

## Minutes Formal City Council Meeting December 14, 2006

Minutes of the Formal Council Meeting of Thursday, December 14, 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 p.m.*

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

1. Council's Special Executive Session – November 9, 2006
2. Council's Executive Session – November 16, 2006
3. Council's Issue Review Session – November 16, 2006 [20061214clrkck03.pdf](#)
4. Council's Formal Meeting – November 16, 2006 [20061214clrkck02.pdf](#)
5. Joint Tempe and Chandler City Council Dinner – November 14, 2006  
[20061214clrkck01.pdf](#)
6. Council's Central City District Committee of the Whole – November 16, 2006  
[20061214clrkck04.pdf](#)
- 6a. Council's Arts & Community Services Committee – November 15, 2006  
[20061214acs01.pdf](#)
7. Council's Education and Technology Advancement Committee – November 7, 2006 [20061214cetac01.pdf](#)
8. Council's Neighborhood Quality of Life, Public Safety, & Parks and Recreation Committee – November 14, 2006 [20061214nqlps01.pdf](#)

9. Council's Tourism and Amateur Sports Committee – November 8, 2006  
[20061214ctas01.pdf](#)
10. Council's Transportation & Affordable Housing Committee – November 20, 2006  
[20061214tahc01.pdf](#)

**B. Acceptance of Board & Commission Meeting Minutes**

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

11. Apache Boulevard Project Area Committee – October 9, 2006 [20061214apac01.pdf](#)
12. Commission on Disability Concerns – September 19, 2006 [20061214dcc01.pdf](#)
13. Committee for Youth, Families and Community – October 16, 2006  
[20061214cyfc01.pdf](#)
14. Community Special Events Task Force – November 7 & December 5, 2006  
[20061214setf01.pdf](#) [20061214setf02.pdf](#)
15. Development Review Commission – September 26, October 10 & 24, 2006  
[20061214drc01.pdf](#) [20061214drc02.pdf](#) [20061214drc03.pdf](#)
16. Golf Committee – November 1, 2006 [20061214st02.pdf](#)
17. Hearing Officer – October 17, 2006 [20061214ho01.pdf](#)
18. Historic Preservation Commission – October 10 & October 12, 2006  
[20061214hpc01.pdf](#) [20061214hpc02.pdf](#)
19. Human Relations Commission – October 10, 2006 [20061214hrc01.pdf](#)
20. Judicial Advisory Board – November 13, 2006 [20061214jab01.pdf](#)
21. Library Advisory Board – October 2, 2006 [20061214lab01.pdf](#)
22. Mayor's Youth Advisory Commission – October 24 & November 7, 2006  
[20061214myac01.pdf](#) [20061214myac02.pdf](#)
23. Tardeada Advisory Board - September 14, 2006 [20061214tab01.pdf](#)
24. Tempe Police Public Safety Personnel Retirement Board – November 2 & 21, 2006

**4. REPORTS AND ANNOUNCEMENTS**

**A. Mayor's Announcements**

- Mayor Hallman summarized that the Gila River Indian Community has generously committed significant grant funding to support youth, health and fire training programs in Tempe. These grants underscore the very important partnership between the City and the Gila River Indian Community. He introduced **Greg Mendoza**, Chief of Staff, and **Cheryl Pablo**, Program Administrator of the Office of Special Funding. Mr. Mendoza explained that Proposition 202, passed in 2002, provides for the sharing of gaming revenues. The grants total \$174,602, and checks were presented to the City of Tempe Fire Department, the Tempe Early Childhood Literacy Initiative, the Tumbleweed Center for Youth Development/Tempe Early Childhood Literacy Initiative, City of Tempe/YMCA for the Youth Wellness Center.
- Mayor Hallman introduced **C. J. Foley**, Exalted Ruler of the Elks Lodge #2251, who presented the Firefighter of the Year award to **Mike McComb**, the Paramedic of the Year Award to **Scott Eilers**, the Police Civilian Employee of the Year Award to **Matt D'Anna**, and Police Officer of the Year award (posthumously) to **Kevin Weeks**. Officer Weeks' award was received by his parents.

Councilmember Arredondo added that Kevin Weeks' mother has worked for over thirty years in the TD3 schools and his sister continues to teach. We are very fortunate. Because he was such a good police officer and his tickets were so strong, we will be able to continue on the road to prosecution.

Mayor Hallman thanked Kevin Weeks' parents for their attendance.

**B. Manager's Announcements**

- **City Manager Will Manley** thanked all of the men and women of the Tempe Police Department for their great job. We all appreciate their dedication and bravery.

**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 #68, #75, #76 and #77 were removed for separate consideration). Second by Councilmember Shekerjian. Motion passed on a roll call vote 7-0.**

**A. Miscellaneous Items**

25. Approved **Contract #2006-288**, reappointing City Judge Michelle O'Hair-Schattenberg for a two-year term.  
**DOCUMENT NAME:**      [20061214ccfv01.pdf](#)      **COURT ADMINISTRATION (0501-02)**
26. Approved **Contract #C99-67B**, a one-year contract extension with the Men's Senior Baseball League (MSBL) for the use of Tempe Diablo Stadium Complex for annual baseball tournament activities.  
**DOCUMENT NAME:**      [20061214prtd01.pdf](#)      **SPORTS ADMINISTRATION/POLICIES (0105-01-07) #99-67a**
27. Approved **Contract #2006-289**, a contract with Tad Savinar for artwork at the Tempe Transportation Center Plaza.  
**COMMENTS:** Total cost for this artwork is \$50,744.  
**DOCUMENT NAME:**      [20061214csju01.pdf](#)      **TEMPE TRANSIT CENTER (1106-06)**

28. Approved the acceptance of Urban Area Security Initiative (UASI) funding through the Department of Homeland Security, Office for Domestic Preparedness, for security gates at the Kyrene Reclamation Plant and the Kyrene Booster Station.  
**DOCUMENT NAME:** [20061214wumk01.pdf](#) **WATER UTILITIES ADMINISTRATION (0811-13)**
29. Approved **Contract #2003-67D**, amendment to the agreement between Rock 'N' Roll Arizona, Inc. (RNR), the Tempe Convention and Visitors Bureau (TCVB), and the City to host the finish of the half and full RNR marathon on January 14, 2007.  
**COMMENTS:** 4<sup>th</sup> Amendment (3rd Extension) to Contract C2003-67.  
**DOCUMENT NAME:** [20061214prtd02.pdf](#) **SPORTS ADMINISTRATION/POLICIES (0105-01-07)**
30. Approved **Contract #2006-290**, a school crossing agreement to establish a temporary 15-mph school crossing zone for Gilliland Middle School within the City of Tempe public right-of-way.  
**DOCUMENT NAME:** [20061214pwjw01.pdf](#) **SCHOOL-PEDESTRIAN CROSSINGS (0809-04)**
31. Approved **Contract #2006-291**, a license agreement between Sprint Communications Company, L.P., and the City of Tempe for the continued use of the city rights-of-way to provide interstate communication services.  
**DOCUMENT NAME:** [20061214ITD01.pdf](#) **U S SPRINT COMMUNICATIONS COMPANY (0802-04)**
32. Approved **Contract #2006-292**, a license agreement between MCI Metro Access Transmission Services, LLC, and the City of Tempe for the continued use of the city rights-of-way to provide intrastate telecommunication services.  
**DOCUMENT NAME:** [20061214ITD02.pdf](#) **MCIMETRO (0802-10)**
33. Approved **Contract #2006-293**, a sub-grantee agreement between the State of Arizona, Governor's Office for Children, Youth and Families, Division for Children, and the City of Tempe for the provision of accountability-based specialized programming in the form of the Tempe Juveniles Achieving Greatness (T-JAG) program through Juvenile Accountability Block Grant funds.  
**COMMENTS:** Block grant award up to \$18,412 in federal funds from October 1, 2006, through September 30, 2008.  
**DOCUMENT NAME:** [20061214csjt01.pdf](#) **COMMUNITY SERVICE ADMIN (0701-01)**
34. Authorized the allocation of up to \$300,000 from the general fund contingency for temporary nuisance water pumping at Tempe Town Lake.

**COMMENTS:** Supplementary funding for temporary pumping of 15 to 20 Million Gallons per Day (MGD) from March 2007 through November 2007.

**DOCUMENT NAME:** [20061214cdnr01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

35. Approved **Contract #2006-294**, an intergovernmental agreement regarding The Statewide Terrorism Liaison Officer Program

**DOCUMENT NAME:** [20061214fdjg01.pdf](#) **FIRE/PARAMEDIC SERVICE ADMIN (0605-01)**

36. Approved, **with condition**, a Final Subdivision Plat by COLONADE MALL at 1860 East Apache Boulevard.

**COMMENTS:** (Howard Cornell, applicant; Elizabeth Marshall M.D., property owner) (PL060658) for a Final Subdivision Plat located at 1860 East Apache Boulevard in the CSS, Commercial Shopping and Services District, including the following:

**SBD06025** - Final Subdivision Plat for two (2) lots on 1.763 net acres.

The following condition was approved:

1. The Subdivision Plat 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 December 14, 2007**. Failure to record the plan within one year of Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20061214dssl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

37. Approved, **with conditions**, a Condominium Plat by SOTELO at 615 East Weber Drive.

**COMMENTS:** (HCC Investment Management LLC, property owner; Jason Ottman/Trammell Crow Residential, applicant) (PL060597) located at 615 East Weber Drive in the R-4, Multi-Family Residential General District, including the following:

**SBD06019** – Condominium Plat for 170 units on 6.78 acres.

1. The Condominium Plat shall be recorded prior to the issuance of certificate of occupancy.
2. The Plat 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 December 14, 2007**. Failure to record the plan within one year of Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20061214dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*38. Held a public hearing and **approved** a code text amendment within Part 3 – Land Use; and Part 7 – Definitions for Non-Chartered Financial Institutions (a.k.a. Check Cashing and Payday Loan companies).

**COMMENTS:** (City of Tempe, Applicant) (PL060644) **Ordinance No. 2006.87 #ZOA06005** for a code text amendment, requiring an additional separation requirement for Non-Chartered Financial Institutions heretofore referred to as deferred presentment companies, including a change in definition.

**DOCUMENT NAME:**     [20061214dssa01.pdf](#)     **PLANNED     DEVELOPMENT**  
**(0406)**

- \*39.     Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Two Glass Eyes, LLC, dba Two Glass Eyes Sports Grill, 1807 E. Baseline Road, #101.

**COMMENTS:**     Karsten Corrigan, Agent

**DOCUMENT NAME:**     [20061214LIQ1.pdf](#)     **LIQ LIC (0210-02)**

- \*40.     Held a public hearing and recommended the approval of a Series 10 Beer and Wine Store Liquor License for Gray Resident Services, LLC, dba Grigio Tempe Town Lake Contemporary Living, 1001 E. Playa Del Norte Drive.

**COMMENTS:**     Randy Nations, Agent.

**DOCUMENT NAME:**     [20061214LIQ2.pdf](#)     **LIQ LIC (0210-02)**

- \*41.     Held a public hearing and recommended the approval of a Series 9 Liquor Store License for Southern Tempe CVS, LLC, dba CVS Pharmacy #07078, 3303 South Rural Road.

**COMMENTS:**     Jason Morris, Agent.

**DOCUMENT NAME:**     [20061214LIQ3.pdf](#)     **LIQ LIC (0210-02)**

- \*42.     Held a public hearing and recommended the approval of a Series 7 Beer and Wine Bar Liquor License for Bandra, LLC, dba Country Inn & Suites, 1660 West Elliot Road.

**COMMENTS:**     Nirmal Nagra, Agent.

**DOCUMENT NAME:**     [20061214LIQ4.pdf](#)     **LIQ LIC (0210-02)**

**B.     Award of Bids/Contracts**

43.     Awarded **Contract #2006-295**, one-year contracts with two (2) one-year renewal options to Action Container, US Transport, Nuwave, Impact Plastics and Top Metal for refuse containers.

