

Minutes Formal City Council Meeting September 6, 2007

Minutes of the Formal Council Meeting of Thursday, September 6, 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 7:32 p.m.

1. Councilmember Shekerjian gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

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

1. Council's Executive Session – August 16, 27 & 31, 2007
2. Council's Issue Review Session – August 16, 2007 [20070906clrkck03.pdf](#)
3. Council's Formal Meeting – August 2 & 16, 2007 [20070906clrkck01.pdf](#)
[20070906clrkck02.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

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

4. Aviation Commission – July 17, 2007 [20070906tavco01.pdf](#)
5. Commission on Disability Concerns – July 17, 2007 [20070906cdc01.pdf](#)
6. Community Special Events Task Force – August 14 & 28, 2007 [20070906setf01.pdf](#)

- [20070906setf02.pdf](#)
- 7. Development Review Commission - May 22, June 12 & 26, and July 10, 2007
[20070906drc01.pdf](#) [20070906drc02.pdf](#) [20070906drc03.pdf](#) [20070906drc04.pdf](#)
- 8. Hearing Officer – July 17, 2007 [20070906ho01.pdf](#)
- 9. Historic Preservation Commission – June 7, 2007 [20070906hpc01.pdf](#)
- 10. Human Relations Commission – May 8 & June 12, 2007 [20070906hrc01.pdf](#)
[20070906hrc02.pdf](#)
- 11. Merit System Board – August 13, 2007 [20070906msb01.pdf](#)
- 12. Neighborhood Advisory Commission Retreat – June 23, 2007 [20070906nac01.pdf](#)
- 13. Rio Salado Advisory Commission – June 26, 2007 [20070906rsac01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements – None.
- B. Manager's Announcements – None.

5. AGENDA

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

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

Motion by Councilmember Arredondo to approve the Agenda as amended (Items #20, #34, #38, #40, #45, and #46 were removed for separate consideration and Item #33 was withdrawn). Second by Vice Mayor Hutson. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- 14. Authorized the Mayor to sign **Contract #2004-46C**, Amendment #3 to an Intergovernmental Agreement with the City of Phoenix to extend the term of the agreement through October 31, 2007, to complete reimbursements for design of the downtown Transportation Center.
COMMENTS: (#C2004-46) Subject to execution of final written amendment.
DOCUMENT NAME: [20070906PWgj01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
- 15. Authorized the Mayor to sign **Contract #2007-150**, an Intergovernmental Agreement with the City of Phoenix for receipt of federal transit funds to offset costs of associated capital maintenance and contracting.
COMMENTS: Subject to execution of final written agreement. Grant will provide Tempe with \$228,320 in federal assistance.

DOCUMENT NAME: [20070906PWgj02.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

16. Authorized the Mayor to sign **Contract #2007-151**, an Intergovernmental Agreement with the City of Phoenix for receipt of federal funds for the construction of the East Valley Bus Operations and Maintenance Facility.

COMMENTS: Subject to execution of final written agreement. Grant will provide Tempe with \$2,227,322 in federal assistance.

DOCUMENT NAME: [20070906PWgj03.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

17. Authorized the Mayor to sign **Contract #2004-241C**, an amendment to an Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA) for Dial-a-Ride services.

COMMENTS: (C2004-241) Subject to execution of final written amendment for an amount not to exceed \$355,080, the estimated cost to fund Dial-a-Ride service to residents who have disabilities but are not certified under the ADA, as well as to senior citizens for FY 2007/2008.

DOCUMENT NAME: [20070906PWgj04.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

18. Authorized the Mayor to sign **Contract #2007-152**, an Intergovernmental Agreement with Maricopa County for special transportation services to augment Valley Metro's East Valley Dial-a-Ride service.

COMMENTS: Subject to execution of final written agreement for an amount not to exceed \$10,000.

DOCUMENT NAME: [20070906PWgj05.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

19. Authorized the Mayor to sign **Contract #2004-99D**, an amendment to an Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA) for transit services on Southern Avenue, University Drive, and McClintock Drive.

