

## Minutes Formal City Council Meeting August 14, 2008

Minutes of the Formal Council Meeting of Thursday, August 14, 2008, 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 Shana Ellis  
Councilmember P Ben Arredondo  
Councilmember Mark W. Mitchell  
Councilmember Joel Navarro  
Councilmember Corey D. Woods

**COUNCIL ABSENT:**

Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:52 p.m.

1. Councilmember Woods 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 – July 22, 2008
2. Council's Issue Review Session – July 22, 2008 [20080814clrkck02.pdf](#)
3. Council's Formal Meeting – July 17 & July 22, 2008 [20080814clrkck04.pdf](#)  
[20080814clrkck01.pdf](#)
4. Housing Authority Governing Board – July 17, 2008 [20080814clrkck03.pdf](#)

**B. Acceptance of Board & Commission Meeting Minutes**

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

5. Commission on Disability Concerns – April 15 & June 5, 2008 [20080814cdc01.pdf](#)  
[20080814cdc02.pdf](#)
6. Community Special Events Task Force – July 29, 2008 [20080814setf01.pdf](#)
7. Development Review Commission – March 12 & 25, April 8 & 22, May 13 & 27, &

- July 8, 2008 [20080814drc01.pdf](#) [20080814drc02.pdf](#) [20080814drc03.pdf](#)  
[20080814drc04.pdf](#) [20080814drc05.pdf](#) [20080814drc06.pdf](#) [20080814drc07.pdf](#)
8. Hearing Officer – July 1, 2008 [20080814ho01.pdf](#)
  9. Historical Museum Renovation – Public Art Design Team Opportunity Review Panel – April 16, 2008 [20080814hmb01.pdf](#)
  10. Human Relations Commission – June 10, 2008 [20080814hrc01.pdf](#)
  11. Human Relations Commission – Diversity Awards Subcommittee – June 5, 2008 [20080814hrc02.pdf](#)
  12. Library Advisory Board – Nominations Committee – May 5, 2008 [20080814lab01.pdf](#)
  13. Municipal Arts Commission – May 14, 2008 [20080814mac01.pdf](#)
  14. Municipal Arts Commission – Public Art/Art in Private Development Committee – July 22, 2008 [20080814mac02.pdf](#)
  15. Sponsorship Review Committee – May 12 & July 1, 2008 [20080814src01.pdf](#)  
[20080814src02.pdf](#)
  16. Transportation Commission – Multi-Modal Planning & Project Review Committee – May 14 & June 11, 2008 [20080814tc01.pdf](#) [20080814tc02.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- a. Mayor Hallman stated that Tempe has 160 highly skilled young adult lifeguards who must complete 40-hour Red Cross lifeguard certification, as well as an additional 30 hours specialized rescue training. Tempe is the only municipality in the valley that requires this high level of certification. Mayor Hallman introduced **Ben Swanson** who has been a City of Tempe lifeguard for two years. Earlier this summer, an incident occurred at Kiwanis Wave Pool and Ben efficiently and calmly put his lifeguard training into action. He rescued a young girl from the water. He also introduced Ben's brother, Chase Swanson, also a Tempe lifeguard.
- b. Mayor Hallman announced that the **Tempe Adapted Recreation Program** recently received two awards for distinguished service from the Special Olympics. The “**Outstanding Local Program Award**” is presented to an accredited Special Olympics training program that exemplifies the Olympic spirit. The “**Outstanding Parks and Recreation Department Award**” is given to honor a parks and recreation department's unique contribution to the Special Olympics. The Tempe Special Olympics is comprised of the Tempe Parks and Recreation Department, the Arc of Tempe, and Tempe Union High School District. Today, the Tempe Special Olympics is coordinating East Valley golf, gymnastics, and speed skating competitions, as well as participating in a basketball and cheerleading games management team. He introduced **Linda Cano**, Recreation Supervisor, and **Yolanda Matthews**, who lead the adaptive recreation team.
- c. Mayor Hallman introduced the **Sister Cities Chinese educators from Zhenjiang, China**, who have participated in the Sister Cities professional educator exchange, and their Tempe hosts. This successful teacher exchange program has established long-term friendships and enriched participants' professional experience. He introduced **Kimberly Rice**, a special education teacher at Balsz Elementary School, who is hosting **Huang Wen**, who teaches at a middle school in Zhenjiang, and **Amy Cole**, an

Intervention Learning Program administrator for Tempe Elementary School District, hosting **Geng Hua**, a senior-middle school educator from Zhenjiang.

d. Mayor Hallman announced **Board and Commission reappointment selections.**

**Building Code Advisory Board**

**Of Appeals**

Joseph Yarborough

Term Expires 4-30-11 (1)

Replaces Gerald Nelson

**Development Review Commission**

Tom Oteri

Stanley Nicpon

Mario Torregrossa

Terms Expire 7-1-11

Reappointment (2)

Reappointment (2)

Reappointment as Alternate (1)

**Disability Concerns Commission**

Frank Emery

Robert Kizere

Cyndi Newburn

Terms Expire 12-31-11

Reappointment (\*)

