

## Minutes Formal City Council Meeting November 20, 2008

Minutes of the Formal Council Meeting of Thursday, November 20, 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 (via telephone)  
Vice Mayor Shana Ellis  
Councilmember P Ben Arredondo  
Councilmember Mark W. Mitchell  
Councilmember Joel Navarro  
Councilmember Onnie Shekerjian  
Councilmember Corey D. Woods

*Vice Mayor Ellis called the meeting to order at 7:30 p.m.*

1. Councilmember Woods gave the invocation.
2. Vice Mayor Ellis 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 Mayor Hallman. Motion passed unanimously on a voice vote.

1. Council's Executive Session – November 6, 2008
2. Council's Issue Review Session – November 6, 2008 [20081120clrkck02.pdf](#)
3. Council's Formal Meeting – November 6, 2008 [20081120clrkck01.pdf](#)

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

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

4. Community Special Events Task Force – November 4, 2008 [20081120setf01.pdf](#)
5. Hearing Officer – October 21, 2008 [20081120ho01.pdf](#)
6. Human Relations Commission – August 12, September 9 & October 7, 2008  
[20081120hrc01.pdf](#) [20081120hrc02.pdf](#) [20081120hrc03.pdf](#)

7. Regional Human Relations Commission Exchange – August 13, 2008  
[20081120hrc04.pdf](#)
8. Human Relations Commission – MLK Diversity Awards Committee –  
July 8, September 9 & October 7, 2008 [20081120hrc05.pdf](#) [20081120hrc06.pdf](#)  
[20081120hrc07.pdf](#)
9. Mayor's Youth Advisory Commission – October 21, 2008 [20081120myac01.pdf](#)
10. Municipal Arts Commission – Public Art/Art in Private Development Committee –  
October 28, 2008 [20081120mac01.pdf](#)
11. Rio Salado Advisory Commission – September 23, 2008 [20081120rsac01.pdf](#)
- 11a. Tempe Fire Public Safety Personnel Retirement Board – October 2, 2008
- 11b. Tempe Police Public Safety Personnel Retirement Board – October 2, 2008
- 11c. Tempe Police Public Safety Personnel Retirement Board Executive Session – October 2, 2008

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- a. Vice Mayor Ellis announced that the City of Tempe Transportation Program, *Tempe in Motion*, received the **2008 Maricopa Association of Governments Livable Communities Award** from the Clean Air Campaign on October 28. The Clean Air Awards recognize the best clean air and alternative transportation programs in Maricopa County. Since the passage of the City's 1996 transit sales tax, the City has added bus service, implemented five free neighborhood circulator routes, created alternatively-fueled fleet, constructed light rail, built bikeways, constructed two "green" buildings and implemented neighborhood pedestrian facilities. The goal of the program is to encourage residents to ride the bus, light rail, bike or walk in order to reduce air pollution and traffic congestion. **Judi Nelson** accepted the award on behalf of the Transportation Commission.

##### 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 Mayor Hallman to approve the Agenda as amended (Item #36 was removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote 7-0.**

##### A. Miscellaneous Items

12. Approved **Contract #2007-153A**, an amendment of a Prevention Services Grant Agreement to be administered through Magellan Health Services of Arizona, Inc.

**COMMENTS:** The grant is for \$208,564 and consists of federal and state funds. This is the fourth consecutive fiscal year the City has been awarded this prevention grant.

**DOCUMENT NAME:** [20081120cskb01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

13. Approved and authorized the Mayor to execute **Contract #2003-207C**, the third amendment to an agreement between the Downtown Tempe Community and the City of Tempe regarding the 2008 Tempe Arts Festival and Fantasy of Lights.

**COMMENTS:** Agreement #C2003-207

**DOCUMENT NAME:** [20081120prtd01.pdf](#) **DOWNTOWN TEMPE COMMUNITY, INC. (0109-30)**

14. Approved the use of available funds in the Rio Salado Capital Projects Fund to pay for the bypass pumping of nuisance water from upstream of Tempe Town Lake.

