

Minutes Formal City Council Meeting May 17, 2007

Minutes of the Formal Council Meeting of Thursday, May 17, 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 7:40 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 Shekerjian to approve the following **COUNCIL MEETING MINUTES**. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Council's Executive Session – May 3, 2007
2. Council's Issue Review Session – May 3, 2007 [20070517clrkck01.pdf](#)
3. Council's Formal Meeting - May 3, 2007 [20070517clrkck02.pdf](#)
4. Council's Arts & Community Services Committee – April 18, 2007
[20070517acsc01.pdf](#)
5. Council's Education & Technology Advancement Committee – April 3, 2007
[20070517etac01.pdf](#)
6. Council's Finance, Economy & Veterans Affairs Committee – April 17, 2007
[20070517feva01.pdf](#)
7. Council's Neighborhood Quality of Life, Public Safety & Parks and Recreation Committee - April 10, 2007 [20070517nqlps01.pdf](#)
8. Council's Transportation & Affordable Housing Committee – April 24, 2007
[20070517tahc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

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

9. Board of Adjustment – March 28, 2007 [20070517boa01.pdf](#)
10. Community Special Events Task Force – May 8, 2007 [20070517setf01.pdf](#)
11. Enhanced Services Commission – April 11, 2007 [20070517esc01.pdf](#)
12. Golf Committee – February 7 & April 4, 2007 [20070517gc01.pdf](#)
[20070517st04.pdf](#)
13. Hearing Officer – April 17, 2007 [20070517ho01.pdf](#)
14. Human Relations Commission – April 10, 2007 [20070517hrc01.pdf](#)
15. Mayor's Youth Advisory Commission – April 17, 2007 [20070517myac01.pdf](#)
16. Parks & Recreation Board – February 21, 2007 [20070517prmr01.pdf](#)
17. Tempe Police Public Safety Personnel Retirement Board – April 5, 2007

4. **REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

- Mayor Hallman read a proclamation designating the week of May 20-26, 2007, as **Emergency Medical Services Week** in Tempe, Arizona. He thanked Fire Chief Cliff Jones on behalf of the Tempe Fire Department for their outstanding efforts.

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 #37, #47 and #48 were removed for separate consideration). Second by Councilmember Ellis. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

18. Approved **Contract #2007-70**, an intergovernmental agreement with Maricopa County for animal control services for fiscal years 2008 – 2010.
COMMENTS: Total cost is estimated to be \$164,173 for fiscal year 2008 -2009.
DOCUMENT NAME: [20070517cdjk01.pdf](#) **ANIMAL CONTROL (0601)**

19. Approved **Contract #2001-136B**, the second amendment to the intergovernmental agreement between the Maricopa County Library District and the City of Tempe for participation in the District's Reciprocal Borrowing Program.
DOCUMENT NAME: [20070517cstm01.pdf](#) **LIBRARY ADM (07040-01)**
20. Approved **Contract #2004-130B**, the first amendment to the Playa del Norte Subordinate Development Parcel Agreement – Parcel No. 5.
DOCUMENT NAME: [20070517cdnc01.pdf](#) **COMMUNITY DEVELOPMENT ADMIN. (0406)**
21. Approved **with condition** an Amended Subdivision Plat for ANABOLIC LABORATORIES at 405 South Siesta Lane.
COMMENTS: (PL060473) (Nick Wood, Snell & Wilmer LLP, applicant; Lebruns, LLC, property owner) located at 405 South Siesta Lane in the GID, General Industrial District for:
SBD07006 - An Amended Subdivision Plat to combine five (5) lots into one (1) lot.
The following condition was also approved:
 1. The Amended Subdivision Plat for Anabolic Laboratories 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 May 17, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.**DOCUMENT NAME:** [20070517dsqk01.pdf](#) **PLANNED DEVELOPMENT (0406)**
22. **Reconsidered and approved** Ordinance No. 2007.21, previously approved by Council on April 19, 2007, amending 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.
DOCUMENT NAME: [20070517clrkck03.pdf](#) **TCC CH 23 – PARKS AND RECREATION (0503-23)**
- *23. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Hof's Hut Restaurant, Inc., dba Lucille's Smokehouse Bar-B-Que, 2030 E. Rio Salado Parkway.
COMMENTS: H J Lewkowitz, Agent
DOCUMENT NAME: [20070517LIQ4.pdf](#) **LIQ LIC (0210-02)**
- *24. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Sneakers Sports Grill, Inc., dba Sneakers Sports Grill, 1470 East Southern Avenue.
COMMENTS: Keith Quilty, Agent