COMMENTS: (C2004-99) Subject to execution of final written amendment for an amount not to exceed \$2,427,471.

DOCUMENT NAME: [20070906PWgj06.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

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

Approved **Contract #2007-153**, a prevention services grant administered through Magellan Health Services of Arizona, Inc., for after-school prevention programs for substance abuse, violence and suicide for the four Tempe School District No. 3 middle schools.

COMMENTS: Subject to execution of final written agreement for federal and state

funds in the amount of \$135,833.

Councilmember Shekerjian asked that this item be removed for separate consideration. She noted that the heading specifies Kyrene School District, but in the document it notes it is a program for the four Tempe Elementary School District No. 3 middle schools.

Tom Canasi explained that this grant is a collaborative effort between the City of Tempe, Peer Solutions, and Tempe/Kyrene Communities in Schools. There are other funds at times that go to the Kyrene District, but this specific contract is for the four Tempe Elementary District No. 3 middle schools.

Motion by Vice Mayor Hutson to approve Item #20. Second by Councilmember Mitchell. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070906csjt01.pdf](#) **TEMPE ELEMENTARY SCHOOL DISTRICT #3 (0109-11)**

21. Approved **with conditions** an Amended Subdivision Plat and a Condominium Plat for the ARMORY at 323 East Veterans Way.

COMMENTS: (PL060464) (Julia DiMaria/CMX, applicant; PCCP Constellation LLC, property owner) combining several lots into one (1) lot for a mixed-use development consisting of residential, commercial, and a hotel, located at 323 East Veterans Way in the MU-4, Mixed-Use High Density District and the Transportation Overlay District with a PAD Overlay. The request includes the following:

SBD07025 – Amended Subdivision Plat consisting of one (1) lot on +/-1.62 acres.

SBD07030 – Condominium Plat consisting of a total of 273 units/suites

The following conditions were also approved:

1. The Amended Subdivision Plat shall be recorded prior to issuance of building permits.
2. The Condominium Plat shall be recorded prior to certificate of occupancy.
3. The Subdivision Plat and 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 September 6, 2008**. Failure to record the plans within one year of City Council approval shall make the plans null and void.

DOCUMENT NAME: [20070906dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

22. Approved a one-year membership renewal with the National Science Foundation – Water Quality Center, Arizona State University.

COMMENTS: (Bid #08-080) Total amount not to exceed \$60,000.

DOCUMENT NAME: [20070906fst11.pdf](#) **PURCHASES (1004-01)**

23. Approved a one-year subscription renewal with Amigos Library Services for online catalog and inter-library loan services.

COMMENTS: (Bid #08-060) Total amount not to exceed \$41,745.

DOCUMENT NAME: [20070906fst12.pdf](#) **PURCHASES (1004-01)**

B. Award of Bids/Contracts

24. Approved **Contract #2007-154**, a professional services contract with Wilson Engineers for the Tempe Beach Park Pump Station Upgrades, and authorize a fund balance transfer for design and construction.
COMMENTS: Professional services contract in an amount not to exceed \$44,500, conditioned upon execution of the final written documents, and a transfer of \$255,000 from Fund No. 65 fund balance to Capital Improvement Program No. 6501755 for design and construction.
DOCUMENT NAME: [20070906PWCH03.pdf](#) **TEMPE BEACH PARK (0706-38) PROJECT NO. 6501755**
25. Approved **Contract #2007-155**, a professional services contract with Deutsch Associates for the Priest Yard Relocation Study.
COMMENTS: Professional services contract in an amount not to exceed \$78,116, from the contingency fund, conditioned upon execution of the final written documents.
DOCUMENT NAME: [20070906PWCH08.pdf](#) **STAFF SERVICES AND FACILITIES (1000) PROJECT NO. 6702901**
26. Approved **Contract #2007-156**, a professional services contract with Premier Engineering Corporation for the Tempe employee parking facility at 1435 S. Price Road.
COMMENTS: Professional services contract in an amount not to exceed \$137,779, conditioned upon execution of the final written documents.
DOCUMENT NAME: [20070906PWCH09.pdf](#) **PARKING (0503-19) PROJECT NO. 6003021**
27. Approved **Contract #2007-157**, a professional services contract with Weddle Gilmore Architects for the Tempe Historical Museum renovation.
COMMENTS: Professional services contract in an amount not to exceed \$136,920, conditioned upon execution of the final written documents.
DOCUMENT NAME: [20070906PWCH10.pdf](#) **TEMPE HISTORICAL MUSEUM (0705-04) PROJECT NO. 6702481**
28. Approved **Contract #2005-81V**, a construction Job Order with 3D/International, Inc., approved a construction change order contingency, and approved **Contract #207-158**, a professional services contract for construction management services with Bosak CPM for the South Tempe Water Treatment Plant Administration Building expansion.
COMMENTS: Job order in the amount of \$780,368 with 3D/International, Inc., a construction change order contingency of \$40,000, and a construction management contract in the amount of \$47,900 with Bosak CPM, subject to execution of final written contracts.
DOCUMENT NAME: [20070906PWMV06.pdf](#) **SOUTH TEMPE WATER**

