

Minutes Formal City Council Meeting August 2, 2007

Minutes of the Formal Council Meeting of Thursday, August 2, 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. Vice Mayor Hutson gave the invocation.
2. Jonathan Garza from Boy Scout Troup #172, and Bryce Goya from Boy Scout Troup #379, led the audience in the **Pledge of Allegiance**.
3. **MINUTES**
 - A. Approval of Council Meeting Minutes

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

 1. Council's Executive Session – July 19, 2007
 2. Council's Issue Review Session – June 28 & July 19, 2007 [20070802clrkck01.pdf](#)
[20070802clrkck02.pdf](#)
 3. Council's Formal Meeting – July 19, 2007 [20070802clrkck03.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes

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

 4. Aviation Commission – June 12, 2007 [20070802tavco01.pdf](#)
 5. Building Code Advisory Board – July 10, 2007 [20070802bcab01.pdf](#)
 6. Commission on Disability Concerns – May 22 & June 19, 2007

- [20070802cdc01.pdf](#) [20070802cdc02.pdf](#)
7. Community Special Events Task Force – July 17, 2007 [20070802setf01.pdf](#)
 8. Double Butte Cemetery Advisory Committee – May 16, 2007 [20070802prsw01.pdf](#)
 9. Historical Museum Advisory Board – May 3, 2007 [20070802csjc02.pdf](#)
 10. Tardeada Advisory Board – May 14, 2007 [20070802tab01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman read the current **Board and Commission vacancies**.
- Mayor Hallman read a **Proclamation** designating August, 2007, as **Drowning Impact Awareness Month** in the City of Tempe.

B. Manager's Announcements

- Assistant City Manager **Jeff Kulaga** reminded everyone that the Tempe schools will start on Monday and the Tempe Police Department will be patrolling the school area and will be working with ASU's police department to provide better patrol and guidance. He urged citizens to take extra care during their commute on Monday.

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**.

Councilmember Arredondo asked if the liquor license cited in Item #17 means that the City of Tempe holds and owns a liquor license and whether the City bears all the responsibility for all that takes place at the Arts Center under that liquor license.

Kay Savard, Tax and License Coordinator, responded that ultimately the City does bear the responsibility for the liquor license. The City has a contractual obligation with a concessionaire who will be the operator and the responsible on-site party for the liquor license.

Councilmember Arredondo asked if the City has other liquor licenses.

Ms. Savard responded that the City does have other liquor licenses.

Councilmember Arredondo asked for clarification that the party hosting the event is the responsible party.

Ms. Savard responded that the extent of liability would be a legal determination.

City Attorney Andrew Ching stated that when it comes to special events for City licenses, the City has special event agreements that require indemnification and insurance that the City has protection against any issues related to liquor. The City Attorney's office always reviews those when they come up and makes sure that the City has adequate legal protection.

Councilmember Arredondo asked for clarification that even though the report does not indicate that legal review was not done, the City Attorney would support this.

Mr. Ching agreed and added that his office addresses these things if and when it is used by other parties.

Mayor Hallman clarified that the City holds a liquor license and when the license is used at special events, those event-holders must enter a contractual relationship and have insurance. When the City itself holds an event that might serve liquor, such as the Boards and Commission Dinner, the City hires a caterer and a concessionaire supplies the alcohol.

Ms. Savard agreed. There is a concessionaire on site that is responsible for the use of that liquor license. Ultimately, the City is the holder of the license, but there is a secondary party that is considered the operator of the license and is liable for the conduct.

Councilmember Arredondo added that he wanted to make sure the City wasn't placed at a risk.

Motion by Vice Mayor Hutson to approve the Agenda as amended (Item #34 was removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

11. Approved City Special Event Sponsorship for The Healing Fields event scheduled for September 7-11, 2007, at Tempe Beach Park.

COMMENTS: Total allocation is a maximum of \$10,000 to be used towards in-kind sponsorship for City services towards the event.

DOCUMENT NAME: [20070802prmr01.pdf](#) **PARKS ADM (0706-01)**

- 11a. Approved the designation of Jeff Kulaga as Acting City Manager.

