

Agenda Item 3

MEMORANDUM

TO: Historic Preservation Commission

FROM: John Southard, Historic Preservation Officer

DATE: February 10th, 2021

SUBJECT: Agenda Item 3 – Discuss and Consider Four Southern Tribes Representation on the City of Tempe Historic Preservation Commission



On July 10th, 2019, the Historic Preservation Commission ("HPC") discussed suggesting a revision to Tempe City Code § 14A-3, which details HPC membership requirements, to ensure Four Southern Tribes representation on the body. The Four Southern Tribes are the Ak-Chin Indian Community, Gila River Indian Community, Salt River Pima-Maricopa Indian Community, and the Tohono O'odham Nation. Following discussion, the HPC recorded support for the suggested revision via unanimous consent. Staff seeks a formal HPC vote on the matter to forward to City management.

Attachment A: Tempe City Code § 14A-3

Attachment B: July 10th, 2019 Historic Preservation Commission Meeting Minutes

Attachment A

Sec. 14A-3. - Historic Preservation Commission; Historic Preservation Officer.

- (a) The Tempe Historic Preservation Commission is hereby established. The commission shall act in an advisory capacity to the City Council in all matters concerning historic preservation. The commission shall make recommendations to the Development Review Commission regarding designation of landmarks, historic properties and historic districts. Other actions of the Historic Preservation Commission, as set forth below, shall be subject to appeal to the City Council, as described in Section 14A-8 of this chapter.
- (b) The commission shall consist of nine (9) members, meeting certain qualifications as set forth below, appointed by the Mayor and approved by the City Council.
 - (1) All members shall be city residents with a demonstrated interest in or knowledge of historic preservation; and
 - (2) The commission shall be composed of four (4) at-large members and five (5) professionals, drawn from the following disciplines, with no more than two (2) such professionals from the same discipline: architecture, architectural history, archeology, historic preservation law, history, landscape architecture, planning, building construction, or other related field.
- (c) Members shall serve a term of three (3) years, except that two (2) of the initial members shall, upon appointment, be designated to serve terms of two (2) years each. In addition, two (2) other initial members shall be designated to serve first terms of one year. Those subsequently appointed shall serve regular terms of three (3) years. Members may be reappointed, but shall serve not more than two (2) complete, consecutive terms. If a commission member accumulates three (3) consecutive unexcused absences, the matter will be referred to the Mayor's Office for resolution. Members of the commission shall serve voluntarily and without compensation.
- (d) The Tempe History Museum Manager, or designee, shall serve ex-officio, with no vote, except as specified.
- (e) Whenever a member is unable to attend or must decline participation due to a conflict of interest, that member shall give timely notice to the HPO or Chair of the Commission. In the event that a sufficient number of members are not available to constitute a quorum, the HPO or the Tempe History Museum Manager or designee is authorized to act as a member on consent agenda items only, and only to the extent that this presence constitutes a quorum.
- (f) Five (5) members shall constitute a quorum of the commission; the concurring vote of five (5) members shall be necessary for any action of the commission on any matter.
- (g) Conflict of interest of commission members is governed by Arizona Revised Statutes, applicable judicial decisions and opinions of the City Attorney.
- (h) The commission shall elect, from within its own membership, a chair and vice-chair.
 - (i) The commission shall hold a minimum of four (4) public meetings/hearings per year. Special meetings may be called at the discretion of the commission chair or five (5) or more members of the commission. The minutes of its proceedings, indicating the vote of each member and records

of its examinations and other official actions shall be kept and filed in the offices of the Community Development Department and the City Clerk as part of the public record.

