

## Minutes Neighborhood Advisory Commission August 5, 2017

**Minutes of the Neighborhood Advisory Commission (NAC) Retreat held on August 5, 2017, at the Tempe History Museum, Community Room, 809 E. Southern, Tempe, Arizona.**

**(MEMBERS) Present:** Karen Adams, Hannah Moulton Belec, Mike D'Elena, Barb Harris, Jack Escobar, Jonathan Gelbart, Matt Korbeck, Nancy Lesko, Candyce Lindsay, Julie Ramsey, Daniel Schugurensky

**(MEMBERS) Absent:** Carol Shixue Hu, Kiyomi Kurooka, Josephine McNamara, Bill Munch

**City Staff Present:** Elizabeth Thomas, Neighborhood Services Specialist; Shauna Warner, Neighborhood Services Manager; Marilyn DeRosa, Deputy Public Works Director-City Engineering/Capital Initiatives, Marilyn\_DeRosa@tempe.gov, 480-350-8896; Jerry Hart, Deputy Internal Services Director-Finance/Internal Services/Customer Services-Office, Jerry\_Hart@tempe.gov, 480-350-8505; Ryan Levesque, Deputy Community Development Director-Planning, ryan\_levesque@tempe.gov, 480-858-2393; Bonnie Richardson, Architect and Principal Planner Public Works-Parks and Open Space, bonnie\_richardson@tempe.gov, 480-350-8628

**Guests Present:** Darlene Justus, Deb Gain-Braley, Deb Zajac

### **Agenda Item 1 – Call to Order**

The meeting was called to order at 8:15 a.m.

### **Agenda Item 2 – Public Comment**

Darlene Justus spoke to Agenda Item 4 – Proposed Papago Charter Amendment. She provided some background information regarding the history of the Papago Park Regional Master Plan which included the cities of Tempe, Phoenix and Scottsdale as well as the Salt River Pima-Maricopa Indian Community, but was subsequently not implemented due to budget cuts and considerations. She expressed her desire to preserve the desert environment and maintain uses including existing trails and to have the City of Tempe adopt plans for the care and maintenance of the Papago Park Preserve if passed. They described their involvement in and support of making the request for referring the issue of whether Papago Park should be a preserve to voters.

Deb Gain-Braley spoke to Agenda Item 4 – Proposed Papago Charter Amendment by supporting the statement made by Darlene Justus

### **Agenda Item 3 – Consideration of Minutes: June 7, 2017**

Commissioner Adams made a motion to approve the June 7 minutes as presented, Commissioner Korbeck seconded the motion and it passed unanimously.

#### **Agenda Item 4 – Proposed Papago Park Charter Amendment**

Bonnie Richardson, Architect and Principal Planner Public Works-Parks and Open Space, explained that the City of Tempe is bringing the information forward and does not support or oppose the proposed Charter amendment. Opportunities for input and meeting shall not be construed as an attempt to influence the outcome of an election under Arizona law or otherwise.

Bonnie reviewed the terms charter and charter amendment, briefly explaining what the documents are and what they mean. Article XI. Preserves, the Charter Amendment, would define the Papago Park Preserve and its permitted uses, including cultural, educational and recreational opportunities primarily designed to heighten appreciation and enjoyment of the natural Arizona environment while preserving it. If the Charter amendment were to be approved, any change to it would be subject to a vote of the citizens.

Bonnie provided commissioners a map identifying the preserve boundaries and emphasized the importance of understanding the physical boundaries, adding that it required a lengthy process to confirm and understand property ownership and legal authority of all included areas. An amendment to the Tempe City Code, specific to preserves, would update existing preserve rules and regulations, including proper use, permit, and civil and criminal penalties. Commissioners reviewed handouts with DRAFT proposed amendment language to the Tempe City Charter and DRAFT proposed amendment language to Tempe City Code Related to Preserves. Bonnie explained that all documents were prepared with consultation of the City Attorney's Office. Strikeouts were used to signify removal of language in existing code and ALL CAPS used to identify newly added language.

