

Minutes Formal City Council Meeting January 4, 2007

Minutes of the Formal Council Meeting of Thursday, January 4, 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 Barbara J. Carter
Councilmember Shana Ellis
Councilmember Onnie Shekerjian

COUNCIL ABSENT:

Councilmember Mark W. Mitchell

Mayor Hallman called the meeting to order at 7:45 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 Ellis to approve the following **COUNCIL MEETING MINUTES**.
Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.
 1. Council's Executive Session – December 14, 2006
 2. Council's Issue Review Session – December 14, 2006 [20070104clrkck02.pdf](#)
 3. Council's Formal Meeting – December 14, 2006 [20070104clrkck01.pdf](#)
 4. Council's Tourism & Amateur Sports Committee – December 13, 2006
[20070104tasc01.pdf](#)
 5. Council's Transportation & Affordable Housing Committee – December 19, 2006
[20070104tahc01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
Motion by Councilmember Ellis to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.
 6. Aviation Commission – October 12 & November 9, 2006 [20070104tavco01.pdf](#)
[20070104tavco02.pdf](#)
 7. Apache Boulevard Project Area Committee – November 13, 2006
[20070104apac01.pdf](#)

8. Community Special Events Task Force – December 19, 2006 [20070104self01.pdf](#)
9. Enhanced Services Commission – October 11, 2006 [20070104esc01.pdf](#)
10. Hearing Officer – November 7 & 21, December 5 & 19, 2006 [20070104ho01.pdf](#)
[20070104ho02.pdf](#) [20070104ho03.pdf](#) [20070104ho04.pdf](#)
11. Historic Preservation Commission – November 9, 2006 [20070104hpc01.pdf](#)
12. Library Advisory Board – November 6, 2006 [20070104lab01.pdf](#)
13. Municipal Arts Commission – October 11 & November 8, 2006 [20070104mac01.pdf](#)
[20070104mac02.pdf](#)
14. Rio Salado Advisory Commission – October 24, 2006 [20070104rsac01.pdf](#)
15. Tempe Police Public Safety Personnel Retirement Board – December 7, 2006
16. Tempe Police Public Safety Personnel Retirement Board Executive Session –
December 11, 2006
17. Tempe Sports Authority – October 17, 2006 [20070104tsa01.pdf](#)
18. Transportation Commission – November 14, 2006 [20070104tc01.pdf](#)
19. Transportation Commission Public Involvement/Marketing Committee –
October 2, 2006 [20070104tcpim01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman summarized the comprehensive services provided by the CARE7 Program. CARE7 was recently recognized by the National League of Cities and presented with the Silver Municipal Excellence Award. Accepting the award tonight on behalf of the CARE7 Program were Fire Chief Cliff Jones, Police Chief Tom Ryff, Community Services Manager Tom Canasi, and Community Services Program Coordinator Kristen Scharlau.
- **Board and Commission Appointments** [20070104boards.pdf](#)
Mayor Hallman announced the current board and commission vacancies and urged interested residents to apply. He further announced the following reappointments and appointments:

Aviation Commission
Duane Washkowiak

Term Expiring 12-31-09
Reappointment (1)

Board of Adjustment
Ambika Adhikari
Jeff Winter
Todd Green

Terms Expiring 12-31-09
Reappointment (*)
Reappointment (*)
Reappointment (*) Alternate