TREATMENT PLANT (0811-08) PROJECT NO. 3200072

29. Approved **Contract #2005-80R**, a construction Job Order with ForeSite Design and Construction, Inc., and a construction change order contingency for the Kyrene Water Reclamation Facility diesel tank addition.
COMMENTS: Job order in the amount of \$87,972, and a construction change order contingency of \$5,000, subject to execution of the final written contract.
DOCUMENT NAME: [20070906PWMV07.pdf](#) **KYRENE WATER RECLAMATION FACILITY (0812-02) PROJECT NO. 3202881**
30. Awarded **Contract #2007-159**, a one-year, limited source contract to Husk Partners for consulting services for the Tempe Police Department.
COMMENTS: (Limited Source #07-170) Subject to execution of final written contract. Total cost for this contract shall not exceed \$90,000 during the contract period.
DOCUMENT NAME: [20070906fst14.pdf](#) **PURCHASES (1004-01)**
31. Approved **Contract #2004-212B** to increase by \$150,000 the contract amount with CPC Construction, Inc., for Minor Concrete 2005-2008.
COMMENTS: This contract increase of \$150,000 is to cover significant right-of-way and facility accessibility improvements on segments of McClintock Drive and Rio Salado Parkway and will increase the original contract to \$700,000.
DOCUMENT NAME: [20070906PWDR12.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05), PROJECT NO. 5401412**
32. Approved the increase of \$400,000 to the contract amount with Motorola, Inc., for 800 MHz digital radio subscriber equipment used by the Fire Department, Police Department and various other City departments.
COMMENTS: (P03-011) Increase from \$2,000,000 to \$2,400,000.
DOCUMENT NAME: [20070906fst08.pdf](#) **PURCHASES (1004-01)**
33. **THIS ITEM WAS WITHDRAWN BY STAFF**
Request approval to increase by \$59,000 the contract amount with Oracle Corporation for the City's PeopleSoft Financial, Human Resources, and eApplications systems annual software maintenance and purchases.
COMMENTS: (Contracts T07-061-01, T07-138-01 and T08-040-01) Increase from \$606,000 to \$665,000.
DOCUMENT NAME: [20070906fst10.pdf](#) **PURCHASES (1004-01)**
34. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved the increase of \$374,500 to the contract amount with Midway Chevrolet /Isuzu for the purchase of seventeen fleet vehicles.
COMMENTS: (SCC070002-A4) Increase from \$194,050 to \$568,550.

Councilmember Arredondo asked that staff verify why business was conducted outside of Tempe.

Jay Taylor, Fleet Director, responded that staff has continually encouraged Tempe auto dealerships to bid on State contracts, but some of the local dealerships have not allocated the resources to engage in bidding on such a contract.

Councilmember Arredondo asked staff to simply let him know when this happens.

