

Minutes Formal City Council Meeting December 6, 2007

Minutes of the Formal Council Meeting of Thursday, December 6, 2007, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Hut Hutson
Councilmember P Ben Arredondo
Councilmember Shana Ellis
Councilmember Mark W. Mitchell
Councilmember Onnie Shekerjian

COUNCIL ABSENT:

Councilmember Barbara J. Carter

Mayor Hallman called the meeting to order at 7:30 p.m.

1. Councilmember Shekerjian 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 Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Council's Executive Session – October 25, 29 & November 8, 2007
2. Council's Issue Review Session – November 8, 2007 [20071206clrkck03.pdf](#)
3. Council's Formal Meeting – November; 8, 2007 [20071206clrkck04.pdf](#)
4. Council's Central City Development Committee of the Whole – November 8, 2007 [20071206clrkck05.pdf](#)
5. Council's Education, Technology & Economic Development Committee – September 4 & October 2, 2007 [20071206eted01.pdf](#) [20071206eted02.pdf](#)
6. Council's Finance, Economy & Veterans Affairs Committee – October 16, 2007 [20071206feva01.pdf](#)
7. Council's Transportation, Housing & Environment Committee – October 30, 2007 [20071206thec01.pdf](#)
8. Council's Joint Dinner with Tempe Chamber of Commerce – October 30, 2007 [20071206clrkck01.pdf](#)
9. Council's Calendar Meeting – November 8, 2007 [20071206clrkck02.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.

10. Apache Boulevard Project Area Committee – October 8, 2007 [20071206apac01.pdf](#)
11. Aviation Commission – October 18, 2007 [20071206tavco01.pdf](#)
12. Commission on Disability Concerns – October 16, 2007 [20071206cdc01.pdf](#)
13. Committee for Youth, Families & Community – October 15, 2007 [20071206cyfc01.pdf](#)
14. Development Review Commission – October 9, 2007 [20071206drc01.pdf](#)
15. Hearing Officer – October 16 & November 6, 2007 [20071206ho01.pdf](#)
[20071206ho02.pdf](#)
16. Historic Preservation Commission – September 18 & October 16, 2007
[20071206hpc01.pdf](#) [20071206hpc02.pdf](#)
17. Historical Museum Advisory Board – October 4, 2007 [20071206csjc01.pdf](#)
18. Human Relations Commission – September 11, 2007 [20071206hrc01.pdf](#)
19. Judicial Advisory Board – November 15, 2007 [20071206jab01.pdf](#)
20. Library Advisory Board – October 1, 2007 [20071206lab01.pdf](#)
21. Mayor's Youth Advisory Commission – October 16 & November 6, 2007
[20071206myac01.pdf](#) [20071206myac02.pdf](#)
22. Tempe Sports Authority – October 17, 2007 [20071206tsa01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman wished Councilmember Ellis' daughter, Amaya, a happy birthday.
- Mayor Hallman extended a special welcome to one of Tempe's long-time Mayors, **Rudy Campbell**.

B. Manager's Announcements

- Acting City Manager Jeff Kulaga announced that beginning in mid-January, the east City Hall parking lot will be closed for construction of a new parking garage. In addition to the new Marriott Hotel, this parking garage will serve hotel parking and also provide more public parking for City facilities. There will be more spaces in the long run, but while it is under construction during calendar year 2008, there will not be any parking at that construction site. To provide parking for Council and other meetings, there is parking along 6th Street, Brickyard, Hayden Square, and the Centerpoint lots. Parking information is available on the City's website under "hot topics." Bus service is also available and information may be found on Valley Metro's website.
- On behalf of staff, as City Manager he requested that Item #45 be deleted from tonight's agenda, as well as Item #64, based on comments at the Issue Review Session tonight. Both will return at a later date.

Mayor Hallman asked for Council's consideration that the first hearing for Item #64 be held, and if any additional changes seem appropriate by the second hearing, then delete

it. The minor changes proposed on those specific provisions were to actually enhance them and raise the standards. There are no standards now, so it would be helpful to get some starter standards in place while staff has a chance to revise it to bring it more fully forward. In addition, the other 95% of the changes will help us and he would hate to hold that part up. Staff can return as soon as they can to enhance that Code.

Councilmember Arredondo added that staff should understand that there might be a "blank" in that Code until all of it is passed.

Mayor Hallman clarified that there is no "habitual offender" currently. It would be better to pass it tonight with the first hearing and at the next meeting to put in the "habitual offender." When we enhance it in another month or two, at least we will have started in the right direction. If we don't pass the Code tonight and at the next meeting, all the other changes won't be made either. We could at least have the first hearing tonight and at the next hearing we can decide whether we want to pull it off completely or pass it.

Mr. Kulaga clarified that only Item #45 will be deleted.

- Mr. Kulaga thanked Council for the opportunity to serve the last three months as Interim City Manager. It has been an honor and a privilege to serve this community and this Council in this role.

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 Arrendondo to approve the Agenda as amended (Item #45 was deleted and Items #62 and #73 were removed for separate consideration). Second by Councilmember Shekerjian. Motion passed on a roll call vote 6-0, with Councilmember Carter absent.

A. Miscellaneous Items

23. Approved **Contract #2007-213**, an Intergovernmental Agreement between the Pascua Yaqui Tribe, Tempe Union High School District # 213 and the City of Tempe for the Academic Achievement Program.

COMMENTS: A grant in the amount of \$50,000 through the Tribal-State Gaming Compact.

