

Minutes Formal City Council Meeting November 2, 2006

Minutes of the Formal Council Meeting of Thursday, November 2, 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 Mark W. Mitchell
Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:40 a.m.

1. Councilmember Ellis 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 Shekerjian to approve the following **COUNCIL MEETING MINUTES**. Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

1. Council's Executive Session – October 19, 2006
2. Council's Issue Review Session – October 19, 2006 [20061102clrkck02.pdf](#)
3. Council's Formal Council Meeting – October 19, 2006 [20061102clrkck01.pdf](#)
4. Council's Arts & Community Services Committee – October 18, 2006
[20061102acs01.pdf](#)
5. Council's Finance, Economy & Veterans' Affairs Committee – October 17, 2006
[20061102feva01.pdf](#)
6. Council's Neighborhood Quality of Life, Public Safety & Parks and Recreation Committee – October 18, 2006 [20061102npsp01.pdf](#)
7. Council's Tourism & Amateur Sports Committee – October 11, 2006
[20061102tas01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Shekerjian to accept the following **COMMITTEE & BOARD**

MEETING MINUTES. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

8. Apache Boulevard Project Area Committee – September 11, 2006
[20061102apac01.pdf](#)
9. Aviation Commission – September 14, 2006 [20061102tavco01.pdf](#)
10. Committee for Youth, Families & Community, September 18, 2006
[20061102cyfc01.pdf](#)
11. Community Special Events Task Force – October 12 & 24, 2006 [20061102setf01.pdf](#)
[20061102setf02.pdf](#)
12. Hearing Officer – October 3, 2006 [20061102ho01.pdf](#)
13. Historic Preservation Commission – September 14, 2006 [20061102hpc01.pdf](#)
14. Human Relations Commission – September 18, 2006 [20061102hrc01.pdf](#)
15. Mayor's Youth Advisory Commission – October 3, 2006 [20061102myac01.pdf](#)
16. Municipal Arts Commission – Facilities Subcommittee – September 13, 2006
[20061102macfc.pdf](#)
17. Parks & Recreation Board – September 12, 2006 [20061102prtd02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman presented an award and thanks on behalf of the **City's Earned Income Tax Credit initiative** to **Linda Jackson**, a volunteer and mentor who spent many hours recruiting and training volunteers to prepare tax returns and locating sites for residents to get tax preparation help. Also, we could not offer free tax preparation and electronic filing to hundreds of Tempeans each year without the support of ASU faculty and students. ASU students account for over half of the volunteer preparers. Professors Sanjay Gupta, Michael O'Dell, and Joyce Boatsman of the ASU School of Accountancy were instrumental in developing this collaboration and the Mayor presented a plaque in honor of their role in Tempe's EITC initiative. **Dr. Sanjay Gupta** accepted the award on behalf of the school.
- Mayor Hallman announced that the City of Tempe's Trip Reduction Program has been noticed. Last month, Valley Metro and the Maricopa Association of Governments gave Tempe their **Outstanding Trip Reduction Program Public Award**. Community Outreach and Marketing Coordinator **Tanya Chavez** accepted the award.
- Mayor Hallman announced that the Financial Services Department continues to achieve national recognition for excellence in governmental accounting and procurement. For the 30th consecutive year, Tempe has been awarded the **Certificate of Achievement of Excellence in Financial Reporting**. This award recognizes our conformance with the highest standards in preparation of state and local government financial papers. **Controller Karen Huffman** accepted the award. The Procurement Division received the **2006 Certificate of Achievement of Excellence in Procurement** from the National Purchasing Institute for the 7th year. **Central Services Administrator Donna Littrell** accepted the award.
- Mayor Hallman honored several members of the **Tempe Fire Department** for their extraordinary bravery and skill in the line of duty during a fire at a condominium complex

on September 23rd. The responding personnel were from **Battalion 271, Engine 271, Engine 276, Ladder 276, Engine 275, Engine 272, Engine 277, Engine 273, Ladder 273, Scene Support 271, and Care 7 volunteers**. Fire personnel rescued **Marta Orozco and Emmitt Fikus** from the burning building. Firefighters of Engines 271 and 275 and the Fire Command Officers who responded to the call were present, as well as the two survivors. Fire Chief Cliff Jones added his commendation and presented awards to the personnel.