**COMMENTS:** Total amount not to exceed \$250,000.

**DOCUMENT NAME:** [20081120fsjh01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

15. Approved additional funding for the engagement of the Calderon Law Offices to complete legal consulting and investigative services previously authorized.

**COMMENTS:** Additional funding not to exceed \$25,000 to complete consulting and investigative services.

**DOCUMENT NAME:** [20081120casv01.pdf](#) **LEGAL AND LEGISLATIVE SERVICES (0500)**

16. Approved **with conditions** a Final Subdivision Plat for THE ELEMENT @ ASU located at 1949 East University Drive.

**COMMENTS:** (PL080041) (JLB Tempe LLC, property owner; Dan Skeeham, Kimley-Horn & Assoc., applicant) for the development of a new 215 unit student housing complex with 10 live/work units on 6.35 acres, located at 1949 East University Drive. The request includes the following:

**SBD08033** – Final Subdivision Plat combining seven (7) parcels into one (1) lot.

The following conditions were 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. Failure to record the plat within one year of City Council approval (November 20, 2009) shall make the plan null and void.
2. All formatting corrections shall be made to the satisfaction of Development Services and Public Works, Engineering Land Services Division, before recordation.
3. Any existing easements in conflict with the proposed building shall be abandoned through Land Services Division, subject to approval by City Council.

**DOCUMENT NAME:** [20081120dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

17. Approved **with condition** an Amended Final Subdivision Plat for TEMPE TRANSPORTATION CENTER located at 200 East Fifth Street.

**COMMENTS:** (PL080160) (City of Tempe, owner; Blair Meggitt, Brady-Aulerich & Associates, Inc., applicant) for an Amended Final Subdivision Plat on +/- 6.65 net acres located at 200 East Fifth Street in the CC, City Center District, the GID, General Industrial District, and

within the RSOD, Rio Salado Overlay District and the TOD, Transportation Overlay District, including the following:

SBD08034 – Amended Final Subdivision Plat to adjust the property lines with respect to adjacent private property and public right-of-way.

The following condition was also approved:

1. Place the Subdivision Plat into proper engineered format with appropriate signature blanks. Record the Subdivision Plat with the Maricopa County Recorder's Office through the Tempe Development Services Department on or before one year from date of City Council approval (November 20, 2009). Failure to record the plan by one year from date of City Council approval shall make the approval of the Subdivision Plat null and void.

**DOCUMENT NAME:** [20081120dskko03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*18. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Fresh & Easy Neighborhood Market Inc., dba Fresh & Easy Neighborhood Market, 83 East Broadway Road.

**COMMENTS:** Randy Nations, Agent.

**DOCUMENT NAME:** [20081120LIQ02.pdf](#) **LIQ LIC (0210-02)**

- \*19. Held a public hearing and recommended the approval of a Series 09 liquor store license for Jerry's Liquors, LLC, dba Jerry's Drive In Liquor, 1217 South Rural Road.

**COMMENTS:** Mohammad Haj, Agent.

**DOCUMENT NAME:** [20081120LIQ03.pdf](#) **LIQ LIC (0210-02)**

- \*20. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Barney's Boathouse, LLC, dba Barney's Boathouse, 216 East University Drive.

**COMMENTS:** Christopher Barnett, Agent.

**DOCUMENT NAME:** [20081120LIQ04.pdf](#) **LIQ LIC (0210-02)**

- \*21. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for VOS 6<sup>th</sup> and Mill, LLC, dba Seasons Grill, 640 South Mill Avenue, Suite B2-110, Building 2.

**COMMENTS:** Theresa Morse, Agent.

**DOCUMENT NAME:** [20081120LIQ05.pdf](#) **LIQ LIC (0210-02)**

- \*22. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for City Market & Deli, LLC, dba City Market & Deli, 74 East Rio Salado Parkway.

**COMMENTS:** Qisai Putrus, Agent.

**DOCUMENT NAME:** [20081120LIQ06.pdf](#) **LIQ LIC (0210-02)**

**B. Award of Bids/Contracts**

23. Awarded **Contract #2008-236**, a construction manager at risk design phase contract with D.L. Withers Construction for renovations of City of Tempe main police station at 120 E. 5<sup>th</sup> Street.

**COMMENTS:** Total cost for this contract is \$82,977.

**DOCUMENT NAME:** [20081120PWDR02.pdf](#) **POLICE - COURTS BUILDING 120 E 5TH ST (0902-16) PROJECT NO. 5503071**

24. Awarded **Contract #2008-237**, a construction manager at risk (CMAR) construction services contract with D.L. Withers Construction and approved a project contingency for upgrades to the municipal district central cooling plant.  
**COMMENTS:** Total amount for the contract is \$2,070,504 and the amount of the project contingency is \$120,000.  
**DOCUMENT NAME:** [20081120PWDR05.pdf](#) **POLICE - COURTS BUILDING 120 E 5TH ST (0902-16) PROJECT NO. 6702501**
25. Awarded **Contract #2008-238**, a professional services design contract with Project Engineering Consultants, Ltd., for replacement of the sewer on Scottsdale Road between Curry Road and the Gilbert Drive metering station.  
**COMMENTS:** Total cost for this contract is \$89,815.  
**DOCUMENT NAME:** [20081120PWDR03.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3209391**
26. Awarded **Contract #2008-239**, a professional services design contract with Dibble and Associates, Inc., for the Western Canal water transmission main to the South Tempe Water Treatment Plant.  
**COMMENTS:** Total cost for this contract is \$172,475.  
**DOCUMENT NAME:** [20081120PWDR06.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3203181**
27. Awarded **Contract #2008-240**, a one-year contract with four, one-year renewal options to ITT Water & Wastewater USA, Inc., for on-site maintenance and parts for the Wedeco manufactured ultraviolet disinfection systems which are used by the Water Utilities Department for water production and wastewater treatment.  
**COMMENTS:** (RFP 09-024) Total cost for this contract shall not exceed \$300,000 during the initial contract period.  
**DOCUMENT NAME:** [20081120fst04.pdf](#) **PURCHASES (1004-01)**
28. Approved **Contract #2007-238E**, Job Order No. 5 for milling and rubberized asphalt overlay on Rural Road between Minton and Oxford Drives through the existing job order contract with Cactus Asphalt and approval of a project contingency.  
**COMMENTS:** Total amount for Job Order No. 5 is \$474,952.36 and the amount of the project contingency is \$47,500.  
**DOCUMENT NAME:** [20081120PWDR07.pdf](#) **STREET UPGRADING – MAINT – CONSTRUCTION (0809-05) PROJECT NO. 5403191**
29. Approved a one-year renewal of contracts with Commonwealth Electric of the Midwest; Debellis Construction LLC; FSL Home Improvements; Goldstein and Luera Construction LLC; Granado Mechanical; Paul Davis Restoration; Recon Restoration; and Royal Covers of Arizona, Inc., for housing rehabilitation services.  
**COMMENTS:** (T08-051-02 through T08-051-09) Total amount not to exceed \$35,000.  
**DOCUMENT NAME:** [20081120fslq01.pdf](#) **PURCHASES (1004-01)**
30. Approved one-year renewal of contracts with Summit Electric Supply and Brown Wholesale

Electric for electrical supplies.

**COMMENTS:** (T08-067-01/02) Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20081120fst06.pdf](#) **PURCHASES (1004-01)**

31. Approved a one-year renewal of a contract with Somerset Landscape Maintenance, Inc., for the purchase of palm tree trimming services.

**COMMENTS:** (T08-023-01) Total amount not to exceed \$55,000.

**DOCUMENT NAME:** [20081120fslq02.pdf](#) **PURCHASES (1004-01)**

32. Approved a one-year renewal of a contract with Summit Electric Supply for light poles and luminaries.

**COMMENTS:** (T08-094-01) Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20081120fst05.pdf](#) **PURCHASES (1004-01)**

33. Approved the utilization of a three-year U.S. Communities contract with Home Depot USA, Inc., for the purchase of maintenance, repair and operating supplies.

**COMMENTS:** (US Communities 05091) Total cost of this contract shall not exceed \$250,000 during the contract period over a three-year period.

**DOCUMENT NAME:** [20081120fst03.pdf](#) **PURCHASES (1004-01)**

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

- \*34. Introduced and held the **first public hearing** for an Amended Planned Area Development Overlay for UNIVERSITY SQUARE, located at 110 E. University Drive. **The second public hearing is scheduled for December 11, 2008.**

**COMMENTS:** (PL080280) (Scott Turkington-Vice President, University Square Investors, L.L.C., owner; Stephen Anderson, Gammage and Burnham, P.L.C., applicant) for a 15 story, +/- 1,100,000 s.f. building featuring a 328 unit hotel and including a convention center, restaurant and retail space with on-site structured parking on +/- 3.18 net acres. The site is located at 110 East University Drive in the CC, City Center District with a P.A.D., Planned Area Development Overlay and within the T.O.D., Transportation Overlay District. The request includes the following:

**PAD08017 -- (Ordinance No. 2008.58)** Amended Planned Area Development Overlay to allow a maximum 300'-0" tall building with a revised site plan and volumetric configuration in the CC, City Center District and within the T.O.D., Transportation Overlay District.

**DOCUMENT NAME:** [20081120dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*35. Introduced and held the **first public hearing** for a General Plan Amendment and Zoning Map Amendment for AED OFFICE BUILDING, located at 603 West Southern Avenue. **The second public hearing is scheduled for December 11, 2008.**

**COMMENTS:** (PL080165) (Chris Sosnowski, property owner and applicant) consisting of a new one story office building within approximately 2,900 square feet of building on 0.25 acres, located at 603 West Southern Avenue in the R1-6, Single-Family Residential District. The request includes the following:

**GEP08005 – (Resolution No. 2008.93)** General Plan Projected Land Use Amendment from

"Residential" to "Commercial".

**ZON08009 – (Ordinance No. 2008.61)** Zoning Map Amendment from (R1-6, Single-Family Residential District) to (CSS, Commercial Shopping and Services District).

**DOCUMENT NAME:** [20081120dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

\*36. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Introduced and held the **first public hearing** for two Zoning Map Amendments and a Planned Area Development Overlay for THE APARTMENTS AT UNIVERSITY AND LINDON, located at 708 South Lindon Lane. **The second public hearing is scheduled for December 11, 2008.**

**COMMENTS:** (PL080241) (Larry R. Norris, Charles H. Cook Christian Training School, property owner; Charles Huellmantel, Huellmantel & Affiliates, applicant) consisting of a 348 unit apartment community including 421,932 s.f. building area on +/- 14.62 net acres, located at 708 S. Lindon Lane in the R-3, Multi-Family Residential Limited District and the R1-6, Single-Family Residential District. The request includes the following:

**ZON08008 -- (Ordinance No. 2008.57)** Zoning Map Amendment from R1-6, Single-Family Residential District to R-3R, Multi-Family Residential Restricted District on +/- 2.18 net acres adjacent to Lindon Lane.

**ZON08010 -- (Ordinance No. 2008.57)** Zoning Map Amendment from R-3, Multi-Family Residential Limited District to R-4, Multi-Family Residential General District on +/- 12.44 net acres.