- (j) The commission shall adopt rules of procedure consistent with the provisions of this chapter for the performance of its duties.
- (k) Commission duties and activities shall include the following:
 - (1) Reviewing applications for the designation of landmarks, historic properties and historic districts and making recommendations to the Development Review Commission, such review shall be based on the criteria as specified in Section 14A-4 of this chapter;
 - (2) Reviewing and making decisions on applications for proposed alterations, new construction, demolition or removal affecting landmarks, historic properties or properties located within an historic district; such review shall be based on the criteria as specified in section 14A-6 of this chapter;
 - (3) Making recommendations to the City Council concerning the use of federal, state, city or available private funds to promote the preservation of properties and districts within the City, including acquisition, the awarding of such sub-grants as may become available and the requiring of preservation covenants, as well as the acquisition of preservation easements;
 - (4) Recommending to the City Council and other applicable boards and commissions, changes in the Zoning and Development Code, Building Code, general plan or other local laws as may enhance the purposes of this chapter;
 - (5) Cooperating with representatives designated by the property owners of the district from designated historic districts to formulate design guidelines for alterations and new construction within their districts;
 - (6) Initiating and conducting detailed studies and surveys of properties, structures and areas within the City and assess their potential for designation, and in order to formulate an historic preservation plan for the City; and
 - (7) Developing and participating in public information activities in order to increase public awareness of the value of historic preservation, and perform other functions that will encourage or further the interests of historic preservation.
- (l) The Tempe Historic Preservation Officer (HPO) is hereby established. The HPO shall be appointed by the Director of the Community Development Department, have a demonstrated interest in historic preservation and be a qualified professional in one (1) or more pertinent fields such as archeology, architecture, cultural geography, landscape architecture or planning. The duties of the HPO shall include:
 - (1) Serving as Secretary to the Historic Preservation Commission, facilitating its efforts and, with other city staff as necessary, providing administrative support;
 - (2) Accepting applications for designations and proposed alterations, new construction, demolition or removal;

- (3) Acting as intermediary between the commission and other city regulatory functions;
- (4) Providing technical and background information to the commission and public, as required;
- (5) Approving proposed alterations, new construction, demolition or removal affecting landmarks, historic properties and properties within historic districts, in the instance of such work being obviously minor in nature and impact, or in cases of imminent public hazard, and reporting such approvals to the commission;
- (6) Preparing annual written reports of commission activities that are submitted to the State Historic Preservation Officer (SHPO) and made available to the public. The reports shall contain, at a minimum, minutes of meetings, decisions made, special projects and activities, the number and type of cases reviewed, current resumes of commission members and member attendance records; and
- (7) Maintaining the Tempe Historic Property Register and lists of historic eligible and archeologically sensitive properties.

(Ord. No. 95.35, 11-9-95; Ord. No. 97.20, 4-10-97; Ord. No. 2000.25, 6-15-00; Ord. No. 2001.17, 7-26-01; Ord. No. 2004.42, 1-20-05; Ord. No. 2005.18, 4-7-05; Ord. No. 2006.01, 1-5-06; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.22, 6-12-14; Ord. No. O2014.36, 9-4-14)

Attachment B

DRAFT MINUTES HISTORIC PRESERVATION COMMISSION JULY 10, 2019

Minutes of the regular hearing of the Historic Preservation commission, of the City of Tempe, which was held at the Hatton Hall, 34 East Seventh Street, Tempe, Arizona.

Regular Meeting 6:02 PM

Present:	Staff:
Chuck Buss, Chair	Steve Abrahamson, Principal Planner
Martin Ball, Vice-Chair	John Southard, Historic Preservation Officer
Matthew Bilsbarrow	Brittainy Nelson, Administrative Assistant
Chris Garraty	
Jim Garrison	

- 1) **Call to Audience:** Persons wishing to address the Commission on any matter may do so at the discretion of the Chair. However, Arizona Open Meeting Law limits Commission discussion to matters listed on the posted agenda. Other topics may be placed on a future agenda for discussion.

- 2) Voting of the Meeting Minutes

Motion by Commissioner Ball to approve the Meeting Minutes of May 8, 219; second by Commissioner Bilsbarrow. Motion passed on 5-0 vote.

Ayes: Chuck Buss, Martin Ball, Matthew Bilsbarrow, Chris Garraty, Jim Garrison

Nays: None

Abstain: None

Absent: Gregory Larson, Elizabeth Gilbert, Laurence Montero, Joe Nucci

- 3) HPC Membership expansion/ Four Southern Tribes representation

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the Commission that there has been some discussion about adding representation of the Four Southern Tribes. The options that have been discussed are to have just one of the tribes specifically, a rotation between them, or a rotation between just Gila River given the aerial of responsibility there. Prior to exploring the matter further wanted to know the take on how the Commission feel the appointment should be made what type of role would be assigned.

