

Minutes Formal City Council Meeting September 20, 2007

Minutes of the Formal Council Meeting of Thursday, September 20, 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 7:30 p.m.

1. Councilmember Arredondo gave the invocation.
2. Boy Scout Troop 576 led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Councilmember Carter to approve the following **COUNCIL MEETING MINUTES**.
Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Council's Executive Session – September 6, 2007
2. Council's Issue Review Session – September 6, 2007 [20070920clrkck02.pdf](#)
3. Council's Formal Meeting – September 6, 2007 [20070920clrkck01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

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

4. Board of Adjustment – June 27, 2007 [20070920boa01.pdf](#)
5. Community Special Events Task Force – September 5 & 11, 2007
[20070920setf01.pdf](#) [20070920setf02.pdf](#)
6. Enhanced Services Commission – August 8, 2007 [20070920esc01.pdf](#)
7. Hearing Officer – August 21, 2007 [20070920ho01.pdf](#)
8. Human Relations Commission – August 14, 2007 [20070920hrc01.pdf](#)

9. Tardeada Advisory Board – August 13, 2007 [20070920tab01.pdf](#)
10. Tempe Fire Public Safety Personnel Retirement Board – August 2, 2007
11. Tempe Police Public Safety Personnel Retirement Board – August 2, 2007

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman announced that the Tempe Fire Department was the first internationally accredited fire department in 1997, and last month, it received its second re-accreditation award, marking its 10th year of accreditation. The Tempe Fire Department is one of only 123 fire agencies in the country to achieve internationally Accredited Agency Status with the Commission on Fire Accreditation International. This status demonstrates the commitment of the Tempe Fire Department to strive for continuous improvement of all programs and services to provide the highest quality service to Tempe residents and visitors. The Mayor presented the accreditation award to the following Tempe Fire Department representatives: **Fire Chief Cliff Jones, Assistant Fire Chief Jim Gaintner, Battalion Chiefs Abbott, Barton, Ells, Kiefer, Ruiz and Simmons, and Senior Management Assistant Debbie Bair.**

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 Shekerjian to approve the Agenda as amended (Items #12, #15, #19, #29 and #34 were removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

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

Request approval of City Special Event Sponsorship for the Tempe High School Centennial Reunion event scheduled for Friday, October 19, 2007, at Tempe Beach Park.

COMMENTS: A maximum allocation of \$25,000 to be used towards in-kind sponsorship for the event.

Councilmember Arredondo asked that this be removed for separate consideration. Due to the number of

questions that need to be answered, he suggested that this matter be removed and referred to the Council's Education and Technology Advancement Committee and be brought back to Council on October 4, 2007.

Council agreed to remove Item #12 for referral to the Council's Education and Technology Advancement Committee, and then bring the item back to Council on October 4, 2007.

DOCUMENT NAME: [20070920prtd01.pdf](#) PARKS ADM (0706-01)

13. Approved a .25 FTE Administrative Assistant II for the Parks and Recreation Department.

DOCUMENT NAME: [20070920prtd02.pdf](#) PARKS ADM (0706-01)

14. Approved **Contract #2007-163**, a 5-year agreement between AGL Networks, LLC, and the City of Tempe for the placement and use of facilities in the right-of-way and public places for a Metropolitan Optical Network.

COMMENTS: Current annual fee revenue of \$286,853.60.

DOCUMENT NAME: [20070920ITDH1.pdf](#) AGL NETWORKS (C2007-163)

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

Approved **Contract #2007-169**, a Civic Ventures Experience Corps/AmeriCorps federal grant to provide early literacy skills assistance to elementary school students.

COMMENTS: Grant in the amount of \$47,752.

Councilmember Shekerjian asked that this item be removed for separate consideration. She asked Tom Canasi, Community Services Manager, to provide an explanation of what this program means to the community.