**COMMENTS:**     Subject to execution of the final written contract. Total cost for these contracts shall not exceed \$300,000 during the initial contract period.

**DOCUMENT NAME:**     [20061214fst16.pdf](#)     **PURCHASES (1004-01)     (IFB #07-025)**

44.     Awarded **Contract #2006-296**, a two-year contract with two (2) one-year renewal options to NEC Unified Solutions for CISCO networking and Voice-over IP equipment and services.

**COMMENTS:**     Subject to execution of the final written contract. Total cost for this contract shall not exceed \$1,000,000 during the initial contract period.

**DOCUMENT NAME:**     [20061214fsdl19.pdf](#)     **PURCHASES (1004-01)     (RFP #07-040)**

45. Awarded **Contract #2006-80P**, a Job Order construction contract to Foresite Design & Construction, Inc., and approval of a change order contingency for the Orchid House second floor renovation.  
**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$146,255, plus a \$3,500 change order contingency.  
**DOCUMENT NAME:** [20061214PWMG03.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01) PROJECT NO. 6702761**
46. Awarded **Contract #2006-297**, a Construction Manager at Risk Construction Services contract to Pierson Construction Corporation; approved **Contract #2006-298**, a professional services contract with Cliff Williams Construction Engineering for construction management services, plus a contingency allowance for change orders for the Rio Salado Storm Drain Improvements Project.  
**COMMENTS:** Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$2,905,385, subject to execution of the final written contract; a professional services contract in an amount not to exceed \$61,600, subject to execution of the final written contract, and a \$175,000 contingency allowance for change orders.  
**DOCUMENT NAME:** [20061214PWMG04.pdf](#) **DRAIN UPGRADING-CONST. (0808-06) PROJECT NO. 5802611**
47. Approved a \$5,970 increase in the contract amount with Arizona Counter Drug Procurement Program for revised equipment requirements requested by the Tempe Police Department for the DUI Mobile Command Center Unit  
**COMMENTS:** Increase from \$259,910 to \$265,880.  
**DOCUMENT NAME:** [20061214fst01.pdf](#) **PURCHASES (1004-01)**
48. Approved **Contract #2006-154A**, an addendum to a professional services contract with URS Corporation and request approval to increase the construction change order contingency for the Tempe Transportation Center Facility.  
**COMMENTS:** Subject to execution of the final written addendum in an amount not to exceed \$608,189, plus a \$387,060 increase to the construction change order contingency.  
**DOCUMENT NAME:** [20061214PWTG01.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 60-976762**
49. Approved **Contract #2004-212BB**, a twelve-month construction contract extension with CPC Construction, Inc., for the Minor Concrete Improvements 2005-2008 and on-call maintenance, repairs or grading.  
**COMMENTS:** Subject to execution of the final written amendment in an amount not to exceed \$550,000.  
**DOCUMENT NAME:** [20061214PWMG06.pdf](#) **STREET UPGRADING-MAINT-**