A well-attended public meeting was held on August 2 at the Tempe Public Library. An overview of the proposed amendment with the draft language was provided at the meeting and comments and questions were taken. Information regarding the proposed amendment and comment form is available online at [www.tempe.gov/forum](http://www.tempe.gov/forum). Commission members were made aware of the opportunity to comment as a commission and/or independently.

Commission members inquired what the cost would be for the maintenance of the preserve and what would be entailed. Bonnie noted that a preserve management plan and implementation plan would follow if the amendment is approved and would need to include elements like safety, proper signage (park entries, mile markers, stay on trail and posted regulations), landscaping, control of invasive species and path maintenance and stabilization. She noted that the Hayden Butte Preserve Maintenance Plan is a good informational plan and also referenced likely formalizing and using portions of the Papago Park Regional Master Plan. If Papago was to be voted in by the public, the management plan would be a tool to assist staff with the process. We would have to prioritize the plan and put a cost to each item over a ten year plan. The CIP request would be reviewed with all the other CIP requests and funded accordingly. This process has been used for Haydon Butte as we received CIP funding to start our management plan that Council approved to follow.

Commissioners asked about the inclusion of criminal provisions and staff explained that most are already contained in existing code although fees are from many years ago and may not be sufficient to discourage behavior. Commissioner Gelbart asked about the exception for disc golf describing it as intrusive. Staff explained that no existing uses will be taken away and disc golf is currently allowed in a couple sections. We have recommended increasing fines to change some aggressive behaviors. City services and activities approved by the city, like disc golf, will remain. Events like night under the stars and hiking events will be encouraged.

Commissioner Adams made a motion that the Commission support advancing the Proposed Papago Park Charter Amendment to be placed on the ballot, the motion was seconded by Commissioner D'Elena and passed unanimously.

### **Agenda Item 5 – Proposed Zoning and Development Code Amendment re: Accessory Dwelling Units**

Ryan Levesque, Deputy Community Development Director-Planning provided an overview of the background behind this item. Councilmembers asked staff to look into and provide follow-up regarding possible regulations for “Tiny Houses” at the December 12, 2016 working group meeting. Staff referenced prior work on “Accessory Dwellings” during the 2005 development of the Zoning and Development Code. In January 2017, at the City Council Issue Review Session, staff presented “Incentives to limit R-3 Zoning Development.” Council then provided direction to work with the Humble Homes Working Group to develop an Accessory Dwelling Unity (ADU) ordinance to help address and mitigate the concerns of development pressure on multi-family zoned properties that have a single family use.

Ryan offered the proposed benefits of the ADU DRAFT ordinance including a streamlined process with no design review and no multi-family standards imposed. The intent would be consideration and encouragement of a secondary dwelling for multi-family owned properties with an existing single-family use. The addition of an accessory dwelling of up to 600 square feet of livable space would not count against the square footage allowed - thus retaining the property’s single-family use designation. Setbacks and other standards would still apply.

Tiny Homes or Accessory Dwelling Units can provide residents with an alternate, more affordable housing style in desirable urban environments with rising housing costs while maintaining the neighborhood character. Typically these units are off the back of the home, attached or detached, with an alley connection.

Commission members input included the following comments and questions:

- Is there a minimum lot size to meet required setbacks?
- Suggestion made to include additional specific information (perhaps a map) regarding which neighborhoods or portions of neighborhoods where this might be possible. Staff noted the suggestion and confirmed that all are in the 85281 zip code and include portions of Maple Ash, Riverside and Escalante. In Maple Ash, the typical lot size is 7,500 square feet.
- Would City of Tempe intend to identify lots that could qualify? No. We would have another tool to offer as alternatives to tear down and building multi-family. An alternative way to simplify process, maximize lot potential and eliminate the current multiple variances needed.
- Is this planned to deter developers? No. The opportunity is there for developers.
- Who would be opposed to this? This could add more rentals.
- How will this fit in with Character Areas?
- What is the difference between this and guest quarters? Guest quarters require a minimum of 15,000 square foot lot and cannot be rented out.