DOCUMENT NAME: [20070802casv01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

12. Approved **Contract #2000-151F**, the renewal of an Intergovernmental Agreement with the U.S. Department of Agriculture, Wildlife Services Division, for fiscal year 2007/2008 to provide wildlife management assistance for the Rio Salado Project.

DOCUMENT NAME: [20070802cdnr01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

13. Approved **with condition** a Final Subdivision Plat for WASH WIZARD AUTO SPA at 1845 East University Drive.

COMMENTS: (PL060601) (Mobil Oil Corporation, owner; Sam Hanna, Hanna Development, Inc, Applicant) for a Final Subdivision Plat of +/- 1.11 acres located at 1845 East University Drive in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:

SBD07022 – Final Subdivision Plat totaling +/- 1.11 acres.

The following condition was approved:

1. The Subdivision Plat for WASH WIZARD AUTO SPA 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 August 2, 2008. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20070802dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

14. Approved **with condition** a Final Subdivision Plat for DOUBLE BUTTE CEMETERY at 2505 West Broadway Road.

COMMENTS: (PL070222) (Larry Shobe, City of Tempe Public Works Department, owner representative; Allen Sadberry, Brooks Engineers and Surveyors, Inc., applicant) for a Final Subdivision Plat, located at 2505 West Broadway Road in the AG, Agricultural District and the GID, General Industrial District. The request includes the following:

SBD07019 – Final Subdivision Plat to unify multiple parceled sections of land, totaling +/- 38.10 acres.

The following condition was approved:

1. The Subdivision Plat for Tempe Double Butte Cemetery 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 one year from date of City Council approval.

DOCUMENT NAME: [20070802dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

15. Approved **with conditions** a condominium plat for UNIVERSITY PERRY CONDOMINIUMS at 1920 East University Drive.

COMMENTS: (PL070194) (University & Perry LLC, property owners; Laurie Castillo/Survey Innovation Group, applicant) located at 1920 East University Drive, in the GID, General Industrial District, including the following:

SBD07018 – Condominium Plat consisting of seven (7) office units on one (1) lot.

The following conditions were approved:

1. The owner(s) shall provide Development Services Department two (2) copies of the continuing care condition, covenant and restriction (CC&R's) for all of the project's landscaping, parking, etc., required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Manager and City Attorney.
2. Once the CC&R's are approved by the City of Tempe, the CC&R's shall be recorded by the owner/applicant with the Maricopa County Recorder's Office prior to, or at the same time as the

Horizontal Regime.

3. The Condominium 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 **August 2, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20070802dsjc01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- *16. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Olive Branch Greek & Mediterranean Restaurant, LLC, dba Olive Branch Greek & Mediterranean Restaurant, 3231 South Mill Avenue.

COMMENTS: Hanna Sayegh, Agent.

DOCUMENT NAME: [20070802LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *17. Held a public hearing and recommended the approval of a Series 5 Government Liquor License for City of Tempe dba Tempe Center for the Arts, 700 West Rio Salado Parkway.

COMMENTS: Janet Hort, Agent.

DOCUMENT NAME: [20070802LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *18. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Dolce Pizzeria Tempe, LLC, dba La Bocca Urban Pizzeria & Wine Bar, 699 South Mill Avenue, #115.

COMMENTS: Julian Wright, Agent.

DOCUMENT NAME: [20070802LIQ3.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

19. Awarded **Contract #2007-138**, one-year contracts with four (4) one-year renewal options to Truly Every Assignment Matters LLC (T.E.A.M. Security) and EStaff Security, Inc., for security services.

COMMENTS: (RFP #07-141) Subject to execution of final written contracts. Total cost for these contracts shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20070802fslq03.pdf](#) **PURCHASES (1004-01)**

20. Awarded **Contract #2007-139**, a one-year contract with four (4) one-year renewal options to Granicus, Inc., for Video-on-Demand/Streaming Services.

COMMENTS: (IFB #07-073) Subject to execution of final written contract. Total cost for this contract shall not exceed \$108,000 during the initial contract period.