DOCUMENT NAME: [20071206cskb01.pdf](#) **TEMPE UNION HIGH SCHOOL**

DISTRICT (0109-140)

24. Authorized Triyar Hospitality, LLC to assign certain rights and privileges under the Playa del Norte Development Parcel Agreement - Parcel No. 6 to Irgens Development, LLC
DOCUMENT NAME: [20071206cdnc01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**
25. Approved **Contract #2007-172A**, a revised Maintenance Agreement for The Pier at Town Lake Improvement District No. 180.
DOCUMENT NAME: [20071206PWCH09.pdf](#) **IMPROVEMENT (ASSESSMENT) DISTRICTS (0805-80), IMPROVEMENT DISTRICT I.D. 180, PROJECT NO. 5103011.**
26. Approved **with conditions** a Subdivision Plat for HOLUALOA OF TEMPE CAMPUS, located at 2927 South Hardy Drive.
COMMENTS: (PL070250) (Huellmantel & Affiliates, Charles Huellmantel, applicant), located at 2927 South Hardy Drive, in GID, General Industrial District, the request includes the following:
SBD07023 - Subdivision plat, lot split on 4.082 net acres lot.
The following conditions were also approved:
 1. The Subdivision Plat for Holualoa of Tempe Campus 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 **December 06, 2008**. Failure to record the plan within one year of Council approval shall make the plat null and void.
 2. The developer/owner(s) shall provide a care condition, covenant and restriction for all of the project's landscaping required by Ordinance or located in any common area on site.**DOCUMENT NAME:** [20071206dsjc03.pdf](#) **PLANNED DEVELOPMENT (0406)**
27. Approved **with conditions** an Amended Subdivision plat for YUCCA JUNIOR, located at 23 West Southern Avenue.
COMMENTS: (PL070415) (Pomykala Andrea, owner; Tanner Grossmiller, On Call Constructions, applicant) located at 23 West Southern Avenue in the CSS, Commercial Shopping and Services District, this includes the following request:
SBD07039 – Amended Subdivision Plat of property (building) to adjust lot lines which consist of 8,359 s.f. building.
The following conditions were also approved:
 1. The Subdivision Plat shall be recorded prior to certificate of occupancy of the building.
 2. The Subdivision Plat for Yucca Junior 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 **December 06, 2008**. Failure to record the plan within one year of Council approval shall make the plat null and void.**DOCUMENT NAME:** [20071206dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

28. Approved **with conditions** an Amended Subdivision Plat for DORSEY AND APACHE PARK & RIDE located at 1306 East Apache Boulevard.

COMMENTS: (PL070064) (City of Tempe / Public Works / Light Rail Division owner; Raul Vidal, Public Works, applicant) located at 1306 East Apache Boulevard, in the CSS, Commercial Shopping and Services District, including the following request:

SBD07034 – Amended Subdivision Plat of three (3) lots into one (1) lot, 1.433 acres.

The following conditions were also approved:

1. The Amended Subdivision Plat shall be recorded prior to certificate of occupancy.
2. The Subdivision Plat for Dorsey and Apache Park & Ride 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 **December 06, 2008**. Failure to record the plan within one year of Council approval shall make the plat null and void.

DOCUMENT NAME: [20071206dsjc05.pdf](#) **PLANNED DEVELOPMENT (0406)**

29. Approved with conditions a Subdivision Plat for ENCLAVE ON PRIEST located at 1616 South Priest Drive.

COMMENTS: (PL060454) (Priestly Properties, Inc., Tom Kowalski, property owner / Hunter Engineering, Larry Talbott, applicant) located at 1616 South Priest Drive, in the GID, General Industrial District for:

SBD07033 – Subdivision Plat combining seven (7) lots into one (1) lot on 9.98 acres.

The following conditions were also approved:

1. The Subdivision Plat shall be recorded prior to building permit.
2. The Subdivision Plat for Enclave on Priest 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 **December 06, 2008**. Failure to record the plan within one year of Council approval shall make the plat null and void.

DOCUMENT NAME: [20071206dsjc04.pdf](#) **PLANNED DEVELOPMENT (0406)**

30. Approved **with conditions** an Amended Subdivision Plat for FAIRMONT BUSINESS PARK, located at 1016 West Geneva Drive.

COMMENTS: (PL070260) (Tempe FBP Partners / Dave Clark owner; Robert Robinson, Huitt - Zoliars, applicant) located at 1016 West Geneva Drive, in the GID, General Industrial District, the request includes the following:

SBD07026 – Amended Subdivision Plat for one (1) lot into five (5) lots and A Tract, 3.354 acres.

The following conditions were also approved:

1. The Amended Subdivision Plat shall be recorded prior to certificate of occupancy.
3. The Subdivision Plat for Fairmont Business Park 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 **December 06, 2008**. Failure to record the plan within one year of Council approval shall make the plat null and void.

DOCUMENT NAME: [20071206dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

31. Approved **with condition** a Final Subdivision Plat for WEST RIO SALADO located at 1850 West Rio Salado Parkway.

COMMENTS: (PL070013) (City of Tempe, property owner; Brady - Aulerich & Associates, applicant) located at 1850 West Rio Salado Parkway, in the GID, General Industrial District. This request includes the following:

SBD07001 – Final Subdivision Plat for four (4) lots totaling +/-127.02 gross acres.

The following condition was also approved:

1. The Subdivision Plat for West Rio Salado 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 **December 06, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20071206dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

32. Approved **with conditions** a Final Subdivision Plat for WALGREENS drug store #11610 located at 2000 South Mill Avenue.