**CONSTRUCTION (0809-05), PROJECT NO. 5401412**

50. Approved **Contract #2005-53AA**, a construction change order with Moline Construction Company for the Diablo Stadium Complex improvements.  
**COMMENTS:** Subject to the execution of the final written change order in the amount of \$1,400,000.  
**DOCUMENT NAME:** [20061214PWDR05.pdf](#) **DIABLO STADIUM (0706-01)**  
**PROJECT NO. 6301781**
51. Approved a \$42,110 increase in the construction contingency for the Kiwanis Park Ramada Renovations Project.  
**DOCUMENT NAME:** [20061214PWMG07.pdf](#) **KIWANIS COMMUNITY PARK (0706-25) PROJECT NO. 63-986844**
52. Approved a \$894,000 increase in the contract amount with Motorola for 800 MHz digital radio subscriber equipment to be used by the Information Technology Department.  
**COMMENTS:** from \$1,150,000 to \$2,044,000  
**DOCUMENT NAME:** [20061214fst14.pdf](#) **PURCHASES (1004-01)**
53. Approved a one-year contract renewal with T.A. Caid Industries, Inc., for modular traffic signal poles.  
**COMMENTS:** Total amount not to exceed \$1,950,000.  
**DOCUMENT NAME:** [20061214fslq02.pdf](#) **PURCHASES (1004-01) (T05-073-01)**
54. Approved a one-year contract renewal with Pinnacle Risk Management Services for third party claims administrator services for workers' compensation claims.  
**COMMENTS:** Total amount not to exceed \$95,000.  
**DOCUMENT NAME:** [20061214fst04.pdf](#) **PURCHASES (1004-01) (T06-104-01)**
55. Approved a one-year contract renewal with IT Partners for consulting services and the purchase of Hewlett Packard mini computers and servers, related products, services, and accessories.  
**COMMENTS:** Total amount not to exceed \$825,000.  
**DOCUMENT NAME:** [20061214fst05.pdf](#) **PURCHASES (1004-01) (T05-079-01)**
56. Approved a one-year contract renewal with Carmanah Technologies, Inc., for solar lighting for bus mini-shelters.  
**COMMENTS:** Total amount not to exceed \$125,000.  
**DOCUMENT NAME:** [20061214fslq03.pdf](#) **PURCHASES (1004-01) (T06-102-01)**



57. Approved a one-year contract renewal with Chalum, Inc., for liquid aluminum sulfate for water treatment.  
**COMMENTS:** Total amount not to exceed \$500,000.  
**DOCUMENT NAME:** [20061214fst08.pdf](#) **PURCHASES (1004-01)** (T05-041-01)
58. Approved a one-year contract renewal with Basic Chemical Solutions, LLC, for lime slurry for water treatment.  
**COMMENTS:** Total amount not to exceed \$200,000.  
**DOCUMENT NAME:** [20061214fst09.pdf](#) **PURCHASES (1004-01)** (T06-079-01)
59. Approved a one-year contract renewal with Peoria Pest Control for manhole treatment services.  
**COMMENTS:** Total amount not to exceed \$50,000.  
**DOCUMENT NAME:** [20061214fst10.pdf](#) **PURCHASES (1004-01)** (11-03-P-137279-1105)
60. Approved a one-year contract renewal with Continuant/Telecom Labs, Inc., for hardware and software maintenance and repairs for the City telephone system.  
**COMMENTS:** Total amount not to exceed \$93,000.  
**DOCUMENT NAME:** [20061214fst11.pdf](#) **PURCHASES (1004-01)** (T05-123-01)
61. Approved five-month contract renewals with Facilitec, Inc., and Goodman's Interior Structures for Herman Miller/Haworth systems furniture and related support.  
**COMMENTS:** Total amount not to exceed \$90,000.  
**DOCUMENT NAME:** [20061214fst15.pdf](#) **PURCHASES (1004-01)** (T05-026-02 and 03)
62. Approved a twenty-three (23) month contract renewal with Ikon Office Solutions for the lease and installation of multifunctional digital copiers/printers throughout the City on an as-needed basis.  
**COMMENTS:** Total amount not to exceed \$600,000.  
**DOCUMENT NAME:** [20061214fst12.pdf](#) **PURCHASES (1004-01)** (05PB027)
63. Approved a month-to-month contract renewal (with a maximum six months) with ACS State and Local Solutions for photo radar services.  
**DOCUMENT NAME:** [20061214fsdl20.pdf](#) **PURCHASES (1004-01)**
64. Approved **Contract #2006-299**, an emergency purchase from Artic Air Heating &

Cooling of a replacement heating, ventilating and air-conditioning (HVAC) unit for the Kiwanis Recreation Center.

**COMMENTS:** Total cost of this purchase shall not exceed \$62,000.

**DOCUMENT NAME:** [20061214fst07.pdf](#) **PURCHASES (1004-01)**  
(Emergency Procurement #07-114)

65. Approved the utilization of a one-year State of Arizona contract with Grainger for industrial supplies and equipment used by various city departments.