DOCUMENT NAME: [20070517LIQ5.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

25. Awarded **Contract #2007-71**, a one-year, sole source contract to Cox Communications (Cox Media) for the Transportation Division's cable television advertising for fiscal year 2007/2008.

COMMENTS: (Sole Source #T08-008-01) Subject to execution of the final written contract. Total cost for this contract shall not exceed \$132,000 during the contract period.

DOCUMENT NAME: [20070517fslq02.pdf](#) PURCHASES (1004-01)

26. Awarded **Contract #2007-72**, a one-year, sole source contract to Oracle Corporation for renewal of enterprise database product support licenses and purchase of database software and tools.

COMMENTS: (Sole Source #T07-182) Subject to execution of the final written contract. Total cost for this contract shall not exceed \$426,000 during the contract period.

DOCUMENT NAME: [20070517fsts13.pdf](#) PURCHASES (1004-01)

27. Awarded **Contract #2007-73**, a one-year, sole source contract to Oracle Corporation for the purchase of Talent Acquisition Software module.

COMMENTS: (Sole Source #T07-183) Subject to execution of the final written contract. Total cost for this contract shall not exceed \$87,000 during the contract period.

DOCUMENT NAME: [20070517fsts14.pdf](#) PURCHASES (1004-01)

28. Awarded **Contract #2007-74**, one-year contracts with two (2) one-year renewal options to Pipeline Video Inspection & Cleaning and Roto Rooter Service & Plumbing Co. for sewer maintenance, pumping and repairs.

COMMENTS: (IFB07-151) Subject to execution of the final written contracts. Total amount not to exceed \$75,000 during the initial contract period.

DOCUMENT NAME: [20070517fsta04.pdf](#) PURCHASES (1004-01)

29. Awarded **Contract #2007-75**, a two-year contract with three (3) one-year renewal options to Mission Uniform Service for uniform rental and laundry pickup service, alterations/repairs and delivery service.

COMMENTS: (IFB #07-111) Subject to execution of the final written contract. Total cost for this contract shall not exceed \$120,000 during the initial contract period.

DOCUMENT NAME: [20070517fsts08.pdf](#) PURCHASES (1004-01)

30. Approved **Contract #2007-76**, a professional services contract with URS Corporation for the Tempe Town Lake Dam Replacement Study.

COMMENTS: Subject to execution of the final written contract in an amount not to

exceed \$99,364.

DOCUMENT NAME: [20070517PWCH03.pdf](#) **RIO SALADO MASTER PLAN
(0112-07-03) PROJECT NO. 6502073**

31. Approved **Contract #2007-77**, a professional services contract with E Group, Inc., for the Crosscut Canal Multi-Use Path Phase II (Canal Park to Moeur Park).

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$305,042.

DOCUMENT NAME: [20070517PWCH04.pdf](#) **TRANSPORTATION PLANNING
(1101-01) PROJECT NO. 6002441**

32. Approved a one-year contract renewal with Classic Events & Parties for tent rental and special event supplies.

COMMENTS: (T06-114-01) Total amount not to exceed \$85,000.

DOCUMENT NAME: [20070517fslg01.pdf](#) **PURCHASES (1004-01)**

33. Approved a one-year contract renewal with Arizona Foundation for Preferred Provider Organization (PPO) network health care for eligible City employees, dependents and retirees.

COMMENTS: (T01-053-01) Total amount not to exceed \$173,000.