Motion by Councilmember Arredondo to approve Item #34. Second by Councilmember Carter. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070906fsta15.pdf](#) **PURCHASES (1004-01)**

35. Approved the utilization of two-month State of Arizona contracts with Am-Pac, Wingfoot Commercial and Purcell Western States for tires and tubes.
COMMENTS: (AD04531-A2-1-A5, 2-A5 and 3-A6) Total amount not to exceed \$75,000.

DOCUMENT NAME: [20070906fsta01.pdf](#) **PURCHASES (1004-01)**

36. Approved the utilization of Western States Contracting Alliance contracts with Dell Marketing L.P. and Hewlett Packard for an additional two-year term for personal computer equipment and related devices, software, development, and consulting services.
COMMENTS: (Contracts A66307 and A66309) Total amount not to exceed \$1,600,000.

DOCUMENT NAME: [20070906fst06.pdf](#) **PURCHASES (1004-01)**

37. Approved a one-year contract renewal with Mesa Materials and Vulcan Materials Company for raw construction materials.
COMMENTS: (T07-044-01 and T07-044-02) Total amount not to exceed \$375,000.

DOCUMENT NAME: [20070906fsta02.pdf](#) **PURCHASES (1004-01)**

38. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved one-year contract renewals with North Valley Motorsport; W.W.Williams; Trucks West; McCandless; Sanderson Ford; Chapman Chevrolet; RLS Services, Inc.; Valley Truck & Trailer Services; The Lighthouse; Watkins Specialists; Mesa Mustang; Arizona Rubber Company; American Filter; Genuine Parts; Factory Motor Parts; Granberry Supply; and Arizona Refuse Sales for vehicle parts and services.
COMMENTS: (T02-065-01, 02, 03, 04, 05, 07, 09, 10, 14, 19, 20, 21, 25, 26, 27, 31 and 32) Total amount not to exceed \$500,000.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson entertained a motion for Item #38.

Motion by Councilmember Arredondo to approve Item #38. Second by Councilmember Carter. Motion passed on a roll call vote, 6-0. with Mayor Hallman abstaining.

DOCUMENT NAME: [20070906fsta03.pdf](#) **PURCHASES (1004-01)**

39. Approved a one-year contract renewal with Western International University for an educational partnership.

COMMENTS: (T05-023-01) Total amount not to exceed \$91,000 during the contract period.

DOCUMENT NAME: [20070906fsta04.pdf](#) **PURCHASES (1004-01)**

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

Approved a one-year contract renewal with Anderson Security Agency, LTD, for security guard services for the City water plants.

COMMENTS: (T04-135-01) Total amount not to exceed \$280,000.

Councilmember Arredondo asked that the City Manager provide an update on Homeland Security preparedness at an Issue Review Session in 45 days.

Mayor Hallman added that the September 20th "Let's Talk Tempe" will feature Emergency Preparedness and Homeland Security which will help enlighten the community on the types of things the City is doing to address these issues. He further confirmed that an update be given at a future IRS in terms of how the City is handling Homeland Security Issues.

Vice Mayor Hutson stated that he has been concerned about Homeland Security issues. It seems to be getting so fragmented that it seems to become a department head's responsibility for his department. This conflicts with the Emergency Disaster Plan for the City of Tempe states that the Fire Chief is responsible for Homeland Security. There needs to be a decision made as to what one (1) person is actually responsible and asked that the City Manager report back to the IRS with clarification on responsibility.

Motion by Councilmember Arredondo to approve Item #40, with the stipulation that the City Manager will return to an Issue Review Session in 30 - 45 days with an update. Second by Vice Mayor Hutson. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070906fsts05.pdf](#) **PURCHASES (1004-01)**

41. Approved a one-year contract renewal with PSI Group, Inc., for pre-sort mailing services.

COMMENTS: (T06-049-01) Total amount not to exceed \$70,000.

DOCUMENT NAME: [20070906fsts07.pdf](#) **PURCHASES (1004-01)**

42. Approved one-year contract renewals with KNK Diversified, Inc., and Spray Systems

Environmental for asbestos, lead paint, and mold abatement.

COMMENTS: (T06-094RB-01 and 02) Total amount not to exceed \$50,000.