**PAD08014 -- (Ordinance No. 2008.57)** Planned Area Development Overlay on +/- 14.62 net acres to modify development standards including a vehicle parking quantity reduction from 722 to 670 spaces, a maximum building height increase from 30'-0" to 40'-0" for building 'A' in the R-3R District, and a front yard setback reduction from 20'-0" to 10'-0" to allow a tall front yard fence in the R-3R District.

#### APPLICANT PRESENTATION

**Charles Huellmantel**, on behalf of applicant, Marc Taylor, summarized that this case was recently heard before the Planning Commission. This is the first of two hearings. Marc Taylor has several high quality projects already in Tempe and this project is in keeping with the General Plan.

#### PUBLIC HEARING

**Bill Butler**, Tempe, Co-Chair of Riverside Sunset Neighborhood Association, stated that several associates of the Neighborhood Association have followed the public events regarding the redevelopment of the last large tract of land in Tempe north of the US 60. Generally, the association favors this project. There is concern, however, about the traffic gridlock on the narrow and dangerously congested 5<sup>th</sup> Street east of Priest. The \$1.5M traffic-calming project several years ago is recognized as an expensive failure. The first traffic study done by the engineers Morrison Maierle, Inc. ignored the intersection of 5<sup>th</sup> and Priest. When the association protested that fact, a new study was completed. The study grossly underestimates the effects of this development on 5<sup>th</sup> Street traffic. The study stated "the volumes were increased by an annual linear rate of 5%....this portion of Tempe is not expected to experience a substantial volume increase through 2015."

However, the development probably will cater to the very population that this City wants to attract to Mill Avenue, ASU, Sun Devil Stadium, City Hall, etc. City staff and the developer want to focus on the projected traffic light on University and 52<sup>nd</sup> Street. The people who live east of Priest have 20 to 50 years of experience of observing 5<sup>th</sup> Street traffic and the above projection won't happen. The straight line that is 5<sup>th</sup> Street is still the shortest distance between Lindon and Mill and 5<sup>th</sup> Street. His request has been tentatively approved by Kevin Ransil, VP of Mark Taylor, by phone, and it won't cost the City anything and might save the City millions of dollars 10 or 20 years from now. His suggestion is not closing the traffic



study and traffic costs portion of this development's approval until a year after this project is built and occupied. At that time it might prove that the Riverside Sunset Neighborhood Association has needless fears, or a \$100 traffic sign might be needed, or extensive changes to the intersection might be necessary, the costs to be shared by Mark Taylor years from now.

**Jonathan Thums, Tempe**, has some experience with apartment developments. At one time there was an issue raised as to whether the stoplight at Lindon and University would be approved. He would recommend that it be approved. The project is not on University Drive and it is necessary to have a "window" on a major street to be successful. The stoplight will help to slow traffic in that area and will help the neighborhood to get to and from University. It would greatly enhance the success of the project. Another issue is that in driving east on University Drive, it is easy to turn over toward Lindon Park and come across on 5<sup>th</sup> Street. It will be necessary to have some control at 5<sup>th</sup> and Priest. He would agree to leaving it open until the project is finalized. Parking is another issue. Technically, this project is under-parked. We are heading into bad times and in bad times, the apartment industry tells him that people double up. You would find four people in a two-bedroom apartment who generate four cars. He is not in favor of changing the plan, but he felt the developer should consider sacrificing one building on a temporary basis so the parking ratio is good if the economy deteriorates during the build-out schedule. He is happy to have this project in this nearby neighborhood.

#### APPLICANTS RESPONSE

**Charles Huellmantel** responded that he will spend more time with Mr. Butler and staff before the second hearing. Much of the data that Mr. Butler spoke of is incorrect, and he will provide Mr. Butler with a copy of the traffic study. He continues to work with staff on traffic issues. Mr. Ransil did not offer to keep the traffic study open for six months following completion of the project. From his perspective and from staff's perspective, that is problematic. These issues need to be worked out before the project is completed. Mark Taylor has several projects in this community and strives to be good neighbors and to work through issues with the City.