DOCUMENT NAME: [20070517fsta03.pdf](#) **PURCHASES (1004-01)**

34. Approved a one-year contract renewal with Metropolitan Life Insurance for the PPO Dental Plan for all eligible City employees and dependents.

COMMENTS: (T04-089-01) Total amount not to exceed \$1,300,000.

DOCUMENT NAME: [20070517fsta05.pdf](#) **PURCHASES (1004-01)**

35. Approved one-year contract renewals with Banner Occupational Health Services and U.S. Healthworks Medical Group of Arizona for occupational health care services.

COMMENTS: (T05-103-01 and 02) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20070517fst07.pdf](#) **PURCHASES (1004-01)**

36. Approved a one-year contract renewal with Marsh USA, Inc., for risk management consultation and insurance broker services.

COMMENTS: (T05-109-01) Total amount not to exceed \$100,000.

DOCUMENT NAME: [20070517fst09.pdf](#) **PURCHASES (1004-01)**

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

Request approval of a one-year contract renewal with Salt River Project for operation and maintenance of the Tempe Town Lake.

COMMENTS: (T05-034-01) Total amount not to exceed \$600,000.

Mayor Hallman asked for an SRP representative to come forward and requested a copy of the contract which

had not been provided in advance. He suggested tabling this item until the next meeting to allow Council an opportunity to review the contract.

Motion by Councilmember Shekerjian to table Item #37 until the May 31, 2007, Council meeting. Second by Vice Mayor Hutson. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070517fst11.pdf](#) **PURCHASES (1004-01)**

38. Approved a one-year contract renewal with Teledyne Isco, Inc., for the purchase of wastewater sampling equipment.

COMMENTS: (T05-034-01) Total amount not to exceed \$400,000.

DOCUMENT NAME: [20070517fst12.pdf](#) **PURCHASES (1004-01)**

39. Approved a one-year contract renewal with Arizona Emergency Products for emergency vehicle equipment and lighting.

COMMENTS: (T06-171-01) Total amount not to exceed \$250,000.

DOCUMENT NAME: [20070517fst15.pdf](#) **PURCHASES (1004-01)**

40. Approved a \$275,000 increase to the construction contract contingency amount with D.L. Withers Construction, and approved **Contract #2006-38A**, addenda to the construction management services contract with Kitchell CEM and **Contract #2004-109B**, the design services contract with RNL Design for the East Valley Bus Operation and Maintenance Facility.

COMMENTS: Subject to execution of the final written addenda in amounts not to exceed \$40,888 for the construction management services contract with Kitchell CEM, and \$215,238 for the design services contract with RNL Design.

DOCUMENT NAME: [20070517PWCH06.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6000561**

41. Approved the utilization of a one-year Arizona Counter Drug Program 1122 contract for the purchase of a boat (Boston Whaler) to be used by the Tempe Police Department.

COMMENTS: (Contract #07-181) Total cost of this contract shall not exceed \$92,000 during the initial contract period.

DOCUMENT NAME: [20070517fst06.pdf](#) **PURCHASES (1004-01)**

42. Approved the utilization of a one-year State of Arizona contract with Clean Harbors Environmental Services, Inc., for chemical waste removal, treatment and disposal services.

COMMENTS: (#SCC060009-1-A3) Total amount the contract not to exceed \$70,000.

DOCUMENT NAME: [20070517fst10.pdf](#) **PURCHASES (1004-01)**

43. Approved **Contract #2006-174A**, an addendum to a professional services contract with

Achen-Gardner Engineering, LLC, for the Reclaimed Waterline - Kyrene Reclamation Facility to Town Lake project.

COMMENTS: Subject to the execution of the final written addendum in the amount of \$66,250.

DOCUMENT NAME: [20070517PWCH05.pdf](#) **WATER MANAGEMENT ADMIN (0811-13) PROJECT NO. 3201601**

44. Approved **Contract #2005-47B**, an addendum to a professional services contract with Malcolm Pirnie, Inc., for the Wastewater Master Plan Update.