Reappointment (1)

Reappointment (1)

**Double Butte Cemetery**

**Advisory Committee**

Jim Mack

Carol McKnight

Eduarda Yates

Terms Expire 12-31-11 (\*)

Reappointment

Reappointment

Reappointment

**Firefighters Public Safety Personnel**

**Retirement Board**

Joe Brosius

Term Expires 6-30-12 (1)

Reappointment

**Golf Committee**

Robert Lofgren

Term Expires 12-31-11

Reappointment (\*)

**Historical Museum Advisory Board**

Anne Chandler

Betty Enz

Terms Expire 12-31-11

Reappointment (\*)

Reappointment (\*)

**Industrial Development Authority**

Virginia Norton

Term Expires 7-10-14

Reappointment (5)

**Joint Review Committee**

Jodi Beckley Liggett

Wellington "Duke" Reiter

Term Expires 7-7-11 (\*)

Reappointment

Reappointment

Mark Thompson	Reappointment
<b>Library Advisory Board</b> Cyndi Newburn	Term Expires 12-31-11 Reappointment (1)
<b>Parks &amp; Recreation Board</b> Frank Granillo	Term Expires 12-31-11 Reappointment (*)
<b>Police Public Safety Personnel Retirement Board</b> Joe Brosius	Term Expires 6-30-12 (1) Reappointment

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**.

City Attorney Andrew Ching noted that the "dba" designation on Item #27 was erroneous and should be deleted.

**Motion by Councilmember Arredondo to approve the Agenda as amended (Items #20, #22, #24, #55 and #67 were removed for separate consideration). Second by Councilmember Woods. Motion passed on a roll call vote 6-0, with Councilmember Shekerjian absent.**

A. Miscellaneous Items

17. Approved the Mayor's Board and Commission reappointment selections.  
**DOCUMENT NAME:** [20080814boards.pdf](#) **BDS, COMMISSIONS, COMMITTEES ADM (0102-01)**
18. Approved the recommended funding for the 2008-2009 Arts Grant Awards to schools and non-profit organizations.  
**COMMENTS:** Total amount of recommended grants funding is \$149,954 to be paid from the Municipal Arts Fund.  
**DOCUMENT NAME:** [20080814csar01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

19. Approved the recommended funding for the 2008-2009 Neighborhood Grant Program to homeowners' and neighborhood associations.  
**DOCUMENT NAME:** [20080814crsw01.pdf](#) **NEIGHBORHOOD ASSOCIATION PROGRAM (0109-24)**
20. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Authorized the Mayor to sign **Contract #2008-154**, a Memorandum of Consent with Gyro 5 LLC (dba Segway of Scottsdale) to allow the operation of for-profit guided Segway tours within Rio Salado Parks.

Vice Mayor Ellis asked that this item be removed so that she could declare a conflict of interest.

**Motion by Councilmember Mitchell to approve Item #20. Second by Councilmember Navarro. Motion passed on a roll call vote, 5-0, with Vice Mayor Ellis abstaining and Councilmember Shekerjian absent.**

**DOCUMENT NAME:** [20080814cdnr03.pdf](#) **RIO SALADO PARK (0706-32)**

21. Approved **Contract #2004-31B**, an amendment to the Downtown Tempe Community Enhanced Services District contract.  
**DOCUMENT NAME:** [20080814cdcm02.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01)**
22. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved the allocation of the City of Tempe's portion of revenues from Tempe Diablo Stadium display panels per amended lease C2004-252B to Tempe Community Council 501(c)3.  
**COMMENTS:** Allocation of funds in the estimated amount of \$150,000

Vice Mayor Ellis asked that this item be removed so that she could declare a conflict of interest.

Mayor Hallman added that this item is a unique partnership with the California Angels to allow the construction of two display panels ultimately on property that it is part of the Diablo Stadium. Council has had the discussion on the tight budget and has planned to do this for a long time. In an era where the economy is so tight, this item is proposing that the resources from the display panels go into an endowment at the Tempe Community Foundation. He would propose, given the endowment is for future purposes, that at least for this year Council approve this item with the caveat that the funds first be made available for current needs. That does not change the direction Council has given to the City Manager, but it does identify some resources immediately to cash flow to operations to fund services that are important to this community. Council could then continue to look and if additional resources that could go into the endowment are found, that could then be part of the work that the staff does for the September 11<sup>th</sup> update. We know immediately that we have identified resources that could go to current needs. He also asked that Council consider, given that these are new resources, that we restrict them so that they are not subject to administrative costs.

**Motion by Councilmember Arredondo to approve Item #22 as stated. Second by Councilmember Navarro.**

Mayor Hallman explained that he will vote “no” because in the time of need, this money could be spent on current immediate needs of the community and having that money instead pinned down into the Tempe Community Foundation does not serve the dire needs expressed at the Issue Review Session.