Tom Canasi summarized that this is a great example of a partnership program between the City of Tempe and the Tempe Elementary School District to enhance the educational experience for elementary students, especially in the primary grades, and to improve test scores over a period of four years. A grant was received from the Virginia Piper Trust in excess of \$400K to pilot this program in partnership with Experience Corp in Washington, D.C. In order to make this program happen, it uses experienced volunteers 55 years of age and older to work in the schools with identified students in need of remediation. It takes place during the school day with teacher supervision and the volunteers have extensive training. In order to enhance the volunteer experience, this grant will allow for a small stipend to cover some of the volunteer costs as a way to express thanks for their effort. This begins the second year and staff anticipates at least two additional years of funding beyond this year.

Councilmember Shekerjian added that this program is something to celebrate in our community. It is an example of living up to the tagline "Tempe, Arizona, the smart place to be."

Motion by Councilmember Shekerjian to approve Item #15. Second by Councilmember Mitchell. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070920csjt01.pdf](#) COMMUNITY SERVICE ADM
(0701-01)

16. Approved **with conditions** a Condominium Plat for 675 SOUTH (P CAN LOFTS) at 675 South Roosevelt Street.

COMMENTS: (PL060525) (Joseph Lloyd, managing member / Oleander Lofts L.L.C. Barry Goldstein, A.I.A. / V.V.G. Associates, L.L.C., applicant) for a Condominium Plat, located at 675 South Roosevelt Street, in the R-4 P.A.D District , including the following:

SBD07032 – Condominium Plat to create twelve residential dwelling units on one lot of 0.49 gross/net acres.

The following conditions were approved:

1. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, street drainage, water and sewer utilities, and all off-site improvements.
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
 - b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees,
 - (2) Water and/or sewer participation charges,
 - (3) Inspection and testing fees.
 - c. All applicable off-site plans shall be approved prior to recordation of the Condominium Plat.
 - d. Public improvements must be installed prior to the issuance of a Certificate of Occupancy. Any phasing shall be approved by the Public Works Department.
 - e. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this development in accordance with the Code of the City of Tempe – Section 25.
2. The Condominium Plat for 675 South shall be put into proper engineering format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of building permit. If the process for building permit issuance is delayed for any reason, record the Condominium Plat **on or before September 20, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.
3. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's common features, including, but not limited to, the common portions of the building, building and site security lighting, landscape and irrigation, and all features located in any common area. The CC&Rs shall be reviewed by and placed in a form satisfactory to the Development Services Manager and City Attorney. The CC&R's shall be recorded with Maricopa County Recorder's Office prior to issuance of Certificate of Occupancy.

DOCUMENT NAME: [20070920kko01.pdf](#) PLANNED DEVELOPMENT
(0406)

17. Approved **with condition** an Amended Subdivision Plat for PIER 202 – AMENDED at 1200 East Rio Salado Parkway.

COMMENTS: (PL060548) (Brad Gorman, Pier at Town Lake LLC, property owner/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:

SBD07037 – Amended Subdivision Plat consisting of nine (9) lots and three (3) tracts

The following condition was also approved:

1. The Subdivision Plat for PIER 202 – AMENDED 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 20, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20070920dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *18. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Mill Avenue Tacos, LLC, dba Chronic Tacos, 15 E. 6th Street.

COMMENTS: Scott Price, Agent

DOCUMENT NAME: [20070920LIQ1.pdf](#) **LIQ LIC (0210-02)**

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

Held a public hearing and recommended the approval of an off-track wagering license for TP Racing L.L.P., dba Turf Paradise, 1501 W. Bell Road, Phoenix, to operate at Hail Mary's, 1402 S. Priest Drive.

COMMENTS: Eugene Joyce, Agent

PUBLIC HEARING

Francine Bard, Tempe, stated that she bought her house in 1999 on a street off of Priest and it was a great neighborhood. Since that time, the neighborhood has deteriorated, crime has increased and the quality of life has decreased. Traffic goes down her street to avoid the speed humps. Hail Mary's will add to the problems.

APPLICANT PRESENTATION

Jack Mullen, Phoenix, Director for off-track betting at Turf Paradise. Off-track betting was approved in Tempe many years ago and their record stands for itself. They operate during the day with no problems. The average age for a player is 55. They are currently trying to replace the Derby Grill which was closed due to liquor license problems. They open at 11 a.m. and must finish by 7:30 p.m. Their customers simply love horse-racing. They have a good record in Tempe and would like to keep that.

