

Minutes Formal City Council Meeting October 5, 2006

Minutes of the Formal Council Meeting of Thursday, October 5, 2006, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Hut Hutson
Councilmember P Ben Arredondo
Councilmember Barbara J. Carter
Councilmember Shana Ellis
Councilmember Onnie Shekerjian

COUNCIL ABSENT:

Councilmember Mark W. Mitchell

Mayor Hallman called the meeting to order at 7:30 p.m.

1. Onnie Shekerjian asked for a moment of silence in honor of Police Officer, Kevin Weeks, and then gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.

3. MINUTES

A. Approval of Council Meeting Minutes

Motion by Councilmember Hutson to approve the following **COUNCIL MEETING MINUTES**.
Second by Councilmember Carter. Motion passed unanimously on a voice vote.

1. Council's Executive Session – June 15 & 29, July 6 & 20, August 11 & 17, and September 21, 2006
2. Council's Issue Review Session – September 21, 2006 [20061005clrkck01.pdf](#)
- 2a. Council's Formal Meeting – September 21, 2006 [20061005clrkck02.pdf](#)
3. Council's Finance, Economy & Veterans Affairs Committee – September 19, 2006 [20061005feva01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Hutson to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Ellis. Motion passed unanimously on a voice vote.

4. Aviation Commission – August 24, 2006 [20061005tavco01.pdf](#)
5. Commission on Disability Concerns – August 15, 2006 [20061005cdc01.pdf](#)
6. Committee for Youth, Families & Community – June 19, 2006 [20061005cyfc01.pdf](#)

7. Development Review Commission – July 25 & August 8, 2006
[20061005drc01.pdf](#) [20061005drc02.pdf](#)
8. Double Butte Cemetery Advisory Committee – August 9, 2006
[20061005prmr02.pdf](#)
9. Hearing Officer – August 15 & September 5, 2006 [20061005ho01.pdf](#)
[20061005ho02.pdf](#)
10. Historic Preservation Commission – August 10, 2006 [20061005hpc01.pdf](#)
11. Mayor's Youth Advisory Commission – September 5, 2006 [20061005myac01.pdf](#)
12. Municipal Arts Commission – August 16, 2006 [20061005mac01.pdf](#)
13. Neighborhood Advisory Commission – August 2, 2006 [20061005nac01.pdf](#)
14. Parks and Recreation Board – June 13, 2006 [20061005prmr01.pdf](#)
15. Tardeada Advisory Board – August 3, 2006 [20061005tab01.pdf](#)
16. Tempe Sports Authority – July 25 & August 29, 2006 [20061005tsa01.pdf](#)
[20061005tsa02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman introduced Richard Neuheisel who introduced guests from Sister Cities Skopje, Macedonia; Regensburg, Germany; and Zhenjiang, China.
- Richard Neuheisel introduced Dain Williams, student at Corona High School, who won the International Young Artists Best of Show Award.
- Mayor Hallman introduced and congratulated representatives from the Tempe Community Council, East Valley Women's League and Tempe Parks and Recreation Department, winners of the 2006 Arizona Parks and Recreation Association Partnership Award for the Cinderella Affair event.

B. Manager's Announcements – None.

5. AGENDA

All items in these minutes identified with an asterisk (*) **are public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Councilmember Arredondo to approve the Agenda. Second by Councilmember Hutson. Motion passed on a roll call vote 6-0, with Councilmember Mitchell not voting.

A. Miscellaneous Items

17. Approved **Contract #2006-248**, a lease agreement between the City of Tempe and Arizona State University School of Nursing for health services at the North Tempe Multigenerational Center.

