support for Engineering and Planning staff working together in the new one-stop permitting center, sharing information, and streamlining the development and permitting processes. Building plans processed using the fast track permitting process are subject to an audit by City staff, conducted after permit issuance. Staff was asked to evaluate the proposed programs and changes after six months to determine whether adjustments need to be made. Councilmembers thanked Mr. Nakagawara and staff for their work developing methods to address stakeholder concerns, improve customer service, and maintain high standards.

Based on the discussion, staff will proceed with implementing the methods to improve customer service in the Community Development Department, as presented; conduct an evaluation after six months to identify any areas for improvement; and present a status update to the City Council.

Underage Drinking Policies and Procedures - City Council Direction

Councilmember Arredondo-Savage stated that the City recently hosted an Underage Drinking Task Force Stakeholder Forum where participants from various public and private entities discussed ongoing efforts, existing gaps and challenges, and the appropriate role for the City to support efforts to reduce underage drinking within the community. Councilmembers Arredondo-Savage and Woods, and Vice Mayor Shekerjian participated in the forum, which was facilitated by Paul Bentley, from the Tempe Police Department. The forum was attended by 52 individuals; four specific strategic directions were established to combat underage drinking, in the areas of education, enforcement, access to alcohol, and diversion. Task Force members recommend that the newly-created Human Services Department lead the coordination of efforts, as follows:

- Establish a means for consistent communication between the City and its stakeholders.
- Compile a comprehensive document that lists current initiatives and programs, their target populations, and measures of success.
- In partnership with the stakeholders, establish and complete specific strategies to address underage drinking.
- Complete an annual report that summarizes accomplishments and assesses the overall trend of underage drinking in the community.

Based on the discussion, the City Council agreed with the next steps:

- The Task Force members will meet again with the forum participants to discuss the results of the forum and develop specific strategies to address underage drinking. Mr. Bentley was asked to facilitate this meeting. The strategies will be presented to the City Council.
- Human Services staff will lead the coordination of efforts to implement the strategies. Following implementation, the Task Force will be disbanded.

Food Trucks - City Council Direction

Shelley Hearn, Community Services Director, stated that following City Council discussion at the June 16, 2014 Committee of the Whole (COW) meeting and additional stakeholder input, several revisions were made to the draft ordinance allowing food truck operations on public streets and City-owned property. She reviewed the following proposed ordinance revisions:

- 1) A procurement process will be used to establish a list of qualified food truck vendors.
- 2) Food trucks are prohibited from operating on a public street in the Downtown Improvement District, unless Downtown Tempe Community, Inc. requests food trucks to operate during a special event.
- 3) Food trucks are prohibited from operating on arterial streets.
- 4) Food trucks are prohibited from operating on or within 500 feet of the same location on a public street for more than four hours in an eight-hour period.
- 5) Food trucks are allowed to operate in residential areas only between the hours of 7 a.m. and 10 p.m.
- 6) Food trucks are prohibited from operating within 500 feet of school grounds from one-half hour before school begins until one-half hour after school ends.
- 7) Mobile merchant applicants are required to sign a "good neighbor policy", modeling after the Town of Gilbert's policy.

Ms. Hearn stated that no ordinance revisions were proposed for food truck operations on private property or as part of a special event.

Councilmembers discussed, with input from Chuck Cahoy, Deputy City Attorney, the operation of food trucks at the Tempe Public Library complex, Kiwanis Park, neighborhood parks, and events such as during Getting Arizona Involved in Neighborhoods (G.A.I.N.) Night or other special events.

Based on the discussion, staff will finalize the draft food truck ordinance and place it on a future Regular Council Meeting for City Council's consideration.

Right-of-Way Walls - Status Update

Steve Abrahamson, Principal Planner, stated that staff researched ways to mitigate the aesthetics of right-of-way walls, or reverse frontage walls, which front from a residential property to an arterial or collector street within Tempe. Staff performed an inventory of these walls located within a sampling area of the City's geographic center, including Baseline Road, Guadalupe Road, McClintock Drive, Price Road, and Rural Road. Mr. Abrahamson delivered a slide presentation to illustrate the conditions and issues associated with the walls sampled in the July 2014 survey. Neighborhood Services and Code Compliance staff have worked with residents to improve and paint walls in their neighborhoods. Chandler and Mesa have used capital improvement funds and other funding mechanisms to support efforts to improve and maintain reverse frontage walls in their respective cities. Staff suggests the following as best practices:

- Inform residents of the issues involved with the existing reverse frontage walls.
- Use the Home Improvement Planning Program (HIPP) to make repairs or improvements to reverse frontage walls.
- Use grant funding to renovate or improve walls in neighborhoods through the Maryanne Corder Neighborhood Grant Program.
- Allocate Capital Improvement Program (CIP) funds to upgrade reverse frontage walls in a particular area.

Councilmembers, Mr. Abrahamson, and Ryan Levesque, Deputy Community Development Director – Planning, discussed the following: homeowners that remove a wall higher than seven feet, or heighten a wall to above seven feet, may qualify for a rebate on their plan check and building permit fees through the HIPP. However, a permit is not required to paint or re-stucco a wall. Establishing a wall improvement program to address safety and aesthetic issues involved with some of the reverse frontage walls will help add value, consistency, and connectivity to the affected neighborhoods. Improvements to the reverse frontage walls in the neighborhoods located between the US 60 and Mill Avenue could be implemented first since they represent a gateway into downtown Tempe. Community Development staff will work with Neighborhood Services staff to notify homeowners who have reverse frontage walls in their neighborhoods on how they can utilize the HIPP or Maryanne Corder Neighborhood Grant Program to repair or improve those walls. Councilmembers discussed possible funding options to include sharing the cost of the wall improvements between homeowners and the City, and adding a placeholder for wall improvements in the CIP. Potential CIP funding can be considered separately when the CIP budget is presented to City Council. Community Development staff was asked to work with Neighborhood Services staff to develop a comprehensive master plan for the reverse frontage walls, present a draft plan to the City Council for review and feedback, and include wall improvements in the visioning and planning processes for the Character Areas.

