

Minutes Formal City Council Meeting August 16, 2007

Minutes of the Formal Council Meeting of Thursday, August 16, 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 – August 2, 2007
2. Council's Issue Review Session – August 2, 2007 [20070816clrkck01.pdf](#)
3. Council's Finance, Economy & Veterans Affairs Committee and Transportation and Affordable Housing Committee Joint Meeting – July 24, 2007 [20070816fevatah01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

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

4. Board of Adjustment – May 23, 2007 [20070816boa01.pdf](#)
5. Building Code Advisory Board – July 24, 2007 [20070816bcab01.pdf](#)
6. Community Special Events Task Force – July 31, 2007 [20070816setf01.pdf](#)

7. Enhanced Services Commission – May 9 & June 13, 2007
[20070816esc01.pdf](#) [20070816esc02.pdf](#)
8. Hearing Officer - June 27, 2007 [20070816ho01.pdf](#)
9. Merit System Board – June 27, 2007 [20070816msb01.pdf](#)
10. Tempe Fire Public Safety Personnel Retirement Board – July 5, 2007
11. Tempe Police Public Safety Personnel Retirement Board – July 5, 2007

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman summarized that for the past 35 years, the Tempe Sister Cities has been dedicated to building and sustaining a more peaceful world one person at a time. Tempe has seven sister cities, Skopje, Macedonia; Regensburg, Germany; Lower Hutt, New Zealand; Zhenjiang, China; Beaulieu Sur Mer, France; Carlow, Ireland; and Timbuktu, Mali. Tempe Sister Cities has approximately 1000 members and has provided nearly 600 students and 200 educator exchanges during their history. He welcomed **Tempe Sister Cities President, Dick Neuheisel, Coordinator Mary Larsen, Coordinator Chris Nader, Coordinator Bill Coughlin, Coordinator Michael Kubly, and Coordinator Sherry Borgren** who introduced the delegates from Carlow, Lower Hutt, Regensburg, Skopje, Zhenjiang, and Beaulieu Sur Mer, as well as the Tempe brother/sister delegates.

B. Manager's Announcements

- Will Manley thanked Council for their commitment and dedication to the residents and the community. As the City Manager, he has been in a unique position to see the sacrifices of Council and the pressures and stresses they endure. In farewell, he thanked Council not only for giving him the opportunity to serve as City Manager, but for their efforts on behalf of the community.

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 (Item #42 was removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

12. Approved **Contract #2007-144**, a grant award from the Arizona Department of Public Safety Victim Assistance Grant Program for CARE 7 services.
COMMENTS: Grant is for \$57,751 for 2007-2008.
DOCUMENT NAME: [20070816csjt01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**
13. Approved a one-year membership renewal with the Arizona Municipal Water Users Association (AMWUA) for water resource coordination, planning and support.
COMMENTS: (08-055) Total amount shall not exceed \$61,000.
DOCUMENT NAME: [20070816fst05.pdf](#) **PURCHASES (1004-01)**
14. Approved **with conditions** a Final Subdivision Plat for PIER 202 at 1200 East Rio Salado Parkway.
COMMENTS: (PL060548) (City of Tempe, property owner; Brad Gorman, applicant) for the future development of nine (9) new buildings for commercial and residential on +/-27.4 acres, located at 1200 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District, including the following:
SBD07024 – Final Subdivision Plat consisting of nine (9) lots on +/-27.4 gross acres.
The following conditions were approved:
 1. The Subdivision Plat for PIER 202 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 16, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.
 2. After recordation of the plat, the Development Services Department will deliver the recorded plat to a blueprint company to create photo reduced positives for the City's records, at a cost to the applicant.**DOCUMENT NAME:** [20070816dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**
15. Approved **with condition** an Amended Final Subdivision Plat for WALGREENS consisting of one (1) lot at 1717 East Southern Avenue.
COMMENTS: (PL060533) (Walgreens, property owner, Hunter Engineering Group., Rodney Carlson, applicant), located at 1717 East Southern Avenue in the PCC-1, Planned Commercial Center District for:
SBD06016 - Amended Final Subdivision Plat consisting of one (1) lot on 1.390 net acres.
The following condition was approved:
 1. 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 August 16, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.**DOCUMENT NAME:** [20070816dssl01.pdf](#) **PLANNED DEVELOPMENT (0406)**
16. Approved the procurement of annual software system support from Public Safety

Systems Incorporated (PSSI).

