

Minutes Neighborhood Advisory Commission June 9, 2012

Minutes of the Neighborhood Advisory Commission (NAC) held on June 9, 2012 8:30 a.m. – 12:03 p.m., at Tempe History Museum, 809 E. Southern Avenue, Tempe, Arizona.

(MEMBERS) Present: Karen Adams, Joe Agins, Nancy Buell, Gary Johnson, Josephine McNamara, Robert Miller, Joe Pospicil, Lisa Roach, John Sanborn, Scott Smas, Bill Wagner, Michael Wasko

(MEMBERS) Excused Absences: Pete DeMott, Ann Lynn DiDomenico, Joochul Kim, Angela Lopez, Russ Plieseis, Julie Ramsey

(MEMBERS) Unexcused Absences: Britney Scott Kaufman

City Staff Present: Elizabeth Thomas, Neighborhood Services Specialist; Shauna Warner, Neighborhood Services Director; John Osgood, Deputy Public Works Director/Field Operations, john_osgood@tempe.gov or 480-350-8949, Lt. Jim Peterson, Police Department, 480-858-6141, james_peterson@tempe.gov

Agenda Item 1 – Call to Order

Chair Wasko called the meeting to order at 8:30 a.m.

Agenda Item 2 – Public Comment

There was none.

Agenda Item 3 – Consideration of Minutes: April 4, 2012

Commissioner Roach made a motion to approve the April 4, 2012 minutes and Commissioner Adams seconded the motion. The motion passed unanimously.

Agenda Item 4 – Alley Ordinance Proposed Changes

John Osgood and Lt. Jim Peterson explained that both Solid Waste and the Police Department receive a significant number of complaints from residents regarding concerns with activity in the alleys and are working together to address the underlying problems and to try and ensure alleys are used as intended. The issue is a community problem with common complaints including: graffiti, illegal dumping, homelessness, drug use and residential burglaries. Solid Waste employees have also raised concerns with having people using alleys to sleep in or hang out in while they are trying to drive trucks through to service the alleys.

The current Solid Waste Ordinance limits enforcement as anybody can be in the alleyway as alleys are considered public right of way. City staff has been working to amend the Solid Waste Ordinance. Portions of the draft ordinance are contained in other sections of the Solid Waste ordinance but the thought was it would be easier to use and reference if everything was contained

in one section. The draft ordinance defines legitimate activity in the alley and calls out what the city does not want to see happening in alleys. The amendments are modeled after an ordinance the City of Phoenix adopted and try to strike a balance between civil rights and public health and safety concerns.

There was extensive commission discussion regarding the proposed language and intent.

The following comments were captured:

Q: Are these alley problems more common in specific alleys or locations?

A: No, per PD. Things like illegal dumping occur to some extent in all alleys citywide. Alleys closest to downtown may be experiencing more homeless related issues per Solid Waste staff.

Comment: My alleyway has experienced a cluster of pool cleaner thefts.

Q: What about pedestrians taking a short cut or using the alleys to avoid major traffic, will they be detained? Is this now going to be illegal?

A: They could be contacted and questioned, but for an initial contact officers will be encouraged to exercise discretion and to emphasize education of alley usage. Ideally residents will model the behaviors we are trying to cultivate and refrain from using an alley if it is not their alley. Once they have been contacted and a record is made, they can be cited in the future if repeatedly continuing to use the alley.

Q: Who has worked on and seen these draft ordinance changes and what were their comments?

A: The draft ordinance changes were the result of a collaborative effort by Police Department, Solid Waste and City Attorney's Office. The changes were presented to the Neighborhood Quality of Life and Revitalization Council Committee chaired by Vice Mayor Joel Navarro and were well received and supported.

Q: Aren't alleys and neighborhoods with more run down conditions (i.e. broken windows syndrome) more likely to attract graffiti problems and illegal activities? What is the city doing to address?

A: Residents have a responsibility to keep the alleys neat and tidy from their back wall to the center of the alley. Residents can demonstrate pride and energize an unkempt area by organizing a neighborhood clean-up and calling to report code violations and/or inquire about the next scheduled dust control mitigation.

