

Minutes Formal City Council Meeting March 1, 2007

Minutes of the Formal Council Meeting of Thursday, March 1, 2007, 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 7:35 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 Arredondo to approve the following **COUNCIL MEETING MINUTES**. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Council's Executive Session – February 15, 2007
2. Council's Issue Review Session – February 15, 2007 [20070301clrkck02.pdf](#)
3. Council's Formal Meeting – February 15, 2007 [20070301clrkck01.pdf](#)
4. DELETED

B. Acceptance of Board & Commission Meeting Minutes

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

5. Apache Boulevard Project Area Committee – January 8, 2007 [20070301apac01.pdf](#)
6. Committee for Youth, Families & Community – January 22, 2007 [20070301cyfc01.pdf](#)
7. Community Special Events Task Force – February 13, 2007 [20070301setf01.pdf](#)

8. Enhanced Services Commission – January 10, 2007 [20070301esc01.pdf](#)
9. Hearing Officer – January 16 & February 6, 2007 [20070301ho01.pdf](#)
[20070301ho02.pdf](#)
10. Historical Preservation Commission – December 14, 2006 [20070301hpc01.pdf](#)
11. Human Relations Commission – January 9, 2007 [20070301hrc01.pdf](#)
12. Municipal Arts Commission Facilities Committee – February 14, 2007
[20070301macfc.pdf](#)
13. Parks & Recreation Board – October 18 & November 15, 2006 [20070301prtd01.pdf](#)
[20070301prtd02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements – None.
- 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 #14a and #25 were moved for separate consideration). Second by Councilmember Mitchell. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

14. Adopted the Notice of Intention setting the date and time (May 3, 2007 at 7:30 p.m.) for the public hearing to modify *water and sewer* development fees.
DOCUMENT NAME: [20070301fstd01.pdf](#) **MISCELLANEOUS FEES (0210-05)**
- 14a. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved **Contract #92-02A**, an amendment to the "Advised Fund Agreement", Contract #C-92-02, for the Tempe Community Foundation.
COMMENTS: Subject to the execution of the final written agreement.

Councilmember Ellis requested Item #14a be removed to declare a conflict of interest.

Motion by Vice Mayor Hutson for the approval of Item #14a. Second by Councilmember Arredondo. Motion passed by a show of hands, 6-0, with Councilmember Ellis abstaining.

DOCUMENT NAME: [20070301tcc01.pdf](#)
FOUNDATION (0110-07)

TEMPE COMMUNITY

15. Approved **with condition** a request for an Amended Condominium Plat for CENTERPOINT CONDOMINIUMS at 111 West 6th Street.

COMMENTS: Request for CENTERPOINT CONDOMINIUMS (PL060560) (Tempe Land Company LLC, property owner; Jason Kack, DEI Professional Services, applicant) located at 111 West 6th Street in the CC, City Center District, including the following:

SBD06015 – Amended Condominium Plat on +/- 2.03 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 March 1, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20070301dsrl04.pdf](#)
(0406)

PLANNED DEVELOPMENT

16. Approved **with conditions** a request for an Amended Subdivision Plat for VICTORY RANDALL at 2428 East Victory Drive.

COMMENTS: Request for VICTORY RANDALL (PL060667) (Judy Peters, property owner/applicant) located at 2428 East Victory Drive in the R1-6, Single Family Residential District, including the following:

SBD06028 – Amended Subdivision Plat consisting of 2 lots on 0.38 acres.

The following conditions were approved:

1. The existing structure on Lot 29A shall be removed or relocated in order to comply with Building Code and Zoning and Development Code requirements for building structures, prior to recordation of plat.
2. 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 March 1, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20070301dsrl03.pdf](#)
(0406)

PLANNED DEVELOPMENT

17. Approved **with conditions** an Amended Subdivision Plat for DORSEY CROSSING LIVE/WORK at 1233 East Broadway Road.

COMMENTS: Request for DORSEY CROSSING LIVE/WORK (PL060409) (Dorsey Crossing LLC and Desert Schools Federal Credit Union, property owners; Mark Richmond, applicant) located at 1233 East Broadway Road in the PCC-2, Planned Commercial Center General District, including the following:
SBD06002 – Amended Subdivision Plat consisting of 45 lots and 9 tracts, including remaining portions of existing lots.

The following conditions were approved:

1. 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&R's shall be

reviewed and in a form satisfactory to the Development Services Manager and City Attorney prior to recordation of plat.

2. Proposed off-site waterline easements shall be dedicated by a separate instrument and accepted by the Engineering Division prior to recordation of plat.
3. 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 March 1, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20070301dsr101.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- *18. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Cho & Kim, Inc., dba Sushi Eye Bar & Grill, 780 W. Elliot Road, #104.

COMMENTS: Pu Cho, Agent

DOCUMENT NAME: [20070301LIQ1.pdf](#) LIQ LIC (0210-02)

- *19. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Rock Junction, Inc., dba Boulders Bar and Grill, 530 W. Broadway Road.

COMMENTS: Eric Geryol, Agent

DOCUMENT NAME: [20070301LIQ2.pdf](#) LIQ LIC (0210-02)

- *20. Held a public hearing and recommended the approval of a Series 6 Bar Liquor License for The Chi-Town Guys, LLC, dba Devil House, 829 S. Rural Road.

COMMENTS: Al Green, Agent

DOCUMENT NAME: [20070301LIQ3.pdf](#) LIQ LIC (0210-02)

- *21. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for T & D Sparky's, LLC, dba Sparky's Sports Grill, 1301 E. University Drive.

COMMENTS: Deborah Pinsonneault, Agent

DOCUMENT NAME: [20070301LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

22. Approved **Contract #2007-35**, a professional services contract with T.Y. Lin International for the Tempe Town Lake Downstream Pedestrian Bridge Project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$574,307.

DOCUMENT NAME: [20070301PWCH04.pdf](#) **RIO SALADO PARK (0706-32)**
PROJECT NO. 6501541

- 22a. Awarded **Contract #2007-36**, a one-year contract with two (2) one-year renewal options to Water Movers, Inc., for bypass pumping of the nuisance water from upstream of Tempe Town Lake.

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

contract shall not exceed \$450,000 during the initial contract period.

DOCUMENT NAME: [20070301fslg06.pdf](#) **PURCHASES (1004-01)**
(RFP #07-127)

23. Approved a one-year contract renewal with United Fire Equipment Company for self contained breathing apparatus.

COMMENTS: Total amount not to exceed \$100,000

DOCUMENT NAME: [20070301fslg01.pdf](#) **PURCHASES (1004-01)**
(T06-088-01)

24. Approved a one-year contract renewal with Creative Pipe, Inc., for powder-coated transit furniture.

COMMENTS: Total amount not to exceed \$50,000.

DOCUMENT NAME: [20070301fslg03.pdf](#) **PURCHASES (1004-01)**
(T06-139-01)

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

Approved a one-year contract renewal with Sanitors Services, Inc., for the cleaning of Diablo Stadium.

Councilmember Ellis requested Item #25 be removed to declare a conflict of interest.

Motion by Councilmember Arredondo for the approval of Item #25. Second by Vice Mayor Hutson.
Motion passed on a roll call vote, 6-0, with Councilmember Ellis abstaining.

COMMENTS: Total amount not to exceed \$55,000

DOCUMENT NAME: [20070301fslg04.pdf](#) **PURCHASES (1004-01)**
(T05-060-01)

26. Approved one-year contract renewals with Thatcher Company of Arizona; Hill Brothers Chemical Company; DPC Enterprises; Commercial Pool Repair; Los Angeles Chemical Company; Hasa, Inc.; Basic Chemical Solutions, LLC; Altivia Corporation; Calgon Carbon Corporation; Polydyne, Inc.; Salt Works; Chalum, Inc.; LCI, Ltd.; Kemiron Companies, Inc.; and Occidental Chemical Corporation for water treatment chemicals.

COMMENTS: Total amount not to exceed \$2,100,000.

DOCUMENT NAME: [20070301fst05.pdf](#) **PURCHASES (1004-01)** (MU6-505-2185-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 and 15)

27. Approved the increase by \$50,001 of the contract amount with Daytech Limited for bus stop supplemental seating.

COMMENTS: Increase from \$29,999 to \$80,000.

DOCUMENT NAME: [20070301fslg02.pdf](#) **PURCHASES (1004-01)**
(T07-059-01)

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

- *28. **Introduced and held the first public hearing** for GENERAL PLAN 2030 TEXT AMENDMENTS for technical corrections of omissions and errors. **The second public hearing is set for March 22, 2007.**

COMMENTS: Request for GENERAL PLAN 2030 TECHNICAL AMENDMENTS (PL060641) (City of Tempe, applicant) consisting of amendments to 36 pages within the General Plan: additions that update the index and historic timeline, corrections to the date reference on the bottom of pages, corrections to references that are mislabeled, spelling corrections and graphic errors. All pages would be updated with the Approved / Ratified / Amended date within the footer, including the following request:

GEP06009 – (Resolution No. 2006.90) General Plan 2030 text amendments

DOCUMENT NAME: [20070301dk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *29. **Introduced and held the first public hearing** for a Planned Area Development Overlay for PERRY PLACE CONDOMINIUMS at 1949 East University Drive. **The second public hearing is set for March 22, 2007.**

COMMENTS: Request for PERRY PLACE CONDOMINIUMS (PL060609) (AGI Investors LLC, property owner; William Bannister, Bannister Development LLC, applicant) for the development of 156 new condominium units, located at 1949 East University Drive, in the R-4, Multi-Family Residential General District, including the following:

PAD06011 – (Ordinance No. 2007.11) Planned Area Development Overlay to modify development standards for +/- 86,600 s.f. of building area on +/-6.36 acres.

DOCUMENT NAME: [20070301dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *30. **Introduced and held the first public hearing** for an ordinance granting an easement to Salt River Project to install and maintain the facilities necessary to provide electrical service to Rio West Business Park. **The second public hearing is scheduled for March 22, 2007.**

DOCUMENT NAME: [20070301PWCH03.pdf](#) **EASEMENTS (0904-02)ORDINANCE NO. 2007.14**

D. Ordinances and Items for Second Hearing/Final Adoption

- *31. **Held the second public hearing and approved with conditions** a Planned Area Development Overlay for RIVERSIDE OFFICE PLAZA PHASE III at 1275 West Rio Salado Parkway.

COMMENTS: RIVERSIDE OFFICE PLAZA PHASE III (PL060707) (Richard J.

Lund, Biltmore Holdings, property owner; Stephen C. Earl, Earl, Curley & Lagarde P.C., applicant) for a four level office building and a two level parking garage structure in the GID Zoning District, including the following requests:

PAD06015 – (Ordinance No. 2007.09) Planned Area Development Overlay to modify development standards to allow a height increase from 35 feet to 77 feet for the Office Building.

The following conditions were approved:

1. A building permit shall be obtained and substantial construction commenced **on or before January 23, 2009**.
2. The Planned Area Development for Riverside Office Plaza Phase III shall be put into proper engineered format (sample is available from the Development Services Department), sealed by an Arizona registered architect or registered professional engineer, fitted with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department. Complete this process prior to the issuance of building permits.
3. A Subdivision Plat to unify the parcels, make right of way dedications (if any) and record cross access easement with Phase II is required for Riverside Office Plaza Phase III and shall be recorded prior to issuance of building permit or one year from date of City Council approval, whichever comes first. Provide all right-of-way, property line and easement dimensions. Place the Subdivision Plat into proper engineered format with appropriate signature blanks and record this instrument with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department.
4. Prior to a Certificate of Occupancy, provide a continuing care condition, covenant and restriction (CC&R's) for features of this development that are held in common, including (but not limited to) the project's common area landscape and irrigation. The CC&R's shall be reviewed by and configured in a form satisfactory to the Development Services Manager and City Attorney. The CC&R's shall be signed and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department.

DOCUMENT NAME: [20070301dskko02.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *32. Held the second public hearing and approved **with conditions** a Planned Area Development Overlay for HAYDEN FLOUR MILLS located at 119 South Mill Avenue.

COMMENTS: HAYDEN FLOUR MILLS (PL060637) (Chris Messer, representative, City of Tempe, property owner; Rick Labonte, Tempe Flour Mill L.L.C., applicant) for a phase I renovation of the historic flour mill including a six story addition, in the MU-4 and CC Zoning Districts, and the Transportation Overlay and Rio Salado Overlay Districts, including the following requests:

PAD06014 – (Ordinance No. 2007.08) Planned Area Development Overlay to define development standards for the MU-4 and CC Zoning Districts

The following conditions were approved:

1. A building permit shall be obtained and substantial construction commenced **on or before January 23, 2009**.
2. Prepare an Historic Conservation Easement for the site prior to the issuance of a building permit. Include the Historic Conservation Easement in the Subdivision Plat.
3. The Planned Area Development for Hayden Flour Mills Phase I shall be put into proper engineered format (sample is available from the Development Services Department), sealed by an Arizona registered architect or registered professional engineer, fitted with appropriate signature blanks and

kept on file with the City of Tempe's Development Services Department. Complete this process prior to the issuance of building permits.

