

## Minutes Formal City Council Meeting November 8, 2007

Minutes of the Formal Council Meeting of Thursday, November 8, 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 (via telephone)  
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 7:36 p.m.*

1. Councilmember Mitchell 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 Shekerjian to approve the following **COUNCIL MEETING MINUTES**. Second by Councilmember Carter. Motion passed unanimously on a voice vote.

1. Council's Issue Review Session – October 25, 2007 [20071108clrkck01.pdf](#)
2. Council's Formal Meeting – October 25, 2007 [20071108clrkck02.pdf](#)
3. Council's Social Services & Culture Committee – October 17, 2007  
[20071108sscc01.pdf](#)
4. Council's Neighborhood Quality of Life, Public Safety and Parks & Recreation Committee – October 9, 2007 [20071108nqlpspr01.pdf](#)

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

Motion by Councilmember Shekerjian to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Ellis. Motion passed unanimously on a voice vote.

5. Disability Concerns Commission – September 18, 2007 [20071108dc01.pdf](#)
6. Hearing Officer – October 2, 2007 [20071108ho01.pdf](#)
7. Mayor's Youth Advisory Commission – October 2, 2007 [20071108myac01.pdf](#)

8. Parks & Recreation Board – September 19, 2007 [20071108pr01.pdf](#)
9. Tempe Sports Authority – September 17, 2007 [20071108tsa01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Mayor Hallman acknowledged the **Diversity Dialogue participants** and summarized that the **Diversity Dialogue** is a program designed to foster community conversation and dialogue. Out of these dialogues comes a better understanding of self, community and ways in which to improve the climate for diversity in Tempe. Three groups of ten individuals recently completed the program coordinated by the City of Tempe's Diversity Department. The program participants were introduced.
- Mayor Hallman read a **Proclamation** declaring the week of November 11-17, 2007, as **Nurse Practitioners' Week**. He introduced Beverly Rockwell, who accepted the proclamation and thanked Mayor and Council for their support.
- Mayor Hallman read a **Proclamation** declaring November 11, 2007, as **Veterans Day** in Tempe. The Mayor added that in honor of this year's Veterans Day, a donor has agreed to assist the City in creating a memorial for veterans in Tempe Beach Park by contributing \$1M.

##### 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 #14, #15, #15a, and #41 were removed for separate consideration). Second by Councilmember Mitchell. Motion passed on a roll call vote 7-0.**

##### A. Miscellaneous Items

10. Approved **Contract #2003-67F**, an agreement between Rock 'N' Roll Arizona, Inc. (RNR), the Tempe Convention and Visitor's Bureau, and the City of Tempe for the City to host the finish of the half and full RNR Marathon for a second five-year term.  
**COMMENTS:** The net fiscal impact to the City is approximately \$150,000 (cash and in-kind City services) for the years 2009, 2010, 2011, 2012, and 2013.  
**DOCUMENT NAME:** [20071108prtd01.pdf](#) **SPORTS ADMINISTRATION/POLICIES (0105-01-07)**

11. Authorized the allocation of \$31,500 from the General Fund contingency fund to cover the expenses associated with adjusting electrical junction boxes to prevent copper theft and vandalism of lighting systems throughout Tempe.  
**DOCUMENT NAME:** [20071108fmtl01.pdf](#) **PUBLIC WORKS – UTILITIES (0800)**
  
12. Authorized the Mayor to execute **Contract #2007-194**, a lease agreement between the City of Tempe and Centerpoint Plaza Limited Partnership for the temporary relocation of the City's Information Technology Department.  
**COMMENTS:** The proposed lease has a five year term for approximately 14,000 square feet. The lease payment starts at \$401,325 annually and increases every year until the fifth year's payment of \$433,431.  
**DOCUMENT NAME:** [20071108cdnc01.pdf](#) **COMMUNITY DEVELOPMENT ADMIN. (0406)**
  
13. Authorized the Mayor to execute **Contract #90-113A**, an amendment to the site lease agreement between Arizona Public Service Company (APS) and the City of Tempe for the construction of a communications facility to be located on the premises of the Joint APS/Tempe Fire Training site.  
**COMMENTS:** The communications facility being built is part of the new regional public safety radio system.  
**DOCUMENT NAME:** [20071108ITDH1.pdf](#) **FIRE/PARAMEDIC SERVICE ADM (0605-01)**
  
14. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***  
Authorized the Mayor to execute **Contract #97-92E**, an agreement between CoxCom, Inc. and the City of Tempe for the use of excess underground "city-owned" conduit by CoxCom to provide a fiber-optic network for the Fire Department.  
**COMMENTS:** Use of the City's excess conduit capacity will speed up the delivery of services and prevent street trenching in the downtown area.

Vice Mayor Hutson asked to have this item removed for separate consideration. He understood there was a revision to the proposal. He would not prefer 50 years, but prefer language that as long as CoxCom is providing this service, then they may use the City's underground facilities.

Mayor Hallman clarified that Vice Mayor Hutson desired that it would not be transferable.

Gene Obis, Information Technology Manager, clarified that the phrase "which shall not exceed 50 years", referred to by Vice Mayor Hutson, has been removed from the agreement.

Councilmember Arredondo clarified that there were two groups bidding for this contract.

**Motion by Vice Mayor Hutson to approve Item #14. Second by Councilmember Arredondo. Motion**

passed on a voice vote, 7-0.

DOCUMENT NAME: [20071108ITDH2.pdf](#) AMERICAN CABLE TELEVISION  
(0802-01)

15. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved the appointment of and Employment Agreement, Contract #2007-195, for Charles W. Meyer as City Manager.

Councilmember Arredondo requested that this item be removed for separate consideration. He stated that he does not support this person to lead Tempe, and does not support the financial agreement offered.

Motion by Councilmember Shekerjian to approve Item #15. Second by Councilmember Ellis. Motion passed on a voice vote, 6-1, with Councilmember Arredondo voting "no."

DOCUMENT NAME: [20071108casv01.pdf](#) POSITIONS AUTHORIZED (0302-01)

- 15a. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Authorized Contract #2007-196, a fiscal year 2007/2008 grant award of \$50,000 to be distributed by the Tempe Community Council to the Centers for Habilitation as part of a City of Tempe grant assistance program for transportation services for elderly and disabled residents.  
COMMENTS: Subject to execution of final written agreement between Tempe Community Council and the City of Tempe for an amount not to exceed \$50,000.

Councilmember Ellis and Vice Mayor Hutson declared conflicts of interest.

Motion by Councilmember Arredondo to approve Item #15a. Second by Councilmember Mitchell. Motion passed on a voice vote, 5-0, with Councilmember Ellis and Vice Mayor Hutson not voting.

DOCUMENT NAME: [20071108PWgj01.pdf](#) TRANSPORTATION PLANNING  
(1101-01)

16. Approval **with conditions** a Subdivision Plat for PHASE 2 OF TEMPE GATEWAY located at 222 South Mill Avenue.  
COMMENTS: (PL060616) (Derek J. Kerr, America West Holdings Corporation, property owner; Theresa Schultz, Opus West Construction Corporation, applicant) for a Final Subdivision Plat, located at 222 South Mill Avenue, in the CC, City Center District, including the following:  
SBD07043 – Final Subdivision Plat to unify the two existing parcels into one parcel on 3.542 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. Place the Subdivision Plat for Phase 2 of Tempe Gateway into proper engineered format with appropriate signature blanks. Record the Subdivision Plat with the Maricopa County Recorder's Office through the Tempe Development Services Department on or before one year from date of City Council approval. Failure to record the plan by **November 8, 2008**, shall make the approval of the Subdivision Plat null and void. Record the Subdivision Plat prior to issuance of building permit or as allowed by the Building Safety Division.
  3. Prepare a Covenant and Agreement to hold Lot 1 and Lot 2 as one in order to allow openings in the existing Phase 1 and proposed Phase 2 parking garages along the common property line between the two lots. The standard form for this Covenant and Agreement is available from the Development Services/Building Safety Division. Fulfill requirements of the Development Services/Building Safety Division for this Covenant and Agreement prior to issuance of building permit or as allowed by the Building Safety Division.