**Motion passed 4-1, with Mayor Hallman voting “no”, Vice Mayor Ellis abstaining and Councilmember Shekerjian absent.**

**DOCUMENT NAME:** [20080814tccjm01.pdf](#) **DIABLO STADIUM – CALIFORNIA ANGELS (0903-15)**

23. Approved **with condition** a Final Subdivision plat for TUTOR TIME located at 1765 East University Drive.

**COMMENTS:** (PL070515) (Tutor Time Childcare, property owner, Darin Sender, applicant), located at 1765 East University Drive, in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:

**SBD08019** - A final subdivision plat, consisting of a line adjustment on a 2.128 net acres parcel.

The following condition was also approved:

1. The 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 14, 2009**. Failure to record the plan within one (1) year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20080814dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j \*24. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held a public hearing and **approved an appeal** of the December 13, 2005, Planning and Zoning Commission approval of a use permit for U-HAUL CENTER to operate a self-storage facility in the CSS Commercial Service and Shopping District at 2340 E. Apache Boulevard.

**COMMENTS:** Appeal by the Apache Boulevard Planning Area Committee (APAC) (PL050101/UPA08004) of the December 13, 2005, Planning and Zoning Commission decision to grant U-HAUL CENTER (CC050088) (Republic Western, property owner / Amerco Real Estate, applicant) **#SIP-2005.108** a use permit as follows:

Use Permit:

1. To allow a self-storage facility consisting of 28,657 s.f. in the CSS, Commercial Service and Shopping District, within the Transportation Overlay District Station Area, located at 2340 East Apache Boulevard.

Mayor Hallman explained that this item is referred back to Council by the Maricopa County Superior Court. In

that context, Maricopa County Superior Court has given Council direction that Council can only take input from the two parties, those representing APAC and those representing U-Haul. He asked if a representative from APAC would like to make a presentation.

#### APPLICANT PRESENTATION

**Phil Amorosi**, Chairman of APAC, Tempe. He noted that a letter is included in the Council's packet. This letter was sent by APAC to the Planning and Zoning Commission recommending denial of the use. The plan was voted down five years ago, and again in October of 2005. A second letter was sent by APAC on December 12, 2005, but that letter was not included in the packet. That letter stated that from October 10<sup>th</sup> through the December 12, 2005, APAC meeting, U-Haul did not present any revisions based on APAC's recommendations. This is a special use permit and just because they own the land doesn't mean they can build whatever they want. The last plan was for 200 single-story sheds adjacent to a regional light rail station with no access to the neighborhood, no SEPTD standards, no aesthetics, and no pedestrian orientation. He urged Council to approve APAC's appeal.

There was no presentation by U-Haul.

**Motion by Councilmember Mitchell to approve the appeal and deny the use permit in Item #24 . Second by Councilmember Arredondo. Motion passed on a roll call vote, 6-0, with Councilmember Shekerjian absent.**

#### **DOCUMENT NAME: [20080814dsdk01.pdf](#) PLANNED DEVELOPMENT (406)**

- \*25. Held a public hearing and recommended the approval of a Series 6 Bar Liquor License for The ROC Bar and Grill dba Yogi's Sports Bar and Grill, 1400 South McClintock Drive.  
**COMMENTS:** Nathan Robbins, Agent.  
**DOCUMENT NAME:** [20080814LIQ01.pdf](#) LIQ LIC (0210-02)
- \*26. Held a public hearing and recommended the approval of a Series 9 Liquor Store License for Circle K Stores Inc., dba Circle K Store #3379, 507 West Broadway Road.  
**COMMENTS:** Kim Kwiatkowski, Agent.  
**DOCUMENT NAME:** [20080814LIQ02.pdf](#) LIQ LIC (0210-02)
- \*27. Held a public hearing and recommended the approval of a Series 7 Beer and Wine Bar Liquor License for Aramark Entertainment LLC at Tempe Diablo Stadium, 2200 West Alameda Drive.  
**COMMENTS:** Robert P. Chapman. Agent.  
**DOCUMENT NAME:** [20080814LIQ03.pdf](#) LIQ LIC (0210-02)
- \*28. Held a public hearing and recommended the approval of a Series 6 Bar Liquor License for Rustee Enterprises LLC dba Door Lounge, 1126 North Scottsdale Road.  
**COMMENTS:** Barbara L. Freeman is the Agent for this application.

DOCUMENT NAME: [20080814LIQ04.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

29. Awarded **Contract #2008-155**, three-year contracts with three, one-year renewal options to Skyline Builders; GTI Contractors; M Group; Fabiani Painting; Crout and Heller Painting; Vortex Industries; Star Roofing; Southwest Trane; Crawford Mechanical; Emmet Refrigeration; Piper Power Plumbing; Hernandez Companies; Roto Rooter; Pipeline Video; Commonwealth Electric; Spectra Electrical; Arizona Repair Masons; Rapid Contracting; SDB Inc.; and Iron Paving for trade service providers for routine repairs and maintenance of City facilities.

**COMMENTS:** (08-178-01 thru 08-178-19) Total cost for these contracts shall not exceed \$3,000,000 during the initial contract period.

DOCUMENT NAME: [20080814fsta01.pdf](#) PURCHASES (1004-01)

30. Awarded **Contract #2008-156**, a contract to Advanced Striping Equipment for a thermoplastic pavement marker and support trailer.