DOCUMENT NAME: [20070906fsts09.pdf](#) **PURCHASES (1004-01)**

43. Approved **Contract #2007-160**, a one-year software support agreement with Public Safety Systems Incorporated for annual software system support.

COMMENTS: (Agreement #08-056) Subject to execution of final written agreement in an amount not to exceed \$49,250.

DOCUMENT NAME: [20070906fsts13.pdf](#) **PURCHASES (1004-01)**

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

- *44. Introduced and held the **first public hearing** for a General Plan Amendment and a Zoning Map Amendment for NORTHWEST FARM LTD PARTNERSHIP at 2727 East University Drive. **The second hearing is scheduled for September 20, 2007.**

COMMENTS: (PL070276) (Lee Moser, property owner & applicant) for a change in the General Plan Projected Density Map and a Zoning Map Amendment for the Montecito mobile home community consisting of +/-21.65 acres, located at 2727 East University Drive in the RMH, Mobile Home Residence District. The request includes the following:

GEP07003 – (Resolution No. 2007.68) General Plan Projected Density Map Amendment from Medium Density (up to 15 du/ac) to Medium-High Density (up to 25 du/ac).

ZON07007 – (Ordinance No. 2007.58) Zoning Map Amendment from RMH, Mobile Home Residence District to R-4, Multi-Family Residential General District.

DOCUMENT NAME: [20070906dsrl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *45. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION AND WITHDRAWN BY APPLICANT**

This is the introduction and **first public hearing** for an Historic Overlay District for GAGE ADDITION located south of University Drive to 10th Street and west of Mill Avenue to the Southern Pacific Railroad. **The second public hearing is scheduled for September 20, 2007.**

COMMENTS: (PL060472) (Multiple property owners; Bob Gray / Karyn Gittlis / Jenny Lucier / Dan O'Neill / Julia Andrews, applicants) for the designation of an Historic Overlay District, located in the area south of University Drive to 10th Street and west of Mill Avenue to the Southern Pacific Railroad, including the following:

HPO06001 – (Ordinance No. 2006.72) Historic Overlay District for Gage Addition Subdivision consisting of 56 parcels.

Mayor Hallman asked that Item #45 and Item #46 be considered simultaneously. Additional comments

received by staff have been passed to Council.

APPLICANT PRESENTATION

Karyn Gitlis, Tempe, and Bob Gray, Tempe, appeared.

Bob Gray stated that he and Karyn Gitlis represented the other applicants: Julia Andrews, Jenny Lucier, and Dan O'Neill. This application was filed sixteen months ago on behalf of at least 33 families owning property and residing in the neighborhood. They have come to the difficult decision to withdraw this application for historic designation of Tempe's oldest remaining neighborhood. They take this action in recognition of the controversial nature of this proposal. They want to increase their education and outreach efforts to help dispel fears about historic preservation and to highlight the benefits of historic designation. This action recognizes, as well, the City's decision to approach historic designation with caution in light of possible issues related to Proposition 207 and threatened lawsuits which, even if baseless, could prove costly to Tempe. As property owners, they support property rights, but believe Proposition 207 is fatally flawed and is poor public policy. This withdrawal comes on the heels of the Arizona Preservation Foundation taking action to identify the Maple/Ash neighborhood in Tempe as one of Arizona's most endangered historic places. In an August 30, 2007, press release, the organization's president stated that the Maple/Ash neighborhood and other places on the endangered properties list are critically endangered cultural resources of major historic significance. There are leadership steps Council could take to increase acceptability of designations to those who have objections.

Mayor Hallman clarified that all of the applicants agree to withdraw the application.

Mr. Gray concurred.

