



## Minutes City Council Work Study Session September 15, 2016

Minutes of the Tempe City Council Work Study Session held on Thursday, September 15, 2016, 4:00 p.m., in the City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

### **COUNCILMEMBERS PRESENT:**

Mayor Mark W. Mitchell

Councilmember Kolby Granville

Councilmember Lauren Kuby

Councilmember David Schapira (*arrived at 4:07 p.m.*)

Vice Mayor Robin Arredondo-Savage

Councilmember Randy Keating

Councilmember Joel Navarro (*arrived at 4:14 p.m.*)

### **STAFF PRESENT:**

Andrew B. Ching, City Manager

Judi Baumann, City Attorney

Brigitta M. Kuiper, City Clerk

Don Bessler, Public Works Director

Various Department Heads or their representatives

Ken Jones, Deputy City Manager – Chief Financial Officer

Steven Methvin, Deputy City Manager – Chief Operating Officer

Marge Zylla, Government Relations Officer

Shelley Hearn, Community Services Director

*Mayor Mitchell called the meeting to order at 4:03 p.m.*

## **Call to the Audience**

Deborah Zajac, Tempe, spoke in support of protecting the unique, valuable open space of Papago Park.

Darlene Justus, North Tempe Neighborhood Association President, thanked the City Council for considering the preservation of Papago Park and thanked staff for providing information. She expressed support for submitting the Desert Park Preserve designation to the voters for ratification at a special election.

Eugene Andres, Tempe, spoke in favor of pursuing the Desert Park Preserve status for Papago Park to prevent development projects from encroaching into the Park, and to protect this important community asset.

Deb Gain-Braley, Tempe, thanked the City Council for considering the establishment of preserves for the remaining Sonoran Desert in Papago Park, and also recognized community clean-up efforts in the Park. She conveyed support for pursuing a City Charter amendment.

## **Issue Review Session Items**

### **Federal Legislative Principles and Update**

Marge Zylla, Government Relations Officer, and the City's federal lobbyist, Steve Palmer, Van Scoyoc Associates, introduced themselves. Mr. Palmer provided an update on activities in Congress, to include the passage of a five-year transportation bill; a two-year budget agreement that lifted the annual spending caps for two additional federal fiscal years; and, a toxic chemical reform bill. Additionally, the Senate recently passed the Water Resources Development Act of 2016, which has been sent to the House for consideration. Mr. Palmer stated that he will continue to work with City staff, the National League of Cities, and the U.S. Conference of Mayors, to ensure that the City of Tempe's perspective and interests are represented in policy discussions and decisions, along with other cities. The Tempe Streetcar project was included in the President's Fiscal Year

2017 Budget for the full \$75 million requested by the City and the Federal Transit Administration. Congress must approve any federal funding as part of the appropriations process this fall; it is anticipated that funds will be made available over the next one to two years. Other issues that may impact Tempe in the next year include tax reform, possible changes to the federal income tax exemption for municipal bonds, and infrastructure spending.

Ms. Zylla reviewed the City's proposed 2016-2017 Federal Legislative Principles (Principles), which will act as a guide in the development of federal policy statements and positions throughout 2016 and 2017. The Principles are arranged in general categories and include the overarching policies of preserving local decision-making and local resources. The Principles are addressed through specific topics including supporting human services programs, public safety resources, and Tempe's transportation and aviation interests. Staff will be seeking direction from the City Council and updating the Council on the progress of legislation initiatives and grant opportunities that could impact Tempe.

Councilmembers expressed support for the Principles, and thanked staff for monitoring the potential impacts of the Federal Highway Administration's new Transportation Performance Management requirements on Tempe. A letter regarding this issue will be presented to Councilmembers for consideration at a future meeting. Councilmembers thanked Mr. Palmer for his lobbying activities on behalf of Tempe. Mr. Palmer noted that he has met with Arizona State University's (ASU) federal lobbyists regarding opportunities for joint Tempe-ASU projects.

### **Small Area Transportation Study**

Don Bessler, Public Works Director, introduced co-presenters Jon Creer, Assistant Vice President for Real Estate Development, Arizona State University (ASU), and Dawn Cartier, President of CivTech Inc. Mr. Bessler stated that the Small Area Transportation Study (Study) includes the area from the Loop 202 Red Mountain Freeway to Apache Boulevard and from Priest Drive to Price Road. The Study will create a holistic, interactive model to help the City Council understand impacts of potential developments, and serve as a tool in making decisions related to policy, development, budget, infrastructure, and capital projects. Mr. Bessler delivered a slide presentation providing background information on the ASU-Tempe partnership to study the future impacts of growing density in the downtown area related to traffic, transportation, and pedestrian needs.