**DOCUMENT NAME:** [20071108dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

17. Approved **with condition** a Final Subdivision Plat for BOYKO PROPERTIES located at 1225 North Miller Road.

**COMMENTS:** (PL070364) (Nebojsa Iovic, property owner; Edmir Dzudza, E-Project International, applicant) for a two (2) story building for office and rental storage use within 18,334 s.f. of building area on 0.84 acres, located at 1225 North Miller Road in the GID, General Industrial District and Rio Salado Overlay District. The request includes the following:

**SBD07015** – Final Subdivision Plat for one (1) lot on 0.84 acres.

The following condition was also approved:

1. A Final Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits. The 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 no later than **November 8, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20071108dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

18. Approved **with conditions** a Subdivision Plat for 5<sup>th</sup> STREET INDUSTRIAL PLAZA at 1971 / 1979 East 5<sup>th</sup> Street in the GID, General Industrial District.

**COMMENTS:** (PL060569) (Stave Properties LLC, Astor Stave property owner / James B. Phillips, Architect, James B. Phillips, applicant) located at 1971/ 1979 East 5<sup>th</sup> Street , in the GID, General Industrial District for:

**SBD07027** – Subdivision Plat combining two (2) lots into one Lot.

The following conditions were also approved:

1. The Subdivision Plat shall be recorded prior to certificate of occupancy.
2. The Final Subdivision Plat for 5<sup>th</sup> Street Industrial Plaza 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 November 8, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20071108dsjc03.pdf](#) **PLANNED DEVELOPMENT (0406)**

19. Approved **with conditions** a Condominium Plat for Amber Gardens Condominium at 625 West 1<sup>st</sup> Street in the R-3 / R-4, Multi-Family Residential Limited / General District.

**COMMENTS:** (PL070318) (WGA First Street L.P., Rebecca Ayyad, property owner / RBF Consulting. Lindsay Groseclose, applicant), located at 625 West 1st Street, in the R-3/R-4, Multi – Family Residential Limited / General District for:

**SBD07029** - Condominium Plat, consisting of 164 units, on 5.94 net acres.

The following conditions were also approved:

1. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and in a form satisfactory to the Development Services Manager and City Attorney, prior to recordation of Condominium Plat.
2. The Condominium 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 **November 8, 2008**. Failure to record the plan within one year of Council approval shall make the plan null and void.
3. The applicant shall complete a full "reserve study" for the site, identifying all common elements life expectancy and future replacement cost, which shall be disclosed to future buyers of the units. Acknowledgement of the reserve study shall be included in the CC&Rs. This study shall be provided to staff for verification, prior to recordation of Condominium Plat.
4. The fire alarm shall be inspected by Fire Prevention prior to recordation of the plat.
5. The building signatures (addresses) shall be upgraded prior to recordation of the plat.
6. The site shall upgrade all lighting levels to comply with the Zoning and Development Code, Part 4, Chapter 8, Lighting, including exterior building entrance lighting from dusk to dawn, parking areas, and mailbox. All non-compliant light fixtures shall be removed. A photometric plan with cut sheets shall be submitted to Building Safety for review. This condition shall be completed prior to recordation of plat.
7. Replace all dead and missing landscape on site. Place a Planning inspection call to Rob Peterson (480) 350-8396, for compliance with this condition. This condition shall be completed prior to recordation of plat.
8. Provide ADA compliant access from parking area to first floor entrances of north eastern building and buildings with a higher grade. Minimize grade changes for accessibility with a wheel chair. This

condition shall be completed prior to recordation of Condominium Plat.

9. Provide ADA compliant access from parking area to first floor entrances of western building. Minimize grade changes for accessibility with a wheel chair. This condition shall be completed prior to recordation of Condominium Plat.

**DOCUMENT NAME:** [20071108dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

20. Approved a one-year membership renewal with the American Water Works Association Research Foundation (AWWARF) for an annual membership.

**COMMENTS:** Total amount not to exceed \$36,431.94.

**DOCUMENT NAME:** [20071108fsts08.pdf](#) **PURCHASES (1004-01) (08-100)**

- \*21. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for DFLY LLC dba Dragonfly Vietnamese Kitchen, 414 South Mill Avenue, #115.