COMMENTS: Subject to execution of the final written addendum in the amount of \$20,592.

DOCUMENT NAME: [20070517PWCH02.pdf](#) **WATER MASTER PLAN (0811-14) PROJECT NO. 3200591**

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

- *45. Introduced and held the **first public hearing** for an ordinance to amend the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by amending Article I, Section 8-100. **The second public hearing is set for May 31, 2007.**

DOCUMENT NAME: [20070517dssf01.pdf](#) **TCC CH 8 CITY CODE (0503-8) ORDINANCE NO. 2007.32**

- *46. Introduced and held the **first public hearing** for an ordinance to amend Chapter 19, Article XII, of the Tempe City Code relating to Parking Meters by adding new Section 19-144. **The second public hearing is set for May 31, 2007.**

DOCUMENT NAME: [20070517pwcdl01.pdf](#) **TCC CH 19 - MOTOR VEHICLES & TRAFFIC (0503-19) ORDINANCE NO. 2007.41**

- *47. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Introduced and held the **first public hearing** for a Zoning Map Amendment and Planned Area Development Overlay for 5th STREET WEST at 1300 West 5th Street. **The second public hearing is scheduled for May 31, 2007.**

COMMENTS: (PL060558) (Tom Goscicki, AJT Development, Owner/Applicant) for a two and three-story (13) unit residential development located at 1300 West 5th Street, in the R-2, Multi-Family Residential District, including the following:

ZON07001 – (Ordinance No. 2007.29) Zoning Map Amendment from R-2, Multi-Family Residential District to R1-PAD, Single Family Residential Planned Area Development District on +/-0.89 net acres.

PAD07006 – Planned Area Development Overlay to modify development standards for 13 units on +/-27,000 s.f. of total building area.

PUBLIC HEARING

Bill Butler, Tempe, property owner on 5th Street and on 4th Street. He has invested many hours of personal

labor on those properties, and reinvested rent money by the thousands into both properties. This project is the first ray of hope he has seen for west Tempe. This whole area cries out for redevelopment. The area north of 5th Street is 95% zoned R3. The increased density and height are already present at 5th and Roosevelt, with 5th and Farmer coming soon. With these increased values, other properties will be able to upgrade profitably. He supports the 5th Street West project 100% and asked Council to speed its approval.

******FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR MAY 31, 2007.***

DOCUMENT NAME: [20070517dsrl03.pdf](#) PLANNED DEVELOPMENT
(0406)

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

Introduced and held the **first public hearing** for a Zoning Map Amendment and Planned Area Development Overlay for TEMPE TRANSIT SITE at 1811 East Apache Boulevard. **The second public hearing is scheduled for May 31, 2007.**

COMMENTS: (PL070099) (City of Tempe, property owner; GDG Enterprises LLC, Daniel Tilton, applicant) for a mixed-use development including a 300 space Light Rail Park and Ride, residential apartments and retail located at 1811 East Apache Boulevard, in the GID, General Industrial District and CSS, Commercial Shopping and Service District and Transportation Overlay District, including the following:

ZON07002 – (Ordinance No. 2007.27) Zoning Map Amendment from GID, General Industrial District and CSS, Commercial Shopping and Service District to MU-4, Mixed-Use High Density District including the Transportation Overlay District on +/-4.81 net acres.

PAD07008 – Planned Area Development Overlay for +/-759,387 s.f. of total building area.

Councilmember Shekerjian asked that this item be removed for separate consideration. She asked staff to explain the public input process for this item.

Chris Anaradian explained that a public meeting was held on February 28, 2007, advertised per Code. Every project that comes before Council has a public meeting. Direct mail is sent to residents within a specific proximity.

******FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR MAY 31, 2007.***

DOCUMENT NAME: [20070517dsrl02.pdf](#) PLANNED DEVELOPMENT
(0406)

*49. Introduced and held the **first public hearing** for a Planned Area Development Overlay and Amended Subdivision Plat for NEWTOWN ROOSEVELT at 1029 South Roosevelt

Street. **The second public hearing is scheduled for May 31, 2007.**

COMMENTS: (PL070036) (Allen Carlson, Executive Director/Newtown CDC, applicant; Newtown CDC, property owner) for the development of two (2) single-family units located at 1029 South Roosevelt Street in the R-2, Multi-Family Residential District for:

PAD07012 – (Ordinance No. 2007.26) Planned Area Development Overlay to modify development standards for +/- 1782 s.f. of building area on +/- 0.195 acres.

SBD07002 – Amended Subdivision Plat of Lot 8, Block 8 of the Goodwin Home Subdivision creating two (2) lots on .195 acres.

DOCUMENT NAME: [20070517dssl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *50. Introduced and held the **first public hearing** for an ordinance to amend Chapter 10 of the Tempe City Code relating to Community Antenna Television. **The second public hearing is set for May 31, 2007.**

DOCUMENT NAME: [20070517cacc02.pdf](#) **TCC CH 10 – COMMUNITY ANTENNA & TELEVISION (0503-10) ORDINANCE NO. 2007.39**

- *51. Introduced and held the **first public hearing** for an ordinance authorizing the Mayor to execute a Special Warranty Deed between the City of Tempe and the Pier 202 Tempe LLC, a Delaware limited liability company. **The second public hearing is set for May, 31 2007.**

DOCUMENT NAME: [20070517swscd01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2007.42**

- *52. Introduced and held the **first public hearing** for an ordinance authorizing the conveyance of City-owned property, located at 900 South Una Avenue. **The second public hearing is scheduled for May 31, 2007.**

DOCUMENT NAME: [20070517PWCH07.pdf](#) **REAL PROPERTY MANAGEMENT(0900) ORDINANCE NO. 2007.34**

- *53. Introduced and held the **first public hearing** for an ordinance authorizing a first amendment to a communications site lease agreement with American Tower Asset Sub, LLC (successor in interest to C-Call Corp. formerly doing business as OneComm Corp.) for cellular communication facilities located on Carver Road east of Hardy in Tempe. **The second public hearing is set for May 31, 2007.**

DOCUMENT NAME: [20070517PWCH09.pdf](#) **COMMUNICATION (1002) ORDINANCE NO. 2007.40**

D. Ordinances and Items for Second Hearing/Final Adoption

- *54. Held the **second public hearing** and approved ORDINANCE NO. 2007.31 authorizing the Mayor to execute **Contract #97-250C and Contract #97-250D**, agreements to

terminate the lease with and convey property to FLY (CD) LLC, a Delaware limited liability company, and AWHQ LLC, an Arizona limited liability company.

DOCUMENT NAME: [20070517cdcm01.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01)**

- *55. Held the **second first public hearing** and approved **with conditions** an Amended Planned Area Development Overlay for PIER 202 at 1200 East Rio Salado Parkway.

COMMENTS: (PL060548) (Pier 202 Tempe LLC, property owner; Brad Gorman, applicant) consisting of nine (9) new buildings up to 310 feet in height for commercial, 285 room hotel and 1,484 residential units on +/-27.4 acres, located at 1200 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District, including the following:

PAD07003 – (Ordinance No. 2007.17) Amended Planned Area Development Overlay to modify development standards for nine (9) buildings, totaling approximately 3,693,000 s.f. of building area on +/-27.4 acres.

The following conditions were also approved:

1. The Planned Area Development Overlay for PIER 202 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.
2. (DELETED BY STAFF)
3. The PAD for Pier 202 shall adhere to setback requirements for flood control including the Town Lake recirculation well easements, pursuant to Section 5-104 of the Zoning and Development Code.
4. A Subdivision Plat/Condominium Plat is required for this development and shall be recorded prior to issuance of building permits. The subdivision plat shall require the establishment of a 25' easement for nuisance water pipeline through the east end of the site.
5. A parking affidavit shall be filed with the Development Services Department for the use of shared parking supported by the parking analysis. Any change or intensification of proposed uses requiring additional parking greater than proposed, a revised parking model shall be submitted.
6. Buildings proposed for residential use shall designate tandem parking spaces for the residential tenants. Distribution of parking allocation shall be identified within the Condominium's CC&Rs.

