

## Minutes City Council Retreat February 28, 2014

Minutes of the Tempe City Council Retreat held on Friday, February 28, 2014, 12:30 p.m., at the Tempe Public Library, 3500 South Rural Road, Lower Level, Meeting Room A, Tempe, Arizona.

### **COUNCILMEMBERS PRESENT:**

Mayor Mark W. Mitchell  
Councilmember Robin Arredondo-Savage  
Councilmember Kolby Granville  
Councilmember Corey D. Woods

Vice Mayor Onnie Shekerjian  
Councilmember Shana Ellis (*arrived at 1:00 p.m.*)  
Councilmember Joel Navarro (*participated telephonically*)

### **STAFF PRESENT:**

Andrew Ching, City Manager  
Judi Baumann, City Attorney  
Steven Methvin, Mayor and Council Chief of Staff  
Mike Branom, City Council Aide  
Chuck Cahoy, Deputy City Attorney  
David Nakagawara, Community Development Director  
Shannon Selby, Business Development Officer  
Greg Ruiz, Fire Chief  
Rosa Inchausti, Diversity Director  
Marge Zylla, Government Relations Officer  
Renie Broderick, Human Resources Director  
Deborah Schaefer, Court Administrator  
Various Staff Members

Jeff Kulaga, Assistant City Manager  
Brigitta M. Kuiper, City Clerk  
Elizabeth Higgins, Mayoral Aide  
Parrish Spisz, City Council Aide  
Nikki Ripley, Communications and Media Relations Manager  
Donna Kennedy, Economic Development Director  
Shelley Hearn, Community Services Director  
Tom Ryff, Police Chief  
Barbara Blue, City Auditor  
Don Bessler, Public Works Director  
Shauna Warner, Neighborhood Services Manager

***Mayor Mitchell called the meeting to order at 12:42 p.m. and welcomed staff in attendance.***

### **Call to the Audience**

Benjamin Graff, Attorney with Withey Morris, PLC, representing Bethel Development, stated that Bethel Development has requested federal HOME funds for the Apache Villas Senior Living facility, located at 2148 East Apache Boulevard. This development is aligned with the City of Tempe's vision as it will provide affordable housing and support services to senior citizens. Bethel will provide free, onsite benefits, services, and programs to senior citizens.

### **Open Meeting Law**

Kathryn Marquoit, Assistant Ombudsman for Public Access, Arizona Ombudsman-Citizens' Aide Office, introduced herself and outlined her background and experience. Ms. Marquoit delivered a slide presentation regarding Arizona's Open Meeting Law (OML) requirements and responded to questions from Councilmembers concerning the following: public meeting and executive session minutes; non-verbal serial communications; Arizona Attorney General Opinion I05-004; electronic communications; prohibited one-way communication; proposing an agenda item; communications with the public; actions to take upon learning that a potential OML violation has occurred; ratification; penalties; and interviews with the media. Concluding the presentation, Ms. Marquoit reviewed key resources for further information about the OML.

*The meeting was recessed at 1:56 p.m. for a break and reconvened at 2:13 p.m. with Councilmember Navarro absent.*

## **Televising Public Comment at Regular Council Meetings**

Mayor Mitchell stated that he would like the public comments portion of Regular Council Meetings televised, as previously discussed at the City Council Retreat in March 2013. Councilmembers discussed whether to televise the *Call to the Audience* portion of the meeting; the speaker time limit; whether to keep the *Call to the Audience* at the end of the meeting or move it to the beginning of the meeting; and whether or not to omit slanderous remarks about City employees from being televised and rebroadcast.

Mayor Mitchell stated that, contrary to comments by the public and the media, the City Council has never banned public comments at City Council meetings; the City Council encourages public participation to ensure transparency. The City's policy for public comments is included on agendas and is available to the public during Council meetings; the policy prohibits members of the public "from making personal, impertinent, or slanderous remarks and from becoming boisterous." Mayor Mitchell stated that he would enforce this policy in his capacity as Chair of these meetings.

Discussion continued regarding the possibility of muting the microphone if a speaker does not comply with the public comment policy. Nikki Ripley, Communications and Media Relations Manager, stated that she would research if current equipment allows for muting one microphone. She also noted the difficulty of omitting only portions of the public comments; due to software limitations.

Andrew Ching, City Manager, explained that the *Call to the Audience* portion of the meeting has not been televised for several years based on an administrative decision by a former City Manager. He questioned Councilmembers if the City should omit from rebroadcast any personal, impertinent, or slanderous remarks in order to protect the City from potential exposure. If so, staff will need to determine how an omission could be executed technologically while still maintaining the integrity of the rest of the rebroadcast on both Video-On-Demand and Tempe Channel 11.

