

**Minutes  
Formal City Council Meeting  
May 31, 2007**

Minutes of the Formal Council Meeting of Thursday, May 31, 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 7:40 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 – May 17, 2007
2. Council's Issue Review Session – May 17, 2007 [20070531clrck04.pdf](#)
3. Council's Formal Meeting – May 17, 2007 [20070531clrck03.pdf](#)
4. Council's Special Budget Meeting – May 17, 2007 [20070531clrck01.pdf](#)
5. Rio Salado Community Facilities District Board Meeting – May 17, 2007  
[20070531clrck02.pdf](#)
6. Council's Finance, Economy & Veterans Affairs Committee – May 15, 2007  
[20070531feva01.pdf](#)
7. Council's Neighborhood Quality of Life, Public Safety, and Parks & Recreation Committee – May 8, 2007 [20070531nqlps01.pdf](#)

**B. Acceptance of Board & Commission Meeting Minutes**

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

8. Apache Boulevard Project Area Committee – April 9, 2007 [20070531apac01.pdf](#)
9. Committee for Youth, Families and Community – April 16, 2007 [20070531cyfc01.pdf](#)
10. Community Special Events Task Force – May 22, 2007 [20070531setf01.pdf](#)
11. Development Review Commission – April 10 & 24, 2007 [20070531drc01.pdf](#)  
[20070531drc02.pdf](#)
12. Hearing Officer – May 1, 2007 [20070531ho01.pdf](#)
13. Historic Preservation Commission – April 12, 2007 [20070531hpc01.pdf](#)
14. Municipal Arts Commission – April 21, 2007 [20070531mac01.pdf](#)
15. Neighborhood Advisory Commission – February 7 & March 7, 2007  
[20070531nac01.pdf](#) [20070531nac02.pdf](#)
16. Rio Salado Advisory Commission – March 27 & April 24, 2007  
[20070531rsac01.pdf](#) [20070531rsac02.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Mayor Hallman summarized that the Council for Exceptional Children (CEC) represents the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted. He announced that the CEC Arizona Chapter 588 selected the City of Tempe Adapted Recreation Coordinator, **Linda Cano**, as the 2006 Distinguished Services to Exceptional Children Award recipient. This award recognizes individuals who have performed in a significant manner for the advancement of exceptional individuals in Arizona and he commended Linda and the Adapted Recreation staff for their commitment and dedication to the Special Olympics program in Tempe.

##### 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 #37, #39, #40, #44, #52, #53, #61, #74, #75, and #77 were removed for separate consideration). Second by Councilmember Mitchell. Motion passed on a roll call vote 6-0, with Councilmember Carter absent.**

##### A. Miscellaneous Items

17. Approved the Report of Claims Paid to be filed for audit for the period April 15 through

May 12, 2007.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

18. Approved **Contract #2000-144H, #2000-144I, and #2000-144G**, renewal of the public defender contracts for a one-year period to provide services for indigent defendants in the Tempe Municipal Court.

**DOCUMENT NAME:** [20070531ctjw01.pdf](#) COURT ADMINISTRATION (0501-02)

- 18a. Authorized the Mayor to sign **Contract #2006-60B**, an accommodation and settlement agreement between the City of Tempe and Childsplay, Inc.

**DOCUMENT NAME:** [20070531casv02.pdf](#) CHILDSPLAY (0902-23)

19. Approved **with condition** a Final Subdivision Plat for MCCLINTOCK AND APACHE PARK AND RIDE (Tempe Transit Site) at 1811 East Apache Boulevard.

**COMMENTS:** (PL070099) (City of Tempe, property owner; GDG Enterprises LLC, Daniel Tilton, applicant) for a mixed-use development including a Park and Ride, located at 1811 East Apache Boulevard, in the GID, General Industrial District and CSS, Commercial Shopping and Service District and Transportation Overlay District, including the following:

**SBD07009** – Final Subdivision Plat consisting of two (2) lots on +/-4.81 net acres.

The following condition was approved:

1. The Subdivision Plat 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 May 31, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20070531dsrl02.pdf](#) PLANNED DEVELOPMENT (0406)

20. Approved **with conditions** a Subdivision Plat for PLAYA DEL NORTE LOT 6 at 951 E Playa Del Norte Drive.

**COMMENTS:** (PL070121) (Monica Morales, Triyar Hospitality Tempe L.L.C., property owner; Christopher Wilson, Metro/Land Consultants L.L.C., applicant) for a Final Subdivision Plat, located at 951 East Playa Del Norte Drive, in the MU-4 Mixed Use, High Density District and the Rio Salado Overlay District, including the following:

**SBD07017** – Final Subdivision Plat to split the existing lot 6 into two adjacent parcels on +/-4.45 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, bike path, 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. Public improvements must be installed prior to the issuance of any 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 the existing transmission lines) shall be placed underground prior to certificate of occupancy for this development in accordance with the Code of the City of Tempe – Section 25.
2. Place the Subdivision Plat for Playa del Norte Lot 6 into proper engineered 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 City Council approval. Failure to record the plan by **May 31, 2008**, shall make the Subdivision Plat null and void. If work is commenced prior to this time, a certificate of occupancy will not be issued until this condition is fulfilled.

**DOCUMENT NAME:**      [20070531dskko01.pdf](#)      **PLANNED**      **DEVELOPMENT**  
**(0406)**

21. Approved **with condition** an Amended Subdivision Plat for 5<sup>TH</sup> STREET WEST at 1300 West 5<sup>th</sup> Street.

**COMMENTS:**      (PL060558) (Tom Goscicki, AJT Development, Owner/Applicant) for a two and three-story (13) unit residential development located at 1300 West 5<sup>th</sup> Street, in the R-2, Multi-Family Residential District, including the following:

**SBD07007** – Amended Subdivision Plat consisting of 13 lots and 1 tract on 0.89 acres.

The following condition was approved:

1. The Subdivision Plat 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 May 31, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:**      [20070531dsrl05.pdf](#)      **PLANNED**      **DEVELOPMENT**  
**(0406)**

22. Approved **with condition** a Condominium Plat for CONCEPT 1037 LOFTS at 1037 South Farmer Avenue.

**COMMENTS:**      (PL070059) (Nick Nevels/NO Studio Architects, applicant; Glenn Balleit, Property Owner) located at 1037 South Farmer Avenue, in the R-3 Multi-Family Residential Zoning District for:

**SBD07014** – Condominium plat for seven (7) new residential condominium units within two (2) 25-foot tall buildings on .468 acres.

The following condition was approved:

1. The Subdivision Plat (Condominium Plat) for CONCEPT 1037 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. Failure to record the plan within one

year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:**     [20070531dsdk01.pdf](#)     **PLANNED**     **DEVELOPMENT**  
**(0406)**

**B.    Award of Bids/Contracts**

23.    Awarded **Contract #2007-85**, a one-year, limited source contract to Williams & Associates for lobbyist services.  
**COMMENTS:**   (Limited Source #07-147) Subject to execution of final written contract. Total cost for this contract shall not exceed \$102,000 during the contract period.  
**DOCUMENT NAME:**     [20070531fslq01.pdf](#)     **PURCHASES (1004-01)**
  
24.    Awarded **Contract #2007-86**, a one-year, sole source contract to Adamson Police Products for Winchester frangible ammunition.  
**COMMENTS:**   (Sole Source #07-117) Subject to execution of final written contract. Total cost for this contract shall not exceed \$85,000 during the contract period.  
**DOCUMENT NAME:**     [20070531fsta08.pdf](#)     **PURCHASES (1004-01)**
  
25.    Awarded **Contract #2007-87**, a one-year contract with two (2), one-year renewal options to Horizon for sprinkler parts used by the Parks and Recreation Department.  
**COMMENTS:**   (IFB #07-148) Subject to execution of final written contract. Total cost for this contract shall not exceed \$180,000 during the initial contract period.  
**DOCUMENT NAME:**     [20070531fslq04.pdf](#)     **PURCHASES (1004-01)**
  
26.    Awarded **Contract #2007-88**, a one-year contract with two (2), one-year renewal options to Salt Works for white crystal coarse solar salt.  
**COMMENTS:**   (IFB #07-171) Subject to execution of final written contract. Total cost for this contract shall not exceed \$250,000 during the initial contract period.  
**DOCUMENT NAME:**     [20070531fst16.pdf](#)     **PURCHASES (1004-01)**
  
27.    Awarded **Contract #2007-89**, a two-year, limited source contract to Cummins Rocky Mountain LLC for the supply of replacement liquid natural gas engines for sixty-five (65) transit buses.  
**COMMENTS:**   (Limited Source #07-159) Subject to execution of final written contract. Total cost for this contract shall not exceed \$2,072,691 during the contract period.  
**DOCUMENT NAME:**     [20070531fslq17.pdf](#)     **PURCHASES (1004-01)**
  
28.    Awarded **Contract #2007-90**, one-year contracts with three (3), one-year renewal options to Live Earth Products, UAP Distribution, Inc., and Target Specialty Products for chemicals, fertilizers and pesticides.  
**COMMENTS:**   (RFP #07-129) Subject to execution of final written contract. Total

cost for this contract shall not exceed \$195,000 during the initial contract period.

**DOCUMENT NAME:** [20070531fslq18.pdf](#) **PURCHASES (1004-01)**

29. Awarded **Contract #2007-91**, a one-year contract with two (2), one-year renewal options to Freightliner Sterling Western Star of Arizona for a water truck.

**COMMENTS:** (RFP 07-174) Subject to execution of final written contract. Total cost for this contract shall not exceed \$133,000 during the initial contract period.

**DOCUMENT NAME:** [20070531fsta19.pdf](#) **PURCHASES (1004-01)**

30. Awarded **Contract #2007-92**, a one-year contract with two (2), one-year renewal options to Handling Systems, Inc., for a forklift to be used at the Water Utilities warehouse.

**COMMENTS:** (RFP #07-172) Subject to execution of final written contract. Total cost for this contract shall not exceed \$33,500 during the initial contract period.

**DOCUMENT NAME:** [20070531fsta20.pdf](#) **PURCHASES (1004-01)**

31. Awarded **Contract #2007-93**, a one-year contract with two (2), one-year renewal options to Falcon Power for a backhoe to be used by the Parks and Recreation Department.

**COMMENTS:** (RFP 07-173) Subject to execution of final written contract. Total cost for this contract shall not exceed \$65,500 during the initial contract period.

**DOCUMENT NAME:** [20070531fsta21.pdf](#) **PURCHASES (1004-01)**

32. Approved **Contract #2007-94**, a one-year sole source contract to Ironweave Dust Control for dust control compound.

**COMMENTS:** (T07-137-01) Subject to execution of final written contract. Total cost for this contract shall not exceed \$80,000.

**DOCUMENT NAME:** [20070531fsta24.pdf](#) **PURCHASES (1004-01)**

33. Approved **Contract #2005-79J**, a construction Job Order with Sun Eagle Corporation, and approval of a construction contingency of \$20,000 for the Library restroom renovation for ADA compliance.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$78,769.

**DOCUMENT NAME:** [20070531PWMV03.pdf](#) **LIBRARY (0902-12) PROJECT NO. 6700371**

34. Approved **Contract #2005-41A**, an addendum to a professional services contract with Environmental Planning Group, Inc., for the Western Canal Multi-Use Path.