Mr. Creer discussed the need to create a multi-modal transportation system that supports pedestrian needs, accommodates vehicular interaction, and enhances quality of life.

Ms. Cartier explained how the Study collected existing traffic and pedestrian data, analyzed the needs of the network areas, and modeled all modes of transportation to identify areas in need of vehicular, pedestrian, and transit improvements. Short term and longer term strategies to address these needs were evaluated and included both small improvements and larger regional roadway and transit solutions. Ms. Cartier presented maps depicting the following: Downtown and Stadium District Study Area; existing traffic data collection locations; initial downtown core model and updated roadway network; future entitlements and development areas; zone-based trip rates; and, identified problem areas within the model.

Mr. Bessler stated that each strategy will be evaluated separately to determine the level of improvement realized in the area. The model is an organic tool and can be updated routinely to accommodate City Council decisions, General Plan amendments, and proposals that need additional evaluation. The final report will include recommended short-term areas of focus and comprehensive improvements; projected levels of vehicular, pedestrian, and transit trips; and, the feasibility of alternatives, given the known constraints related to topography, right-of-way, and engineering criteria.

Councilmembers and Ms. Cartier discussed the cumulative impact of development and parking locations in the model. The model did not identify areas with a sufficient or insufficient number of parking spaces. However, the model included current light rail stops, the planned Streetcar system, and future extensions to the Streetcar by 2040.

Councilmembers and Mr. Creer continued discussions regarding the possibility of locating parking on the edges of the downtown core, and ways to address the potential impacts of autonomous "driverless" vehicles on traffic and parking. One solution may be to construct demountable parking structures that can be demounted and reused in another location in need of parking. ASU is investigating a possible demountable parking structure on the Tempe campus, and exploring whether it should be relocated. ASU is also working with contiguous private landowners on potential joint planning opportunities.

Councilmembers, Ms. Cartier, and Mr. Creer further discussed how the entire downtown core is divided into Traffic Analysis Zones on a block-by-block basis. The model is intended to reflect the pedestrian counts in the area and apply techniques to minimize areas of conflict between vehicles and pedestrians. City and ASU staff will continue to explore options to encourage more foot traffic; provide at, below, or above ground pedestrian connections to enable people to more easily reach their destinations; add pedestrian crossings at light rail stations to make them easier to cross; address the changing needs of the area roadways; and, provide a clear path for pedestrians on University Drive to access Tempe Town Lake.

Councilmembers expressed appreciation to City, ASU, and CivTech staff for their work on the Study. Councilmembers also emphasized the importance of collecting and evaluating data beyond vehicular traffic, to identify streetscape improvements to accommodate pedestrians and bicyclists. The City Council needs to consider ways the existing and anticipated vehicular, pedestrian, and transit amenities play a role in future developments within the area, and work with developers to identify possible solutions to mitigate traffic and offset associated costs.

Councilmembers requested to receive information and models regarding the projected number of bicyclists and pedestrians related to proposed development projects, including student housing. Mr. Bessler noted that the Study's model incorporates these issues. Additionally, staff is applying the information derived from the City's Infrastructure Improvement Plan (IIP) and Development Impact Fee Plan to City Council's policies to determine the infrastructure needs to support future development. Staff is working on an update to the IIP.

Councilmembers conveyed support for constructing aboveground pedestrian bridges over Rural Road, north of University Drive, and installing curb-protected bike lanes along Rural Road, from University Drive to Rio Salado Parkway.

Future updates to the Small Area Transportation Study will be provided.

### Papago Park Preserve

Don Bessler, Public Works Director, stated that at the April 7, 2016 Work Study Session, Tempe resident Darlene Justus presented a petition asking for the establishment of a Preserve for the remaining Sonoran Desert in Papago Park, as outlined in the Discover Papago Park Master Plan (Master Plan), and that Management Practices should follow the recommendations of the Master Plan. Mr. Bessler also presented background information on the Master Plan, Desert Preserve concept, Park Management Plans, and the General Plan 2040.

Mr. Bessler reviewed the following options for City Council's consideration:

- Amend the current City Code to add various protections such as a City Council super-majority voting requirement; a series of public meetings separate from City Council meetings; and an affirmative recommendation by the Parks, Golf, Recreation, and Double Butte Cemetery Advisory Board.
- Pursue a City Charter amendment to establish Papago Park as a preserve and determine general uses of the Park.
- Grant a conservation easement to a third party for development and ownership rights; the easement would run with the property in perpetuity.

Additionally, staff recommends seeking a recommendation from the Parks, Recreation, Golf, and Double Butte Cemetery Advisory Board.

