

Minutes Formal City Council Meeting March 26, 2009

Minutes of the Formal Council Meeting of Thursday, March 26, 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 7:30 p.m.

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

3. MINUTES

A. Approval of Council Meeting Minutes

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

1. Council's Executive Session – March 5, 2009
2. Council's Issue Review Session – March 5, 2009 [20090326clrkck03.pdf](#)
3. Council's Formal Meeting – March 5, 2009 [20090326clrkck02.pdf](#)
4. Council's Special Five-Year Financial Planning Session – March 3, 2009 [20090326clrkck01.pdf](#)
5. Council's Community Sustainability Committee – Economic Subcommittee – February 11, 2009 [20090326cses01.pdf](#)
6. Council's Neighborhood Parks Rehabilitation & Maintenance Committee – February 18, 2009 [20090326nprm01.pdf](#)
7. Council's Sports, Recreation, Arts & Cultural Development Committee – February 9, 2009 [20090326srac01.pdf](#)
8. Council's Technology, Economic & Community Development Committee – February 3, 2009 [20090326tecd01.pdf](#)
9. Council's Transportation Committee – February 24, 2009 [20090326ctc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Vice Mayor Ellis to accept **COMMITTEE & BOARD MEETING MINUTES** Items #10 through

#16 and Items #18 through #21. Second by Councilmember Woods. Motion passed unanimously on a voice vote.

10. Aviation Commission – February 10, 2009 [20090326tavco01.pdf](#)
11. Committee for Youth, Families and Community – February 23, 2009 [20090326cyfc01.pdf](#)
12. Development Review Commission – January 13 & 27, 2009 [20090326drc01.pdf](#)
[20090326drc02.pdf](#)
13. Enhanced Services Commission – December 10, 2008 [20090326esc01.pdf](#)
14. Hearing Officer – February 17 & March 3, 2009 [20090326ho01.pdf](#) [20090326ho02.pdf](#)
15. Historic Preservation Commission – February 12, 2009 [20090326hpc01.pdf](#)
16. Historical Museum Advisory Board – February 5, 2009 [20090326csjc01.pdf](#)
17. REMOVED
18. Mayor's Youth Advisory Commission – February 17 & March 3, 2009 [20090326myac01.pdf](#)
[20090326myac02.pdf](#)
19. Tempe Fire Public Safety Personnel Retirement Board – February 5, 2009
20. Tempe Police Public Safety Personnel Retirement Board – February 5, 2009
21. Tempe Police Public Safety Personnel Retirement Board – Executive Session – February 5, 2009

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. Mayor Hallman announced that the **Diversity Dialogue Program** was designed to foster community dialogues in which issues of diversity are discussed. These dialogues have brought a better understanding of the members who participate, the community, and ways in which to improve the atmosphere of diversity in Tempe. Over the course of seven weeks, the groups develop relationships and tackle more and more difficult issues. The program is coordinated by the City's Diversity Department. Recently, two groups have completed the seven-week program. Mayor Hallman thanked the Diversity Dialogue participants for their commitment and the participants joined the Mayor for a photo.
- b. Mayor Hallman read a proclamation declaring March 27th through April 4th as **Downtown Tempe Arts and Entertainment Week** in Tempe, Arizona, in honor of the **32nd Annual Spring Tempe Festival of the Arts** which will take place on March 27-29 on Mill Avenue with more than 400 artists from across the country offering an array of original arts and crafts, and the **7th Annual Circle K Tempe Music Festival** will take place on April 3-4 at Tempe Beach Park .