**COMMENTS:** Subject to the execution of the final written addendum in an amount not to exceed \$184,580.

**DOCUMENT NAME:** [20070531PWCH05.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6000421**

35. Approved twelve-month Job Order Construction Contract extensions **Contract #2005-79-3** with Sun Eagle Corporation, **Contract #2005-80-3** with ForeSite Design & Construction, Inc., and **Contract #2005-81-3** with 3D/International, Inc., for continuation of on-call job order contracting.  
**COMMENTS:** Subject to execution of the final written amendments. Maximum cumulative annual contract amount shall not exceed \$4,000,000 for each firm.  
**DOCUMENT NAME:** [20070531PWMV01.pdf](#) **ENGINEERING ADMINISTRATION (803-02)**
36. Approved a one-year contract renewal with Aquatic Environmental Systems, Inc., for the purchase of calcium hypochlorite to be used in City swimming pools.  
**COMMENTS:** (T05-121-01) Total amount not to exceed \$50,000.  
**DOCUMENT NAME:** [20070531fslq02.pdf](#) **PURCHASES (1004-01)**
37. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved a one-year contract renewal with Lacor/Streetscape for the purchase of vertical shade assemblies for bus shelters.

Councilmember Shekerjian asked that this item be removed for separate consideration and she asked staff to explain what this purchase means to the City of Tempe.

Glenn Kephart explained that this item allows the City to continue a program to add additional shade to existing bus shelters, specifically to provide shade on the sides of the larger structures. Currently, there is a contract to install shade at ten new shelters, and this item would provide the capacity to shade an additional fifteen shelters.

**Motion by Councilmember Shekerjian to approve Item #37. Second by Councilmember Mitchell. Motion passed on a roll call vote, 6-0, with Councilmember Carter absent.**

**COMMENTS:** (T07-014-01) Total amount not to exceed \$55,000.  
**DOCUMENT NAME:** [20070531fslq03.pdf](#) **PURCHASES (1004-01)**

38. Approved a one-year contract renewal with Epoch Group LC for third party administrator services.  
**COMMENTS:** (T05-110-01) Total amount not to exceed \$206,000.  
**DOCUMENT NAME:** [20070531fsta05.pdf](#) **PURCHASES (1004-01)**
39. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved a one-year contract renewal with CIGNA Health Care for an HMO Medical Plan for City employees, families and retirees.  
**COMMENTS:** (T97-001-01) Total amount not to exceed \$5,100,000.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson conducted the meeting.

Motion by Councilmember Arredondo to approve Item #39. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 5-0, with Mayor Hallman abstaining and Councilmember Carter absent.

DOCUMENT NAME: [20070531fsta06.pdf](#) PURCHASES (1004-01)

40. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved a one-year contract renewal with CIGNA Dental for a HMO Dental Plan for eligible City employees and dependents.  
COMMENTS: (T04-098-02) Total amount not to exceed \$100,000.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson conducted the meeting.

Motion by Councilmember Arredondo to approve Item #39. Second by Councilmember Mitchell. Motion passed on a roll call vote, 5-0, with Mayor Hallman abstaining and Councilmember Carter absent.

DOCUMENT NAME: [20070531fsta07.pdf](#) PURCHASES (1004-01)

41. Approved a one-year contract renewal with Vision Service Plan for a vision plan for all eligible City employees and dependents.  
COMMENTS: (T05-063-01) Total amount not to exceed \$290,000 during the contract period.  
DOCUMENT NAME: [20070531fsta09.pdf](#) PURCHASES (1004-01)
42. Approved one-year contract renewals with Bob's Barricades and Trafficade Service, Inc., for barricades and warning devices.  
COMMENTS: (T07-009-01 and T07-009-02) Total amount not to exceed \$150,000.  
DOCUMENT NAME: [20070531fsta11.pdf](#) PURCHASES (1004-01)
43. Approved a one-year contract renewal with AOT Public Safety Corporation for alarm permit tracking and billing software.  
COMMENTS: (T06-138-01) Total amount not to exceed \$53,000.  
DOCUMENT NAME: [20070531fsts12.pdf](#) PURCHASES (1004-01)
44. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved a one-year contract renewal with Salt River Project for operation and maintenance of the Tempe Town Lake.  
COMMENTS: (T05-034-01) Total amount not to exceed \$600,000.

Mayor Hallman asked that this item be removed for separate consideration. He stated that at the last hearing, the contract was not available. He had recalled that this contract was approved in 2005, and was a two-year

contract with three automatic one-year renewals. He didn't understand why it appeared on the agenda again. The City Attorney had explained that the former City Attorney had held a policy that anything with a renewal should come before Council again, and, given that current policy, it will be necessary to move forward, but he asked the City Attorney to reconsider that policy. Since Council had previously approved the contract and the renewals, it seems unnecessary to negotiate such provisions when a renewal comes up. This provision says it renews automatically unless the City or the other party terminates, and since the City did not terminate, it automatically renewed on May 1, so any action after that date is unnecessary.

**Motion by Vice Mayor Hutson to approve Item #44. Second by Councilmember Mitchell. Motion passed on a roll call vote, 6-0, with Councilmember Carter absent.**

**DOCUMENT NAME:**     [20070531fsts14.pdf](#)     **PURCHASES (1004-01)**

45. Approved a one-year contract renewal with Heinfeld, Meech & Co., P.C., for professional auditing services.

**COMMENTS:**     (AC3-0893-2012) Total cost of the contract not to exceed \$85,000.

**DOCUMENT NAME:**     [20070531fsts15.pdf](#)     **PURCHASES (1004-01)**

46. Approved the \$2,100,000 increase of the contract amounts with Concert Architectural Interiors, Corporate Express, Emerling's Office Interiors, Goodmans Interiors Structures, Vanguard Legato Group, and Walsh Brothers for the purchase of furniture, as well as request award of additional contracts to Arizona School Furnishing, Dave Bang Associates Inc., Transact Commercial Furnishing Inc., US Business Interiors, Filing Solutions, and Wright Line, LLC, for the purchase of furniture.