COMMENTS: (PL070082) (Bruce Shapiro (managing member), BMILL, L.L.C., owner; Steve Bowser, Metro/Land Consultants, L.L.C., applicant) for a Final Subdivision Plat on +/- 1.67 net acres located at 2000 South Mill Avenue in the CSS, Commercial Shopping and Services District, including the following:

SBD07044 – Final Subdivision Plat to combine the property into one lot including the dedication of additional right of way on existing street to the public.

The following conditions were also approved:

1. The Public Works Department shall approve all applicable roadway dedications, roadway and utility easement dedications and abandons, driveway construction, storm water retention, street drainage and water and sewer constructions, refuse collection and all off-site improvements.
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements (as applicable) including streetlights, curb, gutter, bikepath, sidewalk, and related amenities.
 - b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees,
 - (2) Water and/or sewer participation charges,
 - (3) Inspection and testing fees.
 - c. All applicable off-site plans shall be approved prior to recordation of Subdivision Plat.
 - d. Public improvements must be installed prior to the issuance of certificate of occupancy. Any phasing shall be approved by the Public Works Department.
 - e. All new on-site and adjacent off-site utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this development in accordance with the Code of the City of Tempe – Section 25.
2. Place the Subdivision Plat for Walgreens #11610 into proper engineering format with appropriate signature blanks. Record the Subdivision Plat with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before one year from date of Council approval**. Failure to record the plan by one year from date of Council approval

shall make the approval of the Subdivision Plat null and void. Record the Subdivision Plat prior to issuance of building permit or as allowed by the Building Safety Division.

DOCUMENT NAME: [20071206dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *33. Held a public hearing and recommended the approval of a Series 10 Beer and Wine Liquor License for Fresh & Easy Neighborhood Market Inc., dba Fresh and Easy Neighborhood Market, 425 West Baseline Road.

COMMENTS: Randy Nations, Agent

DOCUMENT NAME: [20071206LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *34. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for DIZ LLC, dba D'Arcy McGee's Restaurant – Pub, 2000 East Rio Salado Parkway, #1220.

COMMENTS: Michael Dizzinno, Agent

DOCUMENT NAME: [20071206LIQ1.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

35. Approved **Contract #2007-143A**, an addendum to a professional services contract with Superstition Foothills Consulting Services Inc., for the AGL Networks Telecommunications Phase I.

COMMENTS: Subject to the execution of the final written addendum for an amount not to exceed \$43,000.

DOCUMENT NAME: [20071206PWCH01.pdf](#) **AGL NETWORKS (0802-27)**
PROJECT NO. 6704061

36. Approved **Contract #2007-214**, a professional services contract with Wilson Engineers for Kyrene Water Reclamation Facility – Permitting of Reclaimed Water to Tempe Town Lake.

COMMENTS: Professional services contract in an amount not to exceed \$45,400, conditioned upon execution of the final written documents.

DOCUMENT NAME: [20071206PWCH05.pdf](#) **WATER MASTER PLAN (0811-14)**
PROJECT NO. 3201602

37. Approved **Contract #2006-154B**, a professional services contract addenda with URS Corporation and **Contract #2004-259C**, with OTAK, Inc., and approved a change order contingency increase for the Tempe Transportation Center.

COMMENTS: Addendum to a professional services contract with URS Corporation for an amount not to exceed \$430,565 and an addendum to a professional services contract with OTAK, Inc. for an amount not to exceed \$263,383, both subject to the execution of the final written addenda, plus a construction change order contingency increase of \$229,717.

DOCUMENT NAME: [20071206PWCH11.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
PROJECT NO. 60-976762

38. Approved **Contract #2007-215**, a professional engineering services contract with Wilson Engineers, for the Sub-Regional Operating Group (SROG) Capacity Management Facilities.

COMMENTS: Professional engineering services contract in an amount not to exceed \$80,000, subject to execution of the final written contract.

DOCUMENT NAME: [20071206PWCH12.pdf](#) **SUB-REGIONAL OPERATING GROUP (SROG) (0107-05)** **PROJECT NO.** 3200592

39. Approved **Contract #2007-216**, a professional services design contract with J2 Engineering & Environmental Design for Clark Park Master Plan.

COMMENTS: Professional design services contract in the amount of \$43,549, subject to execution of the final written contract.

DOCUMENT NAME: [20071206PWCH13.pdf](#) **CLARK PARK (0706-06)**
PROJECT NO. 6305061

40. Approved **Contract #2007-217**, a professional design services contract with Sunrise Engineering, Inc. Bus Bay Improvements 2007-2008.

COMMENTS: Professional design services contract in an amount not to exceed \$138,400, subject to execution of the final written contract.

DOCUMENT NAME: [20071206PWCH14.pdf](#) **TRANSPORTATION (1100)**
PROJECT NO. 6001233

41. Awarded multi-term construction contracts as follows: **Contract #2007-218** with Sunland Asphalt, **Contract #2007-221** with J. Banicki Construction, and **Contract #2007-238** with Cactus Asphalt to perform on-call job order contracting for Paving and Resurfacing of Streets and City Facilities.

COMMENTS: Multi-term construction contracts for an annual amount not to exceed \$4,000,000 and an individual job order amount not to exceed \$1,000,000 with Sunland Asphalt, J. Banicki Construction, and Cactus Asphalt, subject to execution of the final written contracts.

DOCUMENT NAME: [20071206PWMV10.pdf](#) **ENGINEERING ADMINISTRATION (803-02)** **PROJECT NO.** 5406011

42. Awarded **Contract #2007-219**, a construction contract to Southwest Micro Surfacing LLC and approved a construction change order contingency for Major Street Renovation 2008-2010.

COMMENTS: Construction contract in the amount of \$1,147,198, subject to execution of the final written contract and a construction change order contingency of \$147,000.

DOCUMENT NAME: [20071206PWMV03.pdf](#) **STREET UPGRADING –**

MAINTENANCE – CONSTRUCTION (0809-05) PROJECT NO. 5401642

43. Awarded **Contract #2007-220**, a construction contract to CPC Construction, Inc., and approved a construction change order allowance for Minor Concrete Improvements 2008-2010 and On-Call Maintenance, Repairs or Grading.
COMMENTS: Request award of a construction contract in the amount of \$591,660, subject to execution of the final written contract, plus the approval of a construction change order allowance in the amount of \$80,000.
DOCUMENT NAME: [20071206PWMV04.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5401413**
44. Approved **Contract #2005-161B**, a twelve-month construction contract extension with Swaine Asphalt Corporation for Speed Humps at Various Locations.
COMMENTS: Twelve month construction contract extension in an amount not to exceed \$75,000, subject to execution of the final written amendment.
DOCUMENT NAME: [20071206PWMV06.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05), PROJECT NO. 5400942**
45. **PULLED BY STAFF**
Request to award a three-year contract with two, one-year renewal options to All City Towing for towing services.
COMMENTS: (RFP #08-039) Total cost for this contract shall not exceed \$900,000, including \$60,000 for city tows, during the initial contract period.
DOCUMENT NAME: [20071206fsta04.pdf](#) **PURCHASES (1004-01)**
46. Awarded **Contract #2007-222**, a one-year, sole source contract to Allegiant Technology for the BMC Help Desk Software upgrade and purchase of Asset Management Module.
COMMENTS: (Sole Source #T08-099) Total cost of this contract shall not exceed \$160,000 during the contract period.
DOCUMENT NAME: [20071206fst06.pdf](#) **PURCHASES (1004-01)**
47. Awarded **Contract #2007-223**, a two-year contract with three, one-year renewal options to Western Refining Wholesale for vehicle fuel.
COMMENTS: (RFP #08-073) Total cost for this contract shall not exceed \$5,000,000 during the initial contract period.
DOCUMENT NAME: [20071206fsta05.pdf](#) **PURCHASES (1004-01)**
48. Approved a seven-month extension of a contract with Mariposa Horticultural Enterprises for landscape maintenance services.
COMMENTS: (T03-109-01) Total amount not to exceed \$420,000.
DOCUMENT NAME: [20071206fslq03.pdf](#) **PURCHASES (1004-01)**
49. Approved the increase of the contract amount with Truly Every Assignment Matters LLC

(T.E.A.M. Security) and EStaff Security, Inc., for security services.

COMMENTS: (T07-141-01 and T07-141-02) Increase in the amount of \$175,000 from \$50,000 to \$225,000.

DOCUMENT NAME: [20071206fslq02.pdf](#) **PURCHASES (1004-01)**

50. Approved a one-year renewal of a contract with East Valley Uniforms for employee uniforms.

COMMENTS: (T07-091-01) Total amount not to exceed \$45,000

DOCUMENT NAME: [20071206fslq01.pdf](#) **PURCHASES (1004-01)**

51. Approved the utilization of State of Arizona contracts with Am-Pac, Wingfoot Commercial and Purcell Western States for tires and tubes.

COMMENTS: (AD04531-A2-2-A7, 1-A6 and 3-A7) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20071206fsta07.pdf](#) **PURCHASES (1004-01)**

52. Approved the utilization of an Arizona Counter Drug Procurement Program 1122 contract to purchase a Negotiator Vehicle for use by the Tempe Police Department.

COMMENTS: (#08-107) Total cost for this contract shall not exceed \$300,000.

DOCUMENT NAME: [20071206fsta08.pdf](#) **PURCHASES (1004-01)**

53. Approved the utilization of a one-year City of Phoenix contract with Motorola, Inc. for 800 MHz digital radio subscriber equipment used by the Fire Department, Police Department and various other City Departments.

COMMENTS: (P03-011) Total amount not to exceed \$1,500,000.

DOCUMENT NAME: [20071206fst09.pdf](#) **PURCHASES (1004-01)**

54. Approved a one-year renewal of a contract with Basic Chemical Solutions, LLC for lime slurry.

COMMENTS: (T06-079-01) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20071206fst09.pdf](#) **PURCHASES (1004-01)**

55. Approved the increase of the contract amount with Rosenbauer America for Fire Department pumper trucks.

COMMENTS: (T07-157-01) Increase in the amount of \$513,000 from \$1,025,000 to \$1,538,000.

DOCUMENT NAME: [20071206fslq11.pdf](#) **PURCHASES (1004-01)**

56. Awarded Contract #2007-224, one-year contracts with four, one-year renewal options to Recreation Design Concepts and Dave Bang Associates Inc. for drinking fountains, grills and bleachers.

COMMENTS: (IFB #08-081) Total cost for this contract shall not exceed \$200,000 during the initial contract period.

DOCUMENT NAME: [20071206fslg12.pdf](#) PURCHASES (1004-01)

57. Approved a one-year renewal of a contract with Basile, Baumann, Prost & Associates, Inc. for development consultant services.

COMMENTS: (T06-013RB-01) Total amount not to exceed \$100,000.

DOCUMENT NAME: [20071206fslg13.pdf](#) PURCHASES (1004-01)

58. Awarded **Contract #2007-225**, a two-year contract with three, one-year renewal options to The Market Builder for utility and tax bills inserting and delivery services.