Based on the discussion, staff will continue to explore ways in which to mitigate the aesthetics of reverse frontage walls within Tempe, identify potential funding sources, include wall improvements in the Character Areas planning process and report back to City Council.

Right-of-Way Landscaping - Status Update

Shelly Seyler, Deputy Public Works Director – Transportation, provided background information on right-of-way landscape improvements that have been completed at three demonstration sites in Tempe on Scottsdale Road, Broadway Road, and McClintock Drive. She presented before and after pictures of the sites showing the improvements made. Future locations may need to be condensed into smaller phases in order to complete the intended level of aesthetic investment. Public Works staff was recognized for their work and collaboration with the North Tempe neighborhoods. Staff is requesting feedback from the City Council on the proposed reinvestment locations for this fiscal year; any recommended changes will be implemented in time for the fall planting season.

Councilmembers expressed support for the proposed reinvestment locations, especially in South Tempe; improvements completed so far; and various hardscape investment strategies that add value to the neighborhoods. Staff should maintain standards for quality landscape maintenance and vegetation planting and hold vendors accountable to those standards. Addressing a concern expressed during the *Call to the Audience*, Ms. Seyler stated that the estimated cost to refresh the curbing along Scottsdale Road, between Roosevelt Street and Curry Road, is \$60,000, and asked for Council input on whether this improvement should be completed this fiscal year. Councilmembers requested that staff solicit input from the residents on how the funds should be spent toward right-of-way landscape improvements in this area, such as for an art element, entry feature, or curb revitalization.

Based on the discussion, staff will discuss with residents the right-of-way landscape prioritization and reinvestment projects, and report their feedback to the City Council.

Performance Evaluation Process for City Council Appointees - City Council Direction

Renie Broderick, Internal Services Director, stated that the Council Appointee Performance Evaluations Working Group supports the performance planning process for the four Council Appointees (City Manager, City Clerk, City Attorney, and Presiding Judge), as originally drafted in April 2013. The group also recommends that the City Council initiate this process with all four Council Appointees in September of each year, with a six-month update in March of each year.

The City Council agreed that the proposal was the appropriate mechanism for providing performance feedback to the Council Appointees on a defined schedule. Staff will move forward with the evaluation process.

Regulating Animals in Backyards - City Council Direction

Jeff Tamulevich, Code Enforcement Manager, stated that staff evaluated expanding the definition of *domestic animal* to include pygmy goats, and increasing the current allowance of five chickens in Single-Family Zoning Districts, in response to requests from residents. Staff believes that the existing Tempe City Code provisions regulating backyard animals are appropriate and flexible; staff does not recommend a Code text amendment. However, staff is proposing to expand the use permit process to allow a property owner in any Residential Zoning District to make a one-time request to keep a specific type and quantity of animal(s) on their property, currently allowed in the Agricultural Zoning District, until the owner moves. Any subsequent owners would be required to process a separate use permit if they wish to keep the same or similar animals. This process would also allow any neighbor to participate in a public hearing process. Ryan Levesque, Deputy Community Development Director – Planning, indicated that the cost for a use permit in a Single-Family Zoning District is \$120 to \$130, which typically increases 2% to 3% annually based on the Consumer Price Index.

Councilmembers and staff discussed the complaint process; a resident or neighbor who is aggrieved by any animal that has been allowed by a use permit, such as through noise or other disturbance, can notify Code Enforcement and an investigator would visit the property. If the status of the complaint is not resolved, staff can initiate a revocation process of the use permit. City Code prohibits the keeping of roosters so homeowners cannot obtain a use permit for a rooster.

Based on the discussion, the City Council agreed with staff's proposal to expand the use permit process to allow a property owner in any Residential Zoning District to request to keep animals on their property. Specific changes to the Zoning and Development Code will be required, including a definition of *household pet*, and refinement to the definition of *small animal*.

Items in Progress – updates as needed

Councilmembers and staff provided a status update on the following item in progress:

Sky Harbor Intergovernmental Agreement Update - Vice Mayor Shekerjian and Councilmember Ellis (To be determined)

Councilmember Ellis stated that she and Vice Mayor Shekerjian are suggesting that a joint meeting between the Tempe City Council and the Phoenix City Council be scheduled to discuss the Intergovernmental Agreement between the cities of Tempe and Phoenix regarding Phoenix Sky Harbor International Airport and other items of interest, as submitted by members of both councils. The City Council agreed with this suggestion.

Items Scheduled for Periodic Review

The following items are scheduled for period review at an upcoming Committee of the Whole meeting:

- A. Graffiti Update – six month review (last presented May 19, 2014)
- B. Sustainability Progress Report – six month review (last presented April 7, 2014)
- C. Renewable Energy Goals – six month review (last presented May 22, 2014, Issue Review Session)
- D. Community Development Stakeholder Process – six month review (last presented May 19, 2014)
- E. Greater Phoenix Economic Council – annual review (last update provided June, 2014)

There was no discussion on this item.

Future Meeting Date:

Monday, September 15, 2014, at 4:30 p.m. (*later changed to 4:00 p.m.*), City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

The meeting adjourned at 6:50 p.m.

I, Brigitta M. Kuiper, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the City Council Committee of the Whole Meeting of August 18, 2014, by the Tempe City Council, Tempe, Arizona.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk