

Minutes Formal City Council Meeting September 21, 2006

Minutes of the Formal Council Meeting of Thursday, September 21, 2006, 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 Mark W. Mitchell

Councilmember Onnie Shekerjian

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

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

 1. Council Executive Session – September 7, 2006
 2. Council Issue Review Session - August 17 & September 7, 2006
[20060921clrkck04.pdf](#) [20060921clrkck03.pdf](#)
 3. Council Formal Meeting – June 29, August 17, & September 7, 2006
[20060921clrkck02.pdf](#) [20060921clrkck05.pdf](#) [20060921clrkck07.pdf](#)
 4. Council Summit - August 25, 2006 [20060921clrkck01.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.

 5. Community Special Events Task Force – September 12, 2006 [20060921setf01.pdf](#)
 - 5a. Enhanced Services Commission – June 14, 2006 [20060921esc01.pdf](#)
 6. Mayor's Youth Advisory Commission – August 15, 2006 [20060921myac01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman welcomed back Kathy Matz, the City Clerk, and introduced the new City Attorney, Andrew Ching.
- **Board and Commission Appointments** [20060921boards.pdf](#)
Mayor Hallman recommended the following Board and Commission appointments:

Commission on Disability Concerns Terms Expiring 6-30-09

Linda Bergevin	Reappointment (1)
Nora Nunez	Reappointment (1)
Thomas Ringhofer	Reappointment (1)
Barbara Jane Shelton	Reappointment (*)

Firefighters Public Safety

Personnel Retirement Board

Rich Woerth	Term Expiring 6-30-10 (1)
-------------	---------------------------

	Reappointment
--	---------------

Historic Preservation Commission

Dana Burkhardt	Terms Expiring 3-31-08
----------------	------------------------

	Replaces David Scheatzle (U) - ALTERNATE
--	--

Historical Museum Advisory Board

Linda Sullivan	Terms Expiring 7-31-09
Frank Schmuck	Replaces Robert McKinley (1)

	Replaces Raymond Devine (1)
--	-----------------------------

Gail Fisher	Term Expiring 7-31-09
-------------	-----------------------

	Reappointment (*)
--	-------------------

Industrial Development Authority

Linda Spears	Terms Expiring 7-31-12
--------------	------------------------

Christopher Rosner	Reappointment (1)
--------------------	-------------------

	Replaces Gerald Woodward (1)
--	------------------------------

Joint Review Committee

Pen Johnson	Terms Expiring 7-07-09
-------------	------------------------

Ray Jensen	Reappointment (2)
------------	-------------------

	Reappointment (2)
--	-------------------

Library Advisory Board

Lisa Gudahl	Terms Expiring 6-30-09
-------------	------------------------

Dorothy Sisulak	Reappointment (*)
-----------------	-------------------

	Reappointment (*)
--	-------------------

Jeanette Daane	Term Expiring 6-30-09 (1)
----------------	---------------------------

	Replaces Gail Dick
--	--------------------

Sponsorship Review Committee	Term Expiring 7-30-09 (*)
------------------------------	---------------------------

Stephanie Nowack	Reappointment
------------------	---------------

Motion by Vice Mayor Hutson to approve the Board and Commission appointments as recommended.
Second by Councilmember Carter. Motion passed by a show of hands, 7-0.

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 #28 and #35 were removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a show of hands, 7-0.

A. Miscellaneous Items

7. Approved **Contract #2006-237**, a Lease Agreement between the City of Tempe and the Boys and Girls Club of the East Valley for youth services at the North Tempe Multigenerational Center.

DOCUMENT NAME: [20060921csjt01.pdf](#) **NORTH TEMPE MULTI-GENERATIONAL CENTER (0706-47)**

8. Approved **with conditions** a Final Subdivision Plat for GUNNALA ONE at 1117 East 8th Street.

COMMENTS: (Suri & Sujatha Gunnala, property owner, Raleigh George Hall - Architect, Raleigh George Hall, applicant) (PL060483) located at 1117 East 8TH Street in the R-4, Multi-Family Residential General District for:

SBD06010 a Final Subdivision Plat for one (1) lot on .90 net acres.

The following conditions were approved:

1. The subdivision plat for Gunnala One 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 prior to issuance of any occupancy permits.
2. Prior to recordation of the subdivision plat, the applicant shall provide documentation that SRP is in agreement with the applicant entering a license agreement to use SRP land, adjacent to the southern boundary of the plat, for parking and landscaping.

DOCUMENT NAME: [20060921dsqk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

9. Approved **with conditions** an Amended Subdivision Plat for FOUNTAINHEAD APARTMENTS at 2155 South 55th Street.

COMMENTS: (David Klein/Superior Surveying Services, applicant; Tempe Fountainhead Corporate LLC, property owner) (PL060535) located at 2155 South 55th

Street, in the MU-4, Mixed-Use High Density District for:

SBD06014 An Amended Subdivision Plat, consisting of two (2) lots on 8.51 net acres.

The following conditions were approved:

1. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and 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 including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, 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 Final Subdivision Plat.
 - d. All street dedications shall be made within six (6) months of Council approval.
 - e. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - f. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
2. The Subdivision Plat for Fountainhead Apartments shall be recorded prior to the issuance of permits. No changes or modifications to the plat will be allowed without the prior approval of the Planning and Engineering Departments.
3. The Subdivision Plat for Fountainhead Apartments shall be put into proper engineering 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 September 21, 2007**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20060921dsd2k02.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- *10. Held a public hearing and recommended the approval of a Series 04 Wine Distributors Liquor License for Valley of the Sun LLC dba Valley of the Sun Fine Wines, 7815 S. Hardy Drive, #106.

COMMENTS: Raymond Radzewiez, Agent.

DOCUMENT NAME: [20060921LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *11. Held a public hearing and recommended the **denial** of a Series 07 Beer and Wine Bar Liquor License for Snakebite Inc., dba Theo's Grill, 1825 E. University Drive.

COMMENTS: Manon Pope, Agent.

DOCUMENT NAME: [20060921LIQ1.pdf](#) **LIQ LIC (0210-02)**

- 11a. Approved the canvass of the City of Tempe Special Election held September 12, 2006.

DOCUMENT NAME: [20060921clrkck06.pdf](#) FRANCHISE ELECTION –
SEPT. 12, 2006 (0506-30-04)

B. Award of Bids/Contracts

12. Approved **Contract #2006-238**, a professional services contract with Wilson & Company, Inc., for Rio Salado storm drain improvements.
COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$257,938.
DOCUMENT NAME: [20060921PWTG03.pdf](#) **STORM DRAIN UPGRADING-CONST. (0808-06) PROJECT NO. 5802611**

13. Awarded **Contract #2006-239**, a one-year contract to National Science Foundation – Water Quality Center, Arizona State University, for water research and annual membership.
COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$60,000 during the contract period.
DOCUMENT NAME: [20060921fst02.pdf](#) **PURCHASES (1004-01)**
(Contract #07-079)

14. Awarded **Contract #2006-240**, a one-year contract with four (4) one-year renewal options to Specialty Disease Management Services, Inc., for a voluntary disease management program to be offered to all eligible employees, retirees and their dependents.
COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$60,000 during the initial contract period.
DOCUMENT NAME: [20060921fsdl04.pdf](#) **PURCHASES (1004-01)** (RFP #06-149)

15. Awarded **Contract #2006-241**, a one-year contract with two (2) one-year renewal options to Wellness Council of Arizona for professional services to establish and manage a wellness program for eligible city employees.
COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$75,000 during the initial contract period.
DOCUMENT NAME: [20060921fsdl05.pdf](#) **PURCHASES (1004-01)** (RFP #06-167)

16. Awarded **Contract #2006-242**, a one-year, sole source contract to AlphaCorp for SIRE document imaging application annual maintenance.
COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$41,260 during the contract period.
DOCUMENT NAME: [20060921fsdl07.pdf](#) **PURCHASES (1004-01)** (Sole Source #07-081)

17. Awarded **Contract #2006-243**, a lease buyout contract to Ikon Financial Services for computer equipment.
COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$54,000 during the contract period.
DOCUMENT NAME: [20060921fst11.pdf](#) **PURCHASES (1004-01)**
(Contract #07-080)
18. Approved an amendment to a construction contract with Southwest Micro Surfacing, LLC, and approval of a contingency for off-duty police traffic control and construction related issues.
COMMENTS: Subject to execution of the final written contract amendment in an amount not to exceed \$755,758, plus a \$90,576 contingency.
DOCUMENT NAME: [20060921PWMG04.pdf](#) **MAJOR STREET RENOVATION (0809-05) PROJECT NO. 5401641**
19. Approved **Contract #2006-140A**, an addendum to a professional services contract with Vanir Construction Management, Inc., for extended construction management services, and request approval to increase the construction change order contingency for Bus Bay Improvements 2005.
COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$22,305, plus a \$25,000 increase to the construction change order contingency.
DOCUMENT NAME: [20060921PWTG05.pdf](#) **BUS BENCHES/SHELTERS/BUS BAYS (1107) PROJECT NO. 6001232**
20. Approved a \$325,000 increase to the contract amount with Grainger for industrial supplies and equipment to be used citywide.
COMMENTS: Increase from \$100,000 to \$425,000.
DOCUMENT NAME: [20060921fslq12.pdf](#) **PURCHASES (1004-01)**
(Contract #EPS060050-1-A1)
21. Approved a one-year contract renewal with PSI Group, Inc. Arizona for pre-sort mailing services.
COMMENTS: Total amount not to exceed \$53,000.
DOCUMENT NAME: [20060921fst01.pdf](#) **PURCHASES (1004-01) (T06-049-01)**
22. Approved one-year contract renewals with Brown's Parts Master Inc., Ferguson Waterworks, and Paul's Ace Hardware for building and plumbing parts, products, supplies and sundries, hand and power tools.
COMMENTS: Total amount not to exceed \$100,000.
DOCUMENT NAME: [20060921fst10.pdf](#) **PURCHASES (1004-01) (T05-**

138-01, 02 and 03)

- 22a. Approved a six-month contract renewal with United Road Towing, Inc., for towing services.

COMMENTS: Total estimated amount for community vehicle towing is \$68,000 including \$8,000 of city vehicle towing.

DOCUMENT NAME: [20060921fsdl13.pdf](#) PURCHASES (1004-01) (T01-092-01)

23. Approved the utilization of a one-year Arizona Counter Drug Program contract for an armored response vehicle for the Tempe Police Department.

COMMENTS: Total cost of this contract shall not exceed \$233,390 during the initial contract period.

DOCUMENT NAME: [20060921fsdl03.pdf](#) PURCHASES (1004-01)
(Contract #07-077)

24. Approved the utilization of one-month State of Arizona contracts with Larry Miller Toyota for five passenger vehicles for the Police Department.

COMMENTS: Total cost of these contracts shall not exceed \$132,633 during the initial contract period.

DOCUMENT NAME: [20060921fsdl06.pdf](#) PURCHASES (1004-01)
(Contract #AD040001-005-A2 and AD040004-006-A2)

25. Approved the utilization of a one-month State of Arizona contract with Courtesy Chevrolet for a truck for the Fire Department for interoperable communications.

COMMENTS: Total cost of this contract shall not exceed \$35,800 during the initial contract period.

DOCUMENT NAME: [20060921fsdl08.pdf](#) PURCHASES (1004-01)
(Contract #AD040004-002-A1)

26. Approved **Contract #2006-244**, the utilization of a three-year City of Mesa contract with one (1) two-year renewal option with Roam I.T., Inc., for a patient care electronic records system for emergency medical services.

COMMENTS: Total cost of this contract shall not exceed \$200,316 during the initial contract period.

DOCUMENT NAME: [20060921fsdl09.pdf](#) PURCHASES (1004-01)
(Contract #2005153)

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

- *27. Introduced and held the **first** public hearing for an ordinance authorizing the conveyance of the City's interest in certain real property to Miravista Holdings. **The**

second public hearing is set for October 5, 2006.

DOCUMENT NAME: [20060921cdnc01.pdf](#) REAL PROPERTY DISPOSITION
(0902-21-01) ORDINANCE NO. 2006.81

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

Introduced and held the first public hearing for a Zoning Map Amendment and a Planned Area Development Overlay for ARMORY at 323 East Veteran's Way. The second public hearing is set for October 5, 2006.

COMMENTS: (David Krumwiede, College Avenue Advisors LLC, property owner, Manjula Vaz, Gammage & Burnham, applicant) for the development of two mixed-use buildings (17-story and 20-story), consisting of 364 residential condominium units, 29,146 s.f. of commercial/restaurant area, 45,246 s.f. of office area, and a below-grade parking garage on 1.62 acres, located at 323 East Veteran's Way, in the CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited, and Transportation Overlay District, including the following request(s):

ZON06004 Ordinance No. 2006.68 Zoning Map Amendment from CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited to MU-4, Mixed-Use, High Density District.

PAD06005 – Planned Area Development Overlay for approximately 247,500 s.f. of building area, including condominium units and commercial space.

PUBLIC HEARING

Barbara Miller, Tempe. Tempe Butte has been a major part of her Tempe experience. She is concerned about the 245' tower that will block the view from the eastern part of the city. Her church is just south of Daley Park. There are 27 palm trees on that property and the church could not afford to maintain the trees. They considered selling the trees, but the city informed them that they are part of the Neighborhood Plan of the Tall Palm Walk culminating at the Butte and they could not remove the trees. They had to come up with the money to trim the trees. Even though her church was given that responsibility, she finds there is no problem in allowing these developers to put a 245' tower in the middle of that view. The Butte is part of our culture. This is encroachment and the citizens don't want the Butte and the view obstructed. This is a modest neighborhood, but it has a view. These condominiums will start at \$300K for 400 sq. ft.

Bill Butler, Tempe. He is Chair of the Roosevelt/Sunset Neighborhood Association. This development will place a load on Fifth Street. Together with all the other developments, Fifth Street will need to be expanded and who will pay for that? Developers need to help pay.

Mayor Hallman stated that he would not back expansion of Fifth Street. We spent \$1.8M to do traffic-calming along Fifth Street to reduce the amount of traffic and, as part of the 5th and Farmer project, we will come up with more solutions to direct traffic out of that neighborhood. He asked staff to provide information at the next meeting on the kind of fees that will be paid for this project.

APPLICANT RESPONSE

Manjula Vaz, Tempe, Gammage & Burnham, 2 N. Central, Phoenix, and 502 S. College, Tempe, on behalf of College Avenue Advisors LLC. She noted that they will make a full presentation at the next hearing. The project includes two towers, a 17-story at 195' and a 20-story at 225', including equipment. She showed visuals of the area in response to Ms. Miller's statement.

Mayor Hallman asked Ms. Vaz to provide in the next presentation an overlay to show what would be blocked by the towers.

Councilmember Carter asked her to also draw lines to show where the slope of the Butte would be. She asked if the view of the Butte is blocked from the church or from the parking lot.

Ms. Vaz responded that it was most likely blocked from the parking lot, but she will bring pictures.

Matthew Cumming, Architect for the project, stated that a design presentation will be made at the next meeting. They have spent a great deal of time considering the site, location, the impact of the existing building fabric and natural fabric of the area, which has greatly influenced the design of the building, the proportion, layout and height. Design quality and quality construction enhance the project value and that plays an important role in the consideration of the development of the property.

