



**Minutes
City Council's Quality of Life
Committee
April 23, 2009**

Minutes of the meeting of the City Council's Quality of Life Committee held on Thursday, April 23, 2009, 4:00 p.m., in the 3rd Floor Conference Room, Tempe City Hall, 31 E. 5th Street, Tempe, Arizona.

Committee Members Present:

Mayor Hugh Hallman
Councilmember Ben Arredondo
Councilmember Mark Mitchell
Councilmember Joel Navarro

City Staff Present:

Charlotte Benson, Sr. Asst. City Attorney
Angel Carbajal, Asst. Police Chief
John Dorsey, Patrol Commander
Phil Falcosky, Tax & License
Don Hawkes, Water Utilities Mgr
Shelley Hearn, Comm Relations Mgr
Jan Hort, City Clerk
Robert Hubbard, City Prosecutor
Cliff Jones, Fire Chief
Jan Koehn, Community Development
John Osgood, Dep Public Wrks Mgr
Mark Richwine, Parks & Rec Mgr
Marc Scott, Asst. Fire Chief
Jeff Tamulevich, CCE Admin
Elizabeth Thomas, Neighborhood Pgm Spec
Sam Thompson, Dep Mgr - Parks
Shauna Warner, Neighborhood Pgms Dir
Michael Williams, Dep Dev Svcs Mgr

Guests Present:

Paul Berumen, ASU
Tony Bradley, AZ Multi-Housing Assn.
Kevin Kaesberg, Neighborhood Advisory Commission
Doug Stites, resident

Mayor Hallman called the meeting to order at 4:12 p.m.

Agenda Item 1 – Public Appearances/Call to the Public

None.

Agenda Item 2 – Approval of Minutes of January 22, 2009

Motion by Councilmember Arredondo to approve the minutes of January 22, 2009. Second by Councilmember Mitchell. Motion passed unanimously.

Agenda Item 3 – Discussion and Approval of Work Plan

Mayor Hallman summarized that the work plan was prepared from discussion at the first meeting. Motion by Councilmember Navarro to approve the work plan and forward to Council for final approval. Second by Councilmember Arredondo. Motion passed unanimously.

Agenda Item 4 – Overview of Interdepartmental Work Group Program

Shauna Warner summarized that the concept of an interdepartmental work group was discussed at the last meeting. The work group determined the types of data each area had and has begun to compile it. She distributed a map that showed hot spots compiled from calls for service and Nuisance Code violations. One map showed the nuisance and code compliant calls by Police reporting district, and the other map showed the foreclosures and active areas tied into some of the nuisance and code calls. The group will identify the hot spots and move forward with targeting those areas for improvement. Once the GIS system is implemented, this process will be more efficient.

Angel Carbajal added that even though the interdepartmental work group is fairly new, there have already been issues that have come before the group to address. The group is already seeing success, even in small things such as overgrown oleanders near a railroad track that become a “condominium” for homeless, and bigger issues involving Escalante Park.

Ms. Warner added that the Customer Relations System Call Center will tie into the calls once it is operational.

Shelley Hearn added that the Call Center is scheduled to be operational in about a year, and she will provide an update at the next Committee meeting.

Mayor Hallman added that anyone who is involved in the process and hasn't received a copy of the survey should make sure to obtain one. The issues brought forward in the surveys have continued to give rise to the Council's conversations at their Summits over the past three years. The combination of alleys, yards, streets, crime, graffiti, etc., are interrelated and if we can bring forward an approach that examines all of those, maybe we can start to make an impact and a permanent improvement by seeking voluntary compliance. He would be willing to spend a significant focus on the alley issue. Public Works needs to do the same kind of swarm effort and focus attention on specific alleys in the community and inform residents of the standards.

Ms. Hearn added that the maps are available electronically.

Mayor Hallman asked her to electronically provide the maps that address the specific issues.

Councilmember Mitchell asked about the nuisance violations as they relate to crime.

Ms. Warner responded that the maps track all of that. Once the GIS system is operational it will be easier to cover all of the issues.

Councilmember Mitchell recalled the issue of the resident who built the shed and it became an issue, although across the street, there is a house with multiple carports and a bad yard, yet apparently that was not even looked at. Would this help with interdepartmental communication for a similar issue?

Ms. Warner responded that another benefit of the group is conversation with all departments. Assistant Chief Carbajal added that the group is still evolving. It started out being reactive by bringing complaints to the table, but now that this information is being layered, it can start to focus on being more proactive.

Agenda Item 5 – Bicycle Facilities Update and Future Bicycle and Pedestrian Projects

This item was continued to the next meeting.

Agenda Item 6 – Status of Zoning and Development Code Occupancy Standards

Mayor Hallman summarized that the Ad Hoc Rental Task Force was formed in 2005 and Councilmembers Mitchell and Arredondo served. One of the discussed was too many people living in one house. The task force received information that the three unrelated people rule (degrees of consanguinity) as defined in the Zoning and Development Code (ZDC) is not enforceable. The task force looked at the concept of amending the ZDC to remove consanguinity and continuing to enforce the occupancy standard in the Rental Housing Code instead. Some residents were against this and Mayor Hallman received significant emails asking to leave consanguinity in the ZDC and legal briefs on the fact that the consanguinity rule is constitutionally enforceable. A team including staff from the City Attorney's Office, Code Enforcement, and Ira Ellman, the family law professor at ASU, was brought together to discuss this. Professor Ellman reached agreement with the City Attorney's Office that it was, indeed, constitutionally enforceable.

One issue is how to handle enforcement and the procedure in which we take these cases at low levels rather than asserting a higher level criminal matter against the landlord which would then open opportunities to get out from under the more difficult process of proving a case. This was discussed about eighteen months ago and the City prosecutors felt they could try to take a few of these cases with the understanding that we don't have to take all of them. The goal was not to go after college students who get told by their landlords to violate the law, but to get to the landlords who keep doing it.

Mayor Hallman continued that as part of the Committee's Scope of Work, he would ask staff for a report at a future meeting on why it is unenforceable, or why it is enforceable, what hurdles exist for enforcement, and what can be done to fix it. He also suggested that Professor Ellman be invited. It remains one of the biggest problems in the neighborhoods.

Councilmember Arredondo suggested also inviting Stephanie Salazar from ASU.

Jan Koehn stated that staff is working on one high profile case with the City Prosecutor. The timing issue is that the students have a lease until July and they are concerned with retaliation issues. The City would have up to a year after the violation to file the case.

Agenda Item 7 – Rental Housing Licensing Update

Phil Falcosky distributed statistics on the rental housing database.

- Staff is actively in the process of providing a copy of the database to the interdepartmental work group to be loaded on the GIS system as a separate layer.
- Staff is also trying to secure a copy of the County Assessor's database of registered landlords so that information can be loaded onto the database. Overall, about 80% of the City's residential landlords are licensed with the City based on staff's monitoring of the water deposit.

- Staff has also been in touch with the Water Utilities Department to secure information on water deposits. All of this information will provide additional layers with respect to rental properties to assist in identifying hot spots.
- Rental housing has been an emphasis for the Tax and License Department since the Ad Hoc Rental Housing Task Force was formed. They did implement a database of all licensed residential rental properties in the City and made it available to the public and to other departments in December, 2006. It is available through a link on their database and it contains approximately 7200 properties.
- One of the recommendations from the task force was to establish a rental housing specialist position and that position survived the budgetary process and will be filled. That position will primarily follow-up on people who don't respond.

Mayor Hallman asked if there was a way to add the incentive that if it turns out that the property is a rental, water service won't be supplied until the property is registered.

Don Hawkes will investigate that concept.

Agenda Item 8 – Discussion of Water Development Fees and Residential Sprinkler Systems

Councilmember Navarro summarized that it was brought to his attention that a resident (Doug Stites) was remodeling his home and he wanted to put fire sprinklers in a new addition. To do that, he had to have a separate water meter to accommodate the sprinkler system. There is also an impact fee for the sprinkler system on a residential house. The resident felt there was no impact besides the sprinkler being charged with water and there is no impact on the sewer. The resident researched other cities and found that they were not charging impact fees and he requested that we look at changing the ordinance.

Don Hawkes summarized that there are legal and statutory requirements. State statutes provide the authority for municipalities to assess development fees and water and sewer fees. If a municipality opts to do that, then it has to do so in a non-discriminatory manner which means waivers can't be issued. In Tempe, we have opted to assess development fees so that growth will pay for growth. People who add new demand on the system will be paying for that and not residents who have lived here for twenty years. Currently, the process is that any new demand on the system is assessed these development fees. If a resident comes in and has a 5/8" meter which is supplying their domestic service and they decide they want to add a sprinkler system, and Development Services tells them they need to upsize that meter to a 3/4" meter, we typically give them credit for the 5/8" and charge them for the 3/4". This is the first time we have faced this issue with a resident wanting to install fire sprinklers. He recommended that staff from Development Services and the Fire Departments work through this and come to a solution. Development Services has done an analysis of what other cities are doing and staff could analyze the ordinances in each of the other cities to see how they are dealing with this. He suggested returning to the committee at the next meeting with some recommended solutions.

Mayor Hallman stated that he felt that if someone was spending several thousand dollars to pull pipe and put in fire sprinklers, they are not really just trying to get a bigger water meter.

Don Stites, resident, added that Phoenix said they had the same concerns, so they piggyback the meter on there. It is a "stub" one, meaning you can't get any water out of it other than through the sprinklers. Another concept would be to not grant the meter until the preliminary inspection and all of the sprinkler heads and piping are in place. He would be spending about \$5K to avoid a \$3K impact fee.

Agenda Item 9 – Future Agenda Items

- Update on Customer Relations Call Center
- Bicycle Facilities Update and Future Bicycle and Pedestrian Projects
- Status Update on El Paso Gas Easement (Andy Goh)

- Report regarding enforcement of Consanguinity Rule
- Update on Water Development Fees and Residential Fire Sprinkler Systems
- Update on ASU student housing (Stephanie Salazar)

Agenda Item 10 - Announcements

None.

Motion to adjourn by Councilmember Mitchell. Second by Councilmember Navarro. Motion passed unanimously.

Meeting adjourned at 5:05 p.m.

Prepared by: Connie Krosschell

Reviewed by: Shauna Warner

Jan Hort, City Clerk