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 Vice Mayor Hutson to approve the Agenda as amended (Items #26, #27, #38, and #40 were removed for separate consideration). Second by Councilmember Carter. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

18. Approved **Contract #2005-279A**, an amendment to the Intergovernmental Agreement with the Arizona Department of Health Services accepting the Arizona Nutrition Network Local Incentive Grant for nutrition education services for the Kid Zone Enrichment Program.

COMMENTS: Award in the amount of \$134,057 for the 2006-2007 federal fiscal year.

DOCUMENT NAME: [20061102csjt01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

19. Approved **Contract #2006-272**, accepting the Library Services and Technology Act Grant for computer skills for the Spanish-speaking community.

COMMENTS: Grant in the amount of \$37,800.

DOCUMENT NAME: [20061102cstm01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

20. Approved **with conditions** a Subdivision and Condominium Plat by 1916 HAYDEN LANE CONDOMINIUMS at 1916 East Hayden Lane.

COMMENTS: (Baron K. Brandstrom, 1916 E. Hayden Lane, L.L.C., owner) (PL060576) located at 1916 East Hayden Lane in the R-3, Multi-Family Residential Limited Zoning District, including the following request:

SBD06018 –Subdivision for one lot on 0.645 net acres and a Condominium Plat for ten residential units.

The following conditions were approved:

1. The Public Works Department shall approve all roadway and utility easement dedications, refuse collection and construction documents for driveways, storm water retention, street drainage, sewer and water utilities, and all 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, sidewalk 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 Condominium Plat.
 - d. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - e. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be installed underground prior to the issuance of an occupancy permit for this development in accordance with the Code of the City of Tempe – Section 25.120.
2. The Condominium Plat for 1916 Hayden Lane Condominiums shall be put into proper engineered 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 November 2, 2007**, or prior to issuance of a Certificate of Occupancy, whichever comes first.. Failure to record the plan within one year of Council approval shall make the plan null and void.
3. The applicant shall provide a continuing care Condition, Covenant and Restriction (CC&R) for all of the project's landscape, required by Code or located in any common area on site. The CC&Rs shall be reviewed by and placed in a form satisfactory to the Development Services Manager and City Attorney and recorded with Maricopa County Recorder's Office prior to issuance of Certificate of Occupancy.
4. The Salt River Project License to Use Right of Way will expire on February 17, 2007 unless construction is underway on this project (see License General Condition 8). The applicant shall renew this license if construction does not begin by this date.
5. Prior to recordation of the condominium plat, the applicant shall provide documentation that Salt River Project is in agreement with the transfer of the license agreement to the Home Owner's Association for the condominiums. This transfer would allow the H.O.A. to maintain their improvements over S.R.P.'s pipeline at the northern end of this development. Alternately, the Home Owner's Association is required to execute a separate license with Salt River Project regarding the buried pipeline at the northern edge of this property.
6. The applicant shall submit to staff the draft CC&R language pertaining to the specifics of how the Home Owner's Association will work with S.R.P. The final CC&Rs shall also include notice to the buyer/homeowner that the northern end of the development contains a buried pipeline that is owned and is being maintained by S.R.P. A license agreement must be signed, maintained to the conditions set forth by S.R.P., and continuously active, in order to have access to the four parking spaces and the portion of the turnaround located on the S.R.P. property.

DOCUMENT NAME: [20061102dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *21. Held a public hearing and recommended the approval of a Series 11 Hotel/Motel Liquor License for Route 46 Management Associates Corporation dba AmeriSuites, 1413 W. Rio Salado Parkway.

COMMENTS: Michael Aftanski, Agent.

DOCUMENT NAME: [20061102LIQ1.pdf](#) LIQ LIC (0210-02)

- *22. Held a public hearing and recommended the approval of a Series 11 Hotel/Motel Liquor License for 915 Apache, LLC, dba Holiday Inn – Tempe/ASU, 915 E. Apache Boulevard.

COMMENTS: Gene Conklin, Agent

DOCUMENT NAME: [20061102LIQ2.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

23. Approved **Contract #2006-273**, a professional services contract with The Moore/Swick Partnership for the design of the Hudson Park improvements.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$95,200.

DOCUMENT NAME: [20061102PWTG04.pdf](#) PARKS ADMINISTRATION (0706-01)
PROJECT NO. 6302631

24. Approved **Contract #2006-274**, a professional services contract with Superstition Foothills Consulting Services, Inc., for plan review and inspections of the Cox Extendable Optical Network (EON) project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$90,750.

DOCUMENT NAME: [20061102PWTG02.pdf](#) UNDERGROUND UTILITIES
(0810) **PROJECT NO. 6702711**

25. Awarded **Contract #2006-275**, one-year contracts with two (2) one-year renewal options to East Valley Disaster Services, Inc.; Granado Construction; FSL Home Improvements; Knucks Corporation; Pinnacle Restoration LLC; Recon Restoration, Inc.; and Royal Covers of Arizona, Inc., for housing rehabilitation.

COMMENTS: Subject to execution of final written contracts. Total cost for this contract shall not exceed \$550,000 during the initial contract period.

DOCUMENT NAME: [20061102fslq02.pdf](#) PURCHASES (1004-01) (RFQ #07-002)

26. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Awarded **Contract #2006-276**, one-year contracts to VSA, Inc., and Audio Video Resources for video presentation and production equipment.

COMMENTS: Subject to execution of final written contracts. Total cost for this

contract shall not exceed \$40,000 during the initial contract period.
Councilmember Shekerjian asked for this item to be removed for separate consideration.

Financial Services Manager Jerry Hart summarized how the vendors were chosen for this item. Five vendors responded to the RFP and based upon the requirements as outlined in the RFP, two were non-responsive for failure to submit the items that were required as a part of the RFP, and three were responsive. Of those three, two were recommended. This is simply a question of vendor non-compliance with the requirements of the RFP.

Councilmember Shekerjian clarified that there are certain procurement rules and regulations.

Mr. Hart added that staff is always very concerned about the integrity of the procurement process. In this case, the vendors were required to submit certain information and a vendor did not submit that information. That vendor has filed a protest as our Procurement Code allows. It is not an uncommon occurrence that a vendor does not file the requested information.

Motion by Vice Mayor Hutson to approve Item #26. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20061102fsdl05.pdf](#) PURCHASES (1004-01) (IFB #07-074)

27. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Awarded **Contract #2006-277**, one-year contracts with two (2) one-year renewal options to Arizona Taste Catering, Continental Catering/RK Group, Essence Catering, and Heidi's Events & Catering, Inc., for caterers for full service culinary events.

COMMENTS: Subject to execution of final written contracts. Total cost for these contracts shall not exceed \$75,000 during the initial contract period.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson conducted the meeting.

Motion by Councilmember Arredondo for approval of Item #27. Second by Councilmember Mitchell. Motion passed on a roll call vote, 6-0, with Mayor Hallman abstaining.

DOCUMENT NAME: [20061102fslg06.pdf](#) PURCHASES (1004-01) (RFP #07-021)

28. Awarded **Contract #2005-800**, a Job Order construction contract to Foresite Design & Construction, Inc., plus a construction contingency for the South Tempe Water Treatment Plant - Compressor Replacement.

COMMENTS: Subject to execution of the final written contract for an amount not to exceed \$96,091, plus a construction contingency of \$15,000.

DOCUMENT NAME: [20061102PWMG01.pdf](#) SOUTH TEMPE WATER

TREATMENT PLANT (0811-08) PROJECT NO. 3200073

29. Approved a construction change order contingency for the Southern Avenue Interceptor (SAI) Diversion – Petersen Park Grading and Paving Improvements.
COMMENTS: Construction change order contingency in the amount of \$45,000.
DOCUMENT NAME: [20061102PWMG03.pdf](#) **WASTEWATER MANAGEMENT (0812-01) PROJECT NO. 3200101**
30. Approved a one-year contract renewal with Summit Electric Supply for street light poles and luminaries.
COMMENTS: Total amount not to exceed \$60,000.
DOCUMENT NAME: [20061102fslq01.pdf](#) **PURCHASES (1004-01) (T05-019RB-01)**
- 30a. Approved **Contract #2000-151E**, a one-year contract renewal with the U.S. Department of Agriculture, Wildlife Services Division, for wildlife management services to the Rio Salado Project.
COMMENTS: For fiscal year 2006-2007 in an amount not to exceed \$25,000.
DOCUMENT NAME: [20061102cdnr01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03) C-2000-151E**
31. Approved a one-year renewal of a City of Mesa contract with Dialight Corporation for traffic signal LED modules.
COMMENTS: Total amount not to exceed \$100,000.
DOCUMENT NAME: [20061102fslq03.pdf](#) **PURCHASES (1004-01) (2002169)**
32. Approved a \$68,000 increase to the contract amount with Medtronics Emergency Response Systems for heart monitor/defibrillators to be used by the Fire Department.
COMMENTS: Increase from \$42,000 to \$110,000.
DOCUMENT NAME: [20061102fsdl04.pdf](#) **PURCHASES (1004-01) (T07-053-01)**
33. Approved the utilization of a three-month State of Arizona contract with Glotel for information technology consulting services.
COMMENTS: Total cost of this contract shall not exceed \$222,120 during the contract period.
DOCUMENT NAME: [20061102fsdl07.pdf](#) **PURCHASES (1004-01) (Contract AD000197-013-A7)**

C. Ordinances and Items for Introduction/First Hearing - None.

D. Ordinances and Items for Second Hearing/Final Adoption

- *34. Held the **second public hearing** and approved ORDINANCE NO. 2006.40 authorizing **Contract #2006-278**, a development agreement for the sale of real property and dedication of a street and landscape easement to TOWN LAKE PROPERTIES, LLC.
DOCUMENT NAME: [20061102cdhg01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01)**
- *35. Held the **second public hearing** and approved ORDINANCE NO. 2006.41 authorizing **Contract #2006-279**, a development agreement for the sale of real property and dedication of a street and landscape easement to RIO SALADO 2.
COMMENTS: To Jerry Hubbell and Chris Rowley (and/or their successors in interest, known as RIO SALADO 2, an Arizona general partnership).
DOCUMENT NAME: [20061102cdhg02.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01)**
- *36. Held the **second public hearing** and approved ORDINANCE NO. 2006.84 granting **Contract #2006-280**, a gas franchise to Southwest Gas Corporation ("SWG").
DOCUMENT NAME: [20061102casv01.pdf](#) **FRANCHISE ELECTION (0506-3004)**
- *37. Held the **second public hearing** and approved ORDINANCE NO. 2006.85 granting **Contract #2006-281**, an electric franchise to Arizona Public Service ("APS").
DOCUMENT NAME: [20061102casv02.pdf](#) **FRANCHISE ELECTION (0506-3004)**
- *38. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for KENNETH PLACE LOFTS at 1426 South Kenneth Place.
COMMENTS: A LEGAL PROTEST HAS BEEN FILED WITH REGARD TO THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 of 7) IS REQUIRED FOR APPROVAL. The Planning and Zoning Commission voted 4-3 recommending approval of the proposal. Staff is recommending approval as submitted, subject to conditions. An affirmative vote by 6 of the 7 Council members would result in approval of the project.
(Jimmy Evans, owner; DeLorme & Associates, applicant) (PL060566) for a Planned Area Development Overlay for eight (8) residential units, located at 1426 South Kenneth Place in the R-4, Multi-Family Residential General District and the Transportation Overlay District, including the following request:
SPD-2006.10 Ordinance No. 2006.24 Planned Area Development Overlay consisting of 13,450 square feet of livable building area on 0.40 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.
2. The owner(s) shall process a Subdivision Plat for this project, prior to issuance of building permits.
3. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded, prior to the issuance of building permits, with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department.
4. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&Rs shall be in a form satisfactory to the Development Services Director and City Attorney, prior to recordation of Subdivision Plat.
5. The owner(s) shall maintain cross access throughout this site. No changes or modifications to the driving aisles will be allowed without the prior approval of the Planning Division and the Engineering Division.
6. The applicant shall process a Development Plan Review prior to introduction and first hearing at City Council.
7. The Planned Area Development Overlay shall include all minor modifications to the site plan if modified through the Development Plan Review.
8. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department, prior to issuance of building permits.
9. The PAD shall provide ten (10) feet side yard setbacks along the north and south property lines.
10. The north and south building walls on the first floor for the overall site shall be setback thirteen (13) feet from the adjacent property lines.
11. The north and south buildings shall maintain a minimum separation distance of twenty-eight (28) feet.