Mayor Hallman added that, regarding the importance of historic preservation for the community, Council has struggled with Proposition 207 and what it has done to Council's ability to even institute benign regimes that would allow, for example, designation of historic districts. He assured Mr. Gray that historic property designation is a very high priority issue for Council. Council has worked actively to push forward two other neighborhoods to designate themselves as historic districts and got that accomplished before Proposition 207 without controversy. It will take several years before lawsuits and other efforts clarify the bounds of Proposition 207. He would suggest that this Council consider how to move ahead with historic designations that would allow designation of districts, for example, to allow a district to be designated with the right to property owners over some period of time and a simple process to opt out. That might be a good strategy. The City has tried to allow down-zoning on a spot basis by homeowners. He asked Development Services Manager Chris Anaradian to come before Council at an Issue Review Session to provide an update of where we are in getting a process that set up. We ought to consider a way, at least for residential properties, to make it easier for residences to be designated historic properties, and look at a process for doing so. Preserving the history of our City and the historic homes we have is highly important. One of the controversial issues is that our Code required that a historic designation be created for a district first, and then the regime for what that means be created afterwards. That has caused lots of concern and controversy where it might not otherwise have been controversial. That experience occurred in one of the other neighborhoods but most of the neighbors talked about what they would like to see done for their regime and that calmed most people's concerns. In this instance, that was never able to take place. We should consider creating a new process that would allow the

selection of a strategy to designate that the regime would be designed first among all the property owners. This would allow a way for people to stay in, even though they were first concerned about what the restrictions might be, so that they could work together to create the regime that would be imposed. That would provide options in those areas where there is uncertainty and concern over future activity to give options to still create areas of historic preserve but recognize that sometimes not everyone is going to agree and that it is better to advance rather than to give up entirely. He appreciates the difficulty from both sides of this issue and it has caused a lot of concern in the community.

Councilmember Shekerjian agreed that it would be necessary to look outside the Proposition 207 box on this issue. Anything Council can do to save historic properties is a good thing. It is basically about neighborhoods trying to work together through opposing views.

Councilmember Mitchell asked Mr. Anaradian to address form-based codes as well.

Mayor Hallman asked that staff return to an IRS to discuss historic preservation, form-based codes, and how to start this process. It could then be referred to the appropriate Council committees.

Mr. Gray continued that the applicants continue to believe in the efficacy of historic preservation and remain strong advocates for historic preservation programs. They believe that the Maple/Ash neighborhood warrants historic district designation. The merits of historic district designation have already been recognized by Tempe's Historic Preservation Commission which unanimously recommended the historic designation of large portions of the Maple/Ash neighborhood. The neighborhood is closely linked with the development of Tempe, Arizona State University and the State of Arizona and several Arizona luminaries are associated with the neighborhood. Historic district designation has a variety of positive impacts on neighborhoods, including increased property values, improved property maintenance, enhanced neighborhood pride, greater homeownership and other positive benefits. Further, Tempe's Historic Preservation Ordinance specifically protects existing property rights stating that all uses allowed by existing underlying zoning classifications shall continue to be permitted. Unfounded fears about historic district designation must not be allowed to undermine an important public policy tool, one that has proven to be very beneficial in other parts of the Valley and across the country. They plan to pursue historic designation with the City in the future. Given Proposition 207's debilitating effects on historic preservation in Tempe and across Arizona, they look to Tempe's leaders and others to work with the Maple/Ash residents to protect this unique part of Tempe's history. They recognize and thank the many property owners within the neighborhood and community leaders who have spoken out in support of the application. In excess of 100 letters have been received in support, including many residents and property owners within the neighborhood. Such widespread support bodes well for future efforts to preserve the Maple/Ash neighborhood. He thanked Council for their consideration of their application and interest in historic preservation.

Karen Gittlis added that at the last Historic Preservation Commission meeting, the commissioners were in consensus on Park Tract and Gage Addition being Tempe's two best historic districts.

Mayor Hallman directed that both Item #45 and #46 be pulled from the September 20th agenda.

(0406)

- *46. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION AND WITHDRAWN BY APPLICANT**

This is the introduction and **first public hearing** for an Historic Overlay District for PARK TRACT located south of 10th Street to 13th Street and west of Mill Avenue to the Southern Pacific Railroad. **The second public hearing is scheduled for September 20, 2007.**

COMMENTS: (PL060472) (multiple property owners; Bob Gray / Karyn Gittis / Jenny Lucier / Dan O'Neill, applicants) for the designation of an Historic Overlay District, located in the area south of 10th Street to 13th Street and west of Mill Avenue to the Southern Pacific Railroad, including the following:

HPO06002 – (Ordinance No. 2006.73) Historic Overlay District for Park Tract Subdivision consisting of 92 parcels.

This item was heard simultaneously with Item #45 and applicants withdrew their application for this item.

DOCUMENT NAME: [20070906dsrl02.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- *47. Introduced and held the **first public hearing** for an ordinance abandoning a sewer line easement located within the Arizona State University Research Park in the vicinity of 8620 South River Parkway. **The second public hearing is scheduled for September 20, 2007.**

DOCUMENT NAME: [20070906PWCH04.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2007.64

- *48. Introduced and held the **first public hearing** for an ordinance abandoning a portion of a water line easement on the Acura of Tempe site at 7800 South Autoplex Loop. **The second public hearing is scheduled for September 20, 2007.**

DOCUMENT NAME: [20070906PWCH11.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2007.65

D. Ordinances and Items for Second Hearing/Final Adoption

- *49. Held the **second public hearing** and approved ORDINANCE NO. 2007.62 amending Chapter 23 of the Tempe City Code relating to Parks and Recreation by amending Section 23-36.

COMMENTS: Proposed revision will allow City flexibility to set park curfew hours based upon the needs of the City and the desire of the neighborhood in which the park is located.

DOCUMENT NAME: [20070906prsw01.pdf](#) **PARKS & RECREATION (0503-23)**

- *50. Held the **second public hearing** and approved ORDINANCE NO. 2007.60 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.
DOCUMENT NAME: [20070906PWCH01.pdf](#) **ABANDONMENT (0901)**
- *51. Held the **second public hearing** and approved ORDINANCE NO. 2007.61 abandoning three easements on the ASU property west of Rural Road and north of Rio Salado Parkway.
DOCUMENT NAME: [20070906PWCH02.pdf](#) **ABANDONMENT (0901)**

E. Resolutions

- 52. Approved RESOLUTION NO. 2007.73 authorizing negotiation of a development and disposition agreement with Holualoa Arizona, Inc., for the development of City-owned property at 3rd Street and Ash Avenue.
DOCUMENT NAME: [20070906cdls01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01)**
- 53. Approved RESOLUTION NO. 2007.72 approving and authorizing the Mayor to sign **Contract #2007-161**, a waterline cost-sharing agreement between the City of Tempe and Macot Realty Trust in connection with development of the Methods Machine Tools facility in the vicinity of 24th and Roosevelt Streets.
DOCUMENT NAME: [20070906cacc01.pdf](#) **WATERMAIN CONSTRUCTION (NEW) (0810-06)**
- 54. Approved RESOLUTION NO. 2007.57 authorizing the execution of **Contract #94-13A**, a parking agreement between the City and Randy Boles to use City property located at 1111 South Rural Road for parking.
DOCUMENT NAME: [20070906PWCH05.pdf](#) **REAL PROPERTY LEASES (0903)**
- 55. Approved RESOLUTION NO. 2007.75 naming the amphitheater at Tempe Beach Park on the south side of Tempe Town Lake as "David L. Hanna Amphitheater."
DOCUMENT NAME: [20070906cdnr01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**
- 56. Approved RESOLUTION NO. 2007.76 authorizing negotiation of a development and disposition agreement with Arizona Boathouse and Welcome Center, LLC for the lease of City property and the construction of a Welcome Center and Boathouse.
DOCUMENT NAME: [20070906cdnr02.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**
- 57. Approved RESOLUTION NO. 2007.77 authorizing negotiation of a development and

disposition agreement with Avenue Communities for the lease of City property and the construction of a public park/event space.

DOCUMENT NAME: [20070906cdnr03.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

58. Approved RESOLUTION NO. 2007.74 authorizing funding to implement the first phase of the Police Department reorganization.

