

Minutes Formal City Council Meeting March 5, 2009

Minutes of the Formal Council Meeting of Thursday, March 5, 2009, 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 Onnie Shekerjian
Councilmember Corey D. Woods

Mayor Hallman called the meeting to order at 7:40 p.m.

1. Councilmember Shekerjian gave the invocation.
2. Glenn Kephart 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 Shekerjian. Motion passed unanimously on a voice vote.

1. Council's Executive Session – February 19, 2009
2. Council's Issue Review Session – February 19, 2009 [20090305clrkck03.pdf](#)
3. Council's Formal Meeting – February 19, 2009 [20090305clrkck02.pdf](#)
4. Council's Special Five-Year Financial Planning Session – February 19, 2009
[20090305clrkck04.pdf](#)
5. Council's Joint Dinner Meeting with School Districts – February 11, 2009
[20090305clrkck01.pdf](#)
6. Council's Housing Committee – February 17, 2009 [20090305chc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

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

7. Aviation Commission – January 13, 2009 [20090305tavco01.pdf](#)
8. Commission on Disability Concerns – November 6, 2008 [20090305cdc01.pdf](#)
9. Commission on Disability Concerns – Architectural Compliance Committee – November 20, 2008 [20090305cdc02.pdf](#)
10. Commission on Disability Concerns – Mayor's Awards Committee –

- November 12 & December 17, 2008 [20090305cdc03.pdf](#) [20090305cdc04.pdf](#)
- 10a. Committee for Youth, Families & Community – January 25, 2009
[200900305cyfc01.pdf](#)
11. Community Special Events Task Force – February 10, 12 & 24, 2009 [20090305setf01.pdf](#)
[20090305setf02.pdf](#) [20090305setf03.pdf](#)
12. Hearing Officer – February 3, 2009 [20090305ho01.pdf](#)
13. Historic Preservation Commission – January 8, 2009 [20090305hpc01.pdf](#)
- 13a. Historical Museum Advisory Board – January 8, 2009 [20090305csjc01.pdf](#)
14. Human Relations Commission – January 13, 2009 [20090305hrc01.pdf](#)
15. Tempe Public Library Renovation – Public Art Design Team Review Panel –
February 6, 2009 [20090305lab01.pdf](#)
16. Mayor's Youth Advisory Commission – February 3, 2009 [20090305myac01.pdf](#)
17. Municipal Arts Commission – Public Art/Art in Private Development Committee –
February 11, 2009 [20090305mac01.pdf](#)
18. Parks & Recreation Board – January 21, 2009 [20090305prb01.pdf](#)
19. Tardeada Advisory Board – November 17, 2008 [20090305tab01.pdf](#)
20. Tardeada Advisory Board – Light Rail Subcommittee – November 17, 2008
[20090305tab02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. Mayor Hallman stated that America's men and women in uniform set the standard of courage and dedication in our Tempe community, across the nation, and the world. Our public safety members and veterans daily place their fellow citizens and their country before themselves. He and his Council colleagues are honored to recognize the accomplishments of those veterans who currently also serve as City of Tempe employees. Two of those employees are Tempe Firefighters who also serve as Sergeants in the US Army. **Fire Chief Cliff Jones** introduced **Aaron Hall and Adriel Martinez** and stated that he is proud of their work as Tempe firefighters, and of the way they have distinguished themselves through service to our country in the US Army while serving in the Middle East. Sgt. Hall has been a member of the Tempe Fire Department for eleven years, and is assigned to Engine #277. Sgt. Martinez has been a member of the Department for four years, and is assigned to Engine #272. Sgt. Hall and Sgt. Martinez presented a Flag that flew over Sgt. Martinez' base in Afghanistan, as well as a plaque.
- b. Mayor Hallman introduced **Lacretia Bacon**, chairman of the Arizona Aloha Festival, along with her board members, who thanked the City for hosting the **15th Annual Aloha Festival**. The Mayor read a proclamation declaring **March 2009 as Aloha month in Tempe, Arizona**. Ms. Bacon thanked the Mayor and City Council for hosting the Aloha Festival. The Mayor stated that the City is honored to be chosen for the Aloha Festival for the promotion of Polynesian and South Pacific culture.
- c. Mayor Hallman recommended the following appointments to the Historic Preservation Commission:

Historic Preservation Commission
Kriste Melcher (moved from Alternate)

Terms Expire 3-31-10(U)
Replaces Michael Deskin

Anne Bilsbarrow

Terms Expire 3-31-11 (U)
Replaces Kriste Melcher as Alternate

B. Manager's Announcements

Charlie Meyer stated that Friday, March 13th, would be a good time to wear Hawaiian shirts in support of the Aloha Festival.

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 Woods to approve the Agenda as amended (Item #28 was removed for separate consideration). Second by Vice Mayor Ellis. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

21. Approved the Mayor's Board and Commission appointment and reappointment selections.
DOCUMENT NAME: [20090305boards.pdf](#) BDS, COMMISSIONS, COMMITTEES ADM (0102-01)
- *22. Held a public hearing and recommended the approval of a Series 09 liquor store license for Circle K Stores, Inc., dba Circle K, 5240 South Rural Road.
COMMENTS: Kim Kwiatkowski is the Agent for this application.
DOCUMENT NAME: [20090305LIQ01.pdf](#) LIQ LIC (0210-02)
- *23. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Pho Thang Long LLC dba Pho Thang Long, 414 South Mill Avenue, #115.
COMMENTS: Randy Nations is the Agent for this application.
DOCUMENT NAME: [20090305LIQ02.pdf](#) LIQ LIC (0210-02)
- *24. Held a public hearing and recommended the approval of a Series 06 bar liquor license for Triyar Entertainment Scottsdale LLC dba aloft Tempe, 951 East Playa Del Norte Drive.
COMMENTS: Dominic Scoles is the Agent for this application.
DOCUMENT NAME: [20090305LIQ03.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

25. Awarded **Contract #2009-43**, a professional services design contract with HDR Engineering, Inc. for the design of roadway and landscaping improvements along College Avenue between U.S. 60 and Apache Boulevard.
COMMENTS: Total cost for this contract is \$339,477.
DOCUMENT NAME: [20090305PWTG02.pdf](#) TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6001941
26. Awarded **Contract #2009-42**, a one-year contract with four one-year renewal options to United Concordia Insurance Company for a dental preferred provider organization (DPPO) benefit plan for eligible City employees and their dependents.
COMMENTS: (RFP 09-058) Total amount not to exceed \$1,300,000 during the initial one-

year contract period.

DOCUMENT NAME: [20090305fsta03.pdf](#) PURCHASES (1004-01)

27. Approved a one-year renewal of a contract with Vision Service Plan for a vision service benefit program for all eligible City employees and dependents.

COMMENTS: (T05-063-01) Total amount not to exceed \$350,000.

DOCUMENT NAME: [20090305fsta01.pdf](#) PURCHASES (1004-01)

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

Approved a one-year renewal of a contract with East Valley Tribune/AZ Interactive for design, layout, printing and distribution of the Tempe Leisure Opportunity Brochure.

Mayor Hallman asked whether or not there were other respondents for this RFP.

Tom Canasi responded it is a continuation of an existing contract. We are also in the process of phasing out the complete mailing of this brochure and going on-line. Originally, there was one respondent for the contract, and that was AZ Interactive.

Mayor Hallman stated that it is a shame that we can't get another printer who might be able to supply this like the *Arizona Republic*. The *East Valley Tribune* has decided to abandon Tempe.

Motion by Councilmember Woods to approve Item #28. Second by Councilmember Navarro. Motion passed on a roll call vote, 7-0.

COMMENTS: (T07-122-01) Total amount not to exceed \$80,000.

DOCUMENT NAME: [20090305fsta02.pdf](#) PURCHASES (1004-01)

29. Approved a one-year renewal of a contract with United Fire Equipment Company for the purchase and repair of protective clothing for the Fire Department.

COMMENTS: (T07-001-01) Total amount not to exceed \$110,000.