DOCUMENT NAME: [20070517dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *56. Held the **second public hearing** and approved **with conditions** a General Plan Amendment for DOUBLE BUTTE CEMETERY at 2505 W. Broadway Road.

COMMENTS: (PL070054) (City of Tempe, applicant) for a General Plan Land Use Map Amendment for 5.42 acres for the Double Butte Cemetery future mausoleum site located at 2505 W. Broadway Road, in the GID, General Industrial District, including the following:

GEP07002 (Resolution No. 2007.17) – General Plan 2030 Projected Land Use Map Amendment for approximately 5.42 acres to be amended from the Public Open Space Land Use designation to the Public Recreational/Cultural Land Use designation.

The following conditions were also approved:

1. Comply with all conditions of approval formerly required with the design review approval (DRB05114) approved on April 17, 2006, and conditions modified on September 25, 2006.
2. Future expansion or development of the Double Butte Cemetery will require further development

review process.

3. Specific requirements of the Zoning and Development Code are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time, and reduce the potential for multiple plan check submittals, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
4. The project site has an Archaeologically Sensitive designation. State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.
5. Future expansion or development of the cemetery will require compliance with any standards set forth within the Americans with Disabilities Acts.
6. Future expansion or development of the cemetery will require Water Department approval of a stormwater retention plan.

DOCUMENT NAME: [20070517DSDK01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *57. Held the **second public hearing** and approved a General Plan Amendment for VICTORY ACRES PARK at 2407 E McArthur Drive.

COMMENTS: (PL060586) (Jeff Valasquez of J2 Design, applicant, on behalf of City of Tempe, owner) A General Plan Land Use Map Amendment for approximately 3 acres for the new Victory Acres Park in the R-2 Multi-Family Zoning and CSS Commercial Shopping and Service districts. The request includes the following:

GEP07001 (Resolution No. 2007.18) - for a General Plan 2030 Projected Land Use Map Amendment for approximately 3 acres to be amended from the Residential Land Use designation to the Public Open Space Land Use designation.

DOCUMENT NAME: [20070517DSDK02.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *58. Held the **second public hearing** and approved ORDINANCE NO. 2007.33 approving **Contract #2007-78**, the Operations and Maintenance Agreement with Valley Metro Rail, Inc.

DOCUMENT NAME: [20070517pwjsm01.pdf](#) [20070517pwjsm02.pdf](#)
TRANSPORTATION PLANNING (1101-01)

E. Resolutions

59. Approved RESOLUTION NO. 2007.38 approving and authorizing execution of **Contract #2007-79**, the amended subcontract for Central Arizona Project municipal and industrial water.

DOCUMENT NAME: [20070517cacc01.pdf](#) **CENTRAL ARIZONA PROJECT**
(0107-03)

60. Approved RESOLUTION NO. 2007.24 amending Appendix A of the Tempe City Code relating to sewer and water development fees. A public hearing was held May 3, 2007.
DOCUMENT NAME: [20070517fstd01.pdf](#) **MISCELLANEOUS FEES (0210-05)**
61. Approved RESOLUTION NO. 2007.36 providing for the issuance and sale of \$76,485,000 of City of Tempe General Obligation Bonds, Series 2007A; providing for the annual levy of a tax for the payment of the bonds; providing certain terms, covenants and conditions regarding the issuance of the bonds; accepting a proposal for the purchase of the bonds; appointing a registrar, transfer agent and paying agent for the bonds.
DOCUMENT NAME: [20070517fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01)**
62. Approved RESOLUTION NO. 2007.37 authorizing the execution and delivery of certain agreements; approving an official statement; approving the execution and sale of Variable Rate Demand Transit Excise Tax Revenue Obligations (not to exceed \$50,000,000), Series 2007.
DOCUMENT NAME: [20070517fsjh02.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01)**
63. Approved RESOLUTION NO. 2007.34 authorizing the execution of **Contract #2007-80**, a Purchase and Sales Agreement for the disposal of excess City property at 900 South Una Avenue.
DOCUMENT NAME: [20070517PWCH08.pdf](#) **REAL PROPERTY MANAGEMENT(0900)**
- *64. Held a public hearing and approved RESOLUTION NO. 2007.28 approving the Assessments for the Miller Road Improvement District, No. 179, City of Tempe Project No. 5101241
DOCUMENT NAME: [20070517PWTG01.pdf](#) **IMPROVEMENT (ASSESSMENT) DISTRICTS (0805)**

6. PUBLIC APPEARANCES

SCHEDULED PUBLIC APPEARANCE

- **Gloria Regensberg, Tempe, re: Airport**, spoke on behalf of QualiTe, a group of concerned citizens working together to improve the quality of life for everyone in Tempe. The group has been working together on Tempe neighborhood and Phoenix Sky Harbor (PSH) issues since 2003.
 - She thanked Council for the initiation of a Request for Qualifications for a future study of noise measurements near the air port noise monitors. Actual measurements are critically important.
 - QualiTi recommended that the City become familiar with a feasibility study by PSH regarding

non-residential sound mitigation. The Cook College and Theological School and ASU Community Services Building are scheduled to receive mitigation, but Lamson Adult College, Police Training Facility, and Lighthouse Christian Fellowship are not.

Mayor Hallman asked for the basis in determining that those properties do not qualify for sound mitigation.

Ms. Regensberg stated that she would research the qualifications.

- Safety is a primary concern. Airports and the FAA concentrate on safety for airplanes and passengers. QualiTe is concerned with safety of the people on the ground. PSH is ranked as one of the nation's most dangerous airports, but the FAA claims that PSH runways are among the safest in the nation. The City should support the safety of its citizens on the ground.
- Ms. Regensberg thanked Council for initiation of the study of air quality of the property west of Priest and north of Rio Salado Parkway to determine its suitability for outdoor sports activities. An air quality assessment is an appropriate and prudent move. Factual information regarding impacts from PSH has not been adequate.
- QualiTe supports Council's vision for Papago Park and supports the recreational use of the park, keeping the park as an open space in tribute to the great civilization that once inhabited the grounds there.
- QualiTe recommends that the City work with PSH to be a good neighbor. The "good neighbor" language was removed from the rewrites in the 1990's and Congressional reauthorization of airport programs is currently pending. The "good neighbor" policy should be reinserted in the federal legislation.
- PSH and the FAA have failed to meet commitments to Tempe. Promises were made to Tempe in exchange for the third runway and few, if any, have been kept. QualiTi recommends that Tempe lobby our congressmen for language and programs that will benefit residents as well as community facilities impacted by PSH. QualiTi urges Tempe and Phoenix to work together.
- She thanked Council for its service to the City, and for their responsiveness to noise measurements and air quality concerns.

Mayor Hallman clarified QualiTi recommendations:

- Examine air quality
- Determine why PSH is excluding some Tempe properties from noise mitigation.
- Authorize Congressional reauthorization of airport programs, including the "good neighbor" program. Examine the promises made to Tempe in the IGA in 1994, and determine the extent to which those are being upheld.
- Seek help from Congressional delegation on aviation issues

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Arredondo commended Shelley Hearn for the extra effort she provided during the recent Senator McCain rally.

- Councilmember Carter added that the Mayor received a letter from Senator McCain following the event to announce his bid for the Presidency. The Senator wrote, "It could only have been accomplished by the best Tempe has to offer. Please let them all know that it meant a great deal to me to be able to announce my campaign for President of the United States in the same wonderful city in which I began my career twenty-five years ago." She also commended Ms. Hearn.
- Councilmember Mitchell congratulated Marcos de Niza and McClintock High Schools for winning two State Baseball championships, and Tempe High for becoming runners-up in State Softball.

Meeting adjourned at 8:15 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 May 17, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.