DOCUMENT NAME: [20070906pdmag01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**

6. PUBLIC APPEARANCES

UNSCHEDULED PUBLIC APPEARANCE

Gerald Gerard, Tempe, resident of Montecito Trailer Park. Many of the trailers are more than ten years old. They contacted twenty-eight trailer parks in the area and they will not accept any unit over ten years of age. This is a concern for those residents with older trailers. The park is asking for rezoning to multi-family and what will happen to the elderly? Most of the other neighboring trailer parks are full. A newspaper article stated that the Montecito Trailer Park will be sold for multi-family housing. Mr. Moser and his attorneys sent letters saying that was not a true statement. Where did the newspaper get this information?

Joyce Salisbury, Tempe, resident of Montecito Trailer Park (**Alice King** read Ms. Salisbury's statement). If and when Montecito is sold, where will the mobile homes go? Of the mobile parks called, none will take a mobile older than a 1989 or 1990 model. Most of the mobiles in the park are much older. Ms. Salisbury's 1969 model has been upgraded, but no park will accept a unit that old. She asked for clarification on fees if a unit can't be moved. Mr. Moser's attorney continues to assure them that Mr. Moser has no plans of change at this time, but they need some assurance. What is the rush to rezone this park? It should be rezoned when it sells. She understands that Mr. Moser would like to get his affairs in order. She has lived in Montecito for 15 years. Even though Mr. Moser owns this park, most residents have seen him only two or three times. In the past, they have tried to contact Mr. Moser to have him meet with the park residents, but no acknowledgment has ever been received. They don't understand why Council would like to remove this small community of residents even though there will be no change. Residents choose to live in this park because it has easy access to shopping areas, the airport, doctors, etc. They live in fear that they will be losing their homes in the near future.

Alice King, Tempe, resident of Montecito Trailer Park. Mr. Moser's attorney stated that Mr. Moser had answered residents' questions at the first meeting held at Montecito on June 20th. He only answered one question and then he left. He did leave papers that residents could fill out and ask questions. She is not sure if anyone turned in those papers, and if they did, who would have answered those questions. They would have preferred to talk to Mr. Moser.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- City Manager Jeff Kulaga clarified that at future Issue Review Sessions, staff will provide:
 - an update on Homeland Security issues regarding City services, and

- historic preservation in regards to form-based codes, Proposition 207, and progress made on spot-zoning changes.
- Councilmember Shekerjian suggested that when Council sits down to discuss the Council Committees and considers the issue of affordable housing, that mobile home parks be included in that discussion for referral to Council committee.
- Councilmember Carter announced that this weekend marks a milestone for the community with the opening of the Tempe Center for the Arts. This was a lengthy community project with a spectacular result. On Sunday, from 12:00 – 5:00, a free community event will be held, with free food and performances by all Tempe arts organizations. On Friday night, an invitation-only thank-you event will be held. She thanked a very supportive community and Council.
- Mayor Hallman announced that on Saturday night a fund-raising event will be held for the newly launched charitable organization called “Friends of the Tempe Center for the Arts.” This organization will be focused on supporting local arts organizations and the programs in the new Tempe Center for the Arts. As a result of the great support of the business community in the Valley, a significant amount of money was raised as a start in supporting the community arts organizations. He continued that Council has worked diligently to create a fabric in which the community can ask business partners to create additional public amenities around the Town Lake and in the Tempe portion of Papago Park. Items #56 and #57 (requests for approval to develop a boathouse, welcome center and a public event space between the two Mill Avenue bridges) were the result of two business partners that have worked with our community. Chanan Development Company has agreed to step forward and be responsible to get a boathouse and welcome center built at the marina and has offered significant financial support. He also asked Mr. LeBonte to carry back Council's thanks to Avenue Communities for responding to the City's request for a private sector partner to help create a public event space and park between the two Mill Avenue bridges. Avenue Communities agreed to take full responsibility for that project in partnership with the Rio Salado Foundation. Through a public process, Council has been able to achieve a unique public/private partnership model to have the private sector help build and create for our community public amenities that will be enjoyed for decades to come.

Meeting adjourned at 8:30 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 September 6, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.