B. Manager's Announcements – None.

5. AGENDA

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

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

Motion by Councilmember Shekerjian to approve the Agenda as amended (Items #30 and #45 were moved for separate consideration). Second by Councilmember Navarro. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

22. Approved the Report of Claims Paid to be filed for audit for February, 2009.
COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.
23. Approved **Contract #2009-45**, a five year lease with Bridgestone Industrial Products for four rubber dams to be located at the downstream dam structure on Tempe Town Lake.
COMMENTS: Bridgestone will manufacture new rubber dams and lease them to Tempe for five years at a monthly charge of \$1.00. At the end of the five-year lease term Tempe will remove the Bridgestone dams and install a new dam system to be developed during that time.
DOCUMENT NAME: [20090326cacb01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**
- *24. Held a public hearing and recommended the approval of a Series 04 in-state wholesaler's liquor license for Empty Glass Wine Company LLC dba Empty Glass Wine Company, 308 South River Drive.
COMMENTS: Christine Wisniewski is the Agent for this application.
DOCUMENT NAME: [20090326LIQ02.pdf](#) **LIQ LIC (0210-02)**
- *25. Held a public hearing and recommended the approval of a Series 06 bar liquor license for Sound Bites Restaurant LLC dba Phase, 8475 South Emerald Drive, #101.
COMMENTS: Randy Nations is the Agent for this application.
DOCUMENT NAME: [20090326LIQ03.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

26. Awarded **Contract #2009-46**, a construction manager at risk (CMAR) construction services contract with Brignall Construction Co. and approve a project contingency for upgrades to the Tempe Historical Museum.
COMMENTS: Total amount for the contract is \$2,834,407 and the amount of the project contingency is \$140,000.
DOCUMENT NAME: [20090326PWTG04.pdf](#) **TEMPE HISTORICAL MUSEUM (0705-04)**
PROJECT NO. 6702481
27. Approved **Contract #2008-138D**, Job Order No. 4 to replace the existing scoreboard at Tempe Diablo Stadium through the existing Job Order contract with Foresite Design & Construction, Inc., and approved a project contingency.
COMMENTS: Total amount for Job Order No. 4 is \$402,582 and the amount of the project contingency is \$40,000.
DOCUMENT NAME: [20090326PWTG03.pdf](#) **DIABLO STADIUM (0706-01)**
PROJECT NO. 6309201
28. Awarded **Contract #2009-47**, a two-year contract with two one-year options to Sanderson Ford for the purchase of aerial lift trucks to be utilized by the Traffic Operations Division of Public Works.

COMMENTS: (RFP 09-087) Total amount not to exceed \$87,500 during the initial two-year contract period.

DOCUMENT NAME: [20090326fsta03.pdf](#) **PURCHASES (1004-01)**

29. Approved **Contract #2009-48**, five-year contracts with American Safety Shoes Company, Industrial Safety Shoes of Arizona and Rocky Brands Retail LLC/Lehigh Safety Shoe Company for the purchase of safety shoes.

COMMENTS: (IFB 09-069) Total amount of these contracts will not exceed \$350,000 over the five year term.

DOCUMENT NAME: [20090326fst08.pdf](#) **PURCHASES (1004-01)**

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

Awarded **Contract #2009-49**, a 51-month contract with renewal options of up to four years to Veolia Transportation for fixed route bus and neighborhood circulator services.

COMMENTS: (RFP #09-001) Total cost of this 51-month contract for the City of Tempe is \$69,261,061 with an additional \$82,370,449 in contract costs being paid by other sources described in more detail under the Fiscal Note section, bringing the total cost of this 51-month contract to \$151,631,509. Price adjustments may be permitted in fiscal years 2012 and 2013.

Motion by Councilmember Arredondo to approve Item #30. Second by Councilmember Woods. Motion passed on a roll call vote, 5-2, with Mayor Hallman and Councilmember Shekerjian voting no.

DOCUMENT NAME: [20090326fslq10.pdf](#) **PURCHASES (1004-01)**

31. Awarded **Contract #2009-50**, a one-year contract with four one-year renewal options to RFP Depot LLC, dba Bidsync to provide reverse auction administration services to be used by the City's Procurement Division of the Financial Services Department.

COMMENTS: (RFP 09-072) Total amount not to exceed \$50,000.