ASU Joint Review Committee
Jon Levenson

Term Expiring 7-7-09 (1)
Tempe Alternate

Commission on Disability Concerns Thalia Gonzales	Term Expiring 6-30-08 (U) Replaces Brett Petersen
Mason Murphy	Term Expiring 6-30-09 (1) Replaces Nancy Puffer
Development Review Commission Mario Torregrossa	Term Expiring 7-1-08 (U) Replace Todd Marshall, Alternate
Double Butte Cemetery Committee Sandi Hutson	Term Expiring 8-31-07 (U) Replaces Mason Murphy
Golf Committee Fred Wood	Term Expiring 8-31-09 (1) Replace David Benedict
Dennis Brady Jim Harelson	Terms Expiring 8-31-09 Reappointment (*) Reappointment (*)
Historic Preservation Commission Mary Bustos Reams Frank Schmuck	Term Expiring 3-31-08 Replaces David Scheatzle (U) - Alternate Replaces Gregory Bunce (U) - Alternate
Human Relations Commission Arlene Chin Linda Ritland	Terms Expiring 12-31-09 Reappointment (*) Reappointment (*)
Library Advisory Board Cyndi Newburn	Term Expiring 6-30-08 (U) Replaces Brian Martin
Municipal Arts Commission Nancy Goren Linda Sleight	Terms Expiring 12-31-09 Reappointment (1) Reappointment (*)
Neighborhood Advisory Commission William Wagner	Term Expiring 12-31-08 (U) Replaces Martha Cronin (zip 85282)
Susan Knudson Jason Short Michael Wasko	Reappointment (*) Reappointment (1) Reappointment (1)

Parks & Recreation Board Scott Hamilton	Term Expiring 8-31-09 (1) Replaces Kathleen McCoy
Ed Parker	Term Expires 8-31-09 Reappointment (*)
Police Citizens Review Board Cynthia Viera	Term Expiring 12-31-09 (1) Replaces Karen Moya
Rio Salado Advisory Commission Dana Burkhardt	Term Expiring 12-31-09 (1) Replaces Christopher Clary-Lemon
Christina Cenzano	Term Expiring 12-31-09 Reappointment (*)
Sponsorship Review Committee Cheryl Hornyman	Term Expiring 7-30-07 (U) Replaces Martha Cronin (TCC representative)
Sports Authority Mike Chismar	
Transportation Commission Don Cassano Marcellus Lisotta Steven Saiz David Strang	Terms Expiring 12-31-09 Reappointment (*) Reappointment (1) Reappointment (1) Reappointment (1)

Motion by Vice Mayor Hutson to approve the board and commission appointments as recommended, with the exception of the Double Butte Cemetery Advisory Commission. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 6-0, with Councilmember Mitchell absent.

Motion by Councilmember Carter to approve the appointment of Sandi Hutson to the Double Butte Cemetery Advisory Committee. Second by Councilmember Arredondo. Motion passed on a roll call vote, 5-0, with Vice Mayor Hutson abstaining and Councilmember Mitchell absent.

B. Manager's Announcements

- City Manager Will Manley congratulated Bob Stoudt, Public Works Fleet Director, on his retirement after 31 years of service.

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 Vice Mayor Hutson to approve the Agenda as amended (Item #46 was removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote 6-0, with Councilmember Mitchell absent.

A. Miscellaneous Items

20. Approved the Report of Claims Paid to be filed for audit for the weeks of June 18 & 25 and July 2, 9 & 16, 2006.
COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.
21. Authorized the Mayor to execute **Contract #2007-02**, a license agreement between TCG Phoenix and the City of Tempe for the continued use of the City's rights-of-way to provide intrastate telecommunication services.
DOCUMENT NAME: [20070104ITDH01.pdf](#) TCG PHOENIX (0802-15)
22. Approved **Contract #2006-267A**, modification of the grant agreement for an architectural, engineering and historical assessment of the Eisendrath House.
DOCUMENT NAME: [20070104cdnc01.pdf](#) COMMUNITY DEVELOPMENT ADMIN. (0406)
- *23. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Giovanni Pizza, Inc., dba Giovanni Pizza Bistro, 37 W. Baseline Road.
COMMENTS: John Collura, Agent
DOCUMENT NAME: [20070104LIQ1.pdf](#) LIQ LIC (0210-02)
- *24. Held a public hearing and recommended the approval of a Series 6 Bar Liquor License for Devil Dogs, Inc., dba Devil House, 829 South Rural Road.
COMMENTS: Victor Tellez, Agent
DOCUMENT NAME: [20070104LIQ2.pdf](#) LIQ LIC (0210-02)
- *25. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Island Roots Guamanian Cuisine, LLC, dba Island Roots Guamanian Cuisine, 1285 W. Elliot Road.
COMMENTS: Frank Castro, Agent
DOCUMENT NAME: [20070104LIQ3.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

