



## **Minutes City Council's Quality of Life Committee January 22, 2009**

Minutes of the meeting of the City Council's Quality of Life Committee held on Thursday, January 22, 2009, 4:00 p.m., in the 3<sup>rd</sup> Floor Conference Room, Tempe City Hall, 31 E. 5<sup>th</sup> Street, Tempe, Arizona.

### **Committee Members Present:**

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

### **City Staff Present:**

Angel Carbajal, Asst. Police Chief  
Mike Crusa, Community Relations  
John Dorsey, Patrol Commander  
Molly Enright, Community Relations  
Mary Helen Giustizia, Solid Waste Svcs  
Shelley Hearn, Comm Relations Mgr  
Jan Hort, City Clerk  
Glenn Kephart, Public Wrks Mgr  
Jan Koehn, Community Development  
Lisa Lathrop, Development Svcs  
Judith Morgan, City Atty Office  
John Osgood, Dep Public Wrks Mgr  
Mark Richwine, Parks & Rec Mgr  
Nikki Ripley, Community Relations  
Sam Thompson, Dep Mgr - Parks  
Sheri Wakefield-Saenz, Econ Dev Admin  
Shauna Warner, Neighborhood Programs Director/City of Tempe

### **Guests Present:**

Courtney LeVinus, Capitol Consulting/AZ Multi-Housing Assn.  
Catherine Mayorga, Tempe Chamber of Commerce  
Joe Pospicil, Neighborhood Advisory Commission  
Stephanie Salazar, ASU  
Jeff Sheppard, Neighborhood Advisory Commission  
Michael Wasko, Neighborhood Advisory Commission

Mayor Hallman called the meeting to order at 4:00 p.m.

**Agenda Item 1 – Public Appearances/Call to the Public**

None.

**Agenda Item 2 – Discussion of Work Plan**

Mayor Hallman summarized that at the Council's Summit, discussions regarding issues that were affecting Tempe's quality of life gave rise to the creation of this cross-departmental committee in order to begin addressing the quality of life issues. He suggested brainstorming what this committee could cover in a real way and develop the top three to five priorities.

Councilmember Arredondo stated that concerning "assisting ASU's efforts to improve student housing at ASU and addressing those efforts' impact on neighborhoods", we are headed in the right direction but we need to push further in that direction.

Mayor Hallman stated that on the neighborhood side, the theme continues to be that rental housing in the neighborhoods, which is frequently occupied by students, is the alternative to student housing at ASU. With those rental houses come parties, landlords who allow the houses to deteriorate, and trash in the alleys. He suggested generalizing "student housing" to "rental housing" as one of the priority focuses for this committee. It is important to encourage the University to continue constructing quality housing and to put pressure on the landlords who are taking advantage of ASU students.

Councilmember Arredondo added that student housing has a two-tiered effect. The neighborhoods are affected but it would move it into a positive direction by working with ASU. One positive thing is having Stephanie Salazar involved. She has an orientation for freshmen and educational focus is important. We need to also view them with a neighborhood enhancement focus. The next step would be to let the neighborhoods know what we are doing.

Councilmember Mitchell agreed. He would like to see an update on this process from the different departments. For example, how have the pamphlets to ASU freshmen regarding code and loud parties worked? Angel Carbajal could also look at the loud party ordinance to see what effect that has had. Other committees have talked about redevelopment of strip malls and an update would be helpful. What about graffiti? This is all a "work in progress" and we need to see where we are.

Councilmember Navarro suggested an update on the effects of the new ASU housing and the effects of that on the neighborhoods. Improvement of alleys and streets might be tied in with the enhancement of open space and bike paths to tie north and south Tempe together. In South Tempe, some canal improvements are being done, but how do we get it into the downtown area? Another aspect is tying in the vegetation along the roadways, improving walls and working with neighborhoods to help improve those walls.

Mayor Hallman summarized:

- Concerning the positive side of rental housing/ASU students, provide an update on how that is operating, how the information is going out to students, how students are receiving that, and the direction ASU is going in terms of building student housing by Fall of 2009.
- In the neighborhood piece, there are rental housing code enforcement issues. We have a code enforcement program, but we are not getting a systematic performance in improving the neighborhoods. If anything, we are losing ground in the neighborhoods. He suggested a "swarming" of hot areas with a cross-departmental approach to property deterioration areas. Also, when a code complaint comes in, it should be tracked along with crime statistics. We should be collecting data from our employees who are cleaning the alleys as well. Identify the problem areas and bring our resources to bear. Do we need a new ordinance that specifies that if an alley looks bad, people are cited? We don't have to get to every single violator, but let it be known that if caught, there's a fine. The same with code enforcement. If we're not getting our code

enforcement standards to get people to voluntarily apply, we ought to be doing something about it. Could we use this committee to do this?