COMMENTS: (Sole Source #08-056) Total amount not to exceed \$49,250.

DOCUMENT NAME: [20070816fst07.pdf](#) **PURCHASES (1004-01)**

- *17. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for In P. Inc., dba Haru Sushi, 9845 South Priest Drive, #106.

COMMENTS: In T. Chon, Agent

DOCUMENT NAME: [20070816LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *18. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Pat & Rose dba Tipps 88 Thai Cuisine, 1435 East University Drive.

COMMENTS: Patcharee Liampetchakul, Agent

DOCUMENT NAME: [20070816LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *19. Held a public hearing and recommended the approval of a Series 13 Domestic Farm Winery Liquor License for Zemper Reserve LLC dba Studio Vino, 1825 E. Guadalupe Road, #105.

COMMENTS: Karen Zemper, Agent

DOCUMENT NAME: [20070816LIQ3.pdf](#) **LIQ LIC (0210-02)**

- *20. Held a public hearing and recommended the approval of a Series 10 Beer and Wine Store Liquor License for Quick Mart LLC dba Quick Mart, 1806 North Scottsdale Road.

COMMENTS: Dhia Sharmookh, Agent

DOCUMENT NAME: [20070816LIQ4.pdf](#) **LIQ LIC (0210-02)**

- *21. Held a public hearing and recommended the approval of a Series 10 Beer and Wine Store Liquor License for Target Corporation dba Target Stores, Inc., 1800 East Rio Salado Parkway, #120.

COMMENTS: Joseph Cordovana, Agent

DOCUMENT NAME: [20070816LIQ5.pdf](#) **LIQ LIC (0210-02)**

- *22. Held a public hearing and recommended the approval of a Series 6 Bar Liquor License for Dave & Busters, Inc., dba Dave & Buster's, 2000 East Rio Salado Parkway, #1100.

COMMENTS: Clare Abel, Agent

DOCUMENT NAME: [20070816LIQ6.pdf](#) **LIQ LIC (0210-02)**

- *23. Held a public hearing and recommended the approval of a Series 7 Beer and Wine Bar Liquor License for A International Wines LLC dba A International Wines, 2125 S. 48th Street, #103.

COMMENTS: Jesus Altamirano, Agent

DOCUMENT NAME: [20070816LIQ7.pdf](#) **LIQ LIC (0210-02)**

- *24. Held a public hearing and recommended the approval of a Series 10 Beer and Wine

Store Liquor License for TNT Stores LLC dba Tempe Beer & Deli, 2044 East Southern Avenue.

COMMENTS: Christina Armenta, Agent

DOCUMENT NAME: [20070816LIQ8.pdf](#) LIQ LIC (0210-02)

- *25. Held a public hearing and recommended the approval of a Series 4 Wholesaler's Liquor License for Independent Brands LLC dba Independent Brands, 2121 S. 48th Street, #106.

COMMENTS: Jesus Altamirano, Agent

DOCUMENT NAME: [20070816LIQ9.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

26. Awarded **Contract #2007-145**, a one-year contract with two (2), one-year renewal options to Shimadzu Scientific Instruments, Inc., for the purchase of a Total Organic Carbon (TOC) Analyzer.

COMMENTS: (IFB #07-184) Total cost for this contract shall not exceed \$39,000 during the initial contract period.

DOCUMENT NAME: [20070816fst09.pdf](#) PURCHASES (1004-01)

27. Awarded **Contract #2007-146**, a one-year contract with two (2), one-year renewal options to Central States Fire Apparatus, LLC, for a Fire Department ladder tender.