DOCUMENT NAME: [20090326fsmg12.pdf](#) **PURCHASES (1004-01)**

32. Awarded **Contract #2009-51**, a two-year contract with three one-year renewal options to Steele Quality, LLC dba Quality Vans for the design, construction and potential future expansion and upgrade of a mobile educational recycling information center (E.R.I.C.) for use by the Solid Waste Division of Public Works. The mobile education unit will be used to educate Tempe residents in proper recycling practices thereby increasing the amount of materials sent for recycling and lowering the amount of recyclables in the waste stream.

COMMENTS: (RFP09-094) Total amount not to exceed \$170,000 during the initial two-year contract period.

DOCUMENT NAME: [20090326fsta17.pdf](#) **PURCHASES (1004-01)**

33. Awarded **Contract #2009-52**, a two-year contract with three one-year renewal options to IES Commercial, Inc. for data and telecommunications cabling and fiber optic installation and repair services in City buildings and streets.

COMMENTS: (RFP 09-028) Total cost for this contract shall not exceed \$800,000.

DOCUMENT NAME: [20090326fst14.pdf](#) **PURCHASES (1004-01)**

34. Approved a one-year renewal of a contract with Reliastar Life Insurance Company (Formerly ING Employee Benefits) for Basic (paid by the City) and Voluntary Life Insurance (paid by the employee) for all eligible City employees.
COMMENTS: (T05-062-01) Total amount not to exceed \$500,000.
DOCUMENT NAME: [20090326fsta01.pdf](#) **PURCHASES (1004-01)**
35. Approved a one-year renewal of a contract with *Arizona Foundation for Medical Care* which provides the City's preferred provider organization network of medical providers for eligible employees, dependents and retirees to access.
COMMENTS: (T01-053-01) Total amount not to exceed \$200,000.
DOCUMENT NAME: [20090326fsta02.pdf](#) **PURCHASES (1004-01)**
36. Approved a one-year renewal of a contract with W.W. Williams Southwest, Inc. for Allison transmission repair services.
COMMENTS: (T07-169-01) Total amount not to exceed \$60,000.
DOCUMENT NAME: [20090326fsta06.pdf](#) **PURCHASES (1004-01)**
37. Approved a one-year renewal of a contract with Pinnacle Risk Management Services for third-party claims administration services.
COMMENTS: (T06-104-01) Total amount not to exceed \$98,000.
DOCUMENT NAME: [20090326fst07.pdf](#) **PURCHASES (1004-01)**
38. Approved a one-year renewal of a contract with Horizon for the purchase of sprinkler parts.
COMMENTS: (T07-148-01) Total amount not to exceed \$155,000.
DOCUMENT NAME: [20090326fslq09.pdf](#) **PURCHASES (1004-01)**
39. Approved a one-year renewal of a contract with Keller Equipment Company and Gruber Technical, Inc. for maintenance, repair and purchase of variable frequency drives for the Water Utilities Department.
COMMENTS: (T08-064RB01 and 02) Total amount not to exceed \$100,000.
DOCUMENT NAME: [20090326fst11.pdf](#) **PURCHASES (1004-01)**
40. Approved one-year renewal of contracts with NCO Group (formerly Risk Management Alternative) and Progressive Financial Services for collection services related to the recovery of outstanding fines, fees and costs due the City.
COMMENTS: (T05-094-01 and 02) Total amount not to exceed \$250,000.
DOCUMENT NAME: [20090326fsta16.pdf](#) **PURCHASES (1004-01)**
41. Approved the increase of the contract amount with Harris Corporation for the purchase of tracking hardware, software and maintenance for use by the Police Department.
COMMENTS: (T09-071-01) Total amount of the increase is \$7,482.90 – from \$401,000 to \$408,482.90.
DOCUMENT NAME: [20090326fsta05.pdf](#) **PURCHASES (1004-01)**
42. Approved the increase of the contract amounts with Dell Marketing L.P. and Hewlett Packard for personal computer equipment and related devices, software, and consulting services.