**COMMENTS:** (08-182) Total cost for this contract shall not exceed \$46,000.

DOCUMENT NAME: [20080814fsta04.pdf](#) PURCHASES (1004-01)

31. Awarded **Contract #2008-157**, a one-year contract with four, one-year renewal options to Christmas Light Decorators for holiday light displays and installation.

**COMMENTS:** (RFP #08-168) Total cost for this contract shall not exceed \$110,000 during the initial contract period.

DOCUMENT NAME: [20080814fslg16.pdf](#) PURCHASES (1004-01)

32. Awarded **Contract #2008-158**, a two-year contract with three, one-year renewal options to Stanley Convergent Security Solutions for security system purchase, installation and maintenance.

**COMMENTS:** (RFP 08-186) Total cost for this contract shall not exceed \$500,000 during the initial contract period.

DOCUMENT NAME: [20080814fsta18.pdf](#) PURCHASES (1004-01)

33. Awarded **Contract #2008-159**, a one-year contract to TransCore ITS, LLC, for an information display system and system integration at the Transportation Management Center within the Tempe Transportation Center.

**COMMENTS:** (RFP #08-112) Total cost for this contract shall not exceed \$532,692 during the initial contract period.

DOCUMENT NAME: [20080814fslg20.pdf](#) PURCHASES (1004-01)

34. DELETED

35. Awarded **Contract #2008-160**, a seven (7) month, sole source contract to Veolia Transit



Services, Inc. for transit bus services.

**COMMENTS:** (Purchase Agreement #T09-011-01) Total cost for this sole source contract shall not exceed \$19,550,168.

**DOCUMENT NAME:** [20080814fslq23.pdf](#) **PURCHASES (1004-01)**

36. Awarded **Contract #2008-161**, a two-year contract with three, one-year renewal options to Premier Graphics for the printing of *Tempe Today*.

**COMMENTS:** (09-010) Total cost for this contract shall not exceed \$65,000 during the initial contract period.

**DOCUMENT NAME:** [20080814fsta05.pdf](#) **PURCHASES (1004-01)**

37. Awarded **Contract #2008-162**, a sole source contract to Khemia Software for the Laboratory Information Management System software upgrade for the Water Utilities Department.

**COMMENTS:** (Sole Source #WUD09-035-01) Total cost for this contract shall not exceed \$90,000 during the contract period.

**DOCUMENT NAME:** [20080814fst13.pdf](#) **PURCHASES (1004-01)**

38. Awarded **Contract #2001-213A**, a one-year sole source contract to Tata Consulting Services, Ltd., for annual software maintenance and technical assistance for the business license/privilege tax software system used by the Tax and License Division of the Financial Services Department.

**COMMENTS:** (Sole Source #08-181) Total cost for this contract shall not exceed \$104,000 during the contract period.

**DOCUMENT NAME:** [20080814fst17.pdf](#) **PURCHASES (1004-01)**

39. Approved the purchase of liquid natural gas (LNG) for transit services for fiscal year 2008/2009 through the existing intergovernmental cooperative purchasing agreement with the City of Phoenix and the Regional Public Transportation Authority.

**COMMENTS:** (Contract #RFA 09-003) Total cost of this contract shall not exceed \$4,979,888 during the initial contract period.

**DOCUMENT NAME:** [20080814fslq21.pdf](#) **PURCHASES (1004-01)**

40. Awarded **Contract #2008-163**, a professional services contract with QED Airport & Aviation Consultants for aircraft noise impact evaluation.

**COMMENTS:** Total cost for this contract is the amount of \$34,440.

**DOCUMENT NAME:** [20080814PWDR01.pdf](#) **AIRCRAFT STUDIES (0112-01)**  
**PROJECT NO. 3203101**

41. Awarded **Contract #2008-164**, a professional services contract with FM Solutions, Inc., for the Facilities Maintenance Master Plan.