Mayor Hallman stated that at tonight's Issue Review Session, Council discussed that each project that has come forward in the downtown area has been asked to contribute in one way or another to affordable housing programs. They have also been asked to contribute to traffic-calming to solve the traffic congestion for the neighborhoods surrounding the downtown. One developer contributed \$400K for traffic-calming, \$100K for affordable housing, an additional \$100K for a traffic study, and over \$2M in public parking. Another developer contributed 160 parking spaces for public parking, as well as \$200K for traffic-calming and planning for downtown, as well as \$500 per unit for affordable housing. Tonight, Council discussed the possibility of seeking specific affordable housing units within the project or funding for affordable housing, or a combination of those. All of those issues might come up as part of this project. In granting density in downtown, we are making substantial additions to the value of the property underlying it and the value that is returned to the people who own it. We are asking that contributions be made toward the community benefit from these kinds of projects.

Mr. Cummins responded that if the project is approved, they would be more than willing to contribute.

*****FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR OCTOBER 5, 2006.**

DOCUMENT NAME: [20060921dspd2k00.pdf](#) PLANNED DEVELOPMENT
(0406)

- *29. Introduced and held the **first** public hearing for an ordinance granting an easement to Salt River Project to allow for the installation of underground power and underground communication or data transmission facilities at Stroud Park. **The second public**

hearing is scheduled for October 5, 2006.

DOCUMENT NAME: [20060921PWMG08.pdf](#) GRANT OF EASEMENTS (0904-02)
ORDINANCE NO. 2006.80

D. Ordinances and Items for Second Hearing/Final Adoption

- *30. Held the second public hearing and approved ORDINANCE NO. 2006.76 amending Chapter 2, Article VI of the Tempe City Code, relating to Employer, Employee Relations Meeting and Conferring by amending Sections 2-400 and 2-401.
DOCUMENT NAME: [20060921cacc01.pdf](#) TCC CH2 – CITY CODE ADMINISTRATION (0502-02)
- *31. Held the **second public hearing** and approved ORDINANCE NO. 2006.78 granting **Contract #2006-245**, a license agreement to Kiewit Western Company to allow construction staging for the rehabilitation of the Val Vista Water Main (a City of Phoenix project).
DOCUMENT NAME: [20060921PWMG01.pdf](#) REAL PROPERTY MANGEMENT (0900)
- *32. Held the **second public hearing** and approved ORDINANCE NO. 2006.79 granting an easement to Salt River Project to install and maintain the facilities to provide electrical service to the Police Substation at 1855 E. Apache Boulevard.
DOCUMENT NAME: [20060921PWMG02.pdf](#) GRANT OF EASMENTS (0904-02)

E. Resolutions

33. Approved RESOLUTION NO. 2006.76 authorizing the execution of **Contract #2006-246**, a License Agreement with Salt River Project to allow construction, operation and maintenance of a multi-use path along a portion of the west bank of the Tempe Canal.
DOCUMENT NAME: [20060921PWMG06.pdf](#) SRP LICENSE AGREEMENTS (0904-02)
34. Approved RESOLUTION NO. 2006.77 modifying the fee schedule for telecommunication licenses on existing Resolution No. 2000.12.
DOCUMENT NAME: [20060921PWMG07.pdf](#) ENGINEERING ADMINISTRATION (0803-02)
35. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved RESOLUTION NO. 2006.78 establishing new solid waste rates for residential and commercial customers.

Councilmember Arredondo asked for this item to be removed so that staff could have an opportunity to answer

questions that he and Councilmember Mitchell have had.

John Osgood, Deputy Public Works Manager, stated that the impact of Town Lake and downtown development will have no impact on residential fees. Regarding the city's recycling effort, staff will distribute an informational flyer into the next water bill to all residential customers. This flyer outlines what is and is not recyclable. Staff is always available to attend neighborhood meetings and would appreciate any opportunity to provide information. He thanked Council for their foresight in the last budget process. They authorized the Solid Waste Division to hire an inspector/educator/enforcer to assist in making sure residents know about the solid waste codes and the proper use of the wide range of services, including educating citizens on all the available programs and how to use them.