APPLICANT PRESENTATION

Jimmy Evans, Phoenix, owner/developer. He is a local businessman and has a vested interest in the project. His goal is to provide a redevelopment project for Kenneth Place that incorporates great form and function as well as location in this designated redevelopment area. The project aligns with the TOD and General Plan 2030 and provides 8 owner/occupied townhomes as opposed to the existing two rental units. Tempe has been successful in attracting clean industry and technology-based businesses. Many of these services and

industries are located near ASU and/or the new light rail line. They take advantage of the new high density urban housing developments that are going into these areas to encourage a pedestrian-oriented lifestyle. He did extensive research to choose this area within two miles of ASU and the light rail line. He chose this area because of the R4 zoning, the densities allowed, the height requirements, and all the other items to basically make sure he could create a profitable business for his construction development. He showed slides of the area. This has been an R4 area since 1964 and the development standards for a multi-family district would allow up to 25 units per acre. He is proposing 8 units and he would be allowed up to 10. The building height for an R4 area is 40 feet maximum, and this project is less than 40 feet. The setback for R4 is 20 feet and open structure, i.e. patio wall, is 15 feet. He is requesting a 6' 8" setback from the 15' patio structure. This does not include the 2.5' of right-of-way he is dedicating to the City. His only request is the setback on the front of the units.

Cammie Goldfarb, DeLorme & Associates, representing the architectural firm for this project. The only request is the set back from 15' to 6' 8", plus the additional 2.5' which they are dedicating as a public right-of-way, which is an equivalent of 9.3' total, only a reduction of 5' 7". This is because the front end units are slightly larger. We wanted to do that because the actual livable square footage of the units is not as large, so we have added on to the front. We've flipped the units around so you are looking at a front porch with a front walkway which gives the presence of single family homes facing the street. This is to exemplify the neighborhood feeling that we are trying to sustain and to keep that perspective of the homes looking outward.

Mayor Hallman clarified that if Council pushed them to eliminate that setback request, they would merely take off these front pieces and we would end up with sheer buildings that conform with everything the code requires.

Ms. Goldfarb continued that they wanted to design an urban streetscape to create a non-development feeling. They offered to pay for the neighbors' landscaping selections of their choice to create a buffer system. The neighbors turned that down. They have also volunteered, as a condition of approval, to plant screen trees in the backyard for more privacy. This has been done out of respect for the neighborhood. They have eliminated a portion of the front roof deck and revised the roofline to eliminate the visibility into the neighbors' backyards. They have tried to comply with the requests. They are complying with all underlying zoning requirements--the height, density, parking, everything for the TOD and underlying zoning for R4, and the only reason they are asking for this PAD is for the reduction of the front setback by 5.7'. The design is in conformance with General Plan 2030, it is compliant with the Planning and Zoning Department's R4 zoning requirements, it is compliant with the TOD which was voted on by City and the community as an area of redevelopment, and it is also compliant with the Apache Redevelopment group.

Mayor Hallman confirmed that the roof deck only faces toward the interior courtyard and Ms. Goldfarb agreed.

Councilmember Ellis added that her notes state that APAC did not make a recommendation either way.

Ms. Goldfarb responded that APAC approved it in March. They gave a letter of approval in March prior to having the neighborhood opposition. There was a secondary meeting with the neighborhood to resolve their issues and solutions were proposed, such as the deck and landscaping opportunities, and this final opportunity of adding a 24" box tree with paid irrigation. APAC had another meeting on October 9th. APAC wanted to write

a letter to address the fact that they had no opposition or guidance either way, and that was vetoed 7-5, seven for the project and 5 against. They remain neutral.

PUBLIC HEARING

Julie Born, Tempe. Her residence is next door to this project. The developer has made some accommodations. It is still a 3-story project next to single family homes. The entire area is not part of the TOD. It only includes Kenneth Place and Stanley. Hudson Manor had an exemption, and the rest of the Jentilly neighborhood is not in the overlay district. Council did approve a Habitat for Humanity property across the street and this will be a single-family home. It doesn't fit the character of the neighborhood. She knows that redevelopment has to happen, but she wants it to be responsible and to fit in with the vision of the neighborhood as single family homes. She knows a price point of \$350K was mentioned, so it will be more expensive. They did offer some landscaping, but her yard is already landscaped. They did offer some box trees, however, she already has a tree or two there and doesn't want to pay for the irrigation or upkeep. She would rather have trees on their property. Mixed messages are being sent about what Council wants in the neighborhood.