Commission Discussion

Chair Buss asked if this would be a designation to one of the nine commissioner spots or a tenth one.

Mr. Southard informed the commissioners that this information has not been determined yet there are still working out the logistics of rather it would be an appointment that would take place at the end of the term or an addition too or a membership like the history museum has. According to the Ordinance they do have to be a Tempe Resident however Ordinance can be revised.

Chair Buss acknowledged Commissioner Garraty.

Commissioner Garraty stated that he believes this is a fantastic idea and he encourages it. In his line of profession that are not legally required to contact the tribes for involvement unless you suspect it is a burial ground in which you would need to get a burial grievance from the Arizona State Museum and often that is the first time that they hear about these types of projects. It would be great to get the tribes in early in the process and to get their knowledge of the areas that are secret places and traditional culture properties.

Chair Buss acknowledged Vice Chair Ball

Vice Chair Ball stated that he would also appreciate their point of view being incorporated. One of the things that Vice Chair Ball has seen while serving on the commission is how much richer the historic properties and pre-historic properties views are when you incorporate archaeology, anthropology, history, and social significance from different stand points. Would like to hear back from City Staff before the decision is final about the legal requirements and the way that the Commission will meet the standards that are currently in the City Ordinance and Charter.

Chair Buss acknowledged Commissioner Garrison

Commissioner Garrison informed the board that having an advocate on the board at the start is a wonderful ideal. He also feels that it is in their best interest as well as the commissions to get the feedback.

Chair Buss acknowledged Commissioner Bilsbarrow

Commissioner Bilsbarrow stated that he would like to give some ideas of implementing the process. Such as making it a liaison position where they may or may not have terms. These individuals would be representing their government, so it is a different role then a Commissioner but still apart of the commission.

Chair Buss stated that it would be unanimous and that he is aware that it is a requirement that you must be a City of Tempe resident however they could always argue the point that they were here before anyone else. So, they still have ties to the City of Tempe.

Mr. Southard stated that he is aware that there are some Cities that have members that do not reside in the City they serve due to the lack of representation of the group.

Chair Buss asked if Mr. Southard had a lot of interaction with the Tribes.

Mr. Southard informed the Commissioners that he does and feels that this would be a great addition and he is pleased to hear that it is unanimous that everyone wants to go further in the process.

- 4) Certified Local Government Review of Proposed Amendment to University Park National Register Documentation

Mr. Southard informed the Commission that the University Park is a challenging district unlike every other national registered district in Tempe the property owners opted against pursuing local designation. The proposed changes and demolition, with changes in floor or adding in the rear, the historic preservation office try to make a point in weighing in when the opportunity presents itself if the property is contributing property to purpose rather the alternations are going to impact the classification program. However, the proposed projects do not come to the Historic Preservation Committee due to not being locally designated. This is particularly problematic for University Park because when listed it has a 54 percent contributing properties which is a low number and has been a low number from the start. There have been several alterations and additions over the years. There have been some questions to the on-going illegibility of University Park following the demolition of 25 E 13th Street which the Kimber Goodwin home was. The day after it was demolished the shipo staff drove through University park with the intent of assessing the area to determine if the properties need to be reclassified. The handouts that were given to the commissioners show the 6 properties that are not contributing be set to contributing and 5 that are contributing be set to non-contributing which will give a net gain to one for contributing properties.

Commission Discussion

Chair Buss acknowledged Commissioner Garrison.

Commissioner Garrison asked if Mr. Southard has any thoughts on any other properties and he feels that everything else is very straight forward regarding integrity verses non-integrity per the regulations. Commissioner Garrison feels that the commission has an obligation to look beyond the one that is going to be added as a contributing but the whole district.

Mr. Southard stated that was a very good point and if he must guess that on July 26 there will be more discussion on the topic.