DOCUMENT NAME: [20070802fst10.pdf](#) **PURCHASES (1004-01)**

21. Awarded **Contract #2007-140**, a one-year contract with one (1) one-year renewal option to Deltawrx Management Consultants to assist in the specification development,

purchase, installation and implementation of a new Records Management, Computer Aided Dispatch and Report Writer System for the Police Department.

COMMENTS: (RFP 07-131) Subject to execution of the final written contract. Total cost for this contract shall not exceed \$312,340.

DOCUMENT NAME: [20070802fsta05.pdf](#) **PURCHASES (1004-01)**

22. Approved **Contract #2007-141**, a professional services contract with Brown and Caldwell for the SCADA Field Site Improvements Project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$257,135.

DOCUMENT NAME: [20070802PWCH03.pdf](#) **WATER MANAGEMENT ADMINISTRATION (0811-13) PROJECT NO. 3202031**

23. Approved a one-year contract renewal with Daytech Limited for bus stop supplemental seating.

COMMENTS: (T07-059-01) Total amount not to exceed \$75,000.

DOCUMENT NAME: [20070802fslq01.pdf](#) **PURCHASES (1004-01)**

24. Approved a one-year contract renewal with Southwest Business Forms and Commercial Printing for business forms.

COMMENTS: (T07-017-01) Total amount not to exceed \$50,000.

DOCUMENT NAME: [20070802fsta09.pdf](#) **PURCHASES (1004-01)**

25. Approved one-year contract renewals with American Safety Shoe Company, Industrial Shoes of Arizona, Paul's Ace Hardware, Inc., and Red Wing Shoe Store, Inc., for the purchase of safety shoes.

COMMENTS: (T07-027-01, 02, 04, and 05) Total amount not to exceed \$70,000.

DOCUMENT NAME: [20070802fst06.pdf](#) **PURCHASES (1004-01)**

26. Approved a one-year contract renewal with Arizona Refuse Sales for truck-mounted roll-off container hoists.

COMMENTS: (T07-078-01) Total amount not to exceed \$75,000.

DOCUMENT NAME: [20070802fsta04.pdf](#) **PURCHASES (1004-01)**

27. Approved the increase by \$57,001 of the contract amount with Vehicle Technical Consultants, Inc., for bus inspection consultant services.

COMMENTS: (VTCI 2005) Increase from \$29,999 to \$87,000.

DOCUMENT NAME: [20070802fslq02.pdf](#) **PURCHASES (1004-01)**

28. Approved the utilization of a State of Arizona contract with ASAP Software Express, Inc., for an additional one-year term for computer and server based software.

COMMENTS: (AD050028-A3-1) Total cost of this contract shall not exceed \$625,000.

DOCUMENT NAME: [20070802fst07.pdf](#) PURCHASES (1004-01)

29. Approved the utilization of one-year State of Arizona contracts with Continental Flooring Company, Wholesale Floors, Norcon Industries and Diversified Flooring Services for commercial floor coverings.

COMMENTS: (Contracts EPS060077-1 thru EPS060077-4) Total amount not to exceed \$50,000.

DOCUMENT NAME: [20070802fsta08.pdf](#) PURCHASES (1004-01)

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** for an ordinance amending Chapter 9 of the Tempe City Code relating to Civil Defense and Emergency Services to provide clarification regarding the process for Public Safety RF (radio frequency) compliance. The second public hearing is set for August 16, 2007.

DOCUMENT NAME: [20070802itdh01.pdf](#) CIVIL DEFENSE & EMERGENCY SERVICES (0503-09) ORDINANCE NO. 2007.54

- *31. DELETED

- *32. DELETED

- *33. Introduced and held the **first public hearing** for an ordinance abandoning a waterline easement located at Tempe Village, 9150 South Hardy Drive. The second public hearing is set for August 16, 2007.

DOCUMENT NAME: [20070802PWCH06.pdf](#) ABANDONMENT (0901) ORDINANCE NO. 2007.56

D. Ordinances and Items for Second Hearing/Final Adoption

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

Held the **second public hearing** and approved **with conditions** an Amended Planned Area Development Overlay and Development Plan Review for PHASE 2 OF TEMPE GATEWAY at 222 South Mill Avenue.