**COMMENTS:** Robert C. Krosting, Agent

**DOCUMENT NAME:** [20071108LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*22. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for McConcepts LLC dba Pizzam!, 325 West Elliot Road, #101.

**COMMENTS:** Michael M. Curtiss, Agent

**DOCUMENT NAME:** [20071108LIQ2.pdf](#) **LIQ LIC (0210-02)**

- \*23. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Kabab Palace LLC dba Kabab Palace, 710 West Elliot Road, #107-108.

**COMMENTS:** Harvey Yee, Agent

**DOCUMENT NAME:** [20071108LIQ3.pdf](#) **LIQ LIC (0210-02)**

- \*24. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Warner Chicken LLC dba Putsys Chicken & Steak, 440 West Warner Road, #104.

**COMMENTS:** Matthew J. Kievit, Agent

**DOCUMENT NAME:** [20071108LIQ4.pdf](#) **LIQ LIC (0210-02)**

**B. Award of Bids/Contracts**

25. Awarded **Contract #2007-197**, a Construction Manager at Risk Construction Services contract to PCL Construction, Inc.; approved **Contract #2001-15E**, an addendum to a professional services design contract with Carollo Engineers; and approved a change order contingency for the Johnny G. Martinez Water Treatment Plant Water Quality Improvements Project Guaranteed Maximum Price (GMP) 2.

**COMMENTS:** Construction Manager at Risk Construction Services contract with PCL Construction, Inc., for a GMP of \$3,248,237 and an addendum to a professional services design contract with Carollo Engineers for an amount not to exceed \$455,778,

both subject to execution of the final written documents; and a change order contingency of \$170,000.

**DOCUMENT NAME:** [20071108PWMV04.pdf](#) JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091

26. Approved **Contract #2007-198**, a professional design services contract with Searer, Robbins & Stephens, Inc., for Restroom Building Replacement at Kiwanis Park.

**COMMENTS:** Professional design services contract in an amount not to exceed \$45,745.23 with Searer, Robbins & Stephens, Inc, subject to execution of the final written contract.

**DOCUMENT NAME:** [20071108PWCH01.pdf](#) KIWANIS COMMUNITY PARK (0706-25) PROJECT NO. 6301064

27. Approved **Contract #2007-199**, a professional design services contract with Kennedy/Jenks Consultants Engineers and Scientists for Sewer Collection System Odor Control.

**COMMENTS:** Professional services design contract in an amount not to exceed \$133,332, conditioned upon execution of the final written contract.

**DOCUMENT NAME:** [20071108PWCH06.pdf](#) WASTEWATER (0808-02) PROJECT NO. 3206061

28. Approved **Contract #2007-200**, a professional services design contract with Valentine Environmental Engineers, LLC, for the 24-Inch Water Line Replacement (Myrtle Avenue, 5<sup>th</sup> Street, Forest Avenue, and Mill Avenue).

**COMMENTS:** Professional services design contract in an amount not to exceed \$124,681, conditioned upon execution of the final written contract.

**DOCUMENT NAME:** [20071108PWCH07.pdf](#) WATERMAIN UPGRADES (0810-04) PROJECT NO. 3202891

29. Approved **Contract #2007-201**, a professional services design contract with DLR Group for Municipal Center Building Assessment.

**COMMENTS:** Professional services design contract in an amount not to exceed \$60,400, conditioned upon execution of the final written contract.

**DOCUMENT NAME:** [20071108PWCH08.pdf](#) MUNICIPAL BUILDING (0902-13) PROJECT NO. 6706051

30. Approved **Contract #2007-202**, a professional design services contract with David Evans and Associates, Inc. for Major Intersection Paving and Resurfacing.

**COMMENTS:** Professional design services contract in an amount not to exceed \$56,120 with David Evans & Associates, Inc., subject to execution of the final written contract.