**COMMENTS:**     (2689-8) Increase from \$800,000 to \$2,900,000.

**DOCUMENT NAME:**     [20070531fsts23.pdf](#)     **PURCHASES (1004-01)**

47. Approved the utilization of two-month State of Arizona contracts with Purcell Western States and Am-Pac for tires and tubes.

**COMMENTS:**     (AD040531-A2-2-A4 and AD040531-A2-3-A5) Total amount shall not exceed \$50,000.

**DOCUMENT NAME:**     [20070531fsta10.pdf](#)     **PURCHASES (1004-01)**

48. Approved the utilization of eight-month State of Arizona contracts with The Arizona Republic and East Valley Tribune for the purchase of legal and classified advertising.

**COMMENTS:**     (#SCC070006-6 and SCC070006-8) Total amount of the contracts shall not exceed \$300,000.

**DOCUMENT NAME:**     [20070531fsts13.pdf](#)     **PURCHASES (1004-01)**

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

- \*49. Introduced and held the **first public hearing** for a Planned Area Development Overlay

for AM/PM ARCO BROADWAY AND RURAL at 908 East Broadway Road. **The second public hearing is scheduled for June 28, 2007.**

**COMMENTS:** (PL060538) (Gina Gill/Broadway & Aujla LLC; Fred Stern, Stern and Associates, applicant) for a 2400 s.f. convenience store with fuel dispensers on .45 acres, located at 908 East Broadway Road in the CSS, Central Commercial District, including the following:

**PAD07010 – (Ordinance No. 2007.25)** Planned Area Development Overlay to modify development standards for +/- 2400 s.f. of building area on +/- 0.45 acres.

**DOCUMENT NAME:** [20070531dssl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*50. Introduced and held the **first public hearing** for a Planned Area Development Overlay for AM/PM ARCO SOUTHERN AND MCCLINTOCK located at 3233 South McClintock Drive. **The second public hearing is scheduled for June 28, 2007.**

**COMMENTS:** (PL060450) (Sonya Branson, Bhadvadia, LLC, owner; Manjula Vaz, Gammage & Burnham PC, applicant) for a 2900 s.f. convenience store with 1056 s.f. carwash and fuel dispensers on .91 acres, located at 3233 South McClintock Drive in the PCC-1, Planned Commercial Center District, including the following:

**PAD07009– (Ordinance No. 2007.24)** Planned Area Development Overlay to modify development standards for +/- 3956 s.f. of building area on +/- 0.91 acres.

**DOCUMENT NAME:** [20070531dssl02.pdf](#) **PLANNED DEVELOPMENT (406)**

- \*51. Introduced and held the **first public hearing** for Code Text Amendments to the Zoning and Development Code. **The second public hearing is scheduled for June 28, 2007.**

**COMMENTS:** (PL070198) (City of Tempe, applicant) for changes to the Zoning and Development Code pertaining to separation requirements for tobacco retailers; setback reductions when adjacent to a public alley, including related items for the following:

**ZOA07001 – (Ordinance No. 2007.36)** Code Text Amendments pertaining to Section 3-202, 3-401, 3-423 and 7-109 of the Zoning and Development Code.

**DOCUMENT NAME:** [20070531dsrl03.pdf](#) **ZONING & DEVELOPMENT CODE (0414-03)**

- \*52. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Introduced and held the **first public hearing** for a Planned Area Development Overlay for MARINA HEIGHTS AT TEMPE TOWNLAKE – EAST, at 600 East Rio Salado Parkway. **The second public hearing is scheduled for June 28, 2007.**

**COMMENTS:** (PL070156) (Arizona State University, property owner; Kandle Design Collaborative / SunCor, applicant) for the development of five (5) new buildings, totaling up to 1,566,750 r.s.f. of building area for a hotel and office/retail use on +/-15.23 acres, located at 600 East Rio Salado Parkway, in the MU-Ed District, including the

following:

**PAD07015 – (Ordinance No. 2007.38)** Planned Area Development Overlay to modify development standards for +/-1,566,750 s.f. of building area on +/-15.23 acres.

Mayor Hallman asked the City Attorney if it was acceptable to consider Item #52 and Item #53 together. The City Attorney advised that it would be acceptable.

**DOCUMENT NAME:**      [20070531dsrl07.pdf](#)   [20070531dsrl.pdf](#)      **PLANNED  
DEVELOPMENT (0406)**

\*53.      ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***

Introduced and held the **first public hearing** for a Zoning Map Amendment and Planned Area Development Overlay for MARINA HEIGHTS AT TEMPE TOWNLAKE – WEST, at 300 East Rio Salado Parkway. **The second public hearing is scheduled for June 28, 2007.**

**COMMENTS:** (PL070155) (Arizona State University, property owner; Kendle Design Collaborative / SunCor, applicant) for the development of seven (7) new buildings, totaling up to 1,886,200 r.s.f. of building area for office and residential condominiums on +/-10.6 acres, located at 300 East Rio Salado Parkway, in the MU-Ed District, including the following:

**ZON07003 – (Ordinance No. 2007.37)** Zoning Map Amendment from MU-Ed, Mixed-Use Educational District to MU-4, Mixed-Use High Density District on +/- 10.6 acres.

**PAD07014 –** Planned Area Development Overlay to modify development standards for +/-1,886,200 s.f. of building area on +/-10.6 acres.

Mayor Hallman asked for a presentation by the applicant.

**APPLICANT PRESENTATION**

**Randy Levin, Vice President, Suncor Development Company**, the proposed developer for the Marina Heights project located on the 26 acres currently owned by Arizona State University (ASU). The project has been presented to the Development Review Commission and has received input from the Commission, as well as from US Airways. As a result, adjustments were made to the heights of the two buildings of concern and approval was received from the Commission. Since then, however, there have been several follow-up discussions with US Airways and the City of Phoenix. Over the next few weeks, he anticipates making favorable progress on achieving comfort levels regarding design parameters based on reliable scientific data. It is Suncor's intention to develop another high quality urban mixed-use project like the Hayden Ferry Lakeside project. It is his intention to return to Council on June 28<sup>th</sup> and make a full presentation with regard to design, quality, and timing and a mutually agreeable solution with US Airways and City staff regarding building heights should have been developed. Suncor desires to create a positive economic engine that is good for all the stakeholders.

Mayor Hallman noted that there have been other issues raised over the last week and he asked for verification that all of the issues are being considered.

Mr. Levin verified that all of the issues are being considered.

### PUBLIC HEARING

**Dr. Edmund, Tempe**, stated that he was present at the Development Review Commission when the applicant presented the entire design and there was considerable concern about the height of the tallest building. In the original plan, the building would have been taller than the Butte. He understands that the height has been lowered to about 50 feet lower than the Butte, however, when viewed from the waterfront, it will overpower the Butte. He would ask that consideration be given to move the tallest building next to Rural Road so that it would frame the Butte, rather than compete with it.

***\*\*FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR JUNE 28, 2007.***

DOCUMENT NAME: [20070531dsrl06.pdf](#) [20070531dsrl.pdf](#) PLANNED  
DEVELOPMENT (0406)

- \*54. Introduced and held the **first public hearing** for an ordinance abandoning a water line easement on the Sundt offices work site, located near the northeast corner of Alameda Drive and Priest Drive. **The second public hearing is set for June 28, 2007.**

DOCUMENT NAME: [20070531PWCH06.pdf](#) ABANDONMENT (0901)  
ORDINANCE NO. 2007.47

- \*55. Introduced and held the **first public hearing** for an ordinance abandoning miscellaneous easements on the Dorsey Crossing Live/Work site, located near the southwest corner of Broadway Road and Dorsey Lane, at 1243 East Broadway Road. **The second public hearing is set for June 28, 2007.**

DOCUMENT NAME: [20070531PWCH08.pdf](#) ABANDONMENT (0901)  
ORDINANCE NO. 2007.44

- \*56. Introduced and held the **first public hearing** for an ordinance abandoning segments of a waterline easement located at 1740 East Broadway Road. **The second public hearing is scheduled for June 28, 2007.**

DOCUMENT NAME: [20070531PWCH09.pdf](#) ABANDONMENT  
(0901)ORDINANCE NO. 2007.45

- \*57. Introduced and held the **first public hearing** for an ordinance abandoning a waterline easement located at 305 East Elliot Road. **The second public hearing is scheduled for June 28, 2007.**

DOCUMENT NAME: [20070531PWCH10.pdf](#) ABANDONMENT (0901)  
ORDINANCE NO. 2007.48

D. Ordinances and Items for Second Hearing/Final Adoption

- \*58. Held the **second public hearing** and approved ORDINANCE NO. 2007.32 amending the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by amending Article I, Section 8-100.

**DOCUMENT NAME:** [20070531dssf01.pdf](#) TCC CH 8 CITY CODE (0503-8)

- \*59. Held the **second public hearing** and approved ORDINANCE NO. 2007.41 amending Chapter 19, Article XII, of the Tempe City Code relating to Parking Meters by adding new Section 19-144.

**DOCUMENT NAME:** [20070531pwcdl01.pdf](#) TCC CH 19 - MOTOR VEHICLES & TRAFFIC (0503-19)

- \*60. Held the **second public hearing** and approved **with conditions** a Zoning Map Amendment and Planned Area Development Overlay for 5<sup>th</sup> STREET WEST at 1300 West 5<sup>th</sup> Street.

**COMMENTS:** (PL060558) (Tom Goscicki, AJT Development, Owner/Applicant) for a two and three-story (13) unit residential development located at 1300 West 5<sup>th</sup> Street, in the R-2, Multi-Family Residential District, including the following:

**ZON07001 – (Ordinance No. 2007.29)** Zoning Map Amendment from R-2, Multi-Family Residential District to R1-PAD, Single Family Residential Planned Area Development District on +/-0.89 net acres.

**PAD07006 –** Planned Area Development Overlay to modify development standards for 13 units on +/-27,000 s.f. of total building area.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced **on or before May 31, 2008**, or the property shall revert to the previous zoning designation, subject to a formal public hearing at City Council.
2. The Planned Area Development Overlay for 5<sup>th</sup> STREET WEST 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.
3. Minimum front yard building setback shall be twelve (12) feet from property line.
4. Maximum building height (35) feet, excluding any interior parapet designs.

**DOCUMENT NAME:** [20070531dsrl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*61. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***

Held the **second public hearing** and approved **with conditions** a Zoning Map Amendment and Planned Area Development Overlay for TEMPE TRANSIT SITE at 1811 East Apache Boulevard.

**COMMENTS:** (PL070099) (City of Tempe, property owner; GDG Enterprises LLC, Daniel Tilton, applicant) for a mixed-use development including a 300 space Light Rail Park and Ride, residential apartments and retail located at 1811 East Apache Boulevard, in the GID, General Industrial District and CSS, Commercial Shopping and Service District and Transportation Overlay District, including the following:

**ZON07002 – (Ordinance No. 2007.27)** Zoning Map Amendment from GID, General Industrial District and CSS, Commercial Shopping and Service District to MU-4, Mixed-Use High Density District including the Transportation Overlay District on +/-4.81 net acres.

**PAD07008** – Planned Area Development Overlay for +/-759,387 s.f. of total building area.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced **on or before May 31, 2008**, or the property shall revert to the previous zoning designation, subject to a formal public hearing at City Council.
2. The Planned Area Development Overlay for TEMPE TRANSIT SITE 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.
3. A Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

#### PUBLIC HEARING

**Bob Stafford**, Tempe, president of Tempe Apache Boulevard Association (TABA), and business owner on Apache Boulevard. TABA supports this development with three concerns. First, there was a concern on the first floor retail with a live/work concept. He has been assured by staff that is incorrect. The second concern was with the awnings along Apache Boulevard. These had been removed, but now they have been brought back and TABA supports that. The third concern involved monitoring of the parking lot. Staff has also assured him that this has been resolved.

**Warren Egmund**, Tempe. He lives about 200 yards from this development and he supports development on this site. He is concerned that in the process of developing this site, Council has abandoned its original plan, specifically the rezoning which will allow these 6-story buildings. When the development plans were originally reviewed, it was universally agreed that Apache Boulevard would not be turned into a high-density, high-use area because of sensitivity to the single-family residences in the neighboring areas. The density was agreed to be about three stories, or 45 feet. When the first plan came along, the rules were changed and it is rezoned twice as high, effectively six stories and 70 feet. Established rules for development stemming from years of preparation should not be abandoned. He is also concerned about the reduction in bicycle parking spaces from 400 parking spaces to 70 spaces. The desire is to make this a pedestrian/bicycle friendly area. There are several hundred homes within bicycling distance of this transit stop and the 400 spaces were chosen for a reason.

**Barbara Panzica**, Scottsdale. She has high interest in retail at this corner and she wanted to be sure the awnings would be included on both Apache and McClintock. She asked if there might be a capability for the zoning to allow sitting outside the retail, such as for a coffee shop. She also wanted to verify that this would not include a live/work concept for the retail area.

Chris Anaradian responded that those concerns were addressed at the last Development Review Commission meeting. The number of awnings was increased about 300%, and they are over the retail spaces. There are opportunities for shade through awnings and trees on both sides and outside seating is encouraged in this

zoning district. He offered to meet with Ms. Panzica to explain the concept in detail. Staff was asked to explore the idea of substituting a certain percentage of the ground floor retail for live/work, however, that request has been withdrawn. As this item sits before Council tonight, it is in conformance with the ground floor retail in the Transit Oriented Development (TOD) District. Concerning Dr. Edmund's concerns on height, the height defined under zoning categories and further amended by the TOD District are the ground rules for the zoning currently in place. This particular project is asking for MU-4 under the Planned Area Development, which provides the ability to establish separate standards. MU-4 has an unlimited height and this specific project doesn't set a precedent for those other zoning categories which do have established heights.

Mayor Hallman added that the TOD had notions of height associated with it or limitations for those areas around the station stops within 800 feet, and the element in between would have much less density. The station stops required density and the areas in between did not. That was the protection for the single family homes because the areas that have the TOD typically are the arterial street intersections.

Mr. Anaradian added that there has been discussion about bicycle parking and the ordinance that covers bicycle parking covers the entire City at this point. Every project is considered through one particular lens. In the pedestrian-oriented environment, there is no loosening of the intent to encourage people to ride their bicycles. For this project, staff has looked at how the developer can address bicycle parking and also do it in a way for the residents to reflect a likelihood of the manner of the use of the project. Many who will live in this project, based on other projects this developer has done in Tempe, tend to increasingly keep their bicycles in their units, and staff talked to the developer about incorporating bicycle locations in the parking structure. At this time, staff is supportive of the amount of bicycle parking off site as well as within the project.

Mayor Hallman added that the original use of this site was a 300-space parking lot and it has been replaced. Rather than hope that people will drive or ride their bicycles to this park-and-ride lot, we are seeking to have units built at this location that will bring about 800 people to the site to live, so people are not commuting to this park-and-ride lot, but instead will live there immediately adjacent to the station.

Mr. Anaradian added that if not for this project, this would be a park-and-ride site for light rail. What is unusual about this project, unlike the other park-and-ride locations in the Valley which provide surface parking, is that the City has attempted to bring a mixed-use project which still provides those 300 parking spaces for light rail users, but also incorporates some living and retail next to a station. Staff feels this is an example for the rest of the Valley.

Mayor Hallman added that in addition, we are also encouraging people on the use of light rail, as we do with our buses, to take their bicycles on the light rail so when they reach their destination, they have transportation to get to the other end of their trip.

**Carol McDaniels, Tempe**, owner of a business directly across from the project. She wanted to make sure the live/work element was not going to be part of the project.

Mr. Anaradian responded that the application had been withdrawn.

Ms. McDaniels also asked for verification that the awnings and the original presentation made to the Apache Boulevard Project Area Committee (APAC) in February still stands. This is a fabulous project and it will change the way people see the City of Tempe.

Mr. Anaradian responded that several awnings were added in specific locations at the direction of the Development Review Commission.

**Motion by Vice Mayor Hutson to approve Item #61. Second by Councilmember Ellis. Motion passed on a roll call vote, 6-0, with Councilmember Carter absent.**

**DOCUMENT NAME:**      [20070531dsrl01.pdf](#)      **PLANNED**      **DEVELOPMENT**  
**(0406)**

\*62. Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay and Amended Subdivision Plat for NEWTOWN ROOSEVELT at 1029 South Roosevelt Street.

**COMMENTS:** (PL070036) (Allen Carlson, Executive Director/Newtown CDC, applicant; Newtown CDC, property owner) for the development of two (2) single-family units located at 1029 South Roosevelt Street in the R-2, Multi-Family Residential District for:

**PAD07012 – (Ordinance No. 2007.26)** Planned Area Development Overlay to modify development standards for +/- 1782 s.f. of building area on +/- 0.195 acres.

**SBD07002 –** Amended Subdivision Plat of Lot 8, Block 8 of the Goodwin Home Subdivision creating two (2) lots on .195 acres.

The following conditions were also approved:

1. Record final subdivision plat **on or before May 31, 2008**, or the Planned Area Development Overlay for these lots will expire, and shall revert to the previous designation through a formal hearing at City Council.
2. The Final Subdivision Plat for Newtown Roosevelt 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 May 31, 2008**. Failure to record the plat within one year of City Council approval shall make the plat null and void.
3. The Planned Area Development Overlay for Newtown Roosevelt shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department.