COMMENTS: (PL060616) (Paul Lambert, America West Holdings Corporation, property owner; Theresa Schultz, Opus West Construction Corporation, applicant) for an eight (8) story office building and a five (5) level above grade parking garage structure addition, including +/- 268,284 s.f. of building area and +/- 360,126 s.f. of garage structure addition, on +/- 3.54 acres, in the CC, City Center District. The request includes the following:

PAD07007 – Amended Planned Area Development Overlay to modify development standards for +/- 268,284 s.f. of building area and +/- 360,126 s.f. of garage addition on

+/- 3.54 acres.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced on or before June 26, 2009, or the Amended Planned Area Development approval will expire.
2. The Amended Planned Area Development for Phase 2 of Tempe Gateway shall be put into proper engineered format with appropriate signature blanks prior to issuance of building permits. The Amended Planned Area Development shall be kept on file with the City of Tempe's Development Services/Planning Department. The Amended P.A.D. does not require recordation at Maricopa County.
3. The Owner is required to prepare a security plan with the Police Department that would include remote visual surveillance (cameras) of the Paseo and the Colonnade on the south side of the garage.

Councilmember Carter declared a conflict of interest.

PUBLIC HEARING

No one came forward to speak.

Vice Mayor Hutson asked the applicant to clarify the parking structure.

Grady Gammage, Jr., representing the applicant, showed the location of the new parking structure, the landscaping and the relationship between the parking garage and the street, and the elevations of the parking garage. Originally, there was parking underneath. There is parking on the upper levels, but on the bottom level, the parking has been removed and is now a colonnade or portico (pedestrian walkway). Looking from the west end to the east, there will be some art features along the wall, as well as benches and trees. He had been asked the question that if in the future an increase of pedestrian traffic develops in this area, could some of that portico area be used for retail. Within the portico, there is 18 feet and there is another 12 feet of sidewalk outside of that, so it could be reclaimed as future retail space. It is narrow, but is viable.

Vice Mayor Hutson asked for the height of the area that could potentially be reclaimed for retail.

Mr. Gammage responded that the height is approximately 9 feet, a normal single story height. A small coffee bar or kiosk-type retail would be acceptable.

Mayor Hallman was concerned that this building is potentially an important part of what Council hopes to create as a pedestrian environment in the downtown area. He appreciates the need to park on the site and Council is trying to ensure sufficient parking for every building. This building potentially limits the walk-ability and pedestrian environment for the area between Mill Avenue and Ash on the north side.

Mr. Gammage outlined the pedestrian aspects along Third Street and along Mill Avenue to connect the existing retail on Mill Avenue with Tempe Beach Park. Along the light rail, an effort has been made to bring the retail out close to the light rail so that there will be restaurants, tables and chairs as people get off light rail. Between the building and the parking garage is a large paseo area, a pedestrian walk-through, from the parking garage into the building, as well as from north to south through the site. Looking at the corner of Third and Mill, there would

be continuous retail along Mill Avenue. This is intended to be iconic retail attractors, such as a restaurant or bar. The retail in this area can, if demand is there, be expanded to two stories in height. The intent at the corner is that the retail portion be two stories so it is consistent with the scale of the retail along Mill Avenue. The mass of the building of eight stories is situated behind that two-story retail. The two-story retail also incorporates brick so it relates to the Mill Avenue retail context. Looking toward the back is the paseo area between the building and the parking garage. All of that retail is intended to relate to light rail. When this project was originally approved by a City DDA in 1998 with US Air, this site was then called Phases 2 and 3. At that point, the expectation was that there would be two buildings, a retail building and an office building. This current project is larger, with 240,000 sq. ft. of office, and 30,000 sq. ft. of retail. In the original plan, it would have added about 450 to 460 new parking spaces, but this plan adds 895 new parking spaces. There is an existing parking arrangement between the US Air parking garage and the City for those parking spaces to be available after hours and on weekends, and they would propose to extend that deal over this entire garage. They believe that Third Street retail would not be viable at this point. Until something happens on the Farmer Avenue properties to create a destination to take people from light rail in that direction and increase the volume of traffic, it would be hard to have successful retail there. They had originally planned about 45 to 50 parking spaces in that area, but it was staff's suggestion remove them. At that point, they realized it could be used for small coffee shops or similar uses and that is why he mentioned that potential earlier.