**COMMENTS:** Total amount not to exceed \$400,000.

**DOCUMENT NAME:** [20061214fst06.pdf](#) **PURCHASES (1004-01)** (Contract #EPS060050-1-A2)

66. Approved the utilization of a one-year State of Arizona contract with Glotel, Inc., for Information Technology consultant services.

**COMMENTS:** Total cost of this contract shall not exceed \$135,200 during the initial contract period.

**DOCUMENT NAME:** [20061214fst13.pdf](#) **PURCHASES (1004-01)**  
(Contract # AD000197-013)

67. Approved the utilization of a nine-month Regional Public Transit Authority (RPTA) contract with Arizona Bus Sales, Inc., for neighborhood circulator buses.

**COMMENTS:** Total cost of this contract shall not exceed \$1,062,720 during the initial contract period.

**DOCUMENT NAME:** [20061214fslg17.pdf](#) **PURCHASES (1004-01)**  
(Contract #0640016E)

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

Approved the utilization of a two-year State of Arizona contract with Motorola, Inc., for software upgrade of radio dispatch consoles for the Police Department.

**COMMENTS:** Total cost of this contract shall not exceed \$45,000 during the initial contract period.

Councilmember Arredondo stated that he had the utmost respect for the City's public safety and this is a mid-year adjustment being made to help public safety. He wanted this be noted so that citizens have an opportunity to know that this Council will make whatever adjustments are necessary to provide service at a different level.

**Motion by Vice Mayor Hutson to approve Item #68. Second by Councilmember Arredondo. Motion passed on a roll call vote, 7-0.**

**DOCUMENT NAME:** [20061214fsdl18.pdf](#) **PURCHASES (1004-01)**  
(Contract # EPS060066-A4)

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

before final Council action.

- \*69. Introduced and held the **first** public hearing for a Code Text Amendment for ZONING AND DEVELOPMENT CODE AMENDMENTS. **The second public hearing is set for January 4, 2007.**

**COMMENTS:** (City of Tempe, applicant) (PL060592) for changes to the Code for new provision items including allowing residential in the RCC district, outdoor display, single-family access points, construction signs, and modifying parking standards. Other items include amendments to home occupations, signs, variance criteria, modified approvals, definitions for "density", Commission terms, and parking setbacks, including the following request:

**ZOA06004 – (Ordinance No. 2006.82)** Zoning Ordinance Amendment amending Sections 1-312, 3-202, 3-412, 3-418, 4-203, 4-502, 4-903, 5-403, 6-304, 6-309, 6-312, and 7-105.

**DOCUMENT NAME:** [20061214dsrl01.pdf](#) **ZONING AND DEVELOPMENT CODE (0414)**

- \*70. Introduced and held the **first** public hearing for a Zoning Map Amendment for PERRY PLACE CONDOMINIUMS at 1949 East University Drive. **The second public hearing is set for January 4, 2007.**

**COMMENTS:** (AGI Investors LLC, property owner; William Bannister, Bannister Development LLC, applicant) (PL060609) for the development of 156 new condominium units, located at 1949 East University Drive, in the R/O, R-3 and CSS District, including the following request:

**ZON06012 – (Ordinance No. 2006.88)** Zoning Map Amendment from R/O, Residential/Office District; R-3, Multi-Family Residential Limited District; and CSS, Commercial Shopping and Service District to R-4, Multi-Family Residential General District on 6.36 acres.

**DOCUMENT NAME:** [20061214dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*71. Introduced and held the **first** public hearing for an ordinance to authorize the Mayor to execute a development agreement with ZACHER DEVELOPMENT COMPANY L.L.C. and WILLIAM CONNELLY for the sale of real property and dedication of a street and landscape easement. **The second public hearing will be held on January 4, 2006.**

**DOCUMENT NAME:** [20061214cdcm01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-1) ORDINANCE NO. 2007.02**

- \*72. Introduced and held the **first** public hearing for an ordinance to amend Chapter 32 of the Tempe City Code relating to towing from private property. **The second public hearing is set for January 4, 2007.**

**DOCUMENT NAME:** [20061214pwcdl01.pdf](#) **TCC CH 32 - TOWING (0503-32) ORDINANCE NO. 2006.77**

D. Ordinances and Items for Second Hearing/Final Adoption

- \*73. Held the **second public hearing** and approved **with condition** a General Plan Amendment and Zoning Map Amendment for BASELINE-HIGHLINE at 2243 W. Baseline Road.

**COMMENTS:** (Building Arizona LLC, owner; Hugh Knoell, Knoell Quidort Architects, applicant) (PL060625) for the development of two office buildings, consisting of 54,331 s.f. of office area with surface parking on 2.96 acres, located at 2243 West Baseline Road, in the AG, Agricultural District, including the following request(s):

**ZON06011 (Ordinance 2006.86)** – Zoning Map Amendment from AG, Agricultural District, to CSS, Commercial Shopping & Services Zoning District.

**GEP06008 (Resolution 2006.87)** – General Plan Amendment from Mixed Use to Commercial.

The following condition was approved:

1. A building permit shall be obtained and substantial construction commenced within two (2) years of the date of City Council approval or the zoning shall revert to that in place at the time of application, subject to a public hearing.

**DOCUMENT NAME:** [20061214dssl01.pdf](#) **PLANNED DEVELOPMENT**  
**(0406)**

E. Resolutions

74. DELETED

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

Request approval of a resolution authorizing the execution of the Second Amendment to the City of Tempe – Tempe Officers Association 2005-2007 Memorandum of Understanding and a \$1M transfer from the General Fund Contingency.

Mayor Hallman asked for Council's approval to entertain public comment on this item. Council concurred.

**Police Officer Bryan Hall**, President of the Tempe Officers Association, Phoenix, noted the police officers in attendance. On behalf of the Tempe Officers Association, he added that this is a huge step towards Council's commitment which has always been there. The dedication of Council and the City Manager to this community is outstanding and the officers appreciate that dedication and commitment. As police officers and sergeants in this fine Police Department, they will continue to make our streets safe, continue to drive through our neighborhoods, perform patrols of the businesses, meet with the business leaders, make sure our schools are safe, and make Tempe the safest city in the Valley so that we can have outstanding growth and goodwill.

Councilmember Arredondo stated that this Council is committed to recognizing that we have the finest officers in the Valley. We hope this will go a long way to showing that we care, we understand, and we appreciate what

the officers do and what they risk on a daily basis.

Councilmember Shekerjian added that she has been struck by the incredibly unanimous Council support of our public safety officers. We have many different ways of looking at the world, but there is solidarity, and the leadership the Mayor provides is right there behind the police officers. It's reassuring as a citizen to know that it exists at the Council level. She gave her personal heartfelt thanks to the Police Department.

Vice Mayor Hutson stated that he greatly appreciates what the officers do. He appreciates their friendship. He has been there for them in the past and he will be there for them in the future.

Mayor Hallman added that it is a fitting moment that Kevin Weeks' parents are with us as a clear demonstration of their great continuing commitment to our community. This is as much our clear demonstration of our heartfelt thanks for the family's sacrifice and for Kevin's sacrifice. The police officers and firefighters in this community put their lives at risk on a daily basis and we know that very clearly. This demonstrates this Council's and City's continued commitment.

**Motion by Councilmember Arredondo to approve Item #75. Second by Councilmember Mitchell. Motion passed on a roll call vote, 7-0.**

DOCUMENT NAME: [20061214IAKJ01.pdf](#) POLICE – MEET & CONFER  
(0303-08-02) RESOLUTION NO. 2006.92

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

Request approval of a resolution authorizing and providing for the issuance and sale of not to exceed \$47,500,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2007, and declaring an emergency.

Mayor Hallman explained that Item #76 and #77 are items that required an emergency. He asked for clarification of why this needed to be done with an emergency clause.

**Keith Hoskins**, Bond Counsel to the City, responded that the City Charter states that resolutions are effective immediately. This issue needs to be closed quickly without waiting 30 days in order to get the desired pricing. The underwriters asked for his legal opinion that this can be acted upon immediately, and it is easier for him to give that opinion if it is passed with an emergency clause.