In response to a question, Mr. Bessler explained that the City Council has the authority to determine the appropriate level of restrictions within a Preserve. Strengthening the Desert Park Preserve status for Papago Park would add an additional layer of restriction and provide a stricter interpretation of acceptable activities on the land. Staff recommends extending the scope of the Park Management Plans to include preserves, to allow the City Council, with community involvement, to adopt a set of regulations that identify acceptable activities for a desert preserve.

Councilmembers requested additional information regarding the following:

- Advantages and disadvantages of granting a conservation easement for the permanent protection Papago Park, in comparison to pursuing a City Charter amendment that establishes a Desert Park Preserve status.
- The City's designation of Hayden Butte Park as a Preserve, which is the only preserve in Tempe.
- Current uses in Papago Park, including which ones have been beneficial and which ones should not continue.
- Definition of a Preserve, pertaining to its use and associated costs.

- City Code provisions regulating preserves.

Councilmembers discussed the need to activate Papago Park in an unobtrusive way, such as providing simple paths, wayfinding signs, and other assets that encourage park use. Councilmembers raised concerns that granting a conservation easement to an outside party might prevent the City from implementing the Discover Papago Park Plan. Councilmembers suggested exploring the possibility of partnering with a non-profit organization to raise funds to help fulfill the Plan and provide volunteers to help protect and promote Papago Park, similar to the McDowell Sonoran Conservancy's support of the McDowell Sonoran Preserve.

Councilmembers requested that staff submit the recommendation of the Parks, Recreation, Golf, and Double Butte Cemetery Advisory Board regarding management and general uses of the park to the City Attorney's Office for legal review. Concern was also expressed regarding limiting a future City Council's ability to regulate the uses allowed on a Preserve, and the need to set a broader list of limitations that allows the City Council to place additional regulations if needed. Additionally, the City Charter and Code provisions would need to conform to the permissible uses outlined in the 1935 Federal Land Patent that governs Papago Park.

Based on the discussion, staff will seek input from the Parks, Recreation, Golf, and Double Butte Cemetery Advisory Board on strengthening the Desert Park Preserve status for portions of Papago Park, a management plan for the Desert Park Preserve, acceptable uses within the Park, and recommended City Charter and Code provisions; pursue a City Charter Amendment to place the Desert Park Preserve designation for Papago Park on a ballot for the voters' consideration; and, provide an update to City Council.

#### **Tempe Beach Park Splash Playground Update**

Shelley Hearn, Community Services Director, noted that at the August 11, 2016 Work Study Session, staff presented background information on the Tempe Beach Park Splash Playground replacement project (Splash Playground). The City's consultant assessed the project and recommended renovation of the entire site at a cost of \$1.2 million. Ms. Hearn reviewed the following options for City Council's consideration:

- Fund the renovation of the Splash Playground in its current location.
- Do not fund the project, eliminate the Splash Playground, and restore the area to parkland.
- Relocate the Splash Playground to a different location within or outside of Tempe Beach Park.

Ms. Hearn stated that relocating the Splash Playground is estimated to cost an additional \$500,000, depending on the new location and its proximity to utilities. She presented a map depicting potential alternate locations at Tempe Beach Park. If the Splash Playground is relocated within Tempe Beach Park, the project would be included in the Park's master plan process, and designed and procured through the Capital Improvements Program. If the Splash Playground is renovated in its existing location, the project would be funded through either contingency funds, Government Property Lease Excise Tax (GPLET) lease revenue or land sale proceeds.

Ms. Hearn noted that the City currently has three splash playgrounds, which are all located in north Tempe.

Councilmembers requested additional information regarding the following:

- Potential alternate locations in central Tempe, such as the Library or Kiwanis Park, or areas adjacent to Tempe Town Lake.
- Inventory of the amenities and features at each of the City's splash playgrounds.
- Potential impacts to other City park renovation projects if \$500,000 in capital funds is allocated for the Splash Playground relocation, or if GPLET funds are allocated for the Splash Playground renovation in its existing location.

Councilmembers discussed the need to ensure that the Splash Playground is accessible and attractive to families, and that the atmosphere, placement, and visibility of the water features and amenities are aesthetically pleasing. Smaller splash pads and water amenities could be installed in multiple City parks, to include a splash pad for dogs at Clark Park or another dog park, instead of constructing a large splash playground at a single site.

Andrew Ching, City Manager, explained that in a future discussion, Councilmembers could consider installing additional splash playgrounds at other City sites.

In response to questions, Ms. Hearn stated that Tempe Town Lake assessment funds would not be used for the maintenance of the Splash Playground if it remained at Tempe Beach Park. Staff will investigate whether the Splash Playground is affiliated with Cox Communications.