DOCUMENT NAME: [20090305fslq06.pdf](#) PURCHASES (1004-01)

30. Approved a one-year renewal of a contract with United Fire Equipment Company for the purchase of Fire Department personnel station clothing.

COMMENTS: (T07-128-01) Total amount not to exceed \$90,000.

DOCUMENT NAME: [20090305fslq07.pdf](#) PURCHASES (1004-01)

31. Approved a nine-month renewal of a contract with Office Depot for the purchase of office supplies.

COMMENTS: (US Communities #42595) Total amount not to exceed \$425,000.

DOCUMENT NAME: [20090305fslq09.pdf](#) PURCHASES (1004-01)

32. Approved a one-year renewal of a contract with Psomas for professional services for the creation of an enterprise geographical information system which will be used by various City departments including Police, Fire, Water Utilities and Public Works.

COMMENTS: (T06-030-01) Total amount not to exceed \$175,000.

DOCUMENT NAME: [20090305fst05.pdf](#) PURCHASES (1004-01)

33. Approved the utilization of a one-year State of Arizona contract with AmPac Tire Distributors, Inc. for the purchase of tires and tubes.

COMMENTS: (DPS070094) Total cost of this contract shall not exceed \$70,000.

DOCUMENT NAME: [20090305fsta04.pdf](#) **PURCHASES (1004-01)**

34. Approved the utilization of State of Arizona Contracts with Continental Flooring Company; Wholesale Floors, Inc.; Norcon Industries, Inc.; and Diversified Flooring Services for the purchase and installation of commercial floor coverings.

COMMENTS: (EPS060077) Total cost of these contracts shall not exceed \$150,000.

DOCUMENT NAME: [20090305fsta08.pdf](#) **PURCHASES (1004-01)**

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

- *35. Introduced and held the **first public hearing** for an ordinance authorizing an amendment to the lease between the City of Tempe and Urban Outfitters. **The second public hearing is scheduled for March 26, 2009.**

DOCUMENT NAME: [20090305cdnc03.pdf](#) **CENTRAL BUSINESS DISTRICT (0403-05) ORDINANCE NO. 2009.09**

- *36. Introduced and held the **first public hearing** to adopt an ordinance abandoning an existing Public Utility Easement located at 1949 E. University Drive. **The second public hearing is scheduled for March 26, 2009.**

DOCUMENT NAME: [20090305PWWS01.pdf](#) **ABANDONMENT (0901) ORDINANCE 2009.08**

D. Ordinances and Items for Second Hearing/Final Adoption

- *37. Held the **second public hearing** and approved ORDINANCE NO. 2009.04 amending Chapter 14 of the Tempe City Code relating to Fire Prevention and Protection by adopting the 2006 Edition of the International Fire Code with amendments thereto.

DOCUMENT NAME: [20090305cacc01.pdf](#) **TCC CH 14 (0503-14)**

- *38. Held the **second public hearing** and approved ORDINANCE NO. 2009.10 amending Chapter 28 of the Tempe City Code relating to Solid Waste by amending Sections 28-1, 28-11 and 28-12; and adding new Section 28-2 relating to Property Maintenance.

DOCUMENT NAME: [20090305cacc02.pdf](#) **TCC CH 28 - SOLID WASTE (0503-28)**

- *39. Held the **second public hearing** and adopted ORDINANCE NO. 2009.07 abandoning a portion of an existing Recovery Well Easement located on Lots 4 and 4A, "PLAYA DEL NORTE."

DOCUMENT NAME: [20090305PWWS03.pdf](#) **ABANDONMENT (0901)**

E. Resolutions

40. Approved RESOLUTION NO. 2009.01 authorizing the fourth modification for reallocation of assessments for Playa Del Norte/Miller Road Improvement District No.179.

COMMENTS: The modification will reallocate the assessments across the units to be created in

a condominium plat.

DOCUMENT NAME: [20090305PWWWS04.pdf](#) IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805-79)

41. Approved RESOLUTION NO. 2009.16 amending City Code Appendix A—Schedule of Fees and Charges (Chapter 14, Fire Prevention and Protection) relating to the fees for permits, inspections and operational services required by the International Fire Code and the Tempe City Code.