Mayor Hallman added that he was concerned that if the potential of a pedestrian area is not created when it is unknown what will be on the Farmer Avenue end, it might preclude the passage of people from one end to the other. If there's not two blocks of interesting things to do, people won't walk two blocks.

Mr. Gammage responded that it was in response to that concern that they modified the proposal. They tried to react to that and it could become retail at some point.

Councilmember Shekerjian added that if the decision to put retail in is based on foot traffic, since there is no destination currently, no one will walk there. This is a huge missed opportunity for the community in terms of having some retail in that area. Eventually there will be things on Ash Avenue and people will tend to walk there, but they will take another route if there's nothing to draw them along Third Street. If we had retail there, that would be utilized. It is a missed opportunity.

Mr. Gammage responded that rent is a motivating factor. If someone can take dead space that earns nothing and turn that into viable retail space when the structure is probably 80 percent there, there is motivation. Part of their concern is that it is important that the first priority be the retail on Mill Avenue and next to light rail. It is important to fill that up and get it activated and give every priority to that and not diffuse the interest to an area where it is not currently a good idea. He wasn't sure if marginal-to-failing retail is better than a colonnaded walkway.

Councilmember Shekerjian stated that she wouldn't feel so pessimistic about that part of the project if the air conditioning ducts had been provided in anticipation of being able to add retail at some point. These would be hurdles to be handled after the fact.

Mr. Gammage stated that every retail tenant has a different idea of where they want the air ducts. They might

want the air ducts exposed which means if they are there now, they could be potentially damaged.

Mayor Hallman clarified that to make sure the opportunity is provided, they would provide water lines and sewer lines and accessibility to those things.

Mr. Gammage responded that they could, but it would not be difficult since the other side is a parking garage and it is not difficult to bring things in on the parking garage side of the wall.

Mayor Hallman clarified that he felt retrofitting this to retail would be fairly cost effective.

Mr. Gammage agreed. The reality of the water line issue is that, depending upon the kind of retail, water might not be necessary.

Mayor Hallman urged Mr. Gammage to carry these concerns back to his client.

Motion by Councilmember Arredondo for approval of Item #34. Second by Councilmember Mitchell. Motion passed on a roll call vote, 6-0, with Councilmember Carter abstaining.

DOCUMENT NAME: [20070802dskko03.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *35. Held the **second public hearing** and approved **with conditions** an amended Planned Area Development Overlay for ALOFT W HOTEL / PLAYA DEL NORTE LOT 6 at 951 East Playa del Norte Drive.

COMMENTS: (PL070121) (Bob Agahi, Triyar Hospitality Tempe, L.L.C., property owner; Manjula Vaz, Gammage & Burnham, applicant) for a five (5) story, 136 room hotel comprised of +/-68,243 sf. and a three (3) story office building comprised of +/-28,232 sf. on +/- 4.45 acres located at 951 East Playa del Norte Drive in the MU-4 Mixed Use, High Density District and the Rio Salado Overlay District. The request includes the following:

PAD07017 – Amended Planned Area Development Overlay to modify development standards for +/-68,243 s.f. of hotel building area and +/-28,232 s.f. of office building area on +/- 4.45 acres.

The following conditions were also approved:

The following conditions were approved:

1. A building permit shall be obtained and substantial construction commenced on or before June 26, 2009, or the Amended Planned Area Development approval will expire.
2. The Amended Planned Area Development for Playa del Norte, Lot 6, shall be put into proper engineered format with appropriate signature blanks prior to issuance of building permits. The Amended Planned Area Development shall be kept on file with the City of Tempe's Development Services/Planning Department. The Amended P.A.D. does not require recordation at Maricopa County.