**DOCUMENT NAME:** [20071108PWDR10.pdf](#) STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5401181

31. Awarded **Contract #2007-203**, a one-year contract with four, one-year renewal options to Dave Bang Associates, Inc. for park furniture.  
**COMMENTS:** Total cost for this contract shall not exceed \$300,000 during the initial contract period.  
**DOCUMENT NAME:** [20071108fslg04.pdf](#) **PURCHASES (1004-01)** (IFB #08-065)
32. Awarded **Contract #2007-204**, one-year contracts with two, one-year renewal options to Summit Electric and Brown Wholesale Electric for electrical supplies.  
**COMMENTS:** Total cost for this contract shall not exceed \$500,000 during the initial contract period.  
**DOCUMENT NAME:** [20071108fsta02.pdf](#) **PURCHASES (1004-01)** (IFB 08-067)
33. Awarded **Contract #2007-205**, a one-year contract to Arizona Elevator Solutions for Elevator Modernization at the Police/Courts Building.  
**COMMENTS:** Total cost for this contract shall not exceed \$101,500.  
**DOCUMENT NAME:** [20071108fsta07.pdf](#) **PURCHASES (1004-01)** (RFP #08-083)
34. Awarded **Contract #2007-206**, a one-year contract with two, one-year renewal options to General Chemical Performance Products LLC for liquid aluminum sulfate.  
**COMMENTS:** Total cost for this contract shall not exceed \$500,000 during the initial contract period.  
**DOCUMENT NAME:** [20071108fsts03.pdf](#) **PURCHASES (1004-01)** (IFB #08-032)
35. Approved a one-year renewal of a contract with Thomas Reprographics for Digital Bonding and Copy Services.  
**COMMENTS:** Total amount not to exceed \$100,000.  
**DOCUMENT NAME:** [20071108fsta01.pdf](#) **PURCHASES (1004-01)** (T07-020-01)
36. Approved the increase to the annual software maintenance agreement with Oracle Corporation for the City's PeopleSoft Financial, Human Resources, and eApplications systems.  
**COMMENTS:** Increase in the amount of \$2,365 from \$304,176 to \$306,541.  
**DOCUMENT NAME:** [20071108fsts05.pdf](#) **PURCHASES (1004-01)** (Contract T97-012-01)
37. Approved the increase to the contract amount with Oracle Corporation for the City's PeopleSoft Talent Acquisition Software module.

**COMMENTS:** Increase in the amount of \$4,242 from \$87,000 to \$91,242.  
**DOCUMENT NAME:** [20071108fsts06.pdf](#) **PURCHASES (1004-01)**  
(Contract T07-183-01)

38. Approved the increase to the contract amount with Quality Vans for HAZMAT/Command Vehicle Modifications to be used by the Fire Department.

**COMMENTS:** (S07-097-01) Increase in the amount of \$62,000 from \$62,000 to \$124,000.

**DOCUMENT NAME:** [20071108fslg09.pdf](#) **PURCHASES (1004-01)**

39. Approved **Contract #2006-285A**, an addendum to a professional services design contract with Advantica, Inc., for Water Department GIS Implementation.

**COMMENTS:** Addendum to a professional services design contract for an amount not to exceed \$40,200, subject to the execution of the final written addendum.

**DOCUMENT NAME:** [20071108PWDR05.pdf](#) **WATER MANAGEMENT ADMINISTRATION (0811-13) PROJECT NO. 3202022**

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

- \*40. Introduced and held the **first public hearing** for an ordinance authorizing the Mayor to sign a Covenant and Agreement to Hold Property as One Parcel at the Hackett House. **The second public hearing is scheduled for December 6, 2007.**

**DOCUMENT NAME:** [20071108cdcm01.pdf](#) **DEVELOPMENT PROJECT (0406) ORDINANCE NO. 2007.78**

- \*41. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Introduced and held the **first public hearing** for a Planned Area Development Overlay for CENTERPOINT ON MILL located at 640 South Mill Avenue. **The second public hearing is scheduled for December 6, 2007.**

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

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

#### APPLICANT PRESENTATION

**Manjula Vaz** reserved their presentation until the second hearing, although she would respond to any questions

raised.