Mayor Hallman added that Arizona law indicates that a resolution takes effect immediately for purposes of assuring the bond rating agencies and the market, and by taking this extra action, it gives that extra assurance. That same point also applies to Item #77.

Mr. Hoskins concurred.

**Motion by Vice Mayor Hutson to approve Item #76. Second by Councilmember Carter. Motion passed on a roll call vote, 7-0.**

DOCUMENT NAME: [20061214fsjh01.pdf](#) BOND SERVICE ADMINISTRATION  
(0203-01) RESOLUTION NO. 2006.93

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

Request adoption of a resolution authorizing and providing for the issuance and sale of not to exceed \$30,000,000 aggregate principal amount of Excise Tax Revenue Refunding Obligations, Series 2007, and declaring an emergency.

Motion by Councilmember Carter to approve Item #77. Second by Vice Mayor Hutson. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20061214fsjh02.pdf](#) BOND SERVICE ADMINISTRATION  
(0203-01) RESOLUTION NO. 2006.94

## 6. PUBLIC APPEARANCES

### SCHEDULED PUBLIC APPEARANCE

- Charles Merican, Tempe, re: **shopping carts in his neighborhood**. He has concerns with abandoned shopping carts in the rights-of-way. He asked Council to study this problem. He has spoken with staff and realizes the businesses are responsible to retain their equipment. He appreciates staff's response.

Mayor Hallman responded that we can enforce the state law, but the problem is if we pick up carts, we don't have a means by which we can force a business to retrieve them and we don't have clear rights to dispose of them.

City Attorney Andrew Ching responded that staff can investigate that. Chapter 29, our streets ordinance chapter, already contains provisions prohibiting leaving things in the right-of-way. Our sign ordinance inspectors regularly go around to neighborhoods and remove illegally placed signs in the right-of-way, etc. If it is identifiable and we can make contact with the stores, given that those carts are a significant investment, they would want them back. If it is property that is abandoned, we have provisions in the Code that allows for abandonment of property that comes into our possession as well.

Deputy Public Works Manager John Osgood added that staff went through Mr. Merican's neighborhood and found about fifteen carts which are now stored at the City yards. We have contacted the stores.

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

- Councilmember Shekerjian wished everyone "Happy Holidays."
- Councilmember Carter announced that the Communities in Schools organization was the beneficiary of proceeds from a golf tournament sponsored by McCarthy Construction. They were

expecting about \$3,000 but it was in excess of \$30,000. They are hopeful that McCarthy Construction will make Communities in Schools the annual beneficiary of their tournament. She thanked that organization for their support.

- Vice Mayor Hutson presented a plaque to Water Utilities Manager Don Hawkes in recognition of their contribution toward completion of construction at the Indian Bend Wash Superfund site. This is the first superfund site that has been completed. He also presented a plaque to Mayor Hallman acknowledging Resolution 2006.89 renaming Canal Park to Evelyn Hallman Park.
- Councilmember Ellis wished everyone "Happy Holidays."
- Councilmember Mitchell wished everyone "Happy Holidays" and commended staff, Kiwanis Club, DTC for a successful Fantasy of Lights Parade and Boat Parade.
- Councilmember Arredondo noted that Tempe Care 7 received a national award and he hoped an announcement would be made at a future meeting. He would also ask for an update on the bond override for the museum. Before we start on our budget, we need to have an update on the new Code Enforcement staff, what zip codes they are servicing, etc. He also wished everyone 'Happy Holidays.'
- Will Manley extended his holiday wishes.
- Mayor Hallman noted that the holiday season is a time to celebrate with family and friends. This organization goes through tough times on occasion, and yet staff pulls together and deals with difficult issues. This organization has people that are second to none in every department. Our community is very lucky to have this group of people working on their behalf. On behalf of his family, he thanked everyone for honoring his mother. It is really the community, however, that is honored. The individuals who worked diligently with his mother are those who really deserve the credit and the naming of this park.

*Meeting adjourned at 8:40 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 December 14, 2006, by the Tempe City Council, Tempe, Arizona.

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Hugh Hallman, Mayor

ATTEST:

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Connie Krossschell, Acting City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.