### **Agenda Item 6 – Utility Rate Study Update**

Marilyn DeRosa, Deputy Public Works Director-City Engineering/Capital Initiatives explained that every two years the city reviews water, sewer and solid waste services seeking efficiencies and ensuring equity by making sure no user class is subsidizing another. Marilyn shared that she was previously the Deputy Public Works Director-Water and plans to see this latest utility rate study through to its conclusion.

Two years ago modifications to the water rate structure were implemented. High volume users were surprised by the rate increases and volume cost. They sought more information and communication regarding what was examined and how rates are set. For this Utility Rate Study, the following Guiding Principles were used to inform the process:

- We are reliant on limited resources
- Everyone is responsible to conserve

- Everyone pays their fair and proportionate share
- We must be transparent

For the first time focus groups were conducted for both water and solid waste in addition to public meetings and typical outreach. Though not statistically significant, the feedback revealed some of the emotions and feelings residents have about these services, their rates and rate structures. Participants in the Solid Waste Focus Groups accepted cost increases as inevitable yet had mixed feelings about program offerings and a desire for new programs that lessen future rate increases. Green waste bins received significant interest (a third container for green waste) and recycling was also highly valued by homeowners. The city's stated goal is 40% diversion by 2020 using recycling and compost measures instead of landfill. The current diversion rate is closer to 20%. Same day pick up also results in savings but this premise was not fully understood and was received with muted interest overall.

The Save Money and Recycle Tempe (SMART) program for all curb side users would implement a rate based on black container size (allowing for a selection of a 96, 65 or 48 gallon) rather than a single rate for all. The collection cost for each container is the same but the disposal cost is higher for the larger containers. The assumption being that smaller size cans would weigh less/have less volume of material and generate less of a tipping fee. Users could save money by choosing to select a smaller container. Jerry Hart, Deputy Internal Services Director-Finance/Internal Services/Customer Services-Office reviewed a chart showing the current rate of \$23.60 for a 96 gallon can along with the proposed changes in both dollars and percentages on each smaller sized can offering.

Commissioner Korbeck noted the price difference between the 96 gallon can and the 65 gallon can and suggested that the price difference between the 65 gallon and the 48 gallon option was too little of an incentive. Jerry explained that as tipping fees increase, the spread between the bin sizes will also increase. The spread cannot be increased now without risking fairness and equity. City of Tempe does not yet have the expensive and sophisticated technology to weigh the bin as some other cities do.

Jerry stated that the \$14.31 portion of the rate is a fixed cost per house whether the can is out or not. He emphasized that weekly collection is required by Maricopa County, one for solid waste and one for recycling and the city does not track how frequently you roll out your bin.

Commissioners inquired about options for alley pick up customers. Three households now share one 300 container. In the future, options such as four households agreeing to share one container may be explored. Commissioner Adams noted her strong dislike of bins in front of homes that are not required to be put back away any further than the sidewalk. Staff agreed to follow up directly with Tony Miano, Deputy Public Works Director-Field Operations regarding other questions posed specific to recycling and solid waste practices.

Water Focus Groups were held, one for high water users and the other specific to flood irrigation users. Participants were generally open to and expectant of reasonable rate changes but sought equitable structure and detailed breakdown of fees. They also wanted reassurance that the city is not pushing xeriscape but rather is recognizing the value of their green, lush landscaping and perhaps considering incentives. Participants also expressed a preference for a comprehensive, long-term water plan that details updates to infrastructure and provides rationale for periodic rate increases.

There are currently four tiers for volume charges for single family residential rates and staff will be recommending the addition of a fifth tier. Tier 1 use of 0-6,000 gallons per month represents the typical indoor use of a small family. Tier 2 use of 6,001-12,000 gallons per month represents the typical indoor use of a larger family. Tiers 3 and 4 of 12,001-20,000 and 20,001-40,000 gallons per month, respectively, represent the efficient outdoor use for an 8,000 and 16,000 square foot parcel, respectively. Tier 5 of

> 40,000 gallons per month is considered discretionary use. For the first time, pricing for each tier is tied directly to the different demands placed on the water system by low vs. high water users. Water fees are comprised of a meter fee (readiness to serve/flat monthly fee) added to a volume fee. Overall, water revenues would increase by 4.25% if Council adopts the recommended rate changes. The rates were based on following the Guiding Principles along with water service results research. The concept of the sewer cap at 12,000 gallons per month is recommended, acknowledging that the city does not meter waste water flow and water uses higher than this are likely related to outdoor use. To calculate sewer charges, we average a customer's water use during the months of December, January and February and assume that 70% of that flow is discharged through the sewer.