COMMENTS: (IFB #08-037RBII) Total cost for this contract shall not exceed \$200,000 during the initial contract period.

DOCUMENT NAME: [20071206fst14.pdf](#) PURCHASES (1004-01)

59. Awarded **Contract #2007-226**, a construction contract to PCL Construction, Inc.; approved **Contract #2007-227**, a professional services contract with Ricker Atkinson McBee and Morman; and approved a construction change order allowance for The Pier at Town Lake, Improvement District No.180.

COMMENTS: Construction contract with PCL Construction, Inc. in the amount of \$17,263,548.95; materials testing services contract with Ricker Atkinson McBee and Morman in an amount not to exceed \$60,000; and a construction change order allowance in the amount of \$300,000. All subject to execution of the final written contract/addenda.

DOCUMENT NAME: [20071206PWDR02.pdf](#) IMPROVEMENT (ASSESSMENT) DISTRICTS (0805-80), IMPROVEMENT DISTRICT NO. 180, PROJECT NO. 5103011

- 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 an ordinance to amend the Tempe City Code, Chapter 8, relating to Building and Building Regulations, by amending Article I, Section 8-111, to allow rebates of Building Safety fees for improvements on single family residences. **The second public hearing is scheduled for December 13, 2007.**

DOCUMENT NAME: [20071206dssf01.pdf](#) TCC CH 8 – BUILDINGS AND BUILDING REGULATIONS (0503-08) ORDINANCE NO. 2007.81

- *61. Introduced and held the **first public hearing** to amend Chapter 24 of the Tempe City Code relating to Peddlers, Solicitors and Itinerant Merchants by amending Sections 24-16 and 24-17 and repealing Division 4 relating to Sidewalk Cafes. **The second public hearing is set for December 13, 2007.**

DOCUMENT NAME: [20071206cacc01.pdf](#) TCC CH 24 – PEDDLERS, SOLICITORS & ITINERANT MERCH (0503-24) ORDINANCE NO. 2007.82

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

Introduced and held the **first public hearing** for a Planned Area Development Overlay

for ONE HUNDRED MILL AVENUE located at 100 South Mill Avenue. The second public hearing is scheduled for December 13, 2007.

COMMENTS: A LEGAL PROTEST HAS BEEN FILED IN THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 of 7) IS REQUIRED FOR APPROVAL. The Development Review Commission (DRC) voted 5-1 in favor of this proposal, with modified conditions, the Historic Preservation Commission voted 7-0 for approval of historic building modification. Staff is recommending approval of the proposal, subject to Conditions 1-9, recommending reduced heights for Phase I different from DRC recommendation. An affirmative vote by 6 of the 7 Councilmembers would result in approval of the project as recommended by staff. (PL070354) (Michael Monti, property owner; Tony Wall, 3W Companies, applicant) for redevelopment of the existing Monti's La Casa Vieja site, for two new buildings consisting of hotel (300 suites), commercial and residential (230 units), including preservation of a portion of the existing historic building, located at 100 South Mill Avenue in the City Center District, Transportation Overlay District, and a Historic Designated Property. The request includes the following:

PAD07021 – (Ordinance No. 2007.67) Planned Area Development Overlay to modify Transportation Overlay District standards for two (2) buildings with a proposed building height of 300 feet for Phase I and 325 feet for Phase II, and reduce the required parking from 1,306 to 1,051 spaces.

APPLICANT PRESENTATION

Paul Gilbert, 4800 N. Scottsdale Road. He stated that he and Mr. Erle are opposing each other on this case and they have agreed not to speak at this time.

PUBLIC HEARING

Mike Wasko, Tempe, a downtown Tempe resident, stated that he enjoys the downtown and lives in the shadows of the Centerpoint towers. He has two major issues with what is being proposed for this project. First, the design is wrong. The design is too high for the site. Precedence has been set with the flour mill at 161 feet, the Hayden Ferry Landing future building at 172 feet, US Airways building at 144 feet, and Gateway at 132 feet, and the proposal for the tower building along Rio Salado is 325 feet. There can't be any sense of scale given to Monti's when there is such a distinct difference in height at that location. The proposed building on Mill Avenue at 225 feet is still over the 150 feet proposed for the Mill Avenue corridor. Again, it is another example of a design that is exceeding the guidelines. The other issue is that it is simply another modern glass and steel development. There is so much history at that corner with the silos and Monti's and earthen structures. It is important to keep diversity in the downtown and keep that area in more of a sophisticated bohemian area with a different sense of authenticity. It could be something a little more embracing, something that may be able to have some affordable housing in the \$300K price range for people who work in the area, rather than as second homes or trophy cases. In August of 2006, the developer received approval to initiate the development at University Square and they are just now reaching final agreements with the tenant on that site. That could have been planned for or anticipated during earlier negotiations. The first design offered to the Historic Preservation Commission was totally off and they had to come back with a completely different design. To miss it that badly the first time around does not foster a sense that they know how to design that corner properly. There has been

discussion about who actually has rights to the two properties bordering on the south and west. There needs to be something firmly set on that issue. At the DRC meeting, the adjacent landowners stated there had been no discussion with the access along the Maple or Second Avenue route.

Mayor Hallman clarified that there is no question about who owns that property.

Mr. Wasko clarified that there is disagreement on how it might be utilized for that development.

Mayor Hallman further clarified that no design is under discussion. The only thing this item speaks to is plat and density. All that is before Council on this action is a massing study. Mr. Wasko had mentioned that their first design had missed the mark, but did he note that the HPC voted 7-0 to approve the last version?

Mr. Wasko responded that he did, and the HPC is responsible to determine the impact on the historic part of the structure.