Councilmember Arredondo urged staff to get the information on recycling of glass out to the citizens. There is a belief that glass cannot be recycled. A few years ago stickers were placed on the containers noting glass was not recyclable and staff has done a good job in removing the stickers. There is a loss of revenue and we need to re-educate the public on this. Also, the filling of the new position needs to be moved along. He further noted that there is a point where height starts to cost the city and he wanted to be sure these costs would not be passed on to those outside of the affected areas.

Councilmember Mitchell asked about the comparison made to eight benchmark cities in terms of what it costs to live in our community. Do these proposed rates affect our rating?

Jerry Hart responded that the rate increases, as well as the increases in the water and sewer rates, will not change Tempe's ranking.

Mayor Hallman noted that this area of services, such as water and wastewater services, are enterprise funds and they must pay for themselves. This primary increase is due to the rise in fuel costs.

Councilmember Shekerjian stated that there is a concern among multi-housing residents regarding recycling. She asked Mr. Osgood how this is handled to encourage recycling.

Mr. Osgood responded that currently it is handled on a case-by-case basis. When there are residents living in the multi-family areas who are committed to recycling, we will provide them with the proper materials so we can collect the recyclables. The key is the commitment of those who manage those facilities and who live in them. There are things that can be and cannot be recycled and if we have too much of a mixture it causes issues at the facility where they are taken. We are committed to any development to educate and encourage recycling.

Councilmember Ellis asked about replacing the stickers. She suggested putting a new sticker on top of the old one.

Mr. Osgood responded that there are very few stickers left. If they know of one, they will replace the container.

Mayor Hallman cautioned against putting anything with a sticky surface into the recycling container. It costs the City money.

Motion by Councilmember Arredondo for approval of Item #35. Second by Councilmember Mitchell.
Motion passed on a show of hands, 7-0.

DOCUMENT NAME: [20060921fst01.pdf](#) MISCELLANEOUS FEES (0210-05)

36. Approved RESOLUTION NO. 2006.82 accepting grant funding from the Maricopa County Department of Emergency Management for the purchase of equipment and supplies for the Citizen Corp Council, Assistance in Disaster program.

COMMENTS: Grant totals \$24,800.

DOCUMENT NAME: [20060921pdsmr01.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02)

6. PUBLIC APPEARANCES

- Dr. Leland Fairbanks, Tempe, re: **Smoking Initiatives – Clarification on Proposition 201 & 206.** Dr. Fairbanks summarized the differences between Proposition 201, Smoke Free Arizona, and Proposition 206, Non-Smokers Protection Act, supported by the R.J. Reynolds Company. He stated that 201 is basically the Tempe ordinance, with a few additions, carried statewide. Proposition 206 does not provide for administrative costs. It is an effort to overturn the Tempe ordinance. Bars are smoke-free in Tempe, Guadalupe, Prescott, Flagstaff and Sedona. It would not only wipe out that ordinance, but it would pre-empt re-instituting full smoking control for those who work in restaurants and bars. The Tempe Chamber of Commerce's Government Relations Committee voted 7-0 as "yes" on 201, and "no" on 206 because of the pre-emption features.

Mayor Hallman asked why Proposition 206 hasn't been proposed earlier.

Dr. Fairbanks responded that a survey was done that showed that Proposition 201 would pass based on public opinion polls. When R.J. Reynolds came to them and offered to help them overturn the Tempe ordinance, they couldn't resist the temptation.

Mayor Hallman summarized that the reason Proposition 206 is even on the ballot is because Proposition 201 was placed on the ballot. This is a cynical attempt to put a second initiative on the ballot to stop the passage of Proposition 201 rather than just attempt to convince people to vote against Proposition 201.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Carter complimented Glenn Kephart and department personnel for changing the welcome signs on the arterial streets to show "Home of the Insight Bowl."

Meeting adjourned at 8:25 p.m.

I, Connie Krosschell, 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 September 21, 2006, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Connie Krosschell, Acting City Clerk

Dated this _____ day of _____, 2006.