Mayor Hallman explained that he was involved with the home that she occupies and happens to have been involved with Habitat for Humanity for about a decade. The difficulty we face is when the City has property available, it has been quite generous in supplying that for affordable housing, but it doesn't have the ability to buy lots off the market. In the decade he worked with Habitat for Humanity, the first lot in Tempe cost about \$7K and the last lots were in the \$40K range. Now they are close to \$100K when we can find them. Maybe what you are arguing is that we shouldn't be doing that, but should pull back from the RFPs for the single family occupancies and build consistent with what the TOD for this neighborhood is, although that would cost us the opportunity for affordable housing. Would that be her preference?

Ms. Born responded that it wouldn't. She would like affordable home ownership opportunities to remain, but maybe the residents don't understand what the City's vision is for the neighborhood, especially if it is split with the TOD and there are new things coming in that are one-time things and then something else that is completely different.

Mayor Hallman noted that at the open house residents were very much in favor not only of light rail but also the TOD, although when it came to some of their own homes, they wanted to make sure the TOD was carved out, so that's why it looks as peculiar as it does. The other struggle is that the developer is in the position where all they would have to do is take off the amenity from the front that makes the project look better and they could go forward without Council's consent on any of these other issues. Would that be her preference?

Ms. Born responded that it would not be her preference.

Mayor Hallman added that the City is in a bad spot. We could ask the developer to remove the things on the front and make it worse. They are allowed to build the height they are building, and they wouldn't have to put the nice things on the front. He would ask them if the things they have offered are the kinds of things you would like. Giving you something you don't need or want isn't much of a help. Are there things that would help you besides trees on their lot? Your home is a single family home and there are two townhouses that the City did. The RFP was for three. That was a hotly contested RFP between Habitat, NewTown, and the City's new land

trust. Stanley Street was subject to Tempe Cares about six or seven years ago and we painted what was left of the single family units along Stanley. To the south of the property and to her left is a two-story building.

Ms. Born said she would like for this development to be two-story. She would like to have landscaping on their property that would shield her property. She is concerned that this sets a precedent for everything in the neighborhood, so she would like them to consider going to two stories, because there was one development that was going to be three stories northwest of her property but they knocked it down to two stories. The design for the townhomes is acceptable.

Councilmember Arredondo stated that he understands her concerns. He asked when she purchased her home.

Ms. Born responded they purchased it in 2003.

Councilmember Arredondo added that this was already zoned and he hoped she could appreciate the Council's dilemma in 1965 and 1966. He heard the developer say they would pick up the irrigation bill. Why not have them pay for your irrigation?

Ms. Born responded that it would be a nice gesture, however, she had not heard of that offer until tonight.

Mayor Hallman added that the applicant offered landscaping up to a certain amount. What was the total amount in their budget for that?

Ms. Goldfarb responded that they offered to put one boxed tree on the property in each of the backyards.

Councilmember Arredondo reiterated that Ms. Born had said she would like the trees to be on their property. If they kept the irrigation on their property which would make sense, that would be a little help.

Mayor Hallman added that it sounds like they are willing to spend up to an additional \$3K to help accommodate things, and rather than Council trying to design what her wishes would be, we could add a stipulation that they would budget \$3K in improvements to the project that meet your desires, meaning whatever else she requests, they could accommodate through that budget.

Councilmember Arredondo added that would be the case as long as it didn't change the architecture of the building.

Chris Anaradian added that we would want to ensure that the building code and zoning code are not being violated. Staff can review that.

Mayor Hallman added that the developer could design things that would be better for her, that she would prefer, including, having them pick up the tab for her irrigation and things that will make her life better and improve the situation as she sees fit.

Ms. Born responded that because of the situation and the fact that the developer could remove that architectural edifice and run it through without any approval, she would say that, yes, that would help.

Mayor Hallman asked if the applicant would agree to that.

Ms Goldfarb responded that they would.

Ms. Born thanked Council for their consideration.

Jeff Hansen, Chair of the Jentilly Neighborhood Association, stated that he would like to start a dialogue with the City staff to develop some guidelines for future developments. There are 45 single family homes in that neighborhood and some high density apartment homes. He can see this situation happening again. That might prevent this from happening in a piecemeal fashion.

Mayor Hallman added that as the neighbors to this development point out, the adjacency here has a lot to do with the TOD and the other overlays that have been applied, much of which was excluded from Jentilly and Hudson Manor. He noted that Chris Anaradian is the manager of that department. What would also help is to make sure there are significant guidelines and it might be a good idea for us to provide those to the neighbors who would like to see how that all works and we could start anticipating these types of problems. This is the first example of this and there will be other pockets where this will take place. He asked Mr. Anaradian to meet with Mr. Hansen.