Mayor Hallman clarified that he thought the fact that the developer resubmitted the proposal and the HPC approved it suggested they were willing to work with the community to achieve approvals by an exacting board whose purpose is to make sure that the historic elements of this community are preserved.

Mr. Wasko responded that in his view, the designs have not been adequate.

Trevor Barger, Tempe, stated that this project will add to the downtown. This is a great setting and he thinks the design works well. It would be a shame not to move forward with it.

Mayor Hallman asked if he agreed with Mr. Wasko that the height is out of scale with the context.

Mr. Barger responded that he did not agree. The height is taller than the immediately adjacent building, but that building was dramatically higher than the previous buildings. In context with the overall skyline and the buildings surrounding it, that is a good place to have a high point.

Mayor Hallman added that Centerpoint is farther south and it is 343 feet. Shouldn't all of that height be located closer to Centerpoint? Should we be allowing height outside of that high point?

Mr. Barger responded that height should be allowed as it comes up toward the Lake. The Lake is such an incredible amenity that it would be a shame not to take advantage of the views and opportunities that allows. The height will add to the activity on the ground level and it would be nice to have that intensity occur at that location, not only at 5th and Mill as it does now.

Rudy Campbell, Tempe, complimented Council on the service they provide to the City. It takes a lot of time and effort. He has heard rumors that he was in Tempe when La Casa Vieja was built. He wasn't. He arrived in the spring of 1954 and opened the second bank in Tempe and Leonard Monti came from Chandler a few months later and took over the restaurant. He has valued the historical aspects of the City. That's a thank-you to the people who came before us. He was marginally involved with the restoration of Old Main on campus.

That is a marvelous building built in the 1800's, now restored and being used every day. The builder and Monti's have gotten together on their plans and it seems to be workable. We want to keep Monti's there and use it in the future. He is proud that in his time Tempe was a small college town and now is an exploding, exciting university city. We need to follow what ASU is doing to make itself the best in the nation.

Terrance Price, Tempe, stated that at first he was opposed to this project, but upon studying it, he believes it is a good project. The developer has made efforts to retain the historical nature of the building. As for the height issue, he would follow what the City feels to be the best height. He thinks a wall of tall buildings between the Lake and downtown negates the name. His only reservation is the height issue, but that is between the City Council and the developer.

Mayor Hallman asked for clarification that he would go along with the City's current standards. The current height for most of that site is 300 feet. The City-recommended height under the guidelines is 300 feet, and staff has recommended 320 feet for one building and 230 feet for the other.

Mr. Price agreed.

APPLICANT'S RESPONSE

Paul Gilbert commented on the statement that "they missed it badly." His favorite statement in dealing with zoning cases is "no good deed goes unpunished." Here, the developer reacted and worked with the Historic Preservation Commission and came back with something they could support. That is a vindication of the strength of this project.

*****FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR JANUARY 10, 2008.**

DOCUMENT NAME: [20071206dsrl01.pdf](#) PLANNED DEVELOPMENT
(0406)

- *63. Introduced and held the **first public hearing** for a Code Text Amendment for ZONING AND DEVELOPMENT CODE AMENDMENTS. **The second public hearing is scheduled for December 13, 2007.**

COMMENTS: (PL070433) (City of Tempe Development Services Department, applicant) for changes in the Code related to the incorporation of Outdoor Seating provisions which will repeal the section in the City Code related to "Sidewalk Cafes"; new regulations for Tattoo Shops/Body Piercing; and other miscellaneous revisions. This request includes the following:

ZOA07003 – (Ordinance No. 2007.74) Code Text Amendment for changes within the Zoning and Development Code Sections 3-202, 4-406, 4-903, 4-904, 6-305, 6-402, 6-404, 7-114, 7-120 and 7-121 and adding Sections 3-424 and 3-425.

DOCUMENT NAME: [20071206dsrl02.pdf](#) PLANNED DEVELOPMENT
(0406)

- *64. Introduced and held the **first public hearing** to amend Chapter 21 of the Tempe City Code relating to Nuisances and Property Enhancement. **The second public hearing is set for December 13th, 2007.**
DOCUMENT NAME: [20071206cdjk01.pdf](#) TCC CH 21 – NUISANCES (0503-21) ORDINANCE NO. 2007.80
- *65. Introduced and held the **first public hearing** to authorize the Mayor to execute a Special Warranty Deed conveying City Property to Hayden Ferry Lakeside, LLC. **The second public hearing is set for December 13, 2007.**
COMMENTS: The City property consists of approximately 128,363 square feet and is being acquired by Hayden Ferry Lakeside at the price of \$712,263.66 as set forth in the DDA dated April, 3, 2000.
DOCUMENT NAME: [20071206cdnr01.pdf](#) RIO SALADO MASTER PLAN (0112-07-03) ORDINANCE NO. 2007.84
- *66. Introduced and held the **first public hearing** to adopt an ordinance abandoning a public utility easement, located at 505 South College Avenue. **The second public hearing is set for December 13, 2007.**
DOCUMENT NAME: [20071206PWCH17.pdf](#) ABANDONMENT (0901) ORDINANCE NO. 2007.88
- *67. Introduced and held the **first public hearing** of an Ordinance authorizing the Mayor to execute a Development and Disposition Agreement, a parking license and various easements with TEMPE RI, LLC for the development of a Marriott Residence Inn on the former Bandersnatch property. **The second public hearing will be held on December 13, 2007.**
DOCUMENT NAME: [20071206cdcm01.pdf](#) COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2007.87
- *68. Introduced and held the **first public hearing** for a Planned Area Development, for EXPRESS CAR WASH located at 1406 West University Drive. **The second public hearing is scheduled for January 10, 2008.**
COMMENTS: (PL070363) (City of Tempe, property owner; Jesse Macias, RHL Design Group, applicant) for a new 3,600 s.f. car wash located on .46 net acres at 1406 W. University Drive, in the CSS, Commercial Shopping and Services District. The request includes the following:
PAD07023 (Ordinance 2007.75) – Planned Area Development Overlay to modify the standards for the parking setbacks from 20' to 7'.
DOCUMENT NAME: [20071206dsdk01.pdf](#) PLANNED DEVELOPMENT (0406)