DOCUMENT NAME: [20070802dskko02.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *36. Held the **second public hearing** and adopted ORDINANCE NO. 2007.05 abandoning miscellaneous easements on the Ravenwood at Tempe site, formerly Pepperwood Golf Course, at 645 W. Baseline Road.
DOCUMENT NAME: [20070802PWCH02.pdf](#) **ABANDONMENT (0901)**
- *37. Held the **second public hearing** and adopted ORDINANCE NO. 2007.47 abandoning a water line easement on the Sundt Offices work site located at 1636 West Alameda Drive, north of Alameda Drive and west of Priest Drive.
DOCUMENT NAME: [20070802PWCH01.pdf](#) **ABANDONMENT (0901)**

E. Resolutions

- 38. Approved RESOLUTION NO. 2007.60 authorizing the Mayor to execute **Contract #2007-142**, a Development and Disposition Agreement between the City and Triyar Hospitality Tempe, LLC.
DOCUMENT NAME: [20070802cdnc01.pdf](#) **COMMUNITY DEVELOPMENT ADMIN. (0406)**
- 39. Approved RESOLUTION NO. 2007.61 authorizing the submission of applications for Gila River Indian Community State Shared Revenue Grant Funds.
DOCUMENT NAME: [20070802graw01.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)**
- 40. Approved RESOLUTION NO. 2007.62 authorizing The Center for Habilitation to apply for funds from the Gila River Indian Community.
DOCUMENT NAME: [20070802graw02.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)**
- 41. Approved RESOLUTION NO. 2007.63 authorizing Tempe High School to apply for funds from the Gila River Indian Community.
DOCUMENT NAME: [20070802graw03.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)**
- 42. Approved RESOLUTION NO. 2007.64 authorizing Childsplay to apply for funds from the Gila River Indian Community.
DOCUMENT NAME: [20070802graw04.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)**
- 43. Approved RESOLUTION NO. 2007.65 authorizing Junior Achievement to apply for funds from the Gila River Indian Community.
DOCUMENT NAME: [20070802graw05.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)**

44. Approved RESOLUTION NO. 2007.66 authorizing Tempe Union High School District to apply for funds from the Gila River Indian Community.
DOCUMENT NAME: [20070802graw06.pdf](#) GILA RIVER INDIAN
COMMUNITY (0109-32)
45. Approved RESOLUTION NO. 2007.67 authorizing Arizona State University to apply for funds from the Gila River Indian Community.
DOCUMENT NAME: [20070802graw07.pdf](#) GILA RIVER INDIAN
COMMUNITY (0109-32)

6. PUBLIC APPEARANCES

SCHEDULED PUBLIC APPEARANCE

- **Jim Torgeson, Chandler, re: "Interpretation of Portable Signs."** Mr. Torgeson stated that a few years ago, Council removed from the sign code a drawing of a person holding a sign. His company coordinates that type of signage for hundreds of people every week and his company has operated pretty much without incident. This creates an incredible amount of sales tax on virtually unused sidewalks in the City. In one weekend alone, Tempe Nissan estimated sales of an extra twenty-six vehicles. Those twenty-six vehicles represent well over three-quarters of a million dollars gross revenue and over \$80K in sales tax and license. There were five people within the City of Tempe responsible for that. After several weeks, a code enforcer decided it met the criteria for a "portable sign", but the bus carrying the same sign does not meet that criteria. 'Portable' to him means a political sign or an A-frame sign, and it wouldn't include a bus or taxi or persons who work for him. He would like to have a discussion about whether there was a necessity to have a regulation on this. For small businesses, this is a necessary option.

Councilmember Shekerjian asked staff about the signs that persons hold, such as political signs at polling places, and private entities.