**COMMENTS:** Total cost for this contract shall not exceed \$239,221.

**DOCUMENT NAME:** [20080814PWDR10.pdf](#) **CITY FACILITY MAINTENANCE**

– UPGRADE (1001) PROJECT NO. 6706031

42. Approved **Contract #2008-165**, a Construction Manager at Risk design phase contract with Pierson Construction Corporation for water line replacement on various City streets.  
**COMMENTS:** The amount of this contract is \$146,861.32.  
**DOCUMENT NAME:** [20080814PWDR02.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3202891**
43. Approved **Contract #2005-41B**, an addendum to a professional services contract with Environmental Planning Group, Inc., (EPG) for the design of a multi-use path at the Western Canal.  
**COMMENTS:** Total addendum not to exceed \$196,850.  
**DOCUMENT NAME:** [20080814PWDR03.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6000421**
44. Approved **Contract #2006-274C**, an addendum to a professional services contract with Superstition Foothills Consulting Services, Inc., for plan review and inspections of the Cox Extendable Optical Network project  
**COMMENTS:** Total addendum not to exceed \$61,250.  
**DOCUMENT NAME:** [20080814PWDR12.pdf](#) **UNDERGROUND UTILITIES (0810) PROJECT NO. 6702711**
45. Approved amendment number one to **Contract #2005-81Y**, Job Order contract with 3D/International, Inc., for renovations to Fire Station No. 4 and addition to the Fire Training Center.  
**COMMENTS:** The amount of the Job Order contract is increased from \$697,017 to \$781,739.  
**DOCUMENT NAME:** [20080807PWWS04.pdf](#) **FIRE STATIONS - MAINTENANCE/ IMPROVEMENTS (1001-08) PROJECT NO. 5602531**
46. Approved **Contract #2008-138A**, Job Order No. 1 with Foresite Design & Construction, Inc., for remodel of the administration building at the Johnny G. Martinez Water Treatment Plant (JGMWTP), and approval of a project contingency.  
**COMMENTS:** Total amount for Job Order No. 1 is \$84,708 and the initial project contingency is \$16,000.  
**DOCUMENT NAME:** [20080814PWDR06.pdf](#) **CITY FACILITIES MAINTENANCE – UPGRADES (1001) PROJECT NO. 3202941**
47. Approved **Contract #2008-137A**, Job Order No. 1 with Caliente Construction, Inc., for replacement of disinfection equipment at various well sites and approval of a project contingency.  
**COMMENTS:** Total amount for the Job Order No. 1 is \$435,808 and the initial project contingency is \$43,500.

**DOCUMENT NAME:** [20080814PWDR09.pdf](#) **WELLS** –  
**CONSTRUCTION/MAINTENANCE (0811-01) PROJECT NO. 3200018**

48. Approved a one-year renewal of a contract with Specialty Disease Management, Inc., for a disease management program offered to all eligible employees, retirees and their dependents.

**COMMENTS:** (T06-149-01) Total amount not to exceed \$70,000.

**DOCUMENT NAME:** [20080814fsta02.pdf](#) **PURCHASES (1004-01)**

49. Approved a one-year renewal of a contract with Robertson Industries, Inc., for the purchase of rubberized playground surfacing.

**COMMENTS:** (T08-013-01) Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20080814fslq07.pdf](#) **PURCHASES (1004-01)**

50. Approved a one-year renewal of contracts with Seeds West, UAP Distribution, Inc., and Western Sere for the purchase of mulch, grass seed, tackifier, and other products.

**COMMENTS:** (T08-035-01 through T08-035-03) Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20080814fslq09.pdf](#) **PURCHASES (1004-01)**

51. 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 not to exceed \$89,494.00

**DOCUMENT NAME:** [20080814fst10.pdf](#) **PURCHASES (1004-01)**

52. Approved a three-month renewal of a contract with Anderson Security Agency, Ltd., for the purchase of security guard services for the Water Utilities Department.

**COMMENTS:** (T04-135-01) Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20080814fst11.pdf](#) **PURCHASES (1004-01)**

53. Approved a one-year renewal of a contract with Continuant, Inc., for hardware and software maintenance and miscellaneous repairs of the City's Avaya telephone systems.

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

**DOCUMENT NAME:** [20080814fst12.pdf](#) **PURCHASES (1004-01)**

54. Approved a one-year renewal of contracts with KNK Diversified, Inc., and Spray Systems Environmental for asbestos, lead paint, and mold abatement services for City-owned buildings.

**COMMENTS:** (T06-094-01 and 02) Total cost of this contract shall not exceed \$75,000.

**DOCUMENT NAME:** [20080814fst15.pdf](#) **PURCHASES (1004-01)**

55. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved a one-year renewal of a contract with Tempe Family YMCA for the provision of child care services at the Westside Multigenerational Facility.  
**COMMENTS:** (T06-117-01) There is no cost to the City for these services.

Councilmember Mitchell asked for this item to be removed so that he could declare a conflict of interest.

**Motion by Councilmember Arredondo for approval of Item #55. Second by Councilmember Woods. Motion passed on a roll call vote, 5-0, with Councilmember Mitchell abstaining, and Councilmember Shekerjian absent.**

**DOCUMENT NAME:** [20080814fslg03.pdf](#) **PURCHASES (1004-01)**

56. Approved the utilization of a ten-month City of Scottsdale contract with Ancon Service Company for the cleaning of the City's sewer system, lift stations and wet wells for the Water Utilities Department.  
**COMMENTS:** (WUD08PB049) Total cost of this contract shall not exceed \$300,000.

**DOCUMENT NAME:** [20080814fst14.pdf](#) **PURCHASES (1004-01)**

57. Approved **Contract #2008-166**, the utilization of an eleven-month City of Scottsdale contract with PFM Asset Management LLC for investment management services for the Accounting Division.

**COMMENTS:** (FS05RP029) Total cost of this contract shall not exceed \$200,000.

**DOCUMENT NAME:** [20080814fst19.pdf](#) **PURCHASES (1004-01)**

58. Approved the expenditure of funds under the existing Intergovernmental Agreement with the City of Phoenix Fire Department for firefighter medical and physical exams.