COMMENTS: (RFP #08-015) Total cost for this contract shall not exceed \$150,000 during the initial contract period.

DOCUMENT NAME: [20070816fslq02.pdf](#) PURCHASES (1004-01)

28. Approved **Contract #2004-113B**, an addendum to a professional services contract with Geotechnical and Environmental Consultants, Inc., for construction observation and inspection of the Tempe Center for the Arts.

COMMENTS: Subject to the execution of the final written addendum for an amount not to exceed \$32,000.

DOCUMENT NAME: [20070816PWDR02.pdf](#) TEMPE ARTS CENTER (0109-19) PROJECT NO. 57-997005

29. Approved **Contract #2005-80Q**, a construction Job Order with Foresite Design and Construction, Inc., for the 36-inch waterline relocation (Scottsdale Road and Playa Del Norte).

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$999,993.

DOCUMENT NAME: [20070816PWMV03.pdf](#) WATER MANAGEMENT ADMINISTRATION (0811-13) PROJECT NO. 3202981

30. Approved a one-year contract renewal with Brown's Parts Master Inc., Ferguson

Waterworks, and Paul's Ace Hardware for building and plumbing parts, products, supplies and sundries, hand and power tools.

COMMENTS: (T05-138-01, 02, and 03) Total amount shall not exceed \$160,000.

DOCUMENT NAME: [20070816fst10.pdf](#) **PURCHASES (1004-01)**

31. Approved a one-year contract renewal with Norit Americas, Inc., for powdered activated carbon (PAC) for the Water Utilities Department.

COMMENTS: (T07-068-01) Total amount not to exceed \$850,000.

DOCUMENT NAME: [20070816fst08.pdf](#) **PURCHASES (1004-01)**

32. Approved a one-year contract renewal with Metron Farnier, LLC, for residential and industrial water meters.

COMMENTS: (T05-017-01) Total amount not to exceed \$1,000,000.

DOCUMENT NAME: [20070816fst06.pdf](#) **PURCHASES (1004-01)**

33. Approved a one-year contract renewal with Wellness Council of Arizona to manage a wellness program for eligible City employees.

COMMENTS: (T06-167-01) Total amount not to exceed \$78,000.

DOCUMENT NAME: [20070816fst04.pdf](#) **PURCHASES (1004-01)**

34. Approved a three-month contract renewal with Mariposa Horticultural Enterprises for landscape maintenance services.

COMMENTS: (T03-109-01) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20070816fslg03.pdf](#) **PURCHASES (1004-01)**

35. Approved a one-year contract renewal with Project for Public Spaces, Inc., for an urban open space development plan.

COMMENTS: (T06-125-01) Total amount not to exceed \$110,000.

DOCUMENT NAME: [20070816fslg01.pdf](#) **PURCHASES (1004-01)**

36. Approved a one-year contract renewal with Continuant, Inc., for hardware and software maintenance and repairs for the City telephone system.

COMMENTS: (T05-123-01) Total amount not to exceed \$93,000.

DOCUMENT NAME: [20070816fst11.pdf](#) **PURCHASES (1004-01)**

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

- *37. Introduced and held the **first public hearing** for an ordinance amending Chapter 23 of the Tempe City Code relating to Parks and Recreation by amending Section 23-36. **The second public hearing is scheduled for September 6, 2007.**

DOCUMENT NAME: [20070816prsw01.pdf](#) **PARKS & RECREATION (0503-23)**
ORDINANCE NO. 2007.62

- *38. Introduced and held the **first public hearing** for an ordinance abandoning a sewer line easement south of the McClintock and Apache Park and Ride site, located south of Apache Blvd and east of McClintock Drive. **The second public hearing is scheduled for September 6, 2007.**
DOCUMENT NAME: [20070816PWCH04.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2007.60
- *39. Introduced and held the **first public hearing** for an ordinance abandoning three easements on the ASU property west of Rural Road and north of Rio Salado Parkway. **The second public hearing is scheduled for September 6, 2007.**
DOCUMENT NAME: [20070816PWCH05.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2007.61