Chris Anaradian responded that Mr. Torgeson is referencing a specific provision of City Code. The Zoning and Development Code hasn't changed in terms of portable signs. In the previous code, a portable sign was defined as "any sign which is not permanently affixed to any structure on the site or permanently ground-mounted." The language is the same in the new code. Only the cartoon images were removed. The revised code combined all the sign definitions in alphabetical order. We rely on the language and our interpretations from the City Attorney, and it is our professional administration and interpretation of code which happens on a daily basis in our office that we use to manage the administration of this code and potential risk to the City. Portable signs have been banned, both in the previous code and in this code. Political signs and other kinds of business signs have separate provisions. Mr. Torgeson did receive a code enforcement citation on sign-walkers at the Autoplex. Whenever possible, staff tries to go on site where the action is taking place, but they are happy to meet in their office, as well.

Mayor Hallman clarified that part of the distinction between political signs and commercial signage is that there is a different standard under the First Amendment on what one can do to regulate them.

Andrew Ching agreed.

Mayor Hallman summarized that the code hasn't changed and the interpretation hasn't changed in what Mr. Torgeson is advocating for, in terms of allowing sign-walkers for commercial signage. He would propose that, to the extent Mr. Torgeson would like to raise the issue, the best avenue would be through the committee process which would start a process of examining whether that is something City Council would want to change. He would suggest speaking with Vice Mayor Hutson regarding his committee. In addition, many sign concepts have been proposed through the Chamber of Commerce and that might be the most productive way to do it.

UNSCHEDULED PUBLIC APPEARANCE

- **Ed Mitchell, Tempe.** He spoke to Council two weeks ago and he is appreciative of the changes that have taken place since that time. He has met with staff to develop an action plan and twelve action steps were identified. They sought to balance the responsibility role of the neighborhood as well as with the Tempe staff. The first step was to organize a neighborhood association and the City has already sent out the surveys to begin that process. Second, they are initiating dialogue with the homeowners' associations which are not part of the neighborhood association in order to see if the entire "602" area can come together and combine resources and ideas. They are committed to developing more block watches and are working with the Police Department and the Neighborhood Services department on that. They are working with Chief Ryff on a joint strategy for dealing with gang activity occurring on either side of 48th Street and a more accurate system of reporting crime statistics on crimes originating in Phoenix and culminating in Tempe and seeking assurance that additional officers assigned in the Phoenix area are not intentionally forcing gangs toward Tempe. Chief Ryff has agreed to work with the management of Fry's shopping center and Fry's Electronics concerning muggings occurring late at night. Glenn Kephart and Shelly Seyler have agreed to survey the area as quickly as possible to determine areas that need to be lit by street lights. Staff has agreed to use motorcycle officers to address the traffic flow and mitigation in the area. Options for neighborhood identity at the entrances at Wendler, Vineyard and Calle los Cerros will be explored. They have been assured that the lighting in SVOB Park will be replaced within 90 to 120 days. A curfew to be enforced from 10 p.m. until dawn became effective today. SVOB Park will be redesigned in cooperation with the neighborhood in twelve to twenty-four months. The neighbors have agreed to join with Code Enforcement to improve the quality of the neighborhood itself. He thanked Council for their prompt response.

Councilmember Arredondo noted that Chief Ryff has paid special attention to the concerns of the neighbors in this area and has worked very hard. The neighbors need to know that staff is also providing a weekly memo/update to Council.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Shekerjian announced that on August 4th Tempe will host the Drum Corp

International Regional Competition at Sun Devil Stadium for the first time. Tempe is home to the "Academy Drum and Bugle Corp" comprised of students aged 14 through 21. About half of the members are from Tempe and they practice at the Tempe Sports Complex.

- Councilmember Arredondo announced that a former councilmember, Carol Smith, passed away this week. Her memorial will be on Monday at 10 a.m. at Tempe Mortuary. She was a sincere and dedicated person and he commended her for her courage.
- Mayor Hallman thanked Jeff Kulaga for his willingness to serve as Interim City Manager beginning on September 1. He also acknowledged the loss of Carol Smith who served the community as a councilmember from 1986 to 1998, and who also served the community through the Boys and Girls Club and every conceivable activity to make this community a better place. He could always count on hearing the truth from Carol Smith, exactly the way she saw it and stated very plainly. She had a heart of gold and she will be sorely missed. There are many people in this community who respect Carol Smith.

Meeting adjourned at 8:45 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 August 2, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.