**COMMENTS:** (C97-179) Total expenditure of funds for this fiscal year shall not exceed \$128,367.

**DOCUMENT NAME:** [20080814fslg06.pdf](#) **PURCHASES (1004-01)**

59. Approved the expenditure of funds under the existing Intergovernmental Agreement with the cities of Chandler and Phoenix for training at their fire recruit academies.

**COMMENTS:** (C97-95a) Total expenditure of funds for this fiscal year shall not exceed \$134,800.

**DOCUMENT NAME:** [20080814fslg08.pdf](#) **PURCHASES (1004-01)**

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

- \*60. Introduced and held the **first public hearing** for a Zoning Map Amendment and Planned Area Development Overlay for THE RETREAT AT 1000 APACHE located at

1000 East Apache Boulevard. **The second public hearing is scheduled for September 11, 2008.**

**COMMENTS:** (PL080071) (David Freeman, GNJ Properties LLC, owner; Len Erie, Leonard J. II and Susan M. Erie Trust, owner; City of Tempe, owner; Manjula Vaz, Gammage & Burnham, applicant) consisting of two five-story mixed use buildings, 67'-0" high, including 124 student housing units with apartment/amenity area of 162,629 s.f. and retail/restaurant area of 4,352 s.f., and one five-level parking garage, 52'-0" high, with area of 96,665 s.f., including one subterranean level. The site is 1.81 gross acres and is located at 1000 East Apache Boulevard in the CSS, Commercial Shopping and Service District. The request includes the following:

**ZON08003 – (Ordinance No. 2008.30)** Zoning Map Amendment from CSS, Commercial Shopping and Service District to MU-4 (PAD) (TOD), Mixed-Use High Density District with a Planned Area Development Overlay and within the Transportation Overlay District.

**PAD08008** –Planned Area Development Overlay to establish development standards to allow a maximum density of 70 dwelling units per acre, maximum building height of 67'-0", minimum building setbacks of 0'-0" at front and side yards, minimum 7'-0" building setback at rear yard, maximum building lot coverage of sixty-four (64) percent, and minimum landscape lot coverage of nineteen (19) percent.

**DOCUMENT NAME:** [20080814dskko01.pdf](#) **PLANNED  
DEVELOPMENT (0406)**

- \*61. Introduced and held the **first public hearing** to adopt an ordinance granting an easement to Salt River Project to install and maintain the facilities necessary to provide electrical service across City-owned property at 230 E. Marigold Lane. **The second public hearing is scheduled for September 11, 2008.**

**COMMENTS:** Salt River Project has requested an underground electrical line easement across a portion of City-owned property at 230 E. Marigold Lane (aka parcel number 132-04-003c). The electrical service is to serve a cell tower located in that area.

**DOCUMENT NAME:** [20080814PWCH05.pdf](#) **EASEMENTS (0904-02)**  
**ORDINANCE NO. 2008.33**

- \*62. Introduced and held the **first public hearing** to adopt an ordinance abandoning an existing waterline easement located at 911 N. Stadem Drive. **The second public hearing is scheduled for September 11, 2008.**

**COMMENTS:** The City of Tempe desires the abandonment of an existing waterline easement described and recorded in Docket 94-0108316. New waterline easements are being provided by the City of Scottsdale that will replace the previously existing easement.

**DOCUMENT NAME:** [20080814PWCH11.pdf](#) **ABANDONMENT (0901)**  
**ORDINANCE NO. 2008.37**

- \*63. Introduced and held the **first public hearing** for an ordinance authorizing the execution

of a Development and Disposition Agreement with Wisdom Tree Institute, Inc., an Arizona corporation. **The second public hearing is scheduled for September 11, 2008.**

**DOCUMENT NAME:** [20080814cdcm05.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01) ORDINANCE NO. 2008.41**

- \*64. Introduced and held the **first public hearing** for an ordinance authorizing the execution of a Development Agreement with Meltdown Glass Art & Design, LLC, an Arizona limited liability company. **The second public hearing is scheduled for September 11, 2008.**

**DOCUMENT NAME:** [20080814cdcm04.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01) ORDINANCE NO. 2008.42**

**D. Ordinances and Items for Second Hearing/Final Adoption**

- \*65. Held the **second public hearing** and approved ORDINANCE NO. 2008.26 amending Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes.

**DOCUMENT NAME:** [20080814cacc01.pdf](#) **TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16)**

- \*66. Held the **second public hearing** and adopted ORDINANCE NO. 2008.32 granting two permanent power distribution easements to Salt River Project Agricultural Improvement and Power District by the City of Tempe.

**DOCUMENT NAME:** [20080814PWCH08.pdf](#) **EASEMENTS (0904-02)**

- \*67. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held the **second public hearing** and approved **with conditions** a Historic Overlay District for TEMPE (HAYDEN) BUTTE, located at 222 East 5<sup>th</sup> Street.