Mayor Hallman asked Police Chief Tom Ryff to meet with Ms. Bard to discuss her issues. He also asked Chris Salomone to have his staff in Code Enforcement meet with her. He further asked John Osgood to address the trash issues and Glenn Kephart to address to street issues.

Chief Tom Ryff added that he has looked at Hail Mary's and they have had five calls for service in the last year,

with all calls being for minor issues. There have been no problems. He checked traffic in the area as a result of that establishment, and out of the 6,541 accidents in the City of Tempe, there were only 5 in that geographic area.

Mayor Hallman asked Chief Ryff to check crime data in that neighborhood, as well as to speak with Ms. Bard to see if there are needs for special enforcement. He further suggested speaking with the neighbors.

Mayor Hallman added that a letter dated two days ago was received from Jack Lowell raising concerns about traffic associated with this item.

Motion by Councilmember Arredondo to approve Item #19. Second by Councilmember Carter. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070920STAX1.pdf](#) LIC (0210-02)

B. Award of Bids/Contracts

20. Approved **Contract #2006-178B**, a professional services contract addendum with CMX, LLC, for construction management services for Well No.15 equipping.
COMMENTS: Professional services contract addendum with CMX, LLC, for an amount not to exceed \$23,340, subject to the execution of the final written addendum.
DOCUMENT NAME: [20070920PWCH04.pdf](#) **WELLS – CONSTRUCTION / MAINTENANCE (0811-01) PROJECT NO. 3200012**

21. Approved **Contract #2007-164**, a professional services contract with Archaeological Consulting Services, Ltd., for the City Hall Parking Garage Project.
COMMENTS: Request approval of a professional services contract in an amount not to exceed \$94,889 with Archaeological Consulting Services, Ltd., subject to execution of the final written contract.
DOCUMENT NAME: [20070920PWCH06.pdf](#) **PARKING (0503-19), PROJECT NO. 6702971**

22. Approved **Contract #2007-165**, a professional design services contract with Stanley Consultants for the Baseline Road Bridge at the Western Canal and Baseline Road/Kyrene Road Intersection Improvements.
COMMENTS: Professional design services contract in an amount not to exceed \$275,800 with Stanley Consultants, conditioned upon execution of the final written documents.
DOCUMENT NAME: [20070920PWCH07.pdf](#) **BRIDGES (08-01) PROJECT NO. 5402991**

23. Awarded **Contract #2007-166**, a one-year contract with two (2), one-year renewal options to Robertson Industries, Inc., for rubberized playground surfacing.

COMMENTS: (IFB #08-013) Total cost for this contract shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20070920fslg03.pdf](#) **PURCHASES (1004-01)**

24. Awarded **Contract #2007-167**, a one-year, limited source contract to Childress Consulting to conduct a follow-up study of the initial assessment and subsequent action plan of the Development Services Department.

COMMENTS: (Limited Source #08-075) Total cost for this contract shall not exceed \$60,000 during the contract period.

DOCUMENT NAME: [20070920fslg04.pdf](#) **PURCHASES (1004-01)**

25. Approved **Contract #2005-81W**, a construction job order with 3D/ International, Inc., and approval of a construction change order contingency for the Duplicating/Mail Room renovation of Building "A" at Hardy Yard.

COMMENTS: Job order in the amount of \$273,662 with 3D/ International, Inc., subject to execution of the final written contract, and a construction change order contingency of \$30,000.

DOCUMENT NAME: [20070920PWMV05.pdf](#) **HARDY YARD (1001-18)**
PROJECT NO. 6702972

26. Approved **Contract #2005-79K**, a construction job order with Sun Eagle Corporation and approval of a construction change order contingency for the Data Center Uninterrupted Power Supply Addition.

COMMENTS: Job order in the amount of \$65,573.26 with Sun Eagle Corporation, subject to execution of the final written contract, and a construction change order contingency of \$10,000.

DOCUMENT NAME: [20070920PWMV08.pdf](#) **COMPUTER DEPT ADM (1003-01)**
PROJECT NO. 6702931

27. Approved an increase to the construction change order contingency for the Curry Road Water Main Upgrades from Scottsdale Road to Stadem Drive.

COMMENTS: Increase the construction change order contingency by \$185,000.

DOCUMENT NAME: [20070920PWMV03.pdf](#) **WATERMAIN UPGRADES (0810-04)**
PROJECT NO. 3200031

28. Approved a one-year contract renewal with Bingham Equipment for the purchase of skid steer loaders.

COMMENTS: (T06-060-01) Total amount not to exceed \$69,000.

DOCUMENT NAME: [20070920fsta01.pdf](#) **PURCHASES (1004-01)**

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

Approved one-year contract renewals with Essence Catering; Arizona Taste Catering; Heidi's Events and Catering; and RK Group West for the purchase of catering services.

COMMENTS: (T07-021-01 to T07-021-04) Total amount not to exceed \$75,000.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson addressed the item.

Motion by Councilmember Arredondo to approve Item #29. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 6-0, with Mayor Hallman abstaining.

DOCUMENT NAME: [20070920fslq02.pdf](#) **PURCHASES (1004-01)**

30. Approved a 90-day contract renewal with Urban Forest Tree Care, Inc., for tree trimming services in alleys and rights-of-way.

COMMENTS: (T05-048-01) Total amount not to exceed \$50,000.

DOCUMENT NAME: [20070920fslq05.pdf](#) **PURCHASES (1004-01)**

31. Approved **Contract #2007-133**, an increase to the annual software maintenance agreement with Oracle Corporation for the City's PeopleSoft Financial, Human Resources, and eApplications systems.

COMMENTS: (Agreement T08-040-01) Increase in the amount of \$49,176.

DOCUMENT NAME: [20070920fst06.pdf](#) **PURCHASES (1004-01)**

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

- *32. Introduced and held the **first public hearing** repealing Chapter 17 of the Tempe City Code, relating to Massage Establishments and amending Chapter 16A, relating to License and Business Regulations by adding new Article VIII entitled Massage Establishments. **The second public hearing is set for October 4, 2007.**

DOCUMENT NAME: [20070920cacc01.pdf](#) **TCC CH 17 – MASSAGE THERAPISTS & ESTABLISHMENTS (0503-17) ORDINANCE NO. 2007.59**

- *33. Introduced and held the **first public hearing** for a Code Text Amendment for DOWNTOWN SIGNAGE. **The second public hearing is scheduled for October 4, 2007.**

COMMENTS: (PL070362) (City of Tempe, applicant) for changes in the Zoning and Development Code pertaining to sign regulations in the downtown and other sign modifications, including the following:

ZOA07002 – (Ordinance No. 2007.63) Code Text Amendment for the Zoning and Development Code Part 4, Chapter 9, Signs

DOCUMENT NAME: [20070920dsrl03.pdf](#) **ZONING AND DEVELOPMENT CODE (0414-04)**

- 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** a General Plan Amendment and a Zoning Map Amendment for NORTHWEST FARM LTD PARTNERSHIP at 2727 East University Drive.

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.

The following conditions were also approved:

1. The property shall provide a one hundred fifty (150) foot zone adjacent to the existing R-3 district to the west, establishing a maximum building height of thirty (30) feet, measured at finished floor.
2. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
3. Upon submittal of a Development Plan Review application to the City, the owner shall mail no later than ten (10) business days, a letter to all residents on site of the owner's intent to develop. Documentation shall be provided as part of the submittal requirements.
4. Provide a Traffic Impact Study at the time of application for Development Plan Review.
5. All necessary infrastructure improvements and city service impacts shall be identified during staff review for a future Development Plan, and all necessary infrastructure shall be paid for in full by the developer.
 - The mobile home park will be considered a "legal non-conforming use", pursuant to the Zoning and Development Code. Any future expansions and/or modifications are subject to the provisions and limitations set forth in the Code.
 - Notification and relocation of existing residents will be done in accordance with all State laws, and documented in writing to City of Tempe.
6. Notification and relocation of existing residents will be done such that the owner shall provide no less than twelve (12) months' notice to existing residents of the owner's intention to change the use of or close the mobile home park, and such notification shall also be documented to the City of Tempe in writing. Further, such notice shall be given no later than ten (10) business days following the submittal of a Development Review Plan application to the City. (ADDED BY CITY COUNCIL)

APPLICANT PRESENTATION

Charles Huellmantel, Applicant, summarized that this is a land use case asking for zoning to revert to R-4 zoning. No one is being noticed that the use is changing or the park is closing because the owner does not have any intention of closing the park or changing the use at this point. The park will continue to operate as it has for the last 12 years by Mr. Moser.

PUBLIC HEARING

John Perkins, Tempe, stated that until a few years ago, 30 or 40 percent of the residents of the park were "snowbirds." The snowbirds have now left the park. The quality of the park has disintegrated because Mr. Moser doesn't want to cooperate with or listen to the residents. The park represents affordable housing. It used to be a place where people who could afford to live elsewhere in the summer could have a nice mobile home for the winter. If the zoning is to make it attractive for someone to build condominiums on the land, then the affordable housing element is gone. Council should not turn its back on affordable housing. Usually when someone changes the zoning, they have plans for that zoning and they plan to carry out those plans. These are Tempe residents and they look to Council to look after their interests.

APPLICANT RESPONSE

Mr. Huellmantel stated that many issues have been raised. Many of the residents feel that Mr. Moser has been a good person to deal with. The City requires a neighborhood meeting when this process is started, but before that meeting, they talked with the residents. Mr. Moser is asking for a zoning change because it makes sense. This land started out as R-4 zoning, and was zoned at one point to become a mobile home community and it has been for some time. One of the stipulations allows that this park be allowed to continue to operate as a non-conforming use. That means that the park will be able to continue to operate as it does today. That is Mr. Moser's intent. He deferred to Council questions.

Councilmember Shekerjian asked for the percentage of rentals.

Mr. Huellmantel responded that they are all actually rentals. Mr. Moser owns the land and each person that lives in the park is a tenant and they sign leases up to four years. Everyone signs a lease for the land and brings a mobile home or rents a mobile home on that land. Even though there are four-year leases, the law requires that anytime the park use is changed, residents shall be given at least six months' notice. In this case, staff has gone one step further and required that notice be provided within ten days of any potential development plan.

Councilmember Shekerjian asked about the mobile homes that are rented.

Mr. Huellmantel responded that there are 152 spaces in the park and of those, 14 can operate as rentals. Currently 9 of those are rented, with 5 vacant.

Mayor Hallman asked how many of the 152 spaces are rented to those with their own homes.

Mr. Huellmantel responded that 120 spaces are occupied by people owning their own mobile home.

Mayor Hallman asked if Mr. Moser would be willing to stipulate that he would provide a year's notice of his intention to change the use of the park.

Mr. Huellmantel responded that Mr. Moser would agree to that.

Mayor Hallman added that the issue for many is a concern for their ability to relocate their mobile home to parks within or around Tempe. He asked Mr. Huellmantel about his understanding of the availability of alternative

parks, vacancy rates, and cost associated with moving, especially the older homes.

Mr. Huellmantel responded that when a park closes, the State requires a six-month notice to residents. Once a park changes its use, certain funds become available from the State. Available funds are up to \$5K for a single-wide and up to \$10K for a double-wide for residents with homes that need to be moved. In addition, if there are people who need a certain economic threshold, the State allocates up to an additional \$1K for that move. Most parks now have vacancies and offer from \$2K to \$4K as an incentive to move into a park. The newer homes are in compliance with certain codes, but the older homes don't meet all the specifications. Many older homes have already been upgraded. In older homes, there are usually three aspects that must be upgraded. Many times the water heater is in a separate closet that has not been fire-proofed. Before moving, that closet needs to be fire-proofed. Secondly, many older homes have aluminum wiring and the switches need to be replaced. Thirdly, many older homes don't have an egress window in the bedroom. Newer code requires that egress. If those three issues are addressed, an older home can be moved into another park. There has been a concern that other parks would not accept these homes and he supplied letters from two parks verifying acceptance of those homes.

Mr. Huellmantel showed a map highlighting mobile home parks within 7.5 miles of the subject property. All of the parks have vacancies and are age-restricted. In the first 2.5 miles, there are three parks; in the 5-mile radius, there are three additional parks; in the 7.5 mile radius, there are four additional parks. The Montecito is not closing, however, and residents are not being encouraged to go to other parks.

