

## Minutes Formal City Council Meeting April 5, 2007

Minutes of the Formal Council Meeting of Thursday, April 5, 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 Arredondo gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

#### A. Approval of Council Meeting Minutes

1. Council's Executive Session – March 22, 2007
2. Council's Issue Review Session – March 22, 2007 [20070405clrkck02.pdf](#)
3. Council's Formal Meeting – March 22, 2007 [20070405clrkck01.pdf](#)
4. Council's Finance, Economy & Veterans Affairs Committee – March 20, 2007  
[20070405feva01.pdf](#)

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

5. Aviation Commission – January 9, 2007 [20070405tavco01.pdf](#)
6. Commission on Disability Concerns - January 16 & February 20, 2007  
[20070405cdc01.pdf](#) [20070405cdc02.pdf](#)
7. Committee for Youth, Families and Community – February 12, 2007  
[20070405cyfc01.pdf](#)
8. Double Butte Cemetery Advisory Committee – January 17, 2007  
[20070405prsw01.pdf](#)
9. Hearing Officer – March 6, 2007 [20070405ho01.pdf](#)
10. Human Relations Commission – February 13, 2007 [20070405hrc01.pdf](#)

11. Mayor's Youth Advisory Commission – March 6, 2007 [20070405myac01.pdf](#)
12. Merit System Board – February 28, 2007
13. Parks & Recreation Board – January 17, 2007 [20070405prmr01.pdf](#)

**Motion by Councilmember Ellis to approve the COUNCIL MEETING MINUTES, Items A # 1 through #3 (Item #4 was removed and referred back to Council's Finance, Economy & Veterans Affairs Committee) and to accept the COMMITTEE & BOARD MEETING MINUTES, Items B #5 through #13. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.**

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Mayor Hallman stated that the **Diversity Dialogue Program** is designed to foster community diversity dialogue. The dialogues have led to better understanding of our community as a whole. The City's Diversity Department coordinates this seven-week program with the assistance of trained volunteer facilitators. The Mayor introduced the two volunteer facilitators, **Florence Boyle and Deborah Kearns**, as well as the participants.
- Mayor Hallman announced that the Diversity Department, in partnership with Carminati School, coordinated a coloring contest in honor of **Cesar Chavez Day**. This contest provided an opportunity to honor and celebrate the life of Cesar Chavez and to encourage children to consider a future as public servants. He introduced the winners of the contest: **Jesus Lopez, Sadie Scheufler, Joel Cano, Christian Morales, Charlene Sage, Macy Zimmnick, Ivy Hamlett, Mitchell McDonald, Crystal Garcia, and Maria Gabriela Santizo**.
- Mayor Hallman announced that the **Tempe-Regensburg Sister Cities program** is one of the most successful exchange programs in the United States. The objective of the Educator Exchange is to provide an opportunity for Tempe educators to develop professional educational growth and understanding among the people of our sister cities. He introduced **Mary Beth Spielberg** of the Tempe Elementary School District Office and **Sigrun Heumann** who teaches at a Hauptschule called St. Wolfgang; **Ben Marcus** from Tempe High School and **Gaby Bonosevich** who teaches at Pindl Gymnasium; **Dana Hinton** of Gilliland Middle School and **Vera Klinke**; and **NoRa Trevino**, TSC Executive Director, Educator Exchange Coordinator and **Evie Feldmeier** who teaches English and Sports.

##### B. Manager's Announcements – None.

#### 5. AGENDA

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

Hearing/Final Adoption will be voted upon at this meeting.

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

**Motion by Councilmember Arredondo to approve the Agenda as amended (Items #32 and #35 were removed for separate consideration). Second by Councilmember Shekerjian. Motion passed on a roll call vote 7-0.**

A. Miscellaneous Items

14. Approved **Contract #2007-52**, the Civic Ventures Affiliate Agreement for the purpose of providing Experience Corps™ in the Kid Zone Enrichment Program and the Tempe Elementary School District.  
**DOCUMENT NAME:** [20070405csjt01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**
15. Approved **Contract #2004-112B**, an amended agreement between North America Sports, Inc., the Tempe Convention and Visitors Bureau, and the City of Tempe to host the Ironman Arizona Triathlon in April, 2007.  
**DOCUMENT NAME:** [20070405prtd01.pdf](#) **SPORTS ADMINISTRATION/POLICIES (0105-01-07)**
16. Approved **Contract #2007-53**, an intergovernmental agreement between the Tempe Union High School District and the City of Tempe for the provision of substance abuse prevention services.  
**DOCUMENT NAME:** [20070405csjt02.pdf](#) **TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)**
17. Approved **with conditions** a Final Subdivision Plat for CARQUEST at 39 West Southern Avenue.  
**COMMENTS:** (PL070045) CARQUEST (Tanner Grossmiller/Oncall Construction, applicant; Yucca Rental Properties LLC, property owner) located in the Danelle Plaza at 39 West Southern Avenue in the CSS, Commercial Shopping and Services District for: **SBD07003** – Combine two (2) lots into one (1) lot.  
The following conditions were also approved:
  1. The Final Subdivision Plat shall be recorded prior to the issuance of building permits.
  2. The Final 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 April 5, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.
  3. Obtain building safety clearance for new tenant space to verify compliance with codes relative to separation from other tenant spaces or property lines.**DOCUMENT NAME:** [20070405dssl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

18. Approved **with condition** an Amended Subdivision Plat for SUBWAY at 950 South Mill Avenue.

**COMMENTS:** (PL070141) SUBWAY (Ken & Mary Clark, property owners; Bill Hunse, applicant) for an Amended Final Subdivision Plat, located at 950 South Mill Avenue in the CC, City Center District, including the following:

**SBD07012** – Amended Subdivision Plat consisting of one (1) lot on 0.32 acres.

The following condition was also approved:

1. The Amended 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 April 5, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20070405dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

B. Award of Bids/Contracts

19. Approved **Contract #2007-54**, a professional services contract with Wilson Engineers for the Johnny G. Martinez Water Treatment Plant Water Quality Improvements Phase I.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$149,720.

**DOCUMENT NAME:** [20070405PWCH03.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

20. Awarded **Contract #2005-81T**, a Job Order construction contract to 3D/International, Inc., and approval of a change order contingency for the epoxy floor installation at the apparatus and SWAT storage areas at the Apache Boulevard Police Substation.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$35,797, and a change order contingency of \$1,500.

**DOCUMENT NAME:** [20070405PWMV05.pdf](#) **APACHE BOULEVARD POLICE SUB-STATION (1001-20) PROJECT NO. 5500963**

21. Awarded **Contract #2007-55**, a three-year contract with two (2) one-year renewal options to Metro Commercial Properties for property management and leasing services of city-owned properties throughout the city.

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

**DOCUMENT NAME:** [20070405fslq01.pdf](#) **PURCHASES (1004-01) (RFP #07-116)**

22. Awarded **Contract #2007-56**, one-year contracts with two (2) one-year renewal options to All Star Materials and Pioneer Sand Company for landscaping granite and sand.

**COMMENTS:** Subject to execution of final written contracts. Total cost for these contracts shall not exceed \$60,000 during the initial contract period.

**DOCUMENT NAME:** [20070405fslq02.pdf](#) **PURCHASES (1004-01)**  
(IFB #07-105)

23. Awarded **Contract #2007-57**, a one-year contract with two (2) one-year renewal options to United Fire Equipment Company for Fire Department turnout clothing.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$60,000 during the initial contract period.

**DOCUMENT NAME:** [20070405fslq03.pdf](#) **PURCHASES (1004-01)**  
(RFP #07-001)

24. Approved a one-year contract renewal with Urban Forest Tree Care for tree trimming services for downtown trees.

**COMMENTS:** Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20070405fslq04.pdf](#) **PURCHASES (1004-01)**  
(T05-088-01)

25. Approved a two-year contract renewal with Office Depot for office supplies.

**COMMENTS:** Total amount not to exceed \$1,000,000.

**DOCUMENT NAME:** [20070405fslq05.pdf](#) **PURCHASES (1004-01)**  
(US Communities #42595)

26. Approved a one-year contract renewal with MP Environmental Services, Inc., for sludge pickup and transportation.

**COMMENTS:** Total amount not to exceed \$95,000.

**DOCUMENT NAME:** [20070405fst08.pdf](#) **PURCHASES (1004-01)**  
(T06-132-01)

27. Approved a one-year contract extension with Southwest Microsurfacing, LLC, and approval of a construction change order contingency for Local Street Renovation 2005-2007 Slurry Seal.

**COMMENTS:** Subject to execution of the final written amendment in an amount not to exceed \$1,579,296, and a change order contingency of \$157,929.

**DOCUMENT NAME:** [20070405PWMV04.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5400742**

28. Approved the increase by \$50,000 of the contract amount with Arizona Foundation for medical care for Preferred Provider Organization network health care for eligible city employees, dependents and retirees.