COMMENTS: (Contracts A66307 and A66309) Increase in the amount of \$1,270,000 from \$2,430,000 to \$3,700,000.

DOCUMENT NAME: [20090326fst13.pdf](#)

PURCHASES (1004-01)

43. Approved the utilization of a one-year State of Arizona contract with North Valley Motorsports, Inc. for the purchase of police motorcycles.

COMMENTS: (L05-024-002) Total cost of this contract shall not exceed \$170,000.

DOCUMENT NAME: [20090326fst04.pdf](#)

PURCHASES (1004-01)

44. Approved the utilization of a six-month Regional Public Transit Authority (RPTA) contract with Arizona Bus Sales for the purchase of four (4) replacement neighborhood circulator buses.

COMMENTS: (Contract #0640016E) Total cost of this contract is \$294,689 during the contract period.

DOCUMENT NAME: [20090326fslq18.pdf](#)

PURCHASES (1004-01)

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

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

Held the **introduction and first public hearing** for a Zoning Map Amendment with a Planned Area Development for 2150 SOUTHERN CAMPUS MASTERPLAN, located at 2150 E. Southern Avenue. **A second public hearing is scheduled for April 9, 2009.**

COMMENTS: (PL080282) (Thomas Sawner, Educational Options, property owner; William Sawner, applicant) consisting of a phased mixed-use development with a charter school, a private school, assembly space for performances, recreational uses, commercial and residential uses initially located within six existing structures and eventually built into five new structures with building heights of 48 to 70 feet tall. Completed development will consist of approximately 192,156 s.f., on 8.87 net acres, located at 2150 E. Southern Avenue in the R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential Districts. The request includes the following:

ZON08011 – (Ordinance No 2008.66) Zoning Map Amendment from R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential districts to MU-2, Mixed-Use, Medium Density District.

PAD08019 – (Ordinance No 2008.66) Planned Area Development Overlay to define setbacks: zero-foot front and street side, 30-foot side and rear, with an actual building location 80 feet from the rear; building height to be 42 feet at rear of lot and 60 feet at front of lot; maximum lot coverage 40% and minimum landscape area 15%; maximum density not to exceed 9 dwelling units per acre, with a maximum of 80 residences.

APPLICANT'S PRESENTATION

Eric Emmert, Tempe, Vice President, Door and Policy Group, contracted with the Applicant to handle public outreach on this case. An agreement is in place with the neighborhood. The Applicant and neighbors have gone through many neighborhood meetings, there have been many team meetings with the neighborhood and many meetings have been held with individuals in the neighborhood. The agreement was provided to Council earlier this week.

Joe Salvatore, Architekton, summarized the site plan to provide project information.

- The site is the Tri-City Baptist Church site at the northwest corner of the 101 and Southern Avenue.
- The site does not include the AM/PM Mini-Mart or the Landis property next door.
- Intentions are to build the project in three phases.
 - The existing site is composed of the sanctuary building, an existing gymnasium building (which eventually will be the only building remains on this campus), and several smaller buildings around the perimeter of the site. Educational Options will operate on the facility as it exists for a period while plans are being developed for their future buildings.
 - The second phase would involve removal of some of the buildings and building two new buildings to support their education and office functions. They will also build some classroom spaces around the existing gymnasium building to create a quad down the center for more collegial type of environment.
 - The third phase will see two new buildings along Southern Avenue and the Price Road interchange.
- The surrounding neighbors in the Shalimar neighborhood have been involved in the adjustment and tweaking of plans to develop a regime of building heights and setbacks that are being presented as the PAD. He showed the buildings heights and setbacks for the total build-out phases.
 - An 80' no-build zone is provided around the perimeter to buffer any development from the neighbors. From the neighbors' perspectives, it will be build up toward the higher points of the buildings as far away from their property lines as possible.
 - From the west, there is the 80' no-build zone along Southern, then it graduates upwards to a 20' height, 40' height, 55' height, up to a 65' height, plus mechanical screening along Southern.
 - Moving further toward the north, there is the 80' no-build zone, a 32' zone, a 42' zone, and then a 48' zone.
 - From the north, there is a 35' zone, mostly to accommodate the existing gymnasium building and then the 42' zone and the 48' zone.
 - Toward the Price Road side from the north, there is the 80' no-build zone, and again the 20', 40' 55' and 65' limitations.
- Extensive reviews have been done of the site sections to check the building heights and working in coordination with the neighborhoods. An 8' solid masonry wall will be built along the property lines, with a double row buffer of trees.