26. Awarded **Contract #2007-03**, a one-year contract with two (2) one-year renewal options to Rotonics Manufacturing, Inc., for plastic refuse containers and replacement lids.
COMMENTS: Total cost for this contract shall not exceed \$50,000 during the initial contract period.
DOCUMENT NAME: [20070104fsta05.pdf](#) PURCHASES (1004-01) IFB #07-032RB
27. Request to award **Contract #2007-04**, a one-year contract with two (2) one-year renewal options to Carmanah Technologies Corporation for solar lighting for bus shelters.
COMMENTS: Total cost for this contract shall not exceed \$125,000 during the initial contract period.
DOCUMENT NAME: [20070104fslg08.pdf](#) PURCHASES (1004-01) RFP #07-083
28. Awarded **Contract #2007-05**, a two-year contract with two (2) one-year renewal options to Bikestation Coalition for two-tiered indoor bicycle racks for the Transportation Center.
COMMENTS: Total cost for this contract shall not exceed \$75,000 during the initial contract period.
DOCUMENT NAME: [20070104fslg09.pdf](#) PURCHASES (1004-01) (RFP #07-069)
29. Awarded **Contract #2007-06**, a five-year contract to ScottBlue Reprographics for the lease of Xerox wide format printers and scanners.
COMMENTS: Total cost for this contract shall not exceed \$165,000 during the contract period.
DOCUMENT NAME: [20070104fst11.pdf](#) PURCHASES (1004-01) (IFB #07-072)
30. Approved **Contract #2007-07**, a professional services contract with A Dye Design, Inc., for the Playa Del Norte – Drive and Park Project.
COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$68,387.
DOCUMENT NAME: [20070104PWTG03.pdf](#) RIO SALADO PARK (0706-32)
PROJECT NO. 6502421
31. Approved **Contract #2007-08**, a professional services contract with Bernard Deutsch and Associates, Inc., for Fire Station No. 4 and Tempe Fire Training Facility additions and renovations.
COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$108,600.

DOCUMENT NAME: [20070104PWTG04.pdf](#) **FIRE STATIONS – MAINTENANCE/IMPROVEMENTS (1001-08) PROJECT NO. 5602531**

32. Approved **Contract #2005-250A**, an addendum to a professional services contract with Durrant for the Water Utilities Department security and communications improvement project.

COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$57,520.

DOCUMENT NAME: [20070104PWTG01.pdf](#) **WATER MANAGEMENT ADMINISTRATION (0811-13) PROJECT NO. 3201024**

33. Approved **Contract #2004-259B**, an addendum to the professional services contract with OTAK, Inc., for the Tempe Transportation Center Facility.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$72,513.

DOCUMENT NAME: [20070104PWTG02.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 60-976762**

34. Approved a one-year contract renewal with Coyote Tire for tire recapping services.

COMMENTS: Total amount not to exceed \$110,000 during the contract period.

DOCUMENT NAME: [20070104fsta01.pdf](#) **PURCHASES (1004-01) T03-067-01**

35. Approved a one-year contract renewal with Mountain States Wholesale Nursery for trees, shrubs, ground covers and flowers.

COMMENTS: Total amount not to exceed \$60,000.

DOCUMENT NAME: [20070104fslq07.pdf](#) **PURCHASES (1004-01) T03-053-01**

36. Approved a one-year contract renewal with Contractors West for traffic pole foundations.

COMMENTS: Total amount not to exceed \$80,000.

DOCUMENT NAME: [20070104fslq10.pdf](#) **PURCHASES (1004-01) (T04-013-02)**

37. Approved a one-year contract renewal with Motorola, Inc., for 800 MHz digital radio subscriber equipment.

COMMENTS: Total amount shall not exceed \$2,000,000.

DOCUMENT NAME: [20070104fst12.pdf](#) **PURCHASES (1004-01) P03-011**

38. Approved a one-year contract renewal with Creative Communications for the purchase of Motorola communications equipment and services.

COMMENTS: Total amount not to exceed \$700,000.