**COMMENTS:** Increase from \$115,580 to \$165,580.

**DOCUMENT NAME:** [20070405fst06.pdf](#) **PURCHASES (1004-01) (T01-**

053-01)

29. Approved the increase by \$50,000 of the contract amounts with Bob's Barricades and Trafficade Services, Inc., for barricades and warning devices.

**COMMENTS:** Increase from \$100,000 to \$150,000.

**DOCUMENT NAME:** [20070405fsta07.pdf](#) **PURCHASES (1004-01)** (T07-009-01 and T07-009-02)

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

- \*30. Introduced and held the **first** public hearing to amend Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes. **The second public hearing is set for April 19, 2007**

**DOCUMENT NAME:** [20070405cacc01.pdf](#) **TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16)** ORDINANCE NO. 2007.20

- \*31. Introduced and held the **first** public hearing to amend Chapter 23 of the Tempe City Code related to Parks and Recreation by adding new Section 23-35; amending Sections 23-36; 23-37; 23-7.1; 23-40; 23-45; 23-46; 23-57; 23-74; 23-75; 23-76; 23-77; and 23-79; and repealing Section 23-59. **The second public hearing is scheduled for April 19, 2007.**

**DOCUMENT NAME:** [20070405cdnr01.pdf](#) **TCC CH 23 - PARK AND RECREATION (0503-23)** ORDINANCE NO. 2007.21

- \*31a. Introduced and held the **first** public hearing for an ordinance authorizing the conveyance of the City's interests in certain real property within the Apache Boulevard Redevelopment Area to GDG Partners, LLC. **The second public hearing will be held on April 19, 2007.**

**DOCUMENT NAME:** [20070405cdnc01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01)** ORDINANCE No. 2007.23

D. Ordinances and Items for Second Hearing/Final Adoption

- \*32. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for RESIDENCE INN BY MARRIOTT at 125 East 5<sup>th</sup> Street.

**COMMENTS:** (PL060674) (Richard Finvarb, Tempe RI, L.L.C., owner; Manjula Vaz, Gammage & Burnham, P.C., applicant) for an eleven story, 172 guest room hotel and retail building in the City Center District and the Transportation Overlay District Station Area. The request includes the following:

**PAD07002 – (Ordinance No. 2007.15)** Planned Area Development Overlay for +/- 138,879 s.f. of building area on +/- 0.351 acres.

The following conditions were also approved:

1. Obtain the building permit and commence construction on or before two years from City Council approval (April 5, 2009) of the Planned Area Development Overlay or the Planned Area Development Overlay for this lot will expire.
2. Obtain an Encroachment Permit from the Engineering Division of the Public Works Department prior to issuance of a building permit. Contact Engineering (Steve Horstman or Chris Kabala, 480-350-8341) if questions. Dimension the extent of the encroachment of each entrance canopy, upper level balcony and any architectural projection so the fee for the Encroachment Permit can be determined. The limitations of this encroachment include:
  - a. a minimum clear vertical distance of 14'-0" between the finished ground floor level and any overhead structure
  - b. retraction capability for the lower entrance canopies
  - c. any other requirements described by the Encroachment Permit or the building code
3. Obtain a Lot Tie to unify the adjacent parcels to the west and south of this parcel in order to allow building openings to occur across the common property lines of the tied parcels. Complete this process through the Engineering Division of the Public Works Department prior to issuance of a building permit. Contact Engineering (Carol Martsch 480-350-8200) if questions.
4. For contiguous parcels to the south and west of the hotel, obtain a Cross Access Easement to allow vehicular traffic to pass through the several parcels. Complete this process through the Engineering Division of the Public Works Department prior to issuance of a building permit. Contact Engineering Division (Carol Martsch 480-350-8200) if questions.
5. Obtain a Shared Parking Covenant and Agreement where parking for the use of this site is located on a contiguous lot. File the Covenant through the Building Safety Division of the Development Services Department prior to issuance of a building permit in accordance with ZDC Sec. 4-602 (B) (3). Identify amount of parking in the Shared Parking Covenant and Agreement in the Planned Area Development Overlay. Record the amount of shared parking in the Building Safety parking file. Contact Planning Division (Bill Kersbergen 480-350-8839) if questions.
6. If the parking for this site is on non-contiguous lot(s), follow the steps in the previous condition but additionally, before these steps are taken, process a Development Services Department Zoning Administrator's Opinion to allow this departure from the ZDC Sec. 4-602 (B) (3). Obtain the Zoning Administrator's Opinion prior to initial submittal of construction documents for building plan check.
7. The Planned Area Development Overlay for Residence Inn by Marriott shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department. Complete this process prior to issuance of building permits.
8. Revise the existing Traffic Impact Statement including trip generation data for the hotel to also include the retail tenants of the hotel. Submit this revision to Transportation staff (Shelly Seyler 480-350-8219) for review prior to issuance of building permits. Redevelopment of contiguous lots, including particularly the garage with its retail tenant and/or residential space, will require separate traffic analysis.