Councilmember Mitchell asked if the heights run with the land.

Lisa Collins responded that the entitlements and PAD conditions run with the land regardless of the ownership. Whoever owned this property would have to build in conformance with the plans before Council.

Jeff Sawner, President of Educational Options, stated that he is excited that Educational Options will have a home in Tempe. He thanked all City staff who have helped, and extended a special thanks to the neighbors. A number of productive meetings have been held over the past nine months. Everyone has worked together and it has worked well.

The neighborhood worked hard with Educational Options over many months and it was a breakthrough that got this to where it is today. The importance of what we were able to negotiate is that 80% of the neighborhood supports this. Educational Options supports this or less (less height, further away from the neighborhood, or

less mass). It is important to the neighbors that this be locked in and with Council's help make sure that we move forward with this plan.

FIRST PUBLIC HEARING ONLY - NO FORMAL ACTION TAKEN. SECOND PUBLIC HEARING IS SET FOR APRIL 23, 2009.

DOCUMENT NAME: [20090326dsdk01.pdf](#) [20090326dsdk02.pdf](#) [20090326dsdk03.pdf](#)
PLANNED DEVELOPMENT (0406)

- *46. Held the **introduction and first public hearing** to adopt an ordinance authorizing the Mayor to execute a Covenant and Agreement Regarding Maintenance of Yards for an Oversized Building located at 809 East Southern Avenue, on which the Tempe Historical Museum is located. The **second public hearing is scheduled for April 9, 2009.**

DOCUMENT NAME: [20090326PWS06.pdf](#) **TEMPE HISTORICAL MUSEUM (0705-04)**
ORDINANCE 2009.16

D. Ordinances and Items for Second Hearing/Final Adoption

- *47. Held the **second public hearing** and approved ORDINANCE NO. 2009.09 authorizing **Contract #94-53B**, an amendment to the lease between the City of Tempe and Urban Outfitters.

DOCUMENT NAME: [20090326cdnc03.pdf](#) **CENTRAL BUSINESS DISTRICT (0403-05)**

- *48. Held the **second public hearing** and adopted ORDINANCE 2009.08 abandoning an existing Public Utility Easement located at 1949 E. University Drive.

DOCUMENT NAME: [20090326PWS05.pdf](#) **ABANDONMENT (0901)**

E. Resolutions

49. Approved RESOLUTION NO. 2009.17 authorizing the implementation of the 2009 Employee Voluntary Separation Incentive Program as attached requiring participating employees to retire or resign from City employment no later than June 30, 2010 .

DOCUMENT NAME: [20090326hrjoc01.pdf](#) **HUMAN RESOURCES (PERSONNEL) (0300)**

6. PUBLIC APPEARANCES

UNSCHEDULED PUBLIC APPEARANCES:

Ed Mitchell, Tempe, read a statement from the San Antonio Disability Etiquette Handbook: "Disability is a condition caused by an accident, trauma, genetics, or disease which may limit a person's mobility, hearing, vision, speech, or mental function. Some people with disabilities have more than one. A handicap is a physical or attitudinal constraint that is imposed upon a person regardless of whether that person has a disability or not." Part of his journey over the last couple of months is understanding that difference. Tempe is a terrific city. Part of his learning curve was to sit down with someone who is visually impaired and talk about how a service dog helps her cross a street. When she arrives at a street, the dog will stop at the curb. Her responsibility is to use her foot to feel if there is a curb or cut-out.