Based on the discussion, staff will seek input from the Parks, Recreation, Golf, and Double Butte Cemetery Advisory Board; develop and explore options for splash playground locations, to include accessibility to parking, water features and amenities, and funding; consider associated impacts to other City park projects; and, screen off the Splash Playground at Tempe Beach Park. An update will be provided at a future Issue Review Session.

#### **Greater Grand Canyon Heritage National Monument Letter**

Councilmember Kuby stated that the Sierra Club, Inter Tribal Association of Arizona, and Salt River Pima-Maricopa Indian Community are asking municipalities to send a letter to President Obama, encouraging him to establish a national monument for the Grand Canyon Watershed to protect 1.7 million acres of public lands surrounding the Grand Canyon National Park.

Councilmembers discussed and agreed to send a letter in support of protecting the watershed around the Grand Canyon.

#### **Future Agenda Items**

Councilmembers agreed to schedule the following items for a future Issue Review Session: the process for proposing changes to the Arizona Model City Tax Code Local Option related to taxing sugary drinks, and the City's zero waste policy for special events.

*The meeting was recessed at 5:31 p.m. for a break and reconvened at 5:36 p.m. with all Councilmembers present.*

## **Call to the Audience**

None.

## **Committee of the Whole Items**

### **Items ready for City Council Direction or Status Update**

None.

## **New Items for City Council Consideration**

### **Planned Area Development (PAD) Renewal Request**

Councilmember Granville stated that he and Councilmember Keating are requesting to create a working group to explore the idea of activating vacant parcels in the interim as a condition of approving a developer's Planned Area Development (PAD) extension request. Activating the vacant PAD site would help make it useful to residents instead of becoming an eyesore.

Councilmember suggested that the stakeholders engaged with this process should include residents, Community Development staff, Tempe developers and businesses, and the Development Review Commission.

Councilmembers agreed to move this item forward for study, and to establish a working group.

### **Road Construction Traffic Mitigation**

Councilmember Granville discussed his proposal to establish a working group to explore the development of new policies to better mitigate traffic congestion on arterial streets for road construction. The working group would review the City's Traffic Barricade Manual and survey results regarding residents' perception of traffic flow and construction on public streets, and work with Public Works staff to explore additional activities to respond to residents' feedback.

Councilmembers noted that staff should present information regarding this item to the entire City Council for consideration and feedback, instead of a working group. The presentation should include the lessons learned, feedback received related to the Broadway Road Streetscape Project, and suggestions to minimize impacts from road construction based on residents' feedback.

Andrew Ching, City Manager, discussed several factors involved in the City's road construction time schedule and barricading procedures.

Based on the discussion, a working group was not established. Staff will present survey findings; residents' feedback; Tempe's road construction policies and procedures, in comparison with other Arizona jurisdictions; and, other relevant data at a future Issue Review Session for City Council's consideration and feedback.

### **Elected Official Term Limits**

Councilmember Granville explained that he is requesting to create a working group to explore the possibility of instituting term limits for Mayor and Councilmembers, as part of a City Charter amendment.

Mayor Mitchell, Vice Mayor Arredondo-Savage, and Councilmembers Navarro and Kuby recommended not moving this item forward for further study because they believed that the Mayor and Councilmembers have "natural" term limits imposed by voters at each election cycle; exploring this issue would be an inappropriate use of staff resources; and, establishing term limits would limit the choices of the voters.

Councilmember Schapira stated that this idea is worth exploring as all of Tempe's surrounding cities have term limits. Councilmember Keating stated that he is not likely to support term limits; however, he can support further studying this issue.

Based on the discussion, a majority of the City Council agreed not to establish a working group.

## **Items in Progress – updates as needed**

None.

## **Mayor's Announcements/City Manager's Announcements**

Mayor Mitchell conveyed his condolences to the Mofford family on the recent passing of Rose Mofford, who was the first woman to serve as Arizona's governor.

Mayor Mitchell wished the Arizona State University Sun Devils football team good luck tomorrow, September 16, 2016, as they play against the University of Texas at San Antonio.

Mayor Mitchell announced that the City Council has called a Special Bond Election for Tuesday, November 8, 2016. To help inform residents about the five separate bond questions, the City is holding public forums on Wednesday, September 21, and Wednesday, September 28, at 6 p.m. at the Tempe History Museum. The same information will be provided at each forum, and there will be time for questions.

## **Future Meeting Date:**

October 13, 2016, at 4:00 p.m., City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

*The meeting adjourned at 5:56 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 Work Study Session of September 15, 2016, 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