Q: I sometimes leave metal items that cannot be picked up by city staff in the alley and it's almost like a free service, someone inevitably comes through and hauls them off.

A: This activity is not to be encouraged as residents can unintentionally be attracting the criminal element along with curiosity about what else residents have that may be of value. Residents should think before you throw. It would be preferred if residents with items in decent to good condition donate them instead of using uncontained trash. The suggestion was then made that the city shout put Information recommending donation options in a future edition of Tempe Today, the water bill insert. Staff agreed to share the suggestion.

Q: What about the rights of property owners? Concern was expressed that the criminal element will just ignore the ordinance changes and signage. The comment was also made that if someone is caught breaking the law now, it can already be enforced.

A: We are codifying lawful uses versus defining illegal uses.

Comment: By implication, everything not listed is illegal. Why not write it to define what you do not want happening? What if other lawful activities are identified later? How easy is it to add them? You could open the floodgates for legal challenges and expose the city to lawsuits.

Q: How involved was the City Attorney in crafting or reviewing this?

A: Very.

Comment: You can make the alley area more visible for good eyes on the alley by trimming bushes, trees and oleanders. You can consider lighting along your back wall area as well as taking pictures or pretending to take pictures of anyone illegally dumping or dumpster diving.

Comment: Something needs to be in place so that taxpayers aren't paying to settle a lawsuit due to someone's poor judgment for sleeping in a bush and getting run over by a truck.

Comment: I think you are going about these ordinance revisions in the wrong way.

Q: What type of action is taken when PD now encounters a homeless individual sleeping or resting in the alley?

A: Officers carry cards listing resources and services for homeless individuals. Many we see have been on the streets a long time and it's hard to get them to use these services. Officers can also contact the city's homeless outreach team for follow up outreach efforts. Typically, PD notes any contacts made or actions taken.

Q: Why was this run through the Public Works Solid Waste Ordinance and not Safety Ordinance?

A: PD does not want to be in the position of both writing and enforcing laws. Again, this was seen as more of a community issue. Also, many of the alley concerns are specific to Solid Waste such as feces, individuals sleeping in alleys, syringes not properly disposed of, etc.

Q: Should the NAC prepare a formal summary of recommendations from NAC to Mayor and City Council prior to the public hearing phase of the draft ordinance changes? (Both the areas of support could be highlighted as well as the areas of concern.)

A: Yes, that would be helpful. The meeting minutes may serve this purpose or a separate document could be crafted at the August NAC meeting using the minutes as a starting point. In the meantime, PD and Solid Waste can reference the draft retreat minutes when revisiting the proposed ordinance changes.

The city of Mesa went to residents with alleys and in essence got them to agree that the city would give their deed back and many residents then signed documents empowering their PD to enforce No Trespassing in the alleys. In newer areas of Tempe with alleys, residents believe that the alley is part of their property as stated in their deed and No Trespassing can be enforced by the Police Department if a resident calls. The older areas of Tempe may just be a utility easement.

John Osgood and Lt. Peterson noted that city prosecutors do not currently allow for enforcement of trespassing in the alley. They thanked the commission members for their thoughtful and varied feedback and added that they forged ahead as they got into solve that problem mode. They agreed to consider and rethink some of the civil libertarian aspects of the proposed ordinance changes. Based on the provided input, they will reexamine the proposed language with the City Attorney's Office.

Vice Chair McNamara emphasized the willingness of NAC members to assist with input, help, ideas, outreach, communication and working together with staff to educate our respective neighbors. Lt. Peterson agreed that the broader goals of knowing your neighbors, caring for them, being mindful of what is going on in your neighborhood and community and calling PD to report concerns assists PD in "helping us help you."

Agenda Item 5 – 2012 Neighborhood Workshop and Awards – Application, Process and Event Discussion

There was significant discussion regarding the 2012 Neighborhood Awards application and process. Commission members agreed that all nominees should be recognized.

Commissioner Wagner made a motion that all nominees will be recognized as an Honorable Mention who are not recognized for specific awards such as Chuck Malpede or Neighbor of the Year. Commissioner Miller seconded the motion and it passed unanimously.

Vice Chair McNamara added that the Awards provide a valuable means to get residents more involved, encourage safe and vibrant communities, inspire and motivate others. The more people that can be recognized for their contributions to this community, both great and small, the better. It was also acknowledged that people get involved not to earn awards but because they want to.

Chair Wasko distributed a draft revised evaluation form he had prepared for commission member consideration. The basic concept presented was that any nominee submitted for a Neighbor of the Year Award would be ranked and then based on the ranking score, the commission would internally decide whether to consider the nominee for the Chuck Malpede Award. Several commission members commented that the Chuck Malpede Award represents continued, sustained service and commitment to the nominee's neighborhood and the community rather than a shorter duration. Chair Wasko requested member feedback on the concept and on how NAC wants to address this.

Elizabeth Thomas reminded commissioners that this year was the first year that there was a separate box on the application for the Chuck Malpede Award and only one nomination was identified for that consideration. Commission members debated whether that was because nominator's felt uncomfortable checking the box and wanted commissioners to make the decision to elevate the nominee to the Chuck Malpede level if appropriate, didn't see the box and/or did the application not sufficiently explain the Chuck Malpede Award and provide understandable criteria for same.

Commissioner Adams noted that no matter what is requested from nominator's, there will always be applications that do not reflect the quality of the nominee or are lacking specifics or requested information. Commission members considered building in some time to contact nominators prior to final decisions being made if there is a question. After further discussion, commissioners deemed this idea not feasible. Commissioners agreed that the materials should be written to emphasize that decisions will be based on information provided in the application form to try to encourage complete applications with more details and specifics addressing provided criteria.

There was additional discussion regarding the giving of a Chuck Malpede Award. Shauna Warner explained that the neighborhood awards were first given in 1994. Shortly after, Chuck Malpede passed away and the Mayor and Council changed the name to the Chuck Malpede Neighbor of the Year Awards in recognition of his contributions to neighborhoods. For a number of years, each neighborhood was allowed to choose one neighbor to receive the award.. The criteria and the judging has varied widely since NAC became involved as the make-up of the commission changes annually or more frequently and the members that are serving when the voting occurs have had different perspectives from year to year. Commissioners expressed a desire to address this lack of consistency and to ensure that the outreach and communication is effective in alerting nominators that this is a larger honor.

Commissioner Wagner stated that communication is key and suggested a separate application for the Neighbor of the Year Award and the Chuck Malpede Award. Commissioner Smas supports one application but requested that the application materials emphasize criteria *in addition to* the

Neighbor of the Year Award criteria rather than different from which creates the impression of a whole different criteria for the Chuck Malpede Award.

Commissioner Pospicil made a motion that the Neighbor of the Year Award become the Chuck Malpede Neighbor of the Year Award. Commissioner Miller seconded the motion for discussion purposes only. All other nominees would then receive Honorable Mention. The motion did not pass with one vote in favor and ten opposed.

Commissioner Miller made a motion to accept the draft criteria as presented for the Neighbor of the Year Awards with discretion of NAC whether to award a Chuck Malpede Award or not. Commissioner McNamara seconded the motion. Commissioner Pospicil expressed concern if there is not a Chuck Malpede Award given out every year. The motion passed with ten votes in favor and one opposed.

Staff will modify the application based on the adopted criteria and will bring back to the NAC at their August meeting.

Commission members requested an application and event timeline. Staff cannot identify date of event until location options have been checked and Mayor and Council calendars have been consulted. Typically the event is in late March or mid to late April avoiding the Easter holiday and Spring Break. Commissioner McNamara made a motion to have the application submittal deadline be December 1 with a commission review no later than the February meeting. Commissioner Johnson seconded the motion and the motion passed with ten in favor and one opposed.

Chair Wasko agreed to prepare updated draft evaluation criteria for both the Residential Beautification and Alley Upkeep award categories. Commissioner Buell expressed a desire to broaden the Residential Beautification Award category or to create another category such as Neighborhood Property Beautification to recognize homeowners that demonstrate ongoing maintenance, excellent upkeep and pride of ownership whether the landscaping is new or established. She also encouraged recognition for homeowners who decorate for holidays like Christmas and Halloween enhancing the neighborhood and motivating others to do likewise.

Commissioner McNamara made a motion that the same process and deadline be followed for the Residential Beautification with a December 1 submittal and decisions to be made by the February NAC meeting. Commissioner Johnson seconded the motion and it passed with ten in favor and one opposed.

Commissioner Johnson made a motion to recognize one Residential Beautification Award winner with the remaining nominees to be recognized as Honorable Mentions. Commissioner Sanborn seconded the motion. There was discussion with some members not wanting to be limited to one award while others liked the consistency of mirroring the sole Chuck Malpede Award and didn't want to "water the awards down" by giving more. The motion passed with 8 in favor and 3 opposed.

Commissioner Pospicil made a motion that there would be one Alley Upkeep Golden Rake Award and the remaining nominees will receive Honorable Mention. Commissioner Johnson seconded the motion and it passed with nine in favor and two opposed.

Commissioner Smas made a motion that the same process and deadline be followed for the Alley Upkeep Awards with a December 1 submittal and decisions to be made by the February NAC meeting. Commissioner Adams seconded the motion and it passed with ten in favor and one opposed.

The city's Solid Waste and Recycling donated the two rakes with hanging plaques used for this year's award winners. Commissioner McNamara donated this year's shovels and gold paint. She suggested that maybe Home Depot, Lowe's or Ace Hardware would be willing to donate the supplies next year.

There was limited 2012 event follow up discussion. The suggestion was made to bring in non-profits, city departments and local businesses. Staff has done that in the past but few event attendees managed to stop by the booths or tables. Maybe a set time could be set aside to do so or the food refreshments could be arranged to encourage this type of interaction.

Commission members agreed that the Tempe History Museum location was desirable and centrally located. The three workshop offerings were well received.

Agenda Item 6 – Recap of Past Year's Commission Meetings

A few commission members remarked that it can be tough to get anything accomplished with only one meeting a month. Chair Wasko added that a lack of quorum in May prevented that meeting from taking place resulting in a lost opportunity. Are we addressing our mission? Some commission members inquired about inviting the Mayor and City Council to a meeting to receive their input and suggestions. Staff noted the Mayor/Council Members have come in the past but commissioners have not elected to follow the provided suggestions. Chair Wasko added that this year's commission goals were modeled after the Citizen Satisfaction Survey.

After additional discussion, it was agreed that Mayor-elect and Vice Mayor Joel Navarro, Chair of the Quality of Life and Revitalization Council Committee be invited to a Commission meeting to discuss the NAC's goals. Questions that need to be asked include: What do they want from us? What are their expectations? Do our established as goals and metrics align with their goals?

Agenda Item 7 – Discussion and Benchmarking of Neighborhood Advisory Commission Purpose and Goals

Commission members reviewed the packet materials and noted that the metrics of increasing event attendance, increasing workshop attendance and increasing the number of sponsorships were met with respect to the 2011 Event. The sponsorship monies and in kind donations could have exceeded 2011 figures but there were fewer award winners this year. Gift cards from DMB/Mellow Mushroom initially earmarked for this event will likely be directed towards the Getting Arizona Involved in Neighborhoods (G.A.I.N.) Kick Off event in September as prizes for raffle drawings for GAIN parties in neighborhoods throughout Tempe. Staff also made the decision not to reach out to Whole Foods for additional breakfast refreshment offerings as the coffee, bagels, cream cheese and sweets had already been covered with sponsorship funding.

At this point in the meeting the quorum was lost and the meeting was adjourned.

Agenda Item 8 – Proposed Agenda Items for August 1, 2012 Meeting

Not addressed due to time constraints.

Agenda Item 9 – Adjournment

Meeting was adjourned at 12:03 p.m.

Prepared by: Elizabeth Thomas, Neighborhood Services Specialist
Reviewed by: Shauna Warner, Neighborhood Services Director