D. Ordinances and Items for Second Hearing/Final Adoption

- *69. Held the **second public hearing** and approved ORDINANCE NO. 2007.78 authorizing the Mayor to sign **Contract #2007-228**, a Covenant and Agreement to Hold Property as One Parcel at the Hackett House.
DOCUMENT NAME: [20071206cdcm02.pdf](#) **DEVELOPMENT PROJECT (0406)**

- *70. Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for CENTERPOINT ON MILL located at 640 South Mill Avenue.
COMMENTS: (PL060549) (Centerpoint Holdings LLC, property owner; Manjula Vaz, Gammage & Burnham, applicant) for three (3) buildings with residential, a hotel with a health club, and commercial uses; and two (2) ground level plaza buildings. The mixed use buildings range in height from 11, 17 & 20 stories, all within 4.21 acres, located at 640 South Mill Avenue, in the City Center District. The request includes the following:

PAD07019 – Amended Planned Area Development Overlay for Centerpoint on Mill, Lots 2, 4, 5 & 6 to modify development standards for five (5) buildings consisting of 256 hotel suites, 434 dwelling units, and over 108,000 sq. ft. of commercial space within approx. 1,228,099 sq. ft. of total building area.

The following conditions were also approved:

1. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
2. The applicant will work with staff to make refinements to design an overall connectivity from 7th Street to Maple Avenue that provides a cohesive path of travel for pedestrians/motorists, subject to final determination through development plan review process.
3. Building A, maximum building height, including all mechanical equipment, shall be two hundred twenty-one (221) feet.
4. Building B/C, maximum building height, including all mechanical equipment, shall be one hundred fifty-eight (158) feet. Building height exceeding fifty (50) feet shall be set back along Mill Avenue fifteen (15) feet from the property line. Building height exceeding seventy-five (75) feet shall be set back along Mill Avenue twenty-five feet from the property line.
5. Building H, maximum building height, including all mechanical equipment, shall be 255 feet.
6. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
7. An Amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits. A Condominium Plat shall be recorded prior to an occupancy permit.
 - Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated 9/08/06 and 7/18/07. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties prior to application for building permit. Construction documents submitted to the Building Safety Department shall be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
 - Provide public art as part of this development in conformance with the Art in Private Development Ordinance and the Zoning and Development Code; see the Zoning and Development Code Sec. 4-407 and Appendix D. Contact the Cultural Services

Administration if any questions regarding implementation of this requirement.

- Measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).

DOCUMENT NAME: [20071206dsrl04.pdf](#) PLANNED DEVELOPMENT (0406)

- *71. Held the **second public hearing** and adopted ORDINANCE NO. 2007.79 granting two (2) utility easements between the City of Tempe and Arizona Public Service (APS) in conjunction with the Light Rail Project.

DOCUMENT NAME: [20071206PWCH07.pdf](#) GRANT OF EASEMENTS (0904-02)

E. Resolutions

72. Approved RESOLUTION NO. 2007.97 accepting grant funding from the Governor's Office of Highway Safety for overtime and the purchase of equipment related to speed detection.

COMMENTS: The award totals \$53,911.

DOCUMENT NAME: [20071206pdsam01.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02)

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

Approved RESOLUTION NO. 2007.98 authorizing the transfer of \$31,428.42 of Racketeer Influenced and Corrupt Organization Act (RICO) funds to the Tempe Community Council for Seized Asset Community Action (SACA) summer program grants.

Councilmember Ellis asked for this item to be removed to declare a conflict of interest.

Motion by Councilmember Arredondo for approval of Item #73. Second by Councilmember Mitchell.

Vice Mayor Hutson asked for clarification that this transfer is done annually. He asked if this is an ongoing account.

Councilmember Arredondo responded that when he served on the board many years ago, it was based on the recommendation of the amount of the percentage that RICO pulled in with all of these departments.

Vice Mayor Hutson asked how much money is in the account at TCC.

Shelley Hearn responded that she didn't know the specific amount, and no one was present from the TCC. There is a balance that is carried forward of about \$75,000 that is still in the account from previous years because those funds must be used for specific programs. She will follow-up and advise Council of the exact balance.

Motion passed on a roll call vote, 5-0, with Councilmember Ellis abstaining, and Councilmember Carter

absent.

DOCUMENT NAME: [20071206pdsam02.pdf](#) **POLICE DEPARTMENT
ADMINISTRATION (0606-02)**

74. Approved RESOLUTION NO. 2007.99 accepting 2007 grant funding from the State of Arizona, Department of Homeland Security for the purchase and sustainment of equipment and supplies for homeland security in Tempe and the surrounding communities.

COMMENTS: The award totals \$130,000.

DOCUMENT NAME: [20071206pdsamr03.pdf](#) **POLICE DEPARTMENT
ADMINISTRATION**

75. Approved RESOLUTION NO. 2007.102 accepting 2006 grant funding from the State of Arizona, Department of Homeland Security for the purchase and sustainment of equipment and supplies for homeland security in Tempe and the surrounding communities.