**COMMENTS:** (PL080136) (City of Tempe, property owner; Joe Nucci, Historic Preservation Officer, applicant) for designation to the *Tempe Historic Property Register*, located at 222 East 5<sup>th</sup> Street in the GID, General Industrial District, the MU-4, Mixed-Use High Density District and in the Rio Salado & Transportation Overlay Districts. The request includes the following:

**HPO08002 – (Ordinance No. 2008.31)** Historic Overlay District located on approximately 35 acres.

The following conditions were also approved:

1. Designation on the Tempe Historic Property Register or on the National Register of Historic Places will not supersede the primary jurisdiction of the Parks & Recreation Board regarding management and use of the Tempe Butte Preserve.
2. The Historic Preservation Commission would not need to be consulted about routine maintenance of the paths, including resurfacing, or regarding improvements for accessibility.
3. The historic Preservation Commission and the Tempe Parks & Recreation Board will share information about any proposed expansions to the trail system.
4. The Historic Preservation Commission will not fence off any part of the preserve.

Mayor Hallman asked for this item to be removed so that the Chair of the Historic Preservation Commission could speak.

**Bob Gasser**, Chair of the Historic Preservation Commission, introduced Commissioners Kristie Melcher, Ann Patterson, Donna Marshak, and Elias Esquer, as well as Joe Nucci, Historic Preservation Officer for the City of Tempe, all of whom are supportive of this designation. He further introduced Tom Wright, practicing archeologist. Mr. Wright is also the staff archeologist for the Salt River Pima Maricopa Indian Community. He added that the SRPMIC is very supportive of this designation. The Parks and Recreation Board is also supportive. He had an interview with Channel 3 and also met with student representatives and a representative of the ASU Foundation. One of their only concerns was as to whether the "A" would be left alone and students would be allowed to continue to paint it. The "A" is considered one of the components and there is no problem involved. This will be Tempe's first archeological district and that is a major milestone.

Mayor Hallman added that this process started in 1999. Councilmember Mitchell and ex-Councilmember Carter were new on the Council when it finally came forward in 2000, and there was an effort to build a development up the slopes of the western side of the Butte. They cast their votes in trying to save the slopes of the butte, along with Mayor Hallman, Councilmember Arredondo and ex-Councilmember Cahill. It was not a popular stance to take. That development was stopped and it was followed by the Council, through a committee, creating the very first preserve ordinance, and the Butte was designated a preserve under that ordinance. This third step gives it a heightened level of protection and something to which Council has committed. It has taken almost nine years to complete, but the features on the Butte have been there for more than a thousand years. Finally, the Council negotiated, as part of the Centerpoint project condominiums, the obligation that the project take the radio equipment and antennae on top of the Butte and move them to the top of one of their buildings. He congratulated the Historic Preservation Commission and the community members who have long been pushing on this wheel to get to this solution. He asked the commissioners to pass along Council's thanks for the community support and to the SRPMIC for their help.

**Motion by Councilmember Arredondo for approval of Item #67. Second by Councilmember Mitchell. Motion passed on a roll call vote, 6-0, with Councilmember Shekerjian absent.**

**DOCUMENT NAME:** [20080814dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*68. Held the **second public hearing** and approved ORDINANCE NO. 2008.34 authorizing the Mayor to execute **Contract #98-158A**, Notice of Lease Termination, and **Contract #98-158B** Deed and Bill of Sale conveying the property to Mark and Lynn Irby.

**DOCUMENT NAME:** [20080814cdcm01.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01)**

- \*69. Held the **second public hearing** and approved ORDINANCE NO. 2008.36 amending Chapter 22 of the Tempe City Code by adding a new Article VIII regarding Transit, and amending Chapter 26 of the Tempe City Code by amending Section 26-1 and by adding Section 26-5 regarding Transit Enforcement Aides.



DOCUMENT NAME: [20080814pwjism01.pdf](#) TRANSPORTATION PLANNING  
(1101-01)

- \*70. Held the **second public hearing** and adopted ORDINANCE NO. 2008.35 granting an easement to Salt River Project to install and maintain the facilities necessary to provide electrical service across a portion of property owned by the City pursuant to a GPLET Lease, known as Tempe Marketplace Project.

DOCUMENT NAME: [20080814cdnr01.pdf](#) COMMUNITY DEVELOPMENT  
ADMIN. (0406)

E. Resolutions

71. Approved RESOLUTION NO. 2008.77 authorizing **Contract #2007-136A**, a revised Intergovernmental Agreement (IGA) between the Cities of Mesa, Chandler, Gilbert, Tempe, Scottsdale and the Salt River Pima Maricopa Indian Community Police Department and the US Bureau of Alcohol, Tobacco, and Firearms to develop an East Valley Gang and Criminal Information Fusion Center.

DOCUMENT NAME: [20080814pdsam02.pdf](#) POLICE DEPARTMENT  
ADMINISTRATION (0606-02)

72. Approved RESOLUTION NO. 2008.78 authorizing the City Manager to sign the Application for Designation of Assured Water Supply.

DOCUMENT NAME: [20080814cacc02.pdf](#) WATER MANAGEMENT  
ADMINISTRATION (0811-13)

73. Approved RESOLUTION NO. 2008.74 authorizing the Mayor to execute **Contract #2004-130C**, a Land Improvements and Lease between the City and Mondrian TTL L.L.C., and a Memorandum of Lease (C2004-130D).