Councilmember Shekerjian asked staff that if the project moves forward, the development is built and there is a problem, what is the process.

Chris Anaradian responded that the process would be more of a holistic understanding that future decisions would have to be tempered by that experience.

Councilmember Shekerjian added that in her experience when a miscalculation has been made, this staff and Council are very quick to resolve issues based on data if problems developed along 5<sup>th</sup> Street as a result of this or any other project.

Mr. Anaradian responded that Council approved a study to look at the 1<sup>st</sup> Street realignment and if 5<sup>th</sup> Street exceeded the expectations outlined in this proposal, staff would probably look at that 1<sup>st</sup> Street project and move it up to alleviate traffic on 5<sup>th</sup> Street. It wouldn't be specific to this project, but it would address the issues generated by this project.

Mayor Hallman referred to Mr. Butler's view that the 5<sup>th</sup> Street traffic calming project was viewed as a failure. He viewed it as significantly expensive for the results, but he wouldn't deem it a failure. He recalled that there were between 10,000 and 13,000 automobile trips per day down 5<sup>th</sup> Street. When the traffic calming was completed, it is between 3,000 and 4,000 trips. That is successful, but the cost was high relative to the result. The City has been approaching this differently now by trying various traffic-calming measures, testing them, and doing them cost-effectively. He asked staff to provide that data for the next hearing. To the extent we need to address 5<sup>th</sup> Street further, notwithstanding this project, we should be doing that anyway.



Jeff Kulaga added that staff will provide that information at the December 11<sup>th</sup> hearing.

Mayor Hallman assured Mr. Butler that he would be looking at the entire traffic package of this before the next hearing.

***\*\*\*FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR DECEMBER 11, 2008.***

DOCUMENT NAME: [20081120dskko01.pdf](#) PLANNED DEVELOPMENT (0406)

- \*37. Introduced and held the **first public hearing** to adopt an ordinance to abandon several existing Public Utility Easements located at 110 East University Drive. **The second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: [20081120PWCH10.pdf](#) ABANDONMENT (0901) ORDINANCE NO. 2008.69

- \*38. Introduced and held the **first public hearing** to adopt an ordinance abandoning an existing Storm Drainage Easement located at 1200 E. Rio Salado Parkway. **The second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: [20081120PWCH09.pdf](#) ABANDONMENT (0901) ORDINANCE NO. 2008.59

- \*39. Introduced and held the **first public hearing** to grant an easement to Pier at Town Lake, L.L.C., on a portion of City owned property along Clubview Drive within the Pier at Town Lake Project. **The second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: [20081120PWCH01.pdf](#) EASEMENTS (0904) ORDINANCE NO. 2008.67

- \*39a. Introduced and held the **first public hearing** for an ordinance to amend the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by amending the Tempe Administrative Code, and adopting the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Mechanical Code, the 2006 International Plumbing Code, the 2006 International Fuel Gas Code, the 2008 National Electrical Code, the 2006 International Energy Conservation Code and amendments thereto. **The second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: [20081120dssf01.pdf](#) TCC CH 8 – BUILDINGS AND BUILDING REGULATIONS (0503-08) ORDINANCE NO. 2008.72

D. Ordinances and Items for Second Hearing/Final Adoption

- \*40. Held the **second public hearing** and adopted ORDINANCE NO. 2008.64 abandoning an existing waterline easement located at 1666 N. McClintock Drive.

DOCUMENT NAME: [20081120PWCH11.pdf](#) ABANDONMENT (0901)

- \*41. Held the **second public hearing** and adopted ORDINANCE NO. 2008.68 amending Chapter 2, Article V, Boards, Commissions, Etc., of the Tempe City Code, by amending Section 2-181 relating to Powers and Duties; amending Div. 12, relating to Tempe Citizens' Panel for Review of

Police Complaints and Use of Force by amending Sections 2-285 and 2-288; and repealing Section 2-287.