Based on the discussion, the City Council recommended the following:

- Televising the *Call to the Audience* portion of Regular Council Meetings beginning March 20, 2014.
- Reduce the speaker time limit from five minutes to three minutes; amend the Tempe City Council Rules of Procedure to reflect this change.
- Explore technological enhancements and present recommendations for improvement, to prevent broadcasting profanity and rebroadcasting personal, impertinent, or slanderous remarks.

## **Process and Purpose of Issue Review Session and Committee of the Whole Meetings**

Councilmember Arredondo-Savage stated that she and Councilmember Ellis had asked that staff provide a framework for City Council Issue Review Sessions (IRS) and Committee of the Whole (COW) meetings to clarify the process, purpose, and expectations for each meeting format. Agenda items scheduled on an IRS agenda are typically initiated by staff for purposes of updating the City Council; agenda items scheduled on a COW agenda are for new ideas generated by Councilmembers and if approved, to establish a working group to research and study the issue. Councilmembers discussed the IRS and COW meeting formats; televising the COW meetings in the Council Chambers; that the COW replaced the former Council Committee process; introducing a new topic/idea at COW for research and later placing it on an IRS agenda for discussion and feedback; holding the COW meetings in locations other than Hatton Hall; and, the importance of efficiency.

Based on the discussion, the City Council recommended:

- Relocate COW meetings to the Council Chambers and televise the meetings beginning on March 24, 2014.
- Evaluate the new arrangement in six months to determine whether changes are necessary.
- Explore opportunities to hold COW meetings in different locations in the community, such as the Pyle Adult Recreation Center or the Tempe Public Library, provided that any additional costs are minimal.
- Move the items that originate in a COW meeting to an IRS agenda for Council discussion and direction.

## **The City's Vision for Properties along the Apache Boulevard Corridor**

David Nakagawara, Community Development Director, noted the need for a discussion regarding the City's vision for the Apache Boulevard Corridor to ensure the optimal mix of market-rate housing and non-residential development. Over the past few years, Councilmembers have considered incentives such as permit fee reductions and allocation of HOME funds to low-income housing projects along the Apache Boulevard Corridor. Staff provided the following materials for reference: zoning maps for the Apache Boulevard Corridor; General Plan 2040 excerpts pertaining to redevelopment and the Rail Corridor Growth Area; maps depicting affordable housing, multi-family rentals, student housing, and market-rate multi-family rentals; and an *Arizona Republic* article detailing how light rail has spurred development in Tempe.

Councilmembers discussed the need for the City Council to adopt a vision statement that outlines the City's vision for specific areas in Tempe, including the Apache Boulevard Corridor; such a statement will convey a clear sense of vision to potential developers. Character Area plans will include a vision statement for the specified area that will assist in the development application decision-making process. Staff can use the applicable Character Area criteria to assist in their evaluation of development projects. Important elements in the redevelopment vision for the Apache Boulevard Corridor include: accommodating a diverse mix of affordable, market-rate, and rental housing options, as well as retail and commercial services in new developments, and supporting multiple modes of transportation. Councilmembers noted that the maps provided lack the existing and planned housing developments, including mobile home parks, and requested that staff add this information for future reference.

Mr. Nakagawara explained that staff intends to embark on a light rail station area property survey, in concert with Character Area planning, for the Apache Boulevard Corridor and surrounding area. Station area plans identify future development opportunities and land uses around each station, and design and development guidelines that can enhance the pedestrian environment and encourage transit ridership.

Based on the discussion, the City Council recommended that staff:

- Provide a color-coded map that illustrates all public and private development types, including affordable, privately owned homes, retail, condominiums, and apartments; age of properties; occupancy status; and owner occupied versus rental properties within the Transportation Overlay District.
- Research regional planning efforts for light rail station areas to ensure consistency, and identify available funding resources.
- Ensure that heights of proposed development projects adjacent to the single-family homes along Apache Boulevard, east of Terrace Road, are compatible.
- Present follow-up information to the City Council at a future meeting.