The cost recovery goal for flood irrigation will be recommended at 50% and will result in rate increases of approximately 15%. Staff will recommend increases be phased in over time. Users appreciate their flood irrigation. However, there is a risk that if pricing is too high, users will leave the program.

A new customer portal to accompany the first fully automated meter read system in the Valley is being implemented. Approximately 25% of the new meters have been installed and all are expected to be online by the first quarter of 2019. This system will allow customer online access to consumption information, including historical consumption and social comparisons. Leak alerts will allow identification of leaks much earlier so that immediate corrective action can be taken. All rate changes are anticipated to be adopted by City Council in November. Rates will then be effective January 1, 2018.

#### **Agenda Item 7 – Commissioner exercise – getting to know you and your passions and priorities better**

In advance of the retreat, Commission members were asked by Chair Lindsay and staff to provide a picture(s) of their passion for a PowerPoint for this exercise. Commission members took turns describing the meaning behind their provided image. Passions shared included family, home – in every sense of the word, neighborhood, neighborhood upkeep, public art, community pride, children's programming, literacy and little libraries, Mill Avenue, Town Lake, downtown living, making and listening to live music, parks, dogs, festivals, special events, the Tempe Sports Complex and The Lakes. This exercise could become a way to welcome new members moving forward and offers additional insight beyond the member name and zip code.

#### **Agenda Item 8 – Recap of Past Year's Commission Meetings**

Chair Lindsay remarked that the recap illustrated that the Commission touched on a number of topics and issues last year. She stated that she hoped to revisit and reaffirm the goals of connecting with Tempe residents "Touch Our Community" through volunteering to organize and staff a NAC table at Tempe and community events and to extend a round robin personal invitation to a different Council Member each month to attend the NAC meeting.

#### **Agenda Item 9 – Discussion of Neighborhood Advisory Commission Annual Report**

Staff referenced the 2016 Annual Report example provided in the NAC meeting packet and stated that this is in addition to the copies of the approved commission meeting minutes Mayor and Council have always received. Last year was the first year City Council requested Annual Reports from each board and commission to provide them one central document with membership, attendance, accomplishments and any (next 12 month goals) related to City Council Strategic Priorities. The City Clerk's office provides a template and staff is awaiting the 2017 template and information regarding changes, if any, to the document or the process. Commissioners would like to receive additional information on supportive services for homeless individuals as it relates to one of their identified goals.

### **Agenda Item 10 – Discussion and possible action on Naming Policy**

The Neighborhood Advisory Commission reviewed the proposed revisions to the City’s Naming Policy of City Facilities and Commissioner Adams made the following motion, which was seconded by Commissioner Harris and unanimously approved.

Motion: To approve the draft revisions with the following two stipulations: 1) to more clearly define the term felony to not exclude individuals who may have been convicted of a non-violent felony due to civil rights issues; and 2) to change the language in the fourth sentence under procedure to “the current chair *(or appointee).*”

Commissioners noted that MLK Jr., among others, was convicted of felonies while protesting civil rights violations as well as the Lovings for interracial marriage. They acknowledged that while these are not examples of local Tempeans, there is the possibility of and concern regarding similar circumstances presenting in a City of Tempe request.

### **Agenda Item 11 – Proposed Agenda Items for September or Future Meetings**

- City budget and priorities
- Code compliance discussion and update
- Annual Report
- Park Improvements Update
- GP2040 Progress

### **Agenda Item 12 – Adjournment**

Meeting was adjourned at 11:45 am

Prepared by: Elizabeth Thomas, Neighborhood Services Specialist

Reviewed by: Shauna Warner, Neighborhood Services Manager