**DOCUMENT NAME:**      [20070531dssl03.pdf](#)      **PLANNED**      **DEVELOPMENT**  
**(0406)**

\*63. Held the **second public hearing** and approved ORDINANCE NO. 2007.39 amending Chapter 10 of the Tempe City Code relating to Community Antenna Television.

**DOCUMENT NAME:**      [20070531cacc01.pdf](#)      **TCC CH 10 – COMMUNITY**  
**ANTENNA & TELEVISION (0503-10)**

\*64. Held the **second public hearing** and approved ORDINANCE NO. 2007.42 authorizing

the Mayor to execute **Contract #2007-95**, a Special Warranty Deed between the City of Tempe and the Pier 202 Tempe LLC, a Delaware limited liability company.

**DOCUMENT NAME:** [20070531swscd01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01)**

- \*65. Held the **second public hearing** and approved ORDINANCE NO. 2007.34 authorizing the conveyance of City-owned property, located at 900 South Una Avenue.

**DOCUMENT NAME:** [20070531PWCH02.pdf](#) **REAL PROPERTY MANAGEMENT (0900)**

- \*66. Held the **second public hearing** and approved ORDINANCE NO. 2007.40 authorizing **Contract #94-209B**, first amendment to a communications site lease agreement with American Tower Asset Sub, LLC (successor in interest to C-Call Corp. formerly doing business as OneComm Corp.) for cellular communication facilities located on Carver Road east of Hardy in Tempe.

**DOCUMENT NAME:** [20070531PWCH04.pdf](#) **COMMUNICATION (1002)**

- \*67. Held the **second public hearing** and approved ORDINANCE NO. 2007.23 authorizing **Contract #2007-37A**, the conveyance of the City's interests in certain real property within the Apache Boulevard Redevelopment Area to GDG Partners, LLC.

**DOCUMENT NAME:** [20070531cdnc02.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01)**

E. Resolutions

68. Approved RESOLUTION NO. 2007.30 amending City Code Appendix A – Fee Schedule modifying the Buildings and Building Regulation Fees relating to the development processing and implementing annual Consumer Price Index (CPI) fee adjustments.

**DOCUMENT NAME:** [20070531dssf02.pdf](#) **MISCELLANEOUS FEES (0210-05)**

69. Approved RESOLUTION NO. 2007.39 amending Tempe City Code, Appendix A – Schedule of Fees and Charges, Chapter 19, Motor Vehicles and Traffic, relating to parking meter rates.

**DOCUMENT NAME:** [20070531pwcdl02.pdf](#) **MISCELLANEOUS FEES (0210-05)**

70. Approved RESOLUTION NO. 2007.44 authorizing the Mayor to execute **Contract #2007-97**, a Development and Disposition Agreement between the City and Melrose 223, LLC and Cardiff Capital, LLC.

**DOCUMENT NAME:** [20070531cdnc01.pdf](#) **COMMUNITY DEVELOPMENT ADMIN. (0406)**

71. Approved RESOLUTION NO. 2007.42 authorizing the execution of **Contract #2007-98**, a Development and Disposition Agreement for the 5<sup>th</sup> and Farmer properties.

**DOCUMENT NAME:** [20070531cdhg01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01)**

72. Approved RESOLUTION NO. 2007.41 authorizing the execution of **Contract #2007-99**, a Purchase and Sales Agreement for the disposal of excess City property located at 780 South Priest Drive.

**DOCUMENT NAME:** [20070531PWCH07.pdf](#) **REAL PROPERTY MANAGEMENT (0900)**

73. Approved RESOLUTION NO. 2007.35 indicating the City's intention to adopt a primary property tax levy that, excluding amounts related to new construction, will be greater than last year's primary levy.

**COMMENTS:** Adoption of a resolution by roll call vote as required under the state Truth in Taxation statute, indicating the City's intention to adopt a primary property tax levy that, excluding amounts related to new construction, will be greater than last year's primary levy.

**DOCUMENT NAME:** [20070531fsae03.pdf](#) **MISCELLANEOUS TAXES (0210-06)**

74. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved RESOLUTION NO. 2007.45 authorizing the Mayor to execute **Contract #97-92D**, the Second Cable License Renewal Agreement between the City and CoxCom, Inc., for a license to provide cable television services within the City of Tempe.

Councilmember Arredondo asked that this item be removed for separate consideration. He asked the City Attorney to explain the fiscal note in the Staff Summary Report.

Andrew Ching responded that when the State law was changed in the last legislative session, and which becomes effective July 1 of this year, it would have adversely affected the City's ability to collect the 5% license fee because the definition changed. Therefore, rather than waiting until the license expired in November, 2009, and then dealing with the new landscape provided by the changes in the State law, staff felt it made sense to attempt to re-negotiate to collect that fee until June 30, 2013, giving the City an additional four years to be able to collect the higher license fee.

Councilmember Arredondo asked for explanation of the \$1,040,927.98 figure.

Mr. Ching responded that it is money already collected by Cox for undergrounding purposes over a period of time. During the course of the re-negotiation, it was decided that the money would go back to the City for any cost of current operations with Tempe Channel 11 at the City's discretion.

Councilmember Arredondo recalled a discussion about having Cox make an attempt to return some of the money to the users because he has had nothing but complaints about their service.

Mayor Hallman clarified that this involves a different pool of money. We have already given back that money in that program.

Vice Mayor Hutson thanked the City Attorney's staff for their work on this item and the other related agenda items. We have been working on one of those items for several years. Staff has really brought this around.

Mayor Hallman added that the work Assistant City Attorney Mary Wade did in negotiating this agreement and the result are remarkable and unmatched in any other license agreement in the State.

