

## DRAFT MINUTES HISTORIC PRESERVATION COMMISSION SEPTEMBER 13, 2021

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 6:00 PM

<b>Present:</b>	<b>Staff:</b>
Chuck Buss, Chair	Steve Abrahamson, Principal Planner
Chris Garraty	John Southard, Historic Preservation Officer
Jim Garrison	Brittainy Nelson, Administrative Assistant
Elizabeth Gilbert	Jared Smith, Senior Curator
Gregory Larson	Robbie Aaron, Planner II
Laurene Montero	Shelly Seyler, Interim Director
Joe Nucci	
Reylynne Williams	
Kyle Woodson	

#### 1) Voting of the Meeting Minutes

**Motion** by Commissioner Montero to approve the Meeting Minutes of June 9, 2021; second by Commissioner Garraty. Motion passed on 5-0 vote.

**Ayes:** Chuck Buss, Chris Garraty, Gregory Larson, Laurene Montero, Joe Nucci

**Nays:** None

**Abstain:** Elizabeth Gilbert, Reylynne Williams, Kyle Woodson

**Absent:** Jim Garrison

**Motion** by Commissioner Montero to approve the Meeting Minutes of August 11, 2021; second by Commissioner Larson. Motion passed on 8-0 vote.

**Ayes:** Chuck Buss, Chris Garraty, Elizabeth Gilbert, Gregory Larson, Laurene Montero, Joe Nucci, Reylynne Williams, Kyle Woodson

**Nays:** None

**Abstain:** None

**Absent:** Jim Garrison

#### 2) Broadway Curve Art Proposal Presentation – ADOT

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the commissioners that in the last meeting there was a brief discussion about the Art of the Broadway Curve area. There was a request from Commissioner Williams to invite ADOT to share more about the project.

Presentation from ADOT, Will G. Russell, Senior Archaeologist

Mr. Russell informed the Commissioners that his involvement with the project is limited to contest with compliance. The curve project involves the widen of I-10 between 1-17N and State Route 202 interchanges to 16 lanes total. It is a large-scale project that involves environmental assessment. Which is National Environment Policy Act where the government considers all sorts of different effects the project will have on the environment. This particular project is a Federal Undertaking which is a project that involves real monies and authorization. Through the 25 USC § 327 congress has given the Arizona Department of Transportation the authority to act on behalf of the federal highway administration. As a federal undertaking this project is subject to section 106 of the National Historic Preservation Act. The section 106 process revolves around a process of consultation. Within this process the first step is inventory in which the department finds out what cultural resources are within the project area. Asses the information for the eligibility of register for Historic Properties and determine rather the project will have no adverse effect or adverse effect on the properties in the area. Assuming that there are historic properties in the area will be avoided at first if that is not possible then they will work on minimizing the disruption of the property. The last line of defense is the mitigation of the site. The aesthetics contains a couple of drawings that were received a few months ago. He showed the commissioners the drawings that were received. It went out to the consultation to all the parties involved on the project. At the time the only feedback that was received was from the Four Southern Tribes that for any given structures for the bridge that only one flying bird design be used. Committed to honoring that request and a project management subsequently elected use one of the four bird drawings that he showed the commissioners. Within the last week there were additional aesthetics elements that were brought to his attention that were not brought to the office for consultation so there will be a follow up. There are three locations along the route that will have a stylized prickly pear fruit. There was contact initially by the City of Phoenix to involve native artist on the project. This was supported by the Four Southern Tribes, ADOT Historic Preservation Team, but not supported by the project management at first due to financial constraints. ADOT offered to help with the finances that may occur however with the matter of time that it would take to complete the project at this time it has not been brought up again. However, he is working on a different angle.

**Commission Discussion**

Commissioner Montero asked if the project management team understand the section 106 consultation and the whole purpose is to get the input and implement it.

Mr. Russell stated that the team is starting to understand the ramifications of section 106. The project of this size and complexity ends up being a lot of education along the way. Which he is working on. One of the issues is that someone with enough knowledge of section 106 can be dangerous and pointed out that the litigation for the adverse effect has already been negotiated did not include any elements along these lines.

Commissioner Williams asked when will ADOT make a final decision for the Broadway Curve art.

Mr. Russell stated that they already have. However, it is not legally the case yet.

Commissioner Montero asked what the prickly pears are made of and do they have a function outside of just being art.

Mr. Russell stated that he is aware of what they are made of and that they are just there for art according to his understanding.

3) Character Area 1 Draft Plan Presentation

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the commissioners that Character Area 1 is Northern Tempe that is North of the river. This Character Area 1 process has been carried out for most of the character areas at this point for the City. There is a

draft of the Character Area 1 plan and Mr. Aaron will be discussion the process of the draft and is seeking input from the commissioners.

Presentation by Staff, Robbie Aaron, Planner II

Mr. Aaron informed the commissioners that a character area plan is a high-level policy plan. It is a long-term vision that is identify to the area by residences, business of the community and other stake holders such as nonprofits and stack holder groups that they have reached out to. Identifying character defining elements such as history, open spaces, parks, typical landscapes in the area, cultural resources, other historic preservation elements in the area, other historic properties in the area. The design goals and principles are walkability, bikeability, and historic preservation. There have been virtual, in person meetings, surveys, and focus groups. Have presented to a number of Board and Commissions. There are 8-character areas 3,4,5,7 & 8 are already completed number 2 and 6 will be in the future. The City-wide statics is approximately 3.35 square miles of the entire city lies in area 1. The population that was received from the 2020 census is 5.4% of the population in area 1. There was a kickoff meeting in early March. A public survey for preference. Then two public meetings held on May 11. There were also two in person meeting at Papago park on June 14 and June 26. Two focus group meetings. A dotocracy survey was conducted May 11- June 30. Presented to several Boards and Commissions the Draft Character Area 1 plan was released to the public August 26. Comment period is open till September 19. Showed the Commissioners the survey results for what amenities, and enhancement that the public would like to see within Papago park/North Tempe. Postcards were mailed to property owners and multifamily developments. For the dotocracy used social media such as Facebook, Twitter, Nextdoor, Eblast. Showed the commissioners the response to the dotocracy survey. Reached out to the younger generation at Laird Elementary the teachers and principals were excited and got the students to participate got back about 68 responsiveness. The Draft Plan content is located at <http://www.tempe.gov/charaterarea> there is also a link to the survey as well on the page. There are 15 planning area designs, there is also Appendices with information about plant pallet of the area and images that define the area. Some of the Historic Resources, Character Area-defining Elements are Eisendrath House, O'Connor House, Archaeological resources, Cross-cut canal power plant, WPA structures at Moor park. Showed Commissioners Photos of the existing character in the area. The plan gets into design principles such as promoting preservation of Historic buildings, pre and post war subdivisions. The Next steps is to go to Development Review Commission again and Council as well by the end of this year early 2022.

Commission Discussion

Commissioner Nucci asked if there was a sense of preservation priority in this character area. The group that responded seem to be more of an outdoor group where the open space and natural landscapes are a strong priority.

Mr. Aaron stated that there is a sense of priority of preservation for some of the neighbors not all the neighbors.

Commissioner Nucci stated the condition of Papago Park is deteriorating and that should be the neighborhoods radar.

4) Historic Preservation Plan Update

Presentation by Staff, John Southard, Historic Preservation Officer

Mr. Southard informed the commissioners that there have been meetings with several key players in the Historic Preservation Plan update. The point of the meetings is to ensure that the City understands to the best of their abilities and incorporate tribal perspective in the plan. One of the requests that was mentioned in the meetings was to codify meaningful consultation protocols for non-section 106 projects. The Four Southern Tribes have made online access of the government-to-government tool kit available to use. It has been asked that there is a practice set for consulting the material made available. The Four Southern Tribes would like to have a group that is dedicated to the non-section 106 projects. There was discussion on rather there could be implantation of an agreement similar to a PA but not a PA. This document would identify standard course of action that the City takes in which context and what area. This may be acceptable to written protocol there by creating a means and having a discussion and coming to an understanding. As of right now the Tempe Historic Preservation Ordinance does not require private

developers to litigate the land even in a site. There could be information that is shared with private developers that relates to context and documents that they are working in and legal requirements related to their projects the proposed work that they need to know. There has been talk for years about The Butte and the views to and from the area with buildings and flight lines. The point was raised that with the land acknowledgement that were approved by the City Council at the beginning of the year there was a pledge to take cultural matters and affiliation into account when considering all efforts. In addition, providing documentation for evaluation and consultation for processes that are employed for projects. A lot of the concerns are about the impacts of not just areological sites but cultural resources and traditional resources. Things that have not received a widespread on direction. There will be a second public meeting on October 20, 2021 where public will be able to view the draft and make comments.

### **Commission Discussion**

Commissioner Montero asked if there was any information on the cultural sensitivity training.

Mr. Southard stated that they do not have any specific information there is a desire that all City of Tempe Employees can learn according to their job duties.

Commissioner Montero asked if there were any training in the City for diversity.

Mr. Southard informed the commissioners that there are programs that are offered and the cultural sensitivity program for Salt River has been made available online.

Mr. Abrahamson stated that he will work with Mr. Southard on the upcoming programs that are being offered through the City.

### 5) Chair / Staff Updates

Mr. Southard informed the commissioners that the Historic Preservation Conference will be held in Tempe October 27-29. The grant that was approved back in January for the Commissioners to attend the Camp during the conference is for commissioners throughout the state. All of City of Tempe commissioners are eligible and will receive sponsorship if the wish to attend.

Request for Hayden Mill proposal was issued submissions deadline is November 4, 2021.

Chair Buss stated the RFP is very short and brief, is there something that the City does not want developers to do.

Mr. Southard stated that the RFP has language that identifies the boundary for redevelopment. By nature of this request the City does not spell or exclude anything.

Commissioner Montero stated that she is concerned about the language that states the City prefers the National register values be maintained but not required. Where the National register should be required.

Commissioner Garry stated that he is surprised this came out without any input from the Historic Preservation Commissioner being involved with the drafting of the letter. Is there a path for stronger language and are the Commissions considerations taken into account?

Mr. Southard informed the commissioners that according to his knowledge he is not aware of a process where they are able to go and amend the language. Should be a respondent of the RFP selected the City would then engage in negotiations for development agreement and planning entitlements. The Flour Mill is listed in the Tempe Historic Property Register. Alterations and Developments will require Historic Preservation Commission approval in the Ordinance. Should the Historic Preservation Commission not approve the applicant could appeal to City Council. That is when the Historic Preservation Commission will be involved at that point in the development process. There is the Historic Preservation Tax Credit that should help in the preservation of The Mill. The degree

of involvement with Commission, State Historic office, and the department of interior and national park service of D.C. and the Four Southern Tribes.

Chair Buss asked if this is something that the Commissioners will hear more detail about at the next meeting or will they have to wait till the RFP process is complete.

Mr. Southard stated that he is not aware of any thing prohibiting them from putting the item on the next agenda for more discussion. He is not aware of the process and considerations as it relates to the outstanding RFP at this point since it has been issued of what can and cannot be addressed. Since it is a public setting the information would be accessible to all and therefor would not create an unfair advantage.

Commissioner Woodson stated that the RFP has information that he would like more explanation on. The RFP does indicate that the RFP will be reviewed by the commission what way is the commission going to be reviewing the RFP and what level of authority would they have? There is a comment in the RFP that the City will seek to remain the owner and ultimate steward of The Flour Mill is that a requirement of the project or a preference?

Mr. Southard suggested that at the Staff update section they shouldn't dive to deep into any item. He also does not have the language to the Historic Preservation and the Review of the submissions made in response to the RFP. Ultimate that is a decision made by the City Council in the past.

Commissioner Montero would like to have the item on the next agenda to discuss the matter further.

Commissioner Woodson asked how the Hayden House was set up.

Mr. Southard stated that there was no RFP and it was privately owned and Monti's was sold to a group of partners for redevelopment. They did enter into a development agreement with the City and there were negotiations done at that point. In 2014 the process went to the Development Review Commission and the City Council. It was also brought to the Historic Preservation Commission because it is listed in the Tempe Historic property register. In 2018 there was a Development Agreement and Planned Area of Development was prepared and approved after discussion with the Historic Preservation Office and Historic Preservation Commission. That is the extent of the process that he can relay due to having started this position in 2014.

6) Current Events / Announcements / Future Agenda Items

- Member Announcements
  - September 14, 2021 the Arizona Archaeological Society Phoenix Chapter meeting is being held virtually
- Staff Announcements
  - Tempe Museum website Tempe 150 page has information about the 150 years event.

Hearing adjourned at 7:20pm

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Prepared by: Brittainy Nelson, Administrative Assistant  
Reviewed by:

Steve Abrahamson, Principal Planner

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