4. A Subdivision Plat is required for Hayden Flour Mills Phase I and shall be recorded prior to issuance of building permit or one year from date of City Council approval, whichever comes first. Place the Subdivision Plat into proper engineered format with appropriate signature blanks and record this instrument with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department.
5. A Condominium Plat (Horizontal Regime) is required for Hayden Flour Mills Phase I if individual "for sale" units are included in the project. This instrument shall be recorded prior to a Certificate of Occupancy. Place the Condominium Plat into proper engineered format with appropriate signature blanks and record this instrument with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department.
6. The Subdivision and Condominium Plats may be combined into one instrument. If this course is taken, the combined instrument shall be recorded prior to issuance of building permit or one year from date of City Council approval, whichever comes first.
7. Prior to a Certificate of Occupancy, provide a continuing care, covenant and restriction (CC&R's) for features of this development that are held in common, including (but not limited to) the project's common area landscape and irrigation as well as security elements that are added to the project as part of the site Security Plan. The CC&R's shall be reviewed by and configured in a form satisfactory to the Development Services Manager and City Attorney. The CC&R's shall be signed and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department.

DOCUMENT NAME: [20070301dskko01.pdf](#) **PLANNED DEVELOPMENT
(0406)**

- *33. Held the second public hearing and approved ORDINANCE NO. 2007.13 amending Chapter 2, Article II of the Tempe City Code relating to Officers and Employees by adding new Section 2-34 relating to the appointment and qualifications of commissioners.

DOCUMENT NAME: [20070301cccla01.pdf](#) **TCC CH 2 – CITY CODE
ADMINISTRATION (0503-02)**

- *34. Held the second public hearing and approved ORDINANCE NO. 2007.12 abandoning a portion of alley right-of-way located adjacent to 1709 South La Rosa Drive. A public utility easement will be retained over the north 5' of the abandoned parcel.

DOCUMENT NAME: [20070301PWMG02.pdf](#) **ABANDONMENT (0901)**

- *35. Held the second public hearing and approved ORDINANCE NO. 2007.10 granting an easement to Salt River Project to provide electrical service to Well No. 15 at 6600 South Price Road.

DOCUMENT NAME: [20070301PWMG01.pdf](#) **EASEMENTS (0904-02)**

E. Resolutions

36. Approved RESOLUTION NO. 2007.12 authorizing the execution and submission of an application for Low Income Housing Tax Credits for the 5th & Farmer Project.

DOCUMENT NAME: [20070301cdls01.pdf](#)
DEVELOPMENT/REDEVELOPMENT ADM (0403-01)

COMMUNITY

37. Approved RESOLUTION NO. 2007.13 authorizing the execution of **Contract #2007-37**, a Development and Disposition Agreement with GDG Partners, and **Contract #2007-38**, a Joint Development Agreement for the Apache Boulevard and McClintock Drive properties.

DOCUMENT NAME: [20070301cdls02.pdf](#)
DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01)

COMMUNITY

6. PUBLIC APPEARANCES

SCHEDULED PUBLIC APPEARANCE

- Tim Culligan, Tempe, re: commercial parking permits for residential neighborhoods – Did not speak.

UNSCHEDULED PUBLIC APPEARANCES

- Ken Lausch, Avenue Communities, thanked Council and the community on behalf of Avenue Communities for the future of the Hayden Flour Mill.

Mayor Hallman added that Item #32 was for the Planned Area Development for the Hayden Flour Mill. The developer had come to inform the community about what that project looks like. Mayor Hallman suggested that a presentation be made at Issue Review Session. A project has now been approved to reuse the Hayden Flour Mills and it is the result of a great partnership between staff, the developer, and the Historic Preservation Commission working diligently to help create a project that will preserve the flour mill in place and reuse it in a very respectful and substantial manner.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Shekerjian congratulated Lawn Griffiths for his recent recognition for his excellence in journalism. Today was Youth Leadership Day at the Capitol, and five Mayor's Youth Advisory Commission members attended.
- Councilmember Ellis extended birthday greetings to her father and to Councilmember Shekerjian.
- Councilmember Mitchell congratulated Mark Richwine and the Parks and Recreation staff for the great Middle School Girls Basketball Tournament that took place this past weekend.
- Councilmember Arredondo announced that the Police Chief is running with the new recruits. He is leading by example. He added that the Tempe City Court system is excellent and he commended staff during his recent call for jury duty.
- Councilmember Carter noted that Judge Arkfeld will be leaving in a few days for Ghana, Africa. She sits on the National Bar Association Board and they will be assisting with their court system.
- Mayor Hallman announced that today is opening day for Angels baseball and the stadium is spectacular. Staff is to be commended for a groundbreaking agreement with a major league baseball team.

Meeting adjourned at 8:00 p.m.

I, Jan Hort, the duly-appointed 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 March 1, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.