**Motion by Vice Mayor Hutson to approve Item #74. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 5-1, with Councilmember Arredondo voting "no" and Councilmember Carter absent.**

DOCUMENT NAME: [20070531casv01.pdf](#) COX CABLE TELEVISION (0802-31)

75. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved RESOLUTION NO. 2007.40 approving and authorizing the Mayor to execute Contract #2005-143B, the Memorandum of Understanding Between SEIU Local 5 and the City of Tempe July 1, 2007 – June 30, 2009.

Vice Mayor Hutson asked that this item be removed for separate consideration so that the SEIU representative could address Council.

Mayor Hallman noted that this item is not designated as a public hearing item, and Council agreed to allow public testimony.

Shawn Thomson, President of SEIU, Local 5 Chapter, thanked Council on behalf of all of the SEIU members. He was confident that many great goals would be achieved over the next two years, as well as improved quality of service for the residents of Tempe.

**Motion by Vice Mayor Hutson for approval of Item #75. Second by Councilmember Mitchell. Motion passed on a roll call vote, 6-0, with Councilmember Carter absent.**

DOCUMENT NAME: [20070531IAKJ01.pdf](#) PUBLIC WORKS – MEET & CONFER (0303-08-03)

76. Approved RESOLUTION NO. 2007.43 authorizing Contract #207-100, a Memorandum of Understanding with Maricopa County to accept funding from the Maricopa County Justice Assistance Grant (JAG) Program.

DOCUMENT NAME: [20070531pdsam01.pdf](#) POLICE DEPARTMENT  
ADMINISTRATION (0606-02)

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

Approved RESOLUTION NO. 2007.46 affirming powers and duties of the City Manager and officers under his direction.

**COMMENTS:** This resolution affirms the powers and duties of the City Manager as defined in Section 3.04(d). It also recognizes the Development Services Manager as an officer of the City Manager and the administrative review authorities and duties that Manager has under the Tempe Zoning and Development Code, Section 6-312.

Mayor Hallman explained that under the City's Charter government, there is a division between Council and staff. Although this was an item that could be handled entirely by staff, it had some unusual elements that needed to be set out on the record.

Chris Anaradian noted that this is an action under the Tempe Zoning and Development Code on a request for a minor modification to an existing improved project. That project is the KML project on University Drive, currently referred to as the "Mosaic Building." Per Council's request to iterate some of the conditions of the intended approval, he outlined the following conditions:

1. This project's construction must commence on or before March 1, 2008.
2. The City requests a separate letter from the executive officer of the mortgage company, delivered to the City offices, confirming a commitment to fund the construction of this project without additional residential presale activity.
3. The grocery store component will be built regardless of any ongoing commitment from Whole Foods Market.
4. This approval is non-transferable to any third party, successor or assign.
5. Applicant must follow through with a requirement to provide a "rides unit" layout as part of their condo plat submittal prior to issuance of the building permit.

Mayor Hallman added that prior to tonight's meeting, Councilmember Arredondo suggested that an additional condition be included for the applicant to hold a public meeting to allow the public to understand the project approval and to better understand the project. In addition, part of the reason in having this on the agenda is to collect some community input about the line that exists between what is a staff level action and what is a Council level action. We can't change that under our current law, but it might be something we want to consider in the future. With the concurrence of the applicant, he suggested adding a condition that the applicant hold a public meeting within 14 days of tonight's Council meeting.

The applicant concurred.

Councilmember Arredondo asked who would notify the neighborhood.

Mayor Hallman responded that the burden would be on the applicant and that they would notify at least everyone within a half mile of the project.

Mr. Anaradian added that a half mile is the statute requirement. Because of the unusualness of this action, staff will require the applicant to coordinate with his office.

The following condition was added:

6. Applicant will hold a community meeting and notify the residents within at least one-half mile of the project and work with the City's Neighborhood Office to determine whether there should be further notification.

Mr. Anaradian added that a staff member would also attend that public meeting and that the applicant will follow through on any concerns brought forward by the community.

Councilmember Mitchell asked if, once the neighborhood input is gathered, there would be another opportunity for Council to understand what is going on.

Mr. Anaradian responded that with staff present at the meeting, Council will be advised.

Mayor Hallman added that any reconsideration would be at the June 28<sup>th</sup> Council meeting.

Mr. Anaradian clarified that there are several opportunities beyond this administrative action outlined in the Code. Reconsideration is a tool for Council, but there are other tools in the Code to see this to a conclusion if people continue to be aggrieved.

**Motion by Vice Mayor Hutson to approve Item #77 with stipulations as discussed. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 6-0, with Councilmember Carter absent.**

DOCUMENT NAME: [20070531casv03.pdf](#) DEVELOPMENT SERVICES  
ADMINISTRATION (0403-01-01)

78. Approved RESOLUTION NO. 2007.47 approving Contract #2007-101, a Development Agreement with German Dobson CVS, L.L.C. with regard to a project located at the Southwest Corner of University and Mill Avenue.

DOCUMENT NAME: [20070531cdcm01.pdf](#) DEVELOPMENT PROJECT  
(0406)

## 6. PUBLIC APPEARANCES

### UNSCHEDULED PUBLIC APPEARANCE

**Bob Stafford, Tempe**, suggested having a rail station at the Marketplace and a rail line along Rio Salado

to serve all the projects along the Town Lake and continue east to Riverview and to Country Club in Mesa, then south to Chandler Boulevard. It would be great for the East Valley.

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

- Councilmember Shekerjian congratulated Steve Adolph, who was recently named Superintendent of the Tempe Union High School District. She also thanked Dr. Shirley Miles who has been the Superintendent in the Tempe Union High School District for the past three years. .

*Meeting adjourned at 8:45 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 May 31, 2007, by the Tempe City Council, Tempe, Arizona.

\_\_\_\_\_  
Hugh Hallman, Mayor

ATTEST:

\_\_\_\_\_  
Jan Hort, City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.