DOCUMENT NAME: [20061005csjt01.pdf](#) NORTH TEMPE MULTI-
GENERATIONAL CENTER (0706-47)

18. Approved **Contract #2006-60A**, the first addendum to the Childsplay - Mitchell School Development and Disposition agreement

DOCUMENT NAME: [20061005cdnc02.pdf](#) COMMUNITY DEVELOPMENT
ADMIN. (0406)

19. Approved **with conditions** an Amended Subdivision Plat by BANK OF AMERICA at 2519 West Alameda Drive.

COMMENTS: (Mark Haladyna, Gensler, applicant; Bank of America, N.A., property owner) (PL060443) located at 2519 West Alameda Drive, in the GID, General Industrial District for:

SBD06009 An Amended Subdivision Plat, consisting of two (2) lots on 3.95 net acres.

The following conditions were approved:

1. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
 - b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees,
 - (2) Water and/or sewer participation charges,
 - (3) Inspection and testing fees.
 - c. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
 - d. All street dedications shall be made within six (6) months of Council approval.
 - e. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - f. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
3. The Subdivision Plat for Bank of America shall be recorded prior to the issuance of permits. No changes or modifications to the plat will be allowed without the prior approval of the Planning and Engineering Departments.
4. The Subdivision Plat for Bank of America shall be put into proper engineering format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before October 5, 2007**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20061005dssv01.pdf](#) PLANNED DEVELOPMENT
(0406)

20. Approved a Final Subdivision Plat by MILLER-CURRY TOWNHOMES at 1245 North Miller Road.

COMMENTS: (Mark Richmond, owner; Delorme & Associates, Applicant) (PL060546) located at 1245 North Miller Road, in the GID, General Industrial District, including the following request:

SBD06013 Final Subdivision Plat consisting of 13 lots and 1 tract on 1.13 acres.

DOCUMENT NAME: [20061005dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *21. Held a public hearing and recommended the approval of a Series 06 Bar Liquor License for PKP, Inc., dba Yogi's Sports Bar & Grill, 1400 S. McClintock Drive.

COMMENTS: John Pulzato, Agent

DOCUMENT NAME: [20061005LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *22. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Pointe South Mountain Resort, LLC, dba Aunt Chilada's, 2021 West Baseline Road.

COMMENTS: H. J. Lewkowitz, Agent

DOCUMENT NAME: [20061005LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *23. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Rising Sun Restaurant Group, LLC, dba Bamboo Club, 699 S. Mill Avenue.

COMMENTS: Michael Garnreiter, Agent

DOCUMENT NAME: [20061005LIQ3.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

24. Awarded **Contract #2006-249**, a Construction Manager at Risk Construction Services contract plus a construction change order allowance to Hunter Contracting Co.; and approved **Contract #2006-250**, a professional services contract with CMX, LLC., for construction management services for the Johnny G. Martinez Water Treatment Plant Modifications Phase 3.

COMMENTS: Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$12,469,335 plus a construction change order allowance of \$500,000, subject to execution of the final written contract; and a professional services contract in the sum of \$258,421, subject to the execution of final written contract.

DOCUMENT NAME: [20061005PWMG01.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

25. Awarded **Contract #2006-251**, a Construction Manager at Risk Construction Services contract to Rowland Companies-Southwest, Inc., plus a construction change order allowance for the Double Butte Cemetery improvements project.

COMMENTS: Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$1,748,776, plus a construction change order allowance

of \$220,000, subject to execution of the final written contract.

DOCUMENT NAME: [20061005PWMG03.pdf](#) **DOUBLE BUTTE CEMETERY (0702) PROJECT NO. 5901351**

26. Awarded **Contract #2006-252**, a Construction Manager at Risk Construction Phase Services contract to D. L. Withers Construction, LC, for the Apache Boulevard Police Substation Security Upgrades.

COMMENTS: Subject to the execution of the final written contract for a Guaranteed Maximum Price of \$327,000.

DOCUMENT NAME: [20061005PWDR06.pdf](#) **CITY FACILITIES (1001) PROJECT NO. 5500962**

27. Approved **Contract #2001-105Z**, an addendum to a professional services contract with Architekton for the Tempe Center for the Arts.

COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$380,000.