DOCUMENT NAME: [20070104fst13.pdf](#) **PURCHASES (1004-01)** T06-071-01

39. Approved a \$135,000 increase in the contract amount with Western International University for an educational partnership for all eligible city employees

COMMENTS: Increase from \$235,200 to \$370,200.

DOCUMENT NAME: [20070104fsta02.pdf](#) **PURCHASES (1004-01)** T05-023-01

40. Approved a \$50,000 increase in the contract amount with Stanley Security Systems for Hirsch Card Access System components and service used by the Public Works Department.

COMMENTS: Increase from \$200,000 to \$250,000.

DOCUMENT NAME: [20070104fsta03.pdf](#) **PURCHASES (1004-01)** T05-095-01

41. Approved a \$62,295 increase in the contract amount with Southern Truck Equipment, Inc., Drake Truck and Trailer, and Auto Safety House for vehicle bodies.

COMMENTS: Increase from \$98,900 to \$161,195.

DOCUMENT NAME: [20070104fsta04.pdf](#) **PURCHASES (1004-01)** #T06-155-01, T06-155-02, T06-155-03

42. Approved the utilization of a one-year City of Mesa contract with Rehrig Pacific Company for 65 and 90 gallon refuse containers.

COMMENTS: Total amount not to exceed \$100,000.

DOCUMENT NAME: [20070104fsta06.pdf](#) **PURCHASES (1004-01)** City of Mesa Bid #2002205

43. Approved **Contract #2007-09**, the utilization of an Arizona State Contract for the renewal of the City's annual Gartner "EXP" Executive Services and Research Program agreement.

COMMENTS: Total cost of this award shall not exceed \$34,500.

DOCUMENT NAME: [20070104ITD01.pdf](#) **BACKGROUND MAT'L FOR PURCHASE AGRMTS (1004-01)** (AD990090-001-A11)

C. Ordinances and Items for Introduction/First Hearing - None.

D. Ordinances and Items for Second Hearing/Final Adoption

- *44. Held the **second** public hearing and **approved** a Code Text Amendment for ZONING AND DEVELOPMENT CODE AMENDMENTS.

COMMENTS: (City of Tempe, applicant) (PL060592) for changes to the Code for new provision items including allowing residential in the RCC district, outdoor display,

single-family access points, construction signs, and modifying parking standards. Other items include amendments to home occupations, signs, variance criteria, modified approvals, definitions for “density”, Commission terms, and parking setbacks, including the following request:

ZOA06004 – (Ordinance No. 2006.82) Zoning Ordinance Amendment amending Sections 1-312, 3-202, 3-412, 3-418, 4-203, 4-502, 4-903, 5-403, 6-304, 6-309, 6-312, and 7-105.

DOCUMENT NAME: [20070104dsrl02.pdf](#) **ZONING AND DEVELOPMENT CODE (0414)**

- *45. Held the **second** public hearing and **approved** a Zoning Map Amendment for PERRY PLACE CONDOMINIUMS at 1949 East University Drive.

COMMENTS: (AGI Investors LLC, property owner; William Bannister, Bannister Development LLC, applicant) (PL060609) for the development of 156 new condominium units, located at 1949 East University Drive, in the R/O, R-3 and CSS District, including the following request:

ZON06012 – (Ordinance No. 2006.88) Zoning Map Amendment from R/O, Residential/Office District; R-3, Multi-Family Residential Limited District; and CSS, Commercial Shopping and Service District to R-4, Multi-Family Residential General District on 6.36 acres.

DOCUMENT NAME: [20070104dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

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

Held the **second** public hearing and approved an ordinance to authorize the Mayor to execute **Contract #2006-254**, a development agreement with ZACHER DEVELOPMENT COMPANY L.L.C. and WILLIAM CONNELLY for the sale of real property and dedication of a street and landscape easement.

PUBLIC HEARING

Bill Butler, Tempe, Chair Pro-tem of Riverside/Sunset Neighborhood Association. Zacher Development will be making a presentation to that group on Tuesday and he asked for details of the City's participation in this development.