D. Ordinances and Items for Second Hearing/Final Adoption

- *40. Held the **second public hearing** and approved ORDINANCE NO. 2007.54 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.
DOCUMENT NAME: [20070816itdh01.pdf](#) **CIVIL DEFENSE & EMERGENCY SERVICES (0503-09)**
- *41. Held the **second public hearing** and approved ORDINANCE NO. 2007.56 abandoning a waterline easement located at Tempe Village, 9150 South Hardy Drive.
DOCUMENT NAME: [20070816PWCH01.pdf](#) **ABANDONMENT (0901)**

E. Resolutions

42. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***
Approved RESOLUTION NO. 2007.69 naming Victory Acres Park, 2407 E. McArthur, "Esquer Park."

Mayor Hallman asked for this item to be removed for separate consideration and introduced Elias Esquer.

Elias Esquer stated that his father was born in 1888, and his mother was born in 1895. They crossed the border in 1917. He introduced his wife, Cecelia, and two brothers, Ramon and Bernie, and his sister, Lupe, and her husband, Alex. The other family members present were present on behalf of their mothers and fathers. He thanked Mayor Hallman and Councilmembers for naming this park after his family. It is a great honor, especially for an immigrant family who has been here since 1917. Victory Acres was a pasture with a few wooden shacks and tents in the early days. Tempe showed its commitment to the area by annexing it in 1960. With annexation came utilities, paved streets, and sidewalks, and in the early 1970's, a redevelopment program was initiated. That program made sense economically and socially. Ninety percent of the families in Victory

Acres benefited from the program. This park shows a commitment by Tempe for the resources committed to the park, and it is a great show of commitment from the Council. He would especially like to thank Councilmember Arredondo for his support on behalf of the community and his family.

Councilmember Arredondo added that his fellow councilmembers had the foresight to make sure that Victory Acres had its own park. Victory Acres is the only neighborhood whose children had to cross University, the freeway, or Apache Boulevard to access a park. This Council has worked diligently to make the whole community a friendly community. Without their support, there would be no park or safety. This family truly represents what the City of Tempe is all about.

Motion by Councilmember Mitchell to approve Item #42. Seconded by Councilmember Shekerjian. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070816prtd01.pdf](#) **PARKS ADM (0706-01)**

43. Approved RESOLUTION NO. 2007.70 approving the “Tempe Involving the Public” manual as guidelines for public involvement processes.

DOCUMENT NAME: [20070816crsw01.pdf](#) [20070816crsw02.pdf](#)
COMMUNITY RELATIONS ADMIN (0105-02-04)

6. PUBLIC APPEARANCES

SCHEDULED PUBLIC APPEARANCE

- **Lawn Griffiths, Tempe, re: recycling.** He encouraged the City to continue to build on its outstanding effort of encouraging recycling and preserving the environment. For the past five years, his church has encouraged members to collect used batteries and bring them to a collector's box at the church. The batteries are then taken to the City's Household Products Collection Center. He was recently told that churches were not eligible to turn in batteries because materials could only come from households. He had asked for reconsideration of this policy. He was recently contacted by Don Hawkes, Water Utilities Manager, who stated that City policies would be modified so that a statement could simply be signed attesting that the batteries came from Tempe homes. Mr. Hawkes further stated that the City would be starting some limited outreach to nonprofit organizations with a desire to have focused collection efforts. Mr. Griffiths urged the City to develop practical and comprehensive steps to discourage residents from tossing any kind of batteries into their trash. One logical collection point would be at the schools where it would provide a lesson to children about responsibility to the environment. Good response would come from effective promotion. He encouraged the City to also do more to encourage residents to clean up litter and weeds in the alleys. Residents need to take ownership of the alleys.
- **Gayle Collins, Tempe, re: Neighborhood Enhancement anonymous calls without merit.** She read in the newspaper that the City is proposing an increase in penalties for habitual offenders of the neighborhood enhancement code. She has had three complaints against her property in the last eighteen months and the City has found these complaints to be without merit. The City had not