The public hearing was closed.

Mayor Hallman asked the applicant since these are intended to be owner-occupied, was he willing to deed restrict them and include in his HOA the obligation that these not be rental units.

Mr. Evans responded that, given the current market, that would not be something he would be willing to put into a deed restriction. He does intend them to be owner occupied because of the price range, and within two weeks he is doing another assemblage there of nearly an acre. He wants to do what is good for the community which is why he adjusted the design, and he is willing to work with the neighbors. He would not be willing at this time to do a deed restriction.

Councilmember Ellis stated that the staff analysis on the current Staff Summary Report has changed from the first hearing. She asked for clarification as to why the staff project analysis would have changed, specifically the minimum lot area per dwelling unit has been reduced for this project. Has it been reduced?

Mr. Anaradian asked the architect to respond.

Ms. Goldfarb responded that this is an error in analysis.

Councilmember Ellis further noted that the October 19th analysis says that the street character does not match the existing surroundings.

Mr. Anaradian responded that the word “match” does not really have much zoning significance. Given the fact that it is a redevelopment, it doesn't match. “Compatible” might be a better word.

Councilmember Ellis added that it is probably more of a process question. She had thought that unless something significant happened, the project analysis would stay the same from one hearing to the next.

Mr. Anaradian responded that when staff makes a mistake, they correct it for the second hearing.

Councilmember Ellis added that she just wanted to know what she is voting on, and the minimum lot area per dwelling is something that might affect her vote.

Motion by Councilmember Arredondo to approve Item #38 with the added stipulation that the developer will supply \$3,000 in improvements with the consensual agreement of staff and the homeowner to the immediate north. Second by Vice Mayor Hutson. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20061102dsrl01.pdf](#) PLANNED DEVELOPMENT
(0406)

- *39. Held the **second public hearing** and approved ORDINANCE NO. 2006.83 authorizing **Contract #2006-282**, a lease between the City of Tempe and Save the Family Foundation of Arizona.

DOCUMENT NAME: [20061102cdnc01.pdf](#) REAL PROPERTY DISPOSITION
(0902-21-01)

E. Resolutions

40. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved RESOLUTION NO. 2006.89 renaming Canal Park, located at 1900 N. College Avenue, Evelyn Hallman Park, as recommended by the Parks and Recreation Advisory Board.

Mayor Hallman declared a conflict of interest. Vice Mayor Hutson conducted the meeting.

Motion by Councilmember Arredondo for approval of Item #40. Second by Councilmember Mitchell. Motion passed on a roll call vote, 6-0, with Mayor Hallman abstaining.

DOCUMENT NAME: [20061102prtd01.pdf](#) CANAL PARK (0706-04)

6. PUBLIC APPEARANCES – None.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Carter expressed to the Mayor and his family how nice it was that his mother was

honored tonight. She also noted that Councilmember Mitchell's father had a visitor today, Ex-President Clinton.

- Councilmember Arredondo noted that when we talk about public safety, we often talk about police, but today we honored some first-line respondents that we should be very proud of. It's from the bottom of our hearts that we thank you for being the very best at what you do.
- Vice Mayor Hutson noted that Mark Vinson, City Architect and Community Design Manager, has been selected by the Arizona Society of American Institute of Architects to receive one of only two 2006 Arizona Architects Medal. That speaks so highly of staff in every department. Many departments have received national, state and local awards recently.
- Councilmember Shekerjian stated that she participated with staff on GANG night. They went to several GANG night events and it was great to see how our citizens get together. She apologized to Fire Inspector Mike Reichling because they actually took off in the trolley without him at Scuder Park and left him to find a ride back. She was glad to see the renaming of Canal Park. Evelyn Hallman was a great inspiration to her.
- Mayor Hallman noted that Tour de Tempe was held last weekend with more than 1,000 participants and he thanked staff for the making it such a success. On behalf of his family, he thanked the community for honoring his mother. His mother set a standard for many in the community. She taught him everything he knows, but not everything she knew. He will continually endeavor to live up to a standard that is very hard to meet.

Meeting adjourned at 8:53 p.m.

I, Connie Krosschell, 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 November 2, 2006, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Connie Krosschell, Acting City Clerk

Dated this _____ day of _____, 2006.