## **Economic Development Update**

Donna Kennedy, Economic Development Director, provided an update on various economic development strategies and opportunities available to the City of Tempe. Ms. Kennedy delivered a slide presentation identifying key priorities moving forward and an overview of business attraction findings. Shannon Selby, Business Development Officer, summarized business development strategies to include the key industries, key corridors (corporate locates), foreign direct investment from Canada, Tempe's partnership with Arizona State University, and recent business development activities. Ms. Kennedy then reviewed findings on business retention and expansion, business development activities to promote innovation and entrepreneurship, employment core areas, next generation industrial/high tech mixed-use development and commercial redevelopment opportunities, proposed redevelopment incentives, and key strategies for creating jobs and fostering economic growth and development.

Mayor Mitchell noted that the City of Tempe laid an infrastructure foundation to attract businesses to the community. In 1996, Tempe voters approved a permanent transit tax to fund public transit, including the possibility of light rail. Companies are attracted to Tempe due to the availability of multiple modes of transportation, parks, special events, and other community assets. Community Development and Community Services staff will be exploring ways to improve and streamline the City's permitting and customer service activities; this will help support business retention and expansion. It was also noted that LifeLock has decided to expand their business location in Tempe, triggering construction of the third tower at Hayden Ferry Lakeside.

Councilmembers, Andrew Ching, City Manager, and staff discussed the importance of strengthening Tempe's reputation as more than a "college town," but rather as a destination of choice and a business-friendly city by implementing methods to enhance the development and permit processes to include reducing timelines and paperwork, implementing new processes, and seeking customer feedback for additional improvements. Input received at the Character Area planning meetings will contribute to the formation of economic and redevelopment opportunities in those areas. The Tempe Public Art Program could serve as a tool to promote economic prosperity. The City Council is responsible for setting the vision.

Based on the discussion, Councilmembers suggested the following:

- Research the former "Techie Tuesdays" event for additional ideas to promote innovation and entrepreneurship.
- Present follow-up information to Councilmembers regarding the establishment of economic incentives to redevelop distressed areas that provide public benefits in employment core areas, and, a funding source to invest in redeveloping distressed properties within those areas.

*The meeting was recessed at 4:20 p.m. for a break and reconvened at 4:28 p.m. with Councilmember Navarro absent.*

## **Development Design Standards**

David Nakagawara, Community Development Director, stated that development projects are evaluated by staff, the Development Review Commission (DRC), and the City Council for compliance with design standards and the City's vision for the particular area. Many proposed projects are Planned Area Development Overlay Districts, which have individualized development standards. However, a discussion is desired to evaluate the City of Tempe's current design evaluation toolbox, to determine if there are best practices used elsewhere that can be used to better define and carry out the vision outlined in the General Plan 2040. Mr. Nakagawara reviewed the following materials provided by staff for reference: City of Phoenix's Southwest Growth Study/Laveen: A Guide for Development; City of Scottsdale's Desert Foothills Implementation Plan; City of Chandler's Southeast Chandler Area Plan; and Tempe's Zoning and Development Code, Transportation Overlay District chapter. The applicable Character Area Plan criteria and design guidelines will assist staff in evaluating development proposals and providing recommendations to the DRC and the City Council.

*Councilmember Ellis left the meeting at 4:35 p.m. and participated telephonically at 4:40 p.m.*

Councilmembers discussed current development, development processes and development design standards. Based on the discussion, the City Council recommended the following:

- Review DRC membership requirements so that individuals with design backgrounds assist with reviewing proposed projects' design and building materials before projects are presented to the City Council.
- At a future Issue Review Session, present a tutorial on quality design and construction, including examples from other cities, and include Community Development's recommendations and measures of quality.
- Use language in the development design standards to communicate the vision for a given area and that allows flexibility to implement that vision; avoid codifying rigid rules.
- Provide information on the City of Phoenix's 24-hour permitting process and the particular aspects that were adopted by the Cities of Scottsdale and Chandler to improve their processes.

Mr. Nakagawara noted that staff intends to schedule a DRC retreat to discuss development design standards and associated issues. Councilmembers were invited to attend this meeting.

In response to comments regarding the City's permitting process, Mr. Nakagawara stated that he is scheduled to present findings and recommendations from the development and permit stakeholder engagement process, at an upcoming COW meeting. The stakeholder engagement process consisted of members of Tempe's development, design, construction, and neighborhood communities. Participants discussed and provided feedback on the City's development and permitting processes regarding information services, customer service, and regulatory aspects.

Mayor Mitchell thanked City staff and Councilmembers for their work and input.

***There being no further business, the meeting adjourned at 4:51 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 Retreat of February 28, 2014 by the Tempe City Council, Tempe, Arizona.

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Mark W. Mitchell, Mayor

ATTEST:

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Brigitta M. Kuiper, City Clerk

UNAPPROVED