DOCUMENT NAME: [20081120pdsam01.pdf](#) TCC CH 2 – CITY CODE  
ADMINISTRATION (0503-02)

- \*42. Held the **second public hearing** and adopted ORDINANCE NO. 2008.70 authorizing the Mayor to execute **Contract #2007-97A**, a Land and Improvements Lease between the City and Melrose 223, LLC and Cardiff Capital LLC or their successor in interest, and **Contract #2007-97B**, a Memorandum of Lease.

DOCUMENT NAME: [20081120cdnr01.pdf](#) RIO SALADO MASTER PLAN (0112-07-03)

E. Resolutions

43. Approved RESOLUTION NO. 2008.102 to accept grant funding from the Arizona Governor's Office of Highway Safety for East Valley DUI Task Force Enforcement Overtime.

COMMENTS: The award totals \$75,000.

DOCUMENT NAME: [20081120pdsj02.pdf](#) POLICE DEPARTMENT  
ADMINISTRATION (0606-02)

44. Approved RESOLUTION NO. 2008.101 renewing **Contract #2008-241**, the Intergovernmental Agreement (IGA) between the City of Tempe and Tempe Elementary School District No. 3 (TSD3) which details the agreed respective responsibilities of the School Resource Officer grant program.

DOCUMENT NAME: [20081120pdsj01.pdf](#) POLICE DEPARTMENT  
ADMINISTRATION (0606-02)

45. Approved RESOLUTION NO. 2008.99 approving and authorizing the Mayor to sign **Contract #2008-242**, the Intergovernmental Agreement between the State of Arizona and the City of Tempe regarding the uniform administration of transaction privilege tax.

DOCUMENT NAME: [20081120fspf01.pdf](#) REVENUE-TAXATION  
ADMINISTRATION (0210-01)

46. Approved RESOLUTION NO. 2008.92 approving and authorizing the City Manager to sign **Contract #2008-243**, an Intergovernmental Agreement between the City of Tempe and the City of Mesa for administration of "Water – Use it Wisely" advertising materials and campaign.

COMMENTS: (2008.92) Total expenditures of funds shall not exceed \$15,000 per fiscal year.

DOCUMENT NAME: [20081120fst07.pdf](#) WATER MANAGEMENT  
ADMINISTRATION (0811-13)

6. PUBLIC APPEARANCES – None.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Shekerjian announced that she attended the ribbon cutting for the YMCA Reading

Center on November 11<sup>th</sup>. This was sponsored in part by the Phoenix Suns. It was a wonderful event and there will be much benefit from this reading center.

- Councilmember Navarro added that he had the pleasure to go to Public Works and attend the retirement celebration for Armando Lozano who served the City for 24 years. The family atmosphere of that department was great. Today is recognized as "Armando Lozano Day." He noted the newspaper article about the Police Chief and his staff going door-to-door around Esquer Park to gain understanding about the neighborhood problems. We have a great community with a small town feel. He and his children, along with a Scout troop were able to tour Fire Station #4. It is an honor to still see that small town feel. He also congratulated Councilmember Mitchell for his election to the National League of Cities (NLC) Board.
- Councilmember Woods added his congratulations to Councilmember Mitchell. He is a good councilmember here, but is respected nationally as well.
- Councilmember Arredondo added his commendation to Public Works. He got a phone call and learned that Ernie Durazo from Public Works may have saved a lady's life. It says a lot about what our employees stand for. He also congratulated ASU on their homecoming, and congratulated Councilmember Mitchell on his election to the NLC Board. It is important that our message is carried not only locally, but nationally as well.

*Meeting adjourned at 8:05 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 November 20, 2008, by the Tempe City Council, Tempe, Arizona.

---

Hugh Hallman, Mayor

ATTEST:

---

Jan Hort, City Clerk

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