Community Development Manager Chris Salomone stated that this allows a developer to consolidate some parcels which will lead to the ability to submit a comprehensive development to the City. Staff feels that consolidation is a value because the individual parcels are very deep and thin and individual projects would probably not be in the best interest of the City. To that end, the City is selling a remnant parcel near Priest and Rio Salado currently used for some outdoor storage to enable that acquisition to be completed and to move one of those current property owners down there. The City retained full discretion on that project and there will be community viewing of that project.

Mayor Hallman added that nothing is occurring this evening that commits the City to any kind of development.

This is merely a salvage piece of right-of-way along the edge of Rio Salado Parkway that assists in the assemblage and movement of a current tenant in another property to a different site which will allow the fuller assemblage of other properties.

Vice Mayor Hutson asked for clarification that if all of this acquisition is not put together, this sale does not go through.

Mr. Salomone agreed.

Motion by Vice Mayor Hutson to approve Item #46. Second by Councilmember Carter. Motion passed on a roll call vote, 6-0, with Councilmember Mitchell absent.

DOCUMENT NAME: [20070104cdcm01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-1) ORDINANCE NO. 2007.02**

- *47. Held the **second** public hearing and **approved** an ordinance to amend Chapter 32 of the Tempe City Code relating to towing from private property.

DOCUMENT NAME: [20070104pwcdl01.pdf](#) **TCC CH 32 - TOWING (0503-32) ORDINANCE NO. 2006.77**

E. Resolutions

48. Approved RESOLUTION NO. 2007.01 amending Tempe City Code, Appendix A – Schedule of Fees and Charges, Chapter 32, Towing, relating to the fees for towing rates from private property.

DOCUMENT NAME: [20070104pwcdl02.pdf](#) **MISCELLANEOUS FEES (0210-05)**

49. Approved RESOLUTION 2007.02 certifying compliance with the Consolidated Plan and administrative commitment supporting an application for Federal Home Funds by Newtown Community Development Corporation for fiscal years 2007/2008.

DOCUMENT NAME: [20070104cdlc01.pdf](#) **COMMUNITY DEVELOPMENT (0403-01)**

6. **PUBLIC APPEARANCES**

There were no public appearances.

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

- Councilmember Shekerjian presented to Council commemorative pins she received from the American Legion Auxiliary. She also congratulated the City on its bond rating upgrade from Standard and Poors to AAA. The rating change was the result of the City's continued strong financial performance, stable and strong reserve levels, sustained strength in the local economic base, participation in the metro area's robust and diverse economic base, steadily expanding economy and tax base, strong financial practices and policies, moderate but manageable debt

- burden and a sustained, exceptionally strong, debt service coverage ratio.
- Councilmember Carter congratulated the City on a successful Insight Bowl, and thanked the Public Safety and Public Works staff for their hard work. She also congratulated Congressman Mitchell who was sworn in to office today.
 - Vice Mayor Hutson thanked the Police and Fire Departments for a safe holiday season and Block Party.
 - Councilmember Arredondo congratulated the Insight Bowl and also commended the Fiesta Bowl on how they handled themselves with their teams, our Police and Fire Departments came through again with the Block Party. The Rock 'n' Roll Marathon is coming on January 14th.
 - Mayor Hallman commented that about three years ago, we received word that the Fiesta Bowl would be moving to Glendale and that the Angels would be moving to Goodyear. This Council came together and through some solid efforts on behalf of our community by staff and Council, we now celebrate the upcoming second spring training season with the Angels in their new facility, with the team owner contributing substantial sums of money for the rehabilitation of the spring training facility. On December 29th, we saw the first Tempe Insight Bowl. He thanked staff and the partners who helped make that happen. He also thanked Councilmember Arredondo for his long experience in sports and his friendship with Mickey Hatcher which helped cement our relationship with the Angels and his work with the Bowl Foundation helped create the opportunity for the Insight Bowl. Also, the bond rating is a clear indication that Tempe is doing it right and he congratulated staff for creating the kinds of policies that make that possible. He further thanked the Police Department for their hard work both on a day-to-day basis and during the recent difficult transition.

Meeting adjourned at 8:25 p.m.

I, Connie Krossschell, the duly-appointed Acting 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 January 4, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Connie Krossschell, Acting City Clerk

Dated this day of , 2007.