Chair Buss acknowledged Vice Chair Ball

Vice Chair Ball stated that while yes, the contributors seem flued since a lot of modification has occurred. However there needs to be a consideration of the landscape character of irrigation in the neighborhood and experiencing what the neighborhood is of equal value to the individual merits of the structure in knowing that there are challenges in trying to build in the area. Vice Chair Ball would hate to see a delisting that might cause further erosion of the character of the environment as opposed to the character of the indivual pieces of it.

Chair Buss acknowledged Commissioner Billsbarrow

Commissioner Billsbarrow stated that he agrees with what has been said and would like to add that in the form they were given according to 25 E 13th Street the house was demolished in 2019 and a new house has been approved for construction which will be non-contributing because it is outside the district period of significance. He would like to see that part removed or stricken because it is speculative. The commission would like to have people preserve the properties and if they do not want to participate in being a historic property that is ok as well.

Chair Buss asked for clarification on rather there was a building permit filed on the property already. And if that is the case then that would preclude that there is going to be a different historic structure on the property then he is ok with leaving the sentence there.

Mr. Southard stated that to his understanding there was a permit filed.

Chair Buss acknowledged Commissioner Garrison.

Commissioner Garrison pointed out that on the map in the northwest corner there were five non-contributors on the corner and the general rule is that if you have a non-contributor at the edge of the district you take it out and the five properties would be deleted. At the same time if any of those five have a chance at being contributing then that should not happen.

Chair Buss ask for clarification to rather they should just adjust the boundaries.

Commissioner Garrison stated that is correct.

Chair Buss acknowledged Vick Linoff from the Audience.

Mr. Linoff stated that the caption under Figure 8 is mislabeled it is showing a different address.

Commissioner Garrison asked if there needs to be a motion.

Mr. Southard stated that at this moment this is just a review and he will comply what has been said and put it in a letter and send it out to the historic preservation office.

5) Hayden Butte communication tower removal update

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the Commission that the tower is gone. They worked closely with the team in vising and revising the removal strategy of the tower. The completion of the project is due to the workings of Alex Smith Deputy Director of Special Projects with the coordination of the Tempe Police Department and Federal Agencies relocating their equipment. Mr. Smith also worked to secure funding and worked with Gila River Tribe to make sure that the removal was done in a sensitive manor. The strategy was to remove everything in its entirety. As they removed the foundation from the bedrock they had someone present incase there was any artifacts that need to be identified, and work could be stopped and asses what needed to be done. However, there were no interruptions, and everything was complete.

Commission Discussion

Chair Buss asked what was the outcome of the footing was it taken down to ground level.

Mr. Southard stated that it was removed to ground level there is a remnant of concert that remains but what was left was determined that it was better to leave then attempt to remove and risk damaging the Butte.

Chair Buss acknowledged Commissioner Bilsbarrow

Commissioner Bilsbarrow suggested that this project should receive a preservation award, or should the opportunity arise be nominated.

Chair Buss acknowledged Commissioner Garraty.

Commissioner Garraty stated that it looks like a lot of the concert had already been damaged.

Mr. Southard stated that is correct when the tower was originally put in there was damage done to the peak.

6) Charles T. Hayden House Update

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the Commission that the Hayden House work continues making Adobe and repairing as well as working on the final details. There is a Spanish Blue painting in the Alco wood that dates to 1924. The archaeology there is a data testing and recovery for the overall property but within the walls themselves in the area that was excavated for a one-foot footing was monitored and there is an unknown plaster like decaying wood beam.

Commission Discussion

Chair Buss acknowledged Commissioner Garraty.

Commissioner Garraty stated that this is an exciting found appears to be a wall footer that is below the existing courtyard which pre-dates itself.

Mr. Southard stated that the Tucson Newspaper dated December of 1843 stated that Charles Hayden moved to Tempe permanently at that time. Therefor it was not originally a place of permanent resident.

Chair Buss stated that he is very happy to hear about the color.

7) Chair / Staff Updates

Steve informed the Commissioners that next meeting will happen on August 14,2019 and at the next meeting there will be a preamble to start off the meeting going forward.

8) Current Events / Announcements / Future Agenda Items

- Member Announcements
- **Staff Announcements**

Hearing adjourned at 6:50pm

Prepared by: Brittainy Nelson, Administrative Assistant
Reviewed by:

XX:bn