contacted her about these complaints because they were found to be without merit. She does know which neighbor is responsible for the complaints and their intent is to drive her from her home. To protect residents against the use of this process to maliciously defame others, she asked Council to consider the following suggestions for changes to the code: (1) The complainants should not be anonymous. If someone is abusing the process, the City should know who they are. If multiple frivolous complaints are made, the City should notify the property owners and provide them with the details and the complainants should incur a penalty. (2) The City should also either expunge complaints that are found to be without merit, or clearly mark them as such. Currently, if you look at an address on the website, there is no way of telling if a complaint is without merit.

Councilmember Shekerjian clarified that the newspaper article about repeat offenders concerned homes that take huge amounts of City resources and where the police have been involved. The intention was to look at those homes that needed to be cleaned up but when the time period had elapsed, they were back to square one with the same issues.

Ms. Collins responded that Council needs to address repeat complainants because that can create a hostile environment where property owners are victimized.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Shekerjian extended her thanks to Will Manley for his years of service. She was always thankful for the ability to freely discuss concerns with him. She appreciates his candid manner and the advice he has given her. She wished him nothing but the best in his future endeavors.
- Councilmember Carter added her thanks to Will Manley for his service to this Council. He led the City through some dark days.
- Vice Mayor Hutson stated that he has had the privilege of working with many different city managers, and Will Manley has been an excellent manager. He wished him the best in his retirement.
- Councilmember Ellis added that the personal touch that Will Manley put on his job and his desire to get to know every City employee has been so important. He put himself on the line many times for the employees and for Council and she enjoyed working with him.
- Councilmember Mitchell stated that it has been an honor to work with Will Manley as City Manager. His dedication, leadership, and openness have been outstanding.
- Councilmember Arredondo added that Will Manley's career started in Tempe and it is only fitting for those who have benefited by his career and leadership that his career will come to a conclusion in Tempe. When he thinks of Will Manley, three "c's" come to mind: commitment to his city and its citizens, concern on a daily basis of what was good for the employees and for the citizens, and caring about this City as a family and as individuals. His caring showed that caring doesn't stop as you get older or as you get better in what you do. We were fortunate to have Will Manley in Tempe.
- Mayor Hallman stated that the City of Tempe is in an unusual position and it has become the envy of the Valley and State as a result of amazing teamwork, a team that Will Manley has built over the last six and a half years. Will Manley came at a time when there was a desperate need for his

personal touch. The employees were reeling from a variety of changes that were difficult. Will stepped in with a cool mind and a gentle hand to rebuild the organization's morale and then worked diligently to select managers who could run their departments well. Ken McDonald's legacy was that he grew talent within the departments that has carried this City forward since he left. Will has done the same thing. He has built departments with depth to carry the City forward. The great thing Will has done is leave the very same kind of legacy for the next generation of City residents. He can leave the City with a clear conscience knowing that he has left the City in a much better situation than it ever likely could have been under any other person. It required that unique mix of talent, skill, ability, insight, generosity, thought, humor that Will has brought to the job. It has also been those same skills that he brought to working with a variety of different people on Council. The Council often gets lots of credit for things that were the work of the staff. It does take the ability of a city manager to bring together the team that is the Council and the team that is the staff to create a truly great work. Under State law, councils are inherently and by necessity a little dysfunctional. Most of the time, we aren't allowed to talk to each other on topics that bring us together. It requires great skill by a city manager to keep a good balance and bring the team together to move forward. The successes that this Council has had have required a city manager who understands the frailties of human beings and helps them achieve great things together. Notwithstanding how easy it is for city managers to keep a council unbalanced, Will Manley's goal has been to do the opposite. This has created an amazing result, unmatched by anything else that has gone on in this state.

Meeting adjourned at 9:38 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 16, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.