Mayor Hallman asked whether a tenant who has a four-year lease would have to be bought out of the lease if they were to be relocated.

Mr. Huellmantel responded that if they have a 4-year lease and the park use changes, State law and the addendum signed by the individual tenants allows a six-month notice which Mr. Moser has now agreed to provide a one-year notice.

Mayor Hallman added that they can be terminated on a six-month notice.

Mr. Huellmantel added not only under the lease, but State law.

Mayor Hallman asked if they could enter a contract that overcomes that six-month period.

Mr. Huellmantel responded that the provision of State law would have to be specifically waived.

Councilmember Shekerjian asked what it would cost to move a mobile home.

Mr. Huellmantel responded that within the 7.5 mile range, moving costs would range from \$5,000 for a single-wide to \$7,500 for a double-wide. The cost for upgrades would be less than \$2,000. The replacement window for egress is the most costly. The State funds would basically cover the moving and upgrade costs.

Mayor Hallman suggested that Stipulation #6 be added as follows: "Notification and relocation of

existing residents will be done such that the owner shall provide no less than twelve (12) months' notice to existing residents of the owner's intention to change the use of or close the mobile home park, and such notification shall also be documented to the City of Tempe in writing. Further, such notice shall be given no later than ten (10) business days following the submittal of a Development Review Plan application to the City."

Motion by Councilmember Carter to approve Item #34 as amended with additional Stipulation #6 as read into the record. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070920dsrl02.pdf](#) PLANNED DEVELOPMENT
(0406)

- *35. Held the **second public hearing** and approved ORDINANCE NO. 2007.64 abandoning a sewer line easement located within the Arizona State University Research Park in the vicinity of 8620 South River Parkway.

DOCUMENT NAME: [20070920PWCH01.pdf](#) ABANDONMENT (0901)

- *36. Held the **second public hearing** and approved ORDINANCE NO. 2007.65 abandoning a portion of a water line easement on the Acura of Tempe site at 7800 South Autoplex Loop.

DOCUMENT NAME: [20070920PWCH02.pdf](#) ABANDONMENT (0901)

E. Resolutions

37. Approved RESOLUTION NO. 2007.81 to accept grant funding from the Governor's Office of Highway Safety for collision investigation and reconstruction, training, and materials/supplies.

COMMENTS: Grant award totals \$11,315.

DOCUMENT NAME: [20070920pdstj01.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02)

38. Approved RESOLUTION NO. 2007.78 and approved **Contract #2007-168**, a Development and Waiver Agreement for the formation of the Pier at Town Lake Improvement District No. 180, City of Tempe Project No. 5103011.

DOCUMENT NAME: [20070920PWCH09.pdf](#) IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805-80) PROJECT NO. 5103011

39. Approved RESOLUTION NO. 2007.79 ordering work for the Pier at Town Lake Improvement District No. 180, City of Tempe Project No. 5103011.

DOCUMENT NAME: [20070920PWCH10.pdf](#) IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805-80) PROJECT NO. 5103011

6. PUBLIC APPEARANCES

SCHEDULED PUBLIC APPEARANCE

- Kathryn Milun and Kirby Spitler, Tempe, re: Clean/Green/Solar Energy System for Tempe. **DID NOT APPEAR**

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- **Councilmember Carter** stated that the weekend of September 7, 8 & 9 was one of the most memorable weekends of her life with the opening of the Tempe Center for the Arts. The Friday and Saturday evening events were spectacular, and the family day on Sunday was attended by over 20,000 people. She recognized Tom Canasi, Jody Ulich, Don Fassinger, Glenn Kephart, and all of their staff members who worked to make the weekend seamless. She also thanked Nikki Ripley and Martha Garner for their efforts with the invitations and media coverage, and she thanked the community as a whole to make this dream come true.
- **Councilmember Shekerjian** congratulated City Clerk, Jan Hort, for her State certification as an election official. She thanked the Salt River Pima Maricopa Indian Community for its grant to the City for cultural arts programs for youth.

Meeting adjourned at 8:40 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 20, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.