Angel Carbajal added that a process has been started for an interdepartmental work group to address these issues. The group is in the process of sharing information with Public Works, Parks and Recreation, Code Enforcement, Police, Fire, etc., and is looking at the possibility of overlaying this information. ITD is also at the table to look at integrating that information to identify the areas to target. Shauna Warner is the facilitator and coordinator for that process. He suggested that the group report to this committee on a regular basis.

Mayor Hallman added that in addition to the rental housing/ASU student housing issues concerning loud parties, a property enhancement maintenance code, and the alley maintenance is the issue of the "three unrelated people per house" rule. This has not been addressed well.

Councilmember Arredondo added that Council approved signs for the alleys, but the problem was that no one wanted to put them on their fence. He suggested putting the signs on the trash containers to educate residents about alleys and code enforcement.

Mayor Hallman suggested creating a pamphlet and when an alley is repeatedly deteriorating, staff could make sure a pamphlet is delivered to the front door.

Councilmember Arredondo agreed and suggested putting the hot line numbers on the trash containers as well.

Fire Chief Cliff Jones suggested adding fire code enforcement in off campus housing and rental housing to the issues.

Councilmember Navarro added that the cross-department approach could be used to report when problems are seen.

Mayor Hallman added that if a water meter reader sees a property in bad repair, there should be a way to report it. This boils down to the IT problem of how to collect that information so that it doesn't cost more to gather it than it is worth and be able to start applying the techniques that each department has to address the problems.

Councilmember Mitchell agreed that the key is to do it interdepartmentally.

Michael Wasko asked if there are adequate tools in place to track the landlords.

Jan Koehn responded that there are tracking systems to note habitual offenders. An ordinance was passed last year for habitual offenders so when the same properties problems crop up over and over, there is a recourse. Abatement is 100 days and the fine for an habitual offender is \$500 on top of any other violation.

Mayor Hallman asked if that is being tracked. The Arizona Multi-housing Association stopped efforts for database collection for a time. He suggested having someone from Tax and License come to the next meeting to talk about the current database. If it is council's consensus to go toward with some sort of swarm technique, modeled after the Police Department's effort on specific crimes, we could marry the crime database with the code enforcement data, rental housing data, alley appearance data, and street condition data, and see where there are hot spots. .

Councilmember Arredondo suggested rolling in graffiti as well.

Mayor Hallman added that if the police database tracks gang activity, it is probably highly correlated to graffiti.

Councilmember Arredondo added that the deteriorated shopping centers are another issue, particularly Southern and Mill. We may have to step up and incentivize.

Mayor Hallman suggested identifying those which are the worst, and doing something about those. Create a set of tools and supply the same techniques to shopping centers as to neighborhoods. Identify the landlords to help move them in the right direction. So far, the items included in the rental housing/ASU student housing are:

- Loud parties
- Alley maintenance
- Code enforcement
- Fire code enforcement specifically in off-campus housing, but generally in rental housing
- Graffiti
- three unrelated people living in a house

In neighborhoods, consensus was to generally use a swarm approach on all of the related property enhancement associated problems. Apply that same technique on troubled strip malls.

Mayor Hallman added that the third issue identified is how to use our open space to tie together our community. Where are the projects that have been done, and what should be our next priorities? That will probably come from Transit. He suggested a briefing about the big picture and how it all comes together.

DIRECTION: Staff to return with an assessment/presentation on how to approach communication systems, the data collection systems, and how to bring everyone together, identify hot spots, go after them, and change behavior. Ms. Warner was also directed to create the work plan.

### **Agenda Item 3 – Review of Graffiti Ordinance**

Cmdr. John Dorsey summarized that this has been a long process and when it was kicked off, there were four priorities:

- raise awareness that graffiti is a problem
- prevention
- enforcement
- immediate cover-up

He continued that the process began with the City Manager's Weekly Update email. Then an inter-city work group was created involving Public Works and Neighborhood Services to develop a strategy to attack graffiti.