DOCUMENT NAME: [20090305cacc03.pdf](#) MISCELLANEOUS FEES (0210-05)

6. PUBLIC APPEARANCES

UNSCHEDULED PUBLIC APPEARANCES

Naida Axford, Tempe, presented to the Mayor, Councilmembers, and others her conviction that the future of this city will be improved by the use of neighborhood electric vehicles, also called “slow moving vehicles.” These make it possible for us to reduce congestion, to have individuals on the road without using petroleum products, and with our climate there is a huge opportunity to use solar energy to use these vehicles. She will continue to discuss the probability and potential that these vehicles have to make our city a better place, to put us on the map, and to make it possible to be a huge part of the movement of green.

Ed Mitchell, Tempe, stated that he appeared before Council forty-two days ago talking about some of the accessibility issues he has encountered. He complimented Rosa Inchausti and her staff. They have met with him and they have exchanged several phone calls. Apparently, his concerns fall under the category of being legal but they may not be right in many cases. In other words, they comply with ADA requirements, but they may not be the best they could be. They may not be right in the sense of the needs of the people. The Marketplace has more than enough parking spaces to comply with the ADA requirements, but they may be scattered in the wrong places, making it difficult for people that require access to use them effectively. The reason that medical offices are not accessible, as a rule, is because there are no ADA guidelines for medical offices. There are guidelines for hospitals and nursing homes, but not for medical offices. That needs to be addressed. He has had a lot of discussion about the identification of parking in the City. There are a variety of codes quoted, some have Tempe codes, some have state codes, and some have no codes. There is confusion because there is no continuity. Tonight, for the first time he has come to a Council meeting, all handicapped vehicles were in the accessible parking. The Police Department has made a great accomplishment with that. At 3:30 p.m. today, however, two handicapped spaces were blocked off by a delivery truck. The number one recommendation from the 2004 task force was that a full-time accessibility coordinator be hired. That has never been done except on a part time basis, and now there is talk about releasing that person. The need is greater than it has ever been. Age has impacted the compliance with deterioration of parking lots and signs. If that is the image that Tempe wants to present to people who have accessibility issues, that is sad. Residents take pride and he doesn't see pride in the accessibility parking around the area.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Woods wished Councilmember Shekerjian a Happy Birthday.
- Councilmember Arredondo congratulated Councilmember Woods for being selected to serve on the Tempe Schools Credit Union Board.
- Councilmember Shekerjian thanked Site Wire who put on an incredible event last week called “Ignite.” This will be a quarterly event where people do PowerPoint presentations about what they are passionate about. Word was spread by social media, and none of the typical ways we inform people was used. Over 350 people attended and the presentations were incredible. She also thanked Tempe Chamber of Commerce and Secretary of State Ken Bennett who did a great

presentation on the State budget and how we basically got from 2007 with \$700M in a rainy day fund with a small \$200M problem, to where we are today with a \$3B deficit and no money in the rainy day fund. She thought a similar presentation should be made about the City of Tempe budget. She also noted that she had a 70 ft. pine tree fall on her house about a month ago. It didn't do any major damage. Two or three weeks ago, her husband rented a chain saw and in two hours' time it was chopped up and ready for the green waste folks to pick up. City employees Jerry Chapetta and Joel Soldano came with a cheery attitude and went above and beyond the call of duty.

- Councilmember Mitchell congratulated Councilmember Woods on his selection to the Tempe Schools Credit Union Board and wished a happy birthday to Councilmember Shekerjian.
- Councilmember Navarro thanked Brian for watching Channel 11.
- Mayor Hallman thanked staff for working so hard on the budget. At the last budget meeting, Council threw out an additional challenge of balancing the budget with an additional \$3.2M. We put back into the budget, but Council's direction was clear to continue to work to adjust and find ways to trim the budget to preserve the jobs identified as important. He looks forward to the continuing great work the City does. The delivery of services by the employees is outstanding.

Meeting adjourned at 8:10 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 March 5, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2009.