#### PUBLIC HEARING

**Michael Wasko, Tempe.** He congratulated the developer for gathering input early and reflecting that feedback in the project. His concern is not directly with Residence Inn itself, but that the parking garage has been billed as part and parcel of the same development. He understands that the parking garage is not up for approval yet, but he wanted to express his concern that the four stories above ground are too massive for the Residence Inn itself and they might overshadow the park area to be developed just east of City Hall. In looking at the actual parking available in that garage, the development itself could be parked with as few as three stories, keeping two above ground and one below ground and still meet or exceed the needs of the development. He

understands the parking garage will be its own development and will stand on its own merit.

Lisa Collins, Deputy Development Services Manager, confirmed that the parking garage will be a separate project and any decision tonight will not impact the garage.

Mayor Hallman added that Council, as part of the Capital Improvement Program, has given its tacit approval to move forward with a parking garage. The parking garage will address not just parking for the Residence Inn, but the City Hall and surrounding area as well. It will be an expense of about \$12M (\$7M from capital improvements under the current budget proposal). Details of that parking garage have yet to be developed.

**Motion by Councilmember Arredondo to approve Item #32. Second by Councilmember Carter. Motion passed on a roll call vote, 7-0.**

DOCUMENT NAME: [20070405dskko01.pdf](#) PLANNED DEVELOPMENT  
(0406)

- \*33. Held the **second public hearing** and approved ORDINANCE NO. 2007.18 granting an easement to Salt River Project to provide electrical service to the Kyrene Reclamation Plant, located at 311 W. Guadalupe Road.

DOCUMENT NAME: [20070405PWCH01.pdf](#) EASEMENTS (0904-02)

- \*34. Held the **second public hearing** and approved ORDINANCE NO. 2007.19 granting an easement to Salt River Project to provide electrical service to the East Valley Bus Operation and Maintenance Facility, located at 2050 W. Rio Salado Parkway.

DOCUMENT NAME: [20070405PWCH02.pdf](#) EASEMENTS (0904-02)

- \*35. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Held the **second public hearing** to obtain City Council and citizen comments on the proposed 2007-2008 Action Plan for the Community Development Block Grant (CDBG) and Home Programs.

Councilmember Ellis asked that this item be removed for separate consideration so she could declare a conflict of interest. She sits on the Tempe Community Council Board which makes recommendations on a portion of this action plan.

**Motion by Councilmember Shekerjian to approve Item #35. Second by Vice Mayor Hutson. Motion passed on a roll call vote, 6-0, with Councilmember Ellis abstaining.**

DOCUMENT NAME: [20070405cdlc.pdf](#) COMMUNITY DEVELOPMENT  
BLOCK GRANT (0207-26)

E. Resolutions



36. Approved RESOLUTION 2007.20 approving the issuance of not to exceed \$40,000,000 aggregate principal amount of revenue bonds by Colorado Health Facilities Authority for the skilled nursing care (Westchester Care Center) and assisted living (Westchester Villas) projects of Volunteers of America Care Facilities Obligated Group.  
**DOCUMENT NAME:** [20070405fsjh01.pdf](#) **INDUSTRIAL DEV REVENUE BONDS ADMIN (0203-05)**

**6. PUBLIC APPEARANCES**

**UNSCHEDULED PUBLIC APPEARANCE**

**Jim Lemmon, Tempe**, representing the Rotary River Rally, announced that this year's event will be held on April 20 and 21 at Tempe Town Lake. More than 60 boats have pre-registered. He presented a "burrito button" to Mayor Hallman for his generous support during the 2006 Rotary River Rally. Profits from the sale of the "burrito buttons" are used to support childrens' charities

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

- Councilmember Shekerjian announced that the first annual Green Summit will be held on April 19<sup>th</sup> at ASU. The summit will feature a green product showcase, a career fair, and booths featuring ASU's sustainability projects. The summit is student-initiated and is student-led.
- Councilmember Arredondo encouraged the community to support the "Pat Tillman Run." He also congratulated the sponsors of the Tempe Music Festival for a very successful event.

*Meeting adjourned at 8:25 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 April 5, 2007, by the Tempe City Council, Tempe, Arizona.

\_\_\_\_\_  
Hugh Hallman, Mayor

ATTEST:

\_\_\_\_\_  
Jan Hort, City Clerk

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