DOCUMENT NAME: [20061005PWJH07.pdf](#) **TEMPE ARTS CENTER (0109-19) PROJECT NO. 57-997005**

28. Approved **Contract #2004-186A**, an addendum to a professional services contract with CMX, LLC, for construction management services for the Johnny G. Martinez Water Treatment Plant 12MG Reservoir and Finished Pump Station project.

COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$238,323.

DOCUMENT NAME: [20061005PWTG04.pdf](#) **WATER MANAGMENT (0811) PROJECT NO. 3201094**

29. Approved the increase of the City's construction contract contingency by \$140,000, and approved **Contract #2005-78B**, an addendum to the professional services contract with Oridian Construction Services, LLC, for construction management services for the Curry Road Waterline from Scottsdale Road to Stadem Drive.

COMMENTS: Increase construction contract contingency from \$200,000 to \$340,000; and an addendum to the professional services contract in an amount not to exceed \$58,000, subject to execution of the final written addendum.

DOCUMENT NAME: [20061005PWTG05.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3200031**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *30. Introduced and held the **first** public hearing for a General Plan Major Amendment for **FUTURE ARTS RELATED DEVELOPMENT** at 1002 West Rio Salado Parkway. **The second public hearing is set for October 19, 2006.**

COMMENTS: (City of Tempe, owner; Nancy Ryan, applicant) (PL060403) for a General Plan Amendment located at 1002 West Rio Salado Parkway in the MU-4, Mixed Use, High Density; GID, General Industrial; and R1-6, Single Family Residential zoning districts, including the following request:

GEP06001 Resolution No. 2006.54 General Plan Land Use Map Amendment from Public Open Space and Public Recreational / Cultural to Mixed-Use, and a Projected Residential Density Map from No Density to Medium to High Density (up to 25 dwelling units per acre), all located on approximately 12 acres.

DOCUMENT NAME: [20061005dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- *31. Held the **second** public hearing and approved ORDINANCE NO. 2006.81 authorizing the conveyance of the City's interest in certain real property to Miravista Holdings.

DOCUMENT NAME: [20061005cdnc01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01)**

- *32. **CONTINUED THE SECOND PUBLIC HEARING TO OCTOBER 19, 2006**, for a Zoning Map Amendment and a Planned Area Development Overlay for ARMORY at 323 East Veteran's Way.

COMMENTS: (David Krumwiede, College Avenue Advisors LLC, property owner, Manjula Vaz, Gammage & Burnham, applicant) (PL060380) for the development of two mixed-use buildings (17-story and 20-story), consisting of 364 residential condominium units, 29,146 s.f. of commercial/restaurant area, 45,246 s.f. of office area, and a below-grade parking garage on 1.62 acres, located at 323 East Veteran's Way, in the CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited, and Transportation Overlay District, including the following request(s):

ZON06004 Ordinance No. 2006.68 Zoning Map Amendment from CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited to MU-4, Mixed-Use, High Density District.

PAD06005 – Planned Area Development Overlay for approximately 247,500 s.f. of building area, including condominium units and commercial space.

DOCUMENT NAME: [20061005dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *33. Held the **second** public hearing and approved ORDINANCE NO. 2006.80 granting an easement to Salt River Project to allow for the installation of underground power and underground communication or data transmission facilities at Stroud Park.

DOCUMENT NAME: [20061005PWMG02.pdf](#) **GRANT OF EASEMENTS (0904-02)**

E. Resolutions

34. Approved RESOLUTION NO. 2006.80 adopting the amended Section 457(b), Eligible Deferred Compensation Plan.

COMMENTS: Adopting the amended Section 457(b) Eligible Deferred Compensation plan to accept rollovers from plans qualified under Code 401(a), 401(k), 403(a) and 403(b) as permitted by the Internal Revenue Service.

DOCUMENT NAME: [20061005HRJH01.pdf](#) **DEFERRED COMPENSATION PLAN (0119-06)**

35. Approved RESOLUTION NO. 2006.83 authorizing **Contract #2005-144B**, an amendment to the Firefighter Unit's MOU.

COMMENTS: Amendment would allow Unit members to increase contributions to their Retiree Health Insurance Trust Fund and authorize the City to divert those contributions from Unit members' paychecks.

DOCUMENT NAME: [20061005IAKJ01.pdf](#) **FIRE – MEET & CONFER (0303-08-01)**

6. **PUBLIC APPEARANCES**

UNSCHEDULED PUBLIC APPEARANCES

- **Jessica Williams, Tempe**, is the Assistant Government Relations Director for the Undergraduate Student Government at ASU. Her position serves as a liaison between Council and the Student Government. She would welcome any questions.
- **Gary Christensen, Tempe, re: HB 2076**. During the last legislative session this bill passed and clarified an existing law passed in 2000 requiring cities to either provide convenient and secure storage for firearms near the entrance to public buildings or basically remove prohibition of firearms signs in those buildings. He observed several buildings this past week. Some signs were still posted and no storage was provided. He is disappointed the city did not take a more aggressive position one way or the other and he would encourage the consideration that the signs don't necessarily provide safety. In some cases, it would be a waste of taxpayers' money to provide lockers. He would support the policy of "let us come and go." We are responsible citizens exercising our gun rights, our self-protection rights. There are plenty of laws against those things that are criminal in nature already and there's no need to ban the very presence of an inanimate object.

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

- Councilmember Ellis thanked staff for their efforts with the North Tempe Multigenerational Center. She also commended the Sister Cities organization and their wonderful program.
- Councilmember Carter thanked staff for their work in securing the partnerships at the North Tempe Multigenerational Center. She also congratulated Skip Neeley on the birth of his son.
- Councilmember Shekerjian offered her condolences to the family of Police Officer Kevin Weeks.

- The funeral was very moving. She was also moved by the sense of community she witnessed and felt proud to be a part of Tempe.
- Councilmember Arredondo congratulated staff on the North Tempe Multigenerational Center and was pleased that it is truly a center for all ages. He also thanked staff for putting up the light on Mill Avenue. He further commended the Mayor on handling the pressures of the past week. The Mayor greeted the President, and that is an important process and a highlight. Many times it is the Mayor who speaks on Council's behalf and he commended the Mayor for his words and his conduct at the Officer Weeks' funeral. His words to the family were very moving and he thanked the Mayor for speaking on behalf of the Council and carrying our wishes, thoughts and sympathies along. He also added his thanks to the Police and Fire Departments for the family and tradition they carried to the funeral service.
 - Councilmember Hutson commended the Police Department on the marvelous job they did during this past week. He also congratulated Sgt. Dan Masters, Public Information Officer, who has been selected PIO for the State. A few months ago, Council changed the ordinance on rental tax code, and there have been several hundred people applying for their tax permits. He congratulated an employee in the Tax and License office, Mark Day, who has really made that a success. He has done such a good job that he has been promoted.
 - Mayor Hallman stated that, as several of his Council colleagues alluded to and as Ms. Shekerjian started this meeting with a moment of silence in honor of Officer Kevin Weeks, it has been a very difficult week for the entire family of the City of Tempe. Our community grieves, but the staff members of this organization are very much a family and that was evident today. Not only did our Police and Fire Departments turn out in force and assist the family and the entire community, but other departments did as well. When the funeral procession passed our Library at Southern and Rural, it was very touching to see that our Library staff took the time to line the streets along with many residents of Tempe, Community Services personnel, and Public Works personnel along the route. It was very touching and appropriate. I do want to make a special thanks to all of the agencies from around the State that assisted our employees, the City of Tempe staff members, through this and helped today, in particular. The City of Chandler, especially, worked very diligently to make sure that the funeral service worked perfectly and they were a great support to us and I thank the staff and Council from the City of Chandler. Finally, Paula and Allan Weeks have suffered a devastating loss, and I ask our entire community to keep them in our thoughts and prayers.

Meeting adjourned at 8:15 p.m.

I, Connie Krossschell, the duly-appointed Acting City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of October 5, 2006, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Connie Krosschell, Acting City Clerk

Dated this _____ day of _____, 2006.