- The first area involved the retail establishments through compliance checks. City Code 22-104 references the storage and display of graffiti implements and those items must be secured. This involved education. If they were not locked up, the City would be back and it would be an enforcement of the City Code. It worked well.
- Next, a graffiti hot spot map was created by measuring what areas were getting the most graffiti. Police officers then spent free time in those areas to make sure it didn't happen again. Public Works tries to be out within 24 hours to paint over the graffiti. They made sure all of Public Works and Code Enforcement were aware that there many different kinds of graffiti to recognize any potential messages of violence which could be related to the police.
- The next step was to develop an information campaign for the neighborhoods. Many neighborhood and community meetings were held and it was also a large focus of the GAIN activity in October. A prevention class is presented to elementary schools and to high schools. Also, from the Police Department standpoint, it is being dispatched as an "in progress crime."

John Osgood summarized that the intent of the proposed change in the ordinance is to allow the City to abate graffiti with or without notice on private property when it is in the best interest of the City to do so. At this point, the general rule would be something that the City crew could reach from the public right-of-way in an area where there is a school and it is on the side of a wall that is not City property. Current ordinance would require 10 days' notice to a property owner, but this would allow the special truck to take care of the graffiti in a responsible way and have it done quickly. In those circumstances, the City would not be recouping cost. Concerning commercial property, where the graffiti is on a building, for example, it would still be in the City's best interest to use the notice of violation. The proposed change allows posting of the property, as opposed to the written citation, or giving the notice of violation personally to speed up the process.

Mayor Hallman clarified that the goal is not to punish people whose property is the victim of graffiti because they have been punished once. He would like to enhance the penalties for those caught committing the crime, and he asked staff to look at additional opportunities. Add additional teeth to the code that pertains to penalties. The probability of being caught times the cost of being caught equals the deterrent effect. If the penalty goes from \$50 or \$100 to \$1000 or \$2000, plus all the costs of maintenance, plus the damage to the property owner, plus the damage to the property owner, plus 30 days in jail, it might help tell people it isn't worth it.

Cmdr. Dorsey added that it is hard to catch them and not very much happens. He agreed that maybe the next step is to get the word out that we have enhanced all of the penalties.

Assistant Chief Carbajal added that it will be necessary to work with the prosecutors and courts because it is an A.R.S code as opposed to a City code.

Councilmember Mitchell asked if work is being done with the School Resource Officers to help get the word out.

Cmdr. Dorsey responded that staff is working with the elementary groups and their parents. Threat always work well with high school students. A better effort could be made with getting out the message of what will happen if someone gets caught.

There was consensus to enhance the fines and penalties associated with graffiti.

Mayor Hallman asked that if the State statute on criminal damages is not sufficient, could a separate City code be enacted with respect to criminal damage by graffiti artists that would allow the City to enhance the penalties, or do we need to go to the legislature.

Cmdr Dorsey agreed that staff will investigate that with the City Attorney's Office.

#### **Agenda Item 4 – Review of Solid Waste Code Revisions**

John Osgood summarized that Mary Helen Giustizia has taken the lead on a comprehensive review and proposed update of the Solid Waste Code for better definition of things such as potentially limiting the amount of illegally-dumped or unacceptable materials placed out for collection. Concerning the abatement section, this would give the City the ability to give notice. If there is no compliance, the resident will see it on their water bill. The primary intent would be to provide the City with the authority to charge for clean-up and abatement, recoup the cost, and do it quickly and timely.

Mayor Hallman added that Section 28-2 (B) addresses the alley maintenance issue as well.

Mr. Osgood agreed and clarified that this would impact more than just the alleys. He asked if the remainder of the code change should come to this committee.

Mayor Hallman directed staff to bring it to the committee before it goes to the Formal Council agenda.

DIRECTION: Proceed ahead.

**Agenda Item 5 – Future Agenda Items**

- Approve a Scope of Work
- Update from ASU on how they are working with students, as well as a report on the total housing stock effort the University is undertaking to house students
- Update on current paths, bikeways and plans
- Report on the database efforts as part of the rental housing piece

**Announcements**

Mayor Hallman clarified that if the committee focuses on the neighborhood swarm techniques and it would be necessary to discuss that issue more often, the committee could meet on that issue and the agendas could be kept narrow.

Cmdr. Dorsey thanked Mr. Osgood, Ms. Warner, and everyone who worked on the graffiti issue, because although there is a long way to go, they really did some great work, and there were many examples of interdepartmental work.

Glenn Kephart added his thanks to the Mayor and Council for identifying this as an important issue, laying out a clear direction for the desired outcome, and providing the resources to make it happen.

***Meeting adjourned at 5:05 p.m.***

Prepared by: Connie Krosschell

Reviewed by: Lisa Collins

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Jan Hort, City Clerk