Her responsibility is also to determine when the light has changed. Once she has determined the light has changed by the flow of traffic or because of some other factor, she then tells the dog to proceed. The dog proceeds in the crosswalk, walking between the white lines. Downtown Tempe has eliminated many of those crosswalks and as a result, the City has created a handicap for a person with a disability. A budget is the best way to determine a City's priorities. The priority for disability in the City is a part time employee. He is concerned that there are people in every department interacting on disability issues but they rarely communicate with the ADA Specialist. That needs to be addressed. Sometimes a great idea comes to a department, and the department decides not to do it. The lock box program for seniors and the disabled, a program active in Scottsdale, Fountain Hills and Chandler, was refused in Tempe. This program would allow fire and police departments to use a key to access a lock box to enter a disabled person's or a senior's home. His hope is to reactivate that discussion. Also, the Phoenix "Save our Spaces" program needs to be investigated. It is difficult to find accessible parking spaces because many times they are utilized by non-handicapped or delivery trucks and the disabled cannot park there.

Mike Griffiths, President and Chief Operating Officer of Veolia, thanked Council for their support and confidence on behalf of their employees in Tempe. Veolia is a company that cares about the passengers and is dedicated to the safety.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Mitchell reminded everyone about the 7th Annual Joseph P. Spracale Education Awards on Saturday, April 11th, at the Fiesta Inn Resort and Conference Center. More information is available at www.tiefoundation.com. Part of that event honors teachers and educators in the community. That award goes to **Alejandro and Josie Arredondo**, life-long residents of Tempe who instilled in their children that anything could be accomplished in the United States. They also believed that education was the key to success. They had six sons: Dan, Joe, Alex, Hank, Rick and Ben. All six brothers have earned degrees in education at ASU. In total, the Arredondo family has contributed over 350 years of service in education as teachers, principals, administrators, support staff, and school board members.
- Vice Mayor Ellis added her congratulations to Councilmember Arredondo and his family.
- Councilmember Arredondo extended his thanks, and added that to have parents like his was truly an honor. From their father, they learned the work ethic, and from their mother, the importance of education. Receiving the Joseph P. Spracale Education Impact Award is an honor. Everyone should have met a Joe Spracale in their lives. He reminded everyone about the Tempe Art Festival this weekend and the Tempe Music Festival next weekend.
- Councilmember Navarro added his congratulations to Councilmember Arredondo and his family. Mr. Spracale has also done so much for this community.
- Councilmember Shekerjian thanked Judge Arkfeld, Fire Chief Jones, and Police Chief Ryff for meeting with the Polish Public Safety and Court Officials this last week. The head of the Polish Police, the International Affairs Division, as well as the Chief Prosecutor for the nation of Poland visited Tempe to better understand the realities of combating certain problems in our country. She also thanked City employees for suggestions offered regarding the budget. Many of the employees have expressed great understanding of how difficult these days are for decision-makers, and she thanked them for that. Two events are coming up: A concert for the Tempe Youth Wind Symphony will be held April 1st at 7:30 p.m., at the Tempe Center for the Arts, and "Music Under the Stars" will be held on April 17th at 7:30 p.m.

- Councilmember Woods also congratulated Councilmember Arredondo. He also noted that balancing the budget has been a difficult job, and he thanked residents for their support.
- Mayor Hallman added his congratulations to Councilmember Arredondo. He also stated he was disappointed with the City's process regarding the bus contract. The basis on which we completed this process was distressing. When we are awarding a contract that is for \$100M, to have but 10% of the weighting based on the pricing we would receive is peculiar. There were other elements in it that he was very concerned about and it is not a reflection on our current contractor, but on our way in which we conducted business. He hoped we would do better next time.

Meeting adjourned at 8:15 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 26, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2009.