DOCUMENT NAME: [20080814cdnr02.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03)

74. Approved RESOLUTION NO. 2008.75 approving **Contract #2008-29A**, the First Amendment to the Development and Disposition Agreement with Cardinal Capital Management, Inc., to develop property located at 2428 E Apache Boulevard.

DOCUMENT NAME: [20080814cdls02.pdf](#) COMMUNITY DEVELOPMENT  
/REDEVELOPMENT ADM (0403-01)

75. Approved RESOLUTION NO. 2008.73 authorizing negotiation of a Development and Disposition Agreement with Golub & Company regarding property located at 903 South Rural Road.

DOCUMENT NAME: [20080814cdls01.pdf](#) COMMUNITY  
DEVELOPMENT/REDEVELOPMENT ADM (0403-01)



76. Approved RESOLUTION NO. 2008.76 authorizing the use of City contingency funds to pay for two contract School Resource Officers for the 2008/09 school year.

**COMMENTS:** The cost will be approximately \$165,000. These funds are only being requested on a one-time basis as the schools will help support these positions in future years.

**DOCUMENT NAME:** [20080814pdsam01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**

77. Approved RESOLUTION NO. 2008.79 authorizing the execution of **Contract #2008-167**, a Development Agreement with Kalil Bottling Co., an Arizona Corporation.

**DOCUMENT NAME:** [20080814cdcm03.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01)**

## 6. PUBLIC APPEARANCES

### SCHEDULED PUBLIC APPEARANCE

Mark Haefs, Tempe, re: road conditions at Hardy and the Canal, did not appear.

### UNSCHEDULED PUBLIC APPEARANCE

**Phil Amorosi, Tempe.** The League of Arizona Cities and Towns is having their conference next week. There is a resolution put forth by the City of Sedona and the Town of Camp Verde that urges the State Legislature to adopt legislation establishing uniform property tax assessment methodology for deed-restricted housing created under affordable housing programs. It recognizes limited profits that owners of deed-restricted housing can realize. Since the City of Tempe has the Community Land Trust program, owners that have bought into that program don't receive 100% of the equity, yet the State currently taxes them at 100% of the property. NewTown was in contact with the County, and they did grant them a special assessment, but they also agreed that it would be best for the State Legislature to develop a special tax class for these people. He urged the City of Tempe to support that resolution.

**David Swanson, Tempe,** stated that it is important to recognize outstanding behavior on behalf of City employees. He went to the recycling center recently on the weekend and it was closed. There was a big sign that said "bees." He talked to Ray Hagen who was taping off the area so that no one would get stung. Mr. Hagen had been stung eleven times. Mr. Swanson thought it was outstanding that he took the time to secure the area. Mr. Hagen noted that he could have the beekeeper come out on the weekend to eradicate the bees, but it would cost the City more money to do that, so he decided to tape off the area since the facility was closed anyway and wait until Monday. He was happy to recognize Mr. Hagen for his good work.

## 7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Arredondo wished Arizona State University the very best in the coming season. He congratulated staff for including extended Orbit routes on game days. He added that Pam Goronkin would be leaving her position at the DTC, and he commended her for her hard work and for bringing

some meaningful dialogue to the Council. She will be missed.

- Councilmember Woods thanked those who serve on the boards and commissions for the City.
- Mayor Hallman requested a reconsideration of the Resolution and Development and Disposition Agreement with DMB regarding the Centerpoint project at the next Council meeting. This was passed at the July 22<sup>nd</sup> Council meeting. City Clerk Jan Hort agreed that the Mayor was asking for it correctly so it can be agendaized at an open meeting to be reconsidered. City Attorney Andrew Ching conferred. Mayor Hallman stated that he just wanted to make sure it was in the queue properly because he understood he had to ask for the rehearing at the next following meeting, and the action to approve the DDA had been taken at the last meeting. He wanted to verify that this is the protocol to have it placed for consideration for rehearing at the next meeting. City Attorney Andrew Ching read Rule #18 which stated that after the decision on any question, any councilmember who voted with the prevailing side may move for reconsideration of any action at the same or at the next succeeding meeting.
- Mayor Hallman further announced that the “Safety Awareness for Everyone” program has not received enough press. The Police Department has done some amazing work under the leadership of Police Chief Tom Ryff. The department has continued to move forward with reorganization and as a result, the crime rate is down about 11 percent. The crime rate at ASU has also fallen. The Police Department has allocated resources to deploy additional technology, and has gone forward with partnerships in the East Valley and elsewhere. The “Safety Awareness for Everyone” program is another way in which the Police Department has been reaching out to citizens to partner to keep the community safe. This is an umbrella campaign designed to roll out education and enforcement programs throughout the year. It focuses on the formation and deployment of youth alcohol squads to combat underage drinking, sexual assault prevention awareness, and traffic safety and enforcement efforts. He thanked the Police Department for working to create this program.

*Meeting adjourned at 8:50 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 14, 2008, by the Tempe City Council, Tempe, Arizona.

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Hugh Hallman, Mayor

ATTEST:

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Jan Hort, City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.