COMMENTS: The award totals \$155,000

DOCUMENT NAME: [20071206pdsam04.pdf](#) **POLICE DEPARTMENT
ADMINISTRATION (0606-02)**

76. Approved RESOLUTION NO. 2007.83 authorizing the execution of **Contract #95-110B** to terminate Intergovernmental Agreement C95-110 for special event parking located at the north side of Rio Salado Parkway west of Rural Road.

DOCUMENT NAME: [20071206PWCH08.pdf](#) **RIO SALADO MASTER PLAN
(0112-07-03)**

77. Approved RESOLUTION NO. 2007.100 authorizing the second modification for reallocation of assessments for Playa Del Norte/Miller Road Improvement District No. 179.

DOCUMENT NAME: [20071206PWCH15.pdf](#) **IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805)**

78. Adopted RESOLUTION NO. 2007.101 approving the Assessment Diagram for The Pier at Town Lake Improvement District No. 180, City of Tempe Project No. 5103011.

DOCUMENT NAME: [20071206PWCH16.pdf](#) **IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805-80), PROJECT NO. 5103011**

79. Approved RESOLUTION NO. 2007.103 authorizing **Contract #2007-229**, renewing 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: [20071206pdstj01.pdf](#) **POLICE DEPARTMENT**

ADMINISTRATION (0606-02)

80. Approved RESOLUTION NO. 2007.104 authorizing **Contract #2007-230**, an Intergovernmental Agreement (IGA) between the Gila River Indian Community, Glendale Police Department, Phoenix Police Department, Mesa Police Department, and Maricopa County Sheriff's Office for Super Bowl XLII.

DOCUMENT NAME: [20071206pdsam05.pdf](#) **POLICE DEPARTMENT**
ADMINISTRATION (0606-02)

81. Approved RESOLUTION NO. 2007.105 authorizing **Contract #2007-231**, an Intergovernmental Agreement (IGA) between the Tempe Police Department and other Law Enforcement Agencies for participation in joint training.

DOCUMENT NAME: [20071206pdsam06.pdf](#) **POLICE DEPARTMENT**
ADMINISTRATION

82. Approved RESOLUTION NO. 2007.108 authorizing the Mayor to sign a Proclamation designating the National Incident Management System (NIMS) as the basis for all Incident Management in Tempe.

DOCUMENT NAME: [20071206fdcj01.pdf](#) **FIRE/PARAMEDIC SERVICE**
ADMIN (0605-01)

6. PUBLIC APPEARANCES

UNSCHEDULED PUBLIC APPEARANCE

Paul Costello, Tempe, re: Sunland Slurry Contract. This contract was approved tonight. His street has not been maintained since the early 1990's. In 1997, the street was supposed to have a slurry coat, but the City decided not to do the slurry coat, but stated the street needed to be removed and rebuilt. That was put off until 2001, but it didn't happen in 2001. He called a councilmember and the response was that Sunland will be doing the street. It is now costing much more than if it had been done on a regular 5-year maintenance cycle. The road is in bad shape.

Mayor Hallman stated that this is on the agenda as Item #42.

Andrew Ching stated that Council has already taken action on that item. If Council wants to direct staff to talk to Mr. Costello, that would be acceptable.

Mayor Hallman clarified that Mr. Costello has already talked to Glenn Kephart and John Osgood and they indicated that this will be one of the streets that will be taken care of, so he would suggest that Mr. Costello speak to Mr. Kephart again tonight.

Mr. Costello added that he uses the Ken McDonald Golf Course. He understands that the driving range is going to become a parking lot.

Mayor Hallman clarified that there has been an examination of how to rebuild the club house and the service area so that it will better serve the public.

Mr. Costello stated that he is very disappointed that the Council voted for the property tax increase.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Shekerjian stated that she and her husband spent the weekend trimming trees and it was their week to have the large item pick-up. The truck was already in her neighborhood at 6:15 a.m. and she hadn't pulled the branches to the curb yet. In speaking to the workers, they reassured her that they would pick up her branches. They did a great job and she extended her thanks to the crew. This is a great amenity.
- Vice Mayor Hutson thanked Jeff Kulaga for his outstanding job as the Interim City Manager.
- Councilmember Arredondo reminded everyone of the Festival of Lights Parade on Saturday. He also congratulated ASU for their selection to play in the Holiday Bowl, but also for being such a great university. He also thanked Jeff Kulaga for sharing his time. When it comes to character, it's a big "plus." The question of honor never came to question. He handled the honesty of that office tremendously, and his caring for individuals is outstanding.
- Mayor Hallman expressed his best wishes to those who celebrate Hanakkah. He added that some of the best things Mr. Kulaga's predecessor did acquire some very good people, and Mr. Kulaga is one of those stellar people. It was Scottsdale's huge loss. The protocols this Council put forward in selecting a new City Manager was that anyone who was the Interim City Manager would not be considered for the job, so notwithstanding his great skill and abilities, he took himself out of the running and agreed to serve as the Interim City Manager with the goal that if we sought applicants from outside our city, no one would think it was fixed. There were many candidates both from within the City and outside the City and it was Mr. Kulaga's steady hand on the wheel that has kept the City heading on course. He is a man of stellar judgment and integrity. He thanked Mr. Kulaga for his great service. Next week we will be joined at our Council meeting by our new City Manager, Charlie Meyer, who begins his position on Monday. We all look forward to his arrival.

Meeting adjourned at 8:35 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 December 6, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.