### PUBLIC HEARING

**Michael Wasko, Tempe**, stated that he is a downtown resident. In general, he approves of this plan. More density is being brought to the property and he would encourage that. It is important not to believe, however, that any development in the downtown is a good development. The City can ask for things that fit better with the spirit, the historic feel and the uniqueness of the downtown and still bring forth quality projects. His main concern is that even though the developer states that it meets the intent of the community design principles, the massing on Buildings #B and #C, which begin along Sixth Street, and down Mill to Seventh Street, doesn't meet the spirit and intent of preserving the Mill Avenue corridor. The Mill Avenue corridor is targeted for 75' heights, with the nominal expectation that the corridor extends to a depth of a typical lot, which would be in the 100-foot range, and from there the higher elevations would begin. It doesn't fit the intent in terms of tall and slender buildings that are proportioned to their footprint. With such a draw in the downtown, when we pile so much massing and density on it, we quash the very reasons that bring people to the downtown. He would suggest less height and massing directly along Mill Avenue, then increasing the elevation at the 100-foot depth. Open up the site lines and create taller, more slender buildings along the Mill Avenue corridor.

Mayor Hallman clarified that for more slender buildings, it is necessary to go taller. Currently, there is only one project of the old style super-block model, and everything else is in the 10,000 to 12,000 sq. ft. plates which provide discrete buildings and pedestrian access in and around them. It is necessary to provide the opportunity to recover the cost of the land and infrastructure in the height. He asked Mr. Wasko if that was contradictory.

Mr. Wasko responded that to simply maintain the same square footage, it would appear so, but the developer should have to give up some of the square footage to keep the buildings slender, so there is still an opportunity for the developer to secure a profit and still present a viable project.

**Sara Myklebust, Tempe**, saw the need for change and more economic investment in Tempe, but the growth should happen with the community. After reading this proposal, she cannot support it. There are issues with the project and it would change Tempe. She asked that more community input and study be given to this proposal. She is concerned with the height of the buildings and parking. There are already 788 residential condos under construction and an additional 400 units will burden City services. The project eliminates some community amenities, such as the theater and some retail shops. Only about 50 people from the public were consulted. This will change the look of downtown Tempe.

Mayor Hallman urged Ms. Myklebust to remain involved and asked staff to give her a copy of the overlay designed by Council about three years ago, as well as the Code portions on the shared parking model.

**Trevor Barger, Tempe**, supported the project. The project utilizes an urban void. The area between Uno's and the theater is rarely used, and the area between the Coffee Plantation needs to be active when Mill Avenue is shut down in the evenings. This project brings activity back to those areas. He likes the concept of a Kierland-like town green setting in the middle of an area that can be a location both for the Christmas tree and circulation traveling around it. This brings more use without increasing the parking demands for the area and there can be more intense use of the area. He has seen the diagrams showing the height from a distance and

he likes the setback on the ground level.

**Jonathan Thums, Tempe**, stated that this project was shown to the Riverside-Sunset communities and it was well received. They looked carefully at the varying heights of the buildings and concurred with the Planning Department that it was a more attractive solution than if the guidelines were rigidly held. They understand that the theater is financially suffering. The neighborhood will be happy to see the project happen. This project will develop over a long period of time. If parking proves to be inadequate as they build the project, the parking will change. If they under-park the project, they will lose money. This developer will be sensitive to what is needed and the project should move forward.

**Mark Lemon, Tempe**, noticed that the project speaks of “floors” and not “heights.” It should specify “heights.” This architect is doing three other downtown projects. He is concerned about having some variety in design. He is concerned about the designs of Tempe buildings that are a regional response. A glass box is not unique. They can be built anywhere. We should be asking for much more. The Arches on University and Gentle Strength have been knocked down for awhile. It isn't acceptable to have blank land for six months on Mill Avenue. When a developer is ready to build, then build. When a developer is not ready to build, then leave the tenants there. Rent on Mill Avenue is increasing and the rent on the bottom floors of these buildings will be more expensive, so something needs to happen to help a variety of businesses to stay on Mill Avenue and in the downtown area. We are losing them and we need to maintain them to have a diverse City and economy.

**John Minett, Tempe**, agreed that pulling things down and not putting things back quickly is a problem. It is important to think of reusing buildings rather than creating holes and waiting for years to rebuild. We need to look at the Project for Public Space for reuse of public space and make sure we actually work better.

Mayor Hallman added that the Council launched the Project for Public Space about a year ago with consultants to help design the public spaces in the downtown area and ensure that public open space park areas are connected.

Mr. Minett continued that he was asking Council to look at this. At the moment, