

DRAFT Minutes
Neighborhood Advisory Commission
June 5, 2019



Minutes of the Neighborhood Advisory Commission (NAC) held on Wednesday, June 5, 2019, at the City Hall, 3rd Floor Conference Room, 31 E. 5th Street, Tempe, Arizona.

(MEMBERS) Present: Hannah Moulton Belec, Mike D'Elena, Doreen Garlid, Jana Lynn Granillo, Jonathan Gelbart, Stephanie Greenfield, Barb Harris, Carol Shixue Hu, Kiyomi Kurooka, Candyce Lindsay, Michael McLendon, Richelle Miller, Daniel Schugurensky, Zoe Stein, Maureen Utter

(MEMBERS) Absent: Carol Shixue Hu, Candace Lindsay, Michael McLendon and Richelle Miller

City Staff Present: Elizabeth Thomas, Neighborhood Services Specialist; Shauna Warner, Neighborhood Services Manager; Carla Reece, City Clerk, carla_reece@tempe.gov; Kristin Gwinn, City Council Aide, kristin_gwinn@tempe.gov; Julie Akerly, Arts Engagement Specialist, julie_akerly@tempe.gov

Guests Present: Luba Lisenberg and Tempe residents Ana and Alejandro Schugurensky

Agenda Item 1 – Call to Order

The meeting was called to order at 5:30 p.m. by Chair Garlid

Agenda Item 2 – Public Comment

None.

Agenda Item 3 – Consideration of Minutes: May 1, 2019

Motion: Commissioner Stein made a motion to approve the May 1, 2019 minutes.

Second: Commissioner Granillo

Result: *The motion was passed by the 11 members present at that time in the meeting with a 11-0 vote.*

Commission Member Ayes: Hannah Moulton Belec, Mike D'Elena, Doreen Garlid, Jana Lynn Granillo, Jonathan Gelbart, Stephanie Greenfield, Barb Harris, Kiyomi Kurooka, Daniel Schugurensky, Zoe Stein, Maureen Utter

Commission Members Absent: Carol Shixue Hu, Candace Lindsay, Michael McLendon and Richelle Miller were not present at the time the minutes vote was taken but all arrived shortly thereafter.

Agenda Item 4 – Open Meeting Law and Public Records Law. City Clerk Carla Reece

New Tempe City Clerk Carla Reece introduced herself to commission members and provided an overview of Open Meeting Law and Public Records Law. She noted that Arizona is a “Sunshine State” and state sunshine laws are meant to *shine the light on*

the process of government policy and decision-making. NAC members, as appointees of the Mayor and Council are public officers and carry the responsibility of adhering to the Open Meeting and Public Records laws. Staff is also responsible for providing guidance to Boardmembers, Commissioners, and Councilmembers. Meetings of public bodies need to be conducted as openly and transparently as possible. Agendas need to be posted a minimum of 24 hours in advance of the meeting and must contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided at the meeting. Following these measures ensure public access to the governance process, assures transparent, open deliberations and proceedings to the public and prevents public bodies from making decisions in secret.

A meeting is defined as a gathering in person or through technological devices of a quorum of a public body in order to discuss, propose, deliberate or take action. Commission members were encouraged to be deliberative and conscientious and to do their own research but to refrain from discussing commission business with each other outside of meetings including any current agenda items or neighborhood related items that could potentially come before the group. This includes emails, letters and verbal communication. Future agenda items or potential topics only (not outcomes) can be discussed at the close of each meeting as noted on the meeting agenda or can be shared directly with staff who can follow up and help to schedule them with appropriate city staff or outside speakers.

Members can express their personal opinion on a Facebook site, however, they cannot provide any indication of how they would vote on that item should it come before the commission. Social agendas announcing no commission business can be used for social gatherings where there may be more than a quorum present. Regarding public records retention, emails sent or received by a public official regarding public business DO constitute a public record regardless of whether it is received/sent on a personal email account. Carla offered that if there were additional specific questions or what if's regarding Open Meeting Law or Public Records Law, City Clerk and City Attorney's Office can help to address them.

Agenda Item 5 – Nuisance Code Text Amendment – Barking Dogs (Section 213-819).

For Action, City Council Aide Kristin Gwinn

City Council Aide Kristin Gwinn shared that the Animal Welfare Working Group of Tempe's City Council has made recommendations to the existing City Code regarding changes to the reporting of barking dogs as a nuisance violation. The current process requires that three residents sign a petition to attest to the nuisance barking. Additionally, the residents who file a complaint are advised that all complainants must be willing to appear in court and that they must be prepared to keep logs showing dates and times of barking incidents.

Working Group members believe the current requirements pose too high of a burden and recommend that the number of petition signatures be decreased to two from separate households (reduce from three) and that only one resident be required to appear in court for the case to move forward and that logs be optional. Additionally, the working group would like to provide information to dog owners and complainants at the time of the first complaint about available city mediation services.

Commissioner members had a number of comments and questions including:

- It's a fine line – to offer barking dog recourse but not a weapon for a nasty neighbor issue
- How many complaints go to court? (4 of 1600 last year)
- You don't want to make this too onerous or too easy!
- What happens if a formal complaint is filed? Do Police come? (No. Typically treated as a Code Enforcement issue.)
- The topic was noted as being on tempe.gov/forum
- What do the current forum results indicate? (4 yes, 18 no – but some folks do not understand these are recommended changes to an existing code)
- The more evidence for court, the better the outcome.
- I recommend keeping the 3 residents on the petition with no log required
- Challenges with getting additional neighbors to sign petition were noted (desire for anonymity, fear of retaliation, schedule conflicts with court)
- I'm worried that this could become a weapon between neighbors who don't get along
- This is an onerous process, complainant would have to be really bothered to proceed.
- Many residents have dogs. How do you identify which dog is the barking dog issue? (typically, the one who lives outside or is frequently kept outside)
- Are there areas of city with more complaints than others? (complaints throughout the city)
- Do more come from closer quarters (i.e. apartments?)
- Two signatures on petition sounds easier but three signatures may be more reasonable
- What happens if a resident calls 311 regarding a barking dog (likely directed to petition)
- Renters come and go (need for education and re-education noted)
- With increasing density – are complaints more common?
- Request made to see examples of first and secondary letters issued by Code Compliance to the household with the barking dog (staff can secure a generic example)
- Are there any fines? (no fines)
- Do Code Inspectors go out and verify barking dog complaints? (No, dogs will automatically bark at Inspectors and strangers, it's not like weeds where you can visually see them.)

Chair Garlid inquired if members wanted to take action. Members briefly discussed and determined to have the comments and questions noted in the meeting minutes serve as their varied feedback for the Council Working Group on the recommended code changes.

Agenda Item 6 – Arts in the Parks Summary of 2018-2019 Programming and 2020 Community Survey. Arts Engagement Specialist Julie Akerly

Julie Akerly described Arts in the Parks, an arts engagement program bringing neighbors together through the arts, reimagining how parks can be used as communal spaces, initiated by residents and programmed with residents who live near the park with support from Cultural Services/Arts, Neighborhood Services and Parks and Recreation. For the 2019 Season, the second year of Arts in the Parks, the following stats were shared:

- 6 Parks
- 35 Volunteers
- 160 Artists

- 2,750 Attendees
- 1,345 Residents participated in events planning

The stated goals of providing both familiar and unexpected arts experiences, involving more community partners and schools, connecting with artists in the park's community and deepening connections between art, artists, park and community through residencies and workshops were met.

Commissioner Granillo suggested consideration of interactive games in the park that might attract college age participants such as scavenger hunts or geo programming similar to Pokeman. Chair Garlid asked if HOA's could put in a request for their own parks provided the event was open to all. Julie noted that events must be held in city parks to ensure insurance needs are met as well as ADA accessibility. Homeowners Association residents can complete a community survey requesting an event at the city park closest to their neighborhood.

Commission members were advised that the first step in being considered for an Arts in the Parks event is completion of an interest form/community survey located at www.tempe.gov/artsintheparks. Parks are selected based on a number of criteria including resident input, geographic diversity and park maintenance schedules. Once specific parks are chosen, city staff will help coordinate and hold gatherings with residents to further develop their event. Event announcements go out to a wide area of households including neighborhood associations and homeowners' associations in the area all around the selected park.

Agenda Item 7 – Introduce Bus Shelter Redesign Stakeholder Group and select NAC representative

Commissioner Kurooka expressed her interest in serving as the lead representative and Vice Chair Gelbart offered to be the alternate. Staff will pass along these names to the Transportation Commission staff liaisons for project meeting scheduling purposes. The contract award is anticipated in late June.

Agenda Item 8 – 2019 State of the Neighborhoods Awards and Workshops Review – event outreach summary

Staff distributed a hand-out breaking out all of the reaches made to residents and businesses in the community through social media (facebook, twitter, nextdoor), snail mail, neighborhoods list serve emails and in-person including numerous March and April meetings, events and activities where the State of the Neighborhoods event was promoted. Additional public involvement vehicles included Public Information Office event press releases and the front page of the March 2019 Tempe Today, water bill newsletter.

Agenda Item 9 – Commission business – August 2019 Retreat Planning identification of agenda items and date selection, NAC Meetings Calendar

Commissioners discussed potential Saturdays in August for the NAC Retreat which typically runs from about 8 am to 11 am. The date of Saturday, August 10 was selected as all commission members present indicated their availability. Staff will explore location options and specific retreat hours will be confirmed. Commissioner Stein offered that ASU's 408 building on Wrigley Mall might be an alternative location if needed. Chair Garlid noted her Fry Bread Social Gathering for the Commission on Sunday, June 23 from 5-7 pm. In keeping with Open Meeting Law, staff will send an invitation out via email, collect rsvp's and prepare an agenda noting a social gathering only where a quorum of the commission may be present. Staff also provided pictures

of Hatton Hall, a downtown location option for regular meetings allowing commissioners to be able to park in the same parking garage exiting via a different exit. The space is a little larger, brighter and more visible to the public than the Engineering and Transportation “ET” conference room and there is a restroom inside the same space. Staff will check if there are any bike racks onsite. A frame signage could be used to help direct commission members and any interested public to Hatton Hall meeting space.

Agenda Item 10 – Summary of Current Events by Zip Code Areas

Highlights included:

85281-More bike lanes

85282-Unveiling of beautiful new standpipe by artist Nina Solomon at Ventura and Broadmor noted, Southern and College area bike/scooter accident

85283-Celaya Park Grand Opening Celebration, new grocery store coming in at Southern and McClintock

85284-Raising Cane Restaurant construction at SW corner of Warner and McClintock has begun, Tempe Market is undergoing renovations and will reopen soon offering sit down service at dinner

Agenda Item 11 – Proposed Future Agenda Items – Opportunity for Commission members to raise potential future agenda items.

Staff advised commissioners that the August Retreat is a longer timeframe and presents the opportunity to delve deeper into some selected topics of interest. Staff will follow up to determine which items may work in terms of any needed speakers, information availability and appropriate timing.

The following suggestions were offered as potential topics for the August retreat:

- Census 2020 (Ongoing as appropriate)
- Neighborhood Advisory Commission Goals (review of prior goals and outcomes, new goal setting as appropriate)
- Ice Breaker Activity
- Assignment of new responsibilities for commission members
- Transportation/Levels of service at major intersections in Tempe in light of current construction, congestion, current and future increases in density, event traffic
- Outreach and collaboration with other Advisory to Mayor/Council Boards and Commissions (bike lane separation issues were noted as potential opportunity to partner with Transportation and Sustainability Commissions)
- Outreach to neighborhood associations

The topics below were suggested at the April 3, 2019 NAC meeting or at prior meetings:

- Equity in Action Program Update (as more info. is available)
- Recycling update
- More in depth commission member introductions
- How to register and comment on legislative bills
- Commission business (ongoing)
- Capital Improvement Projects (CIP) Update

Agenda Item 12 - Adjournment

Meeting was adjourned at 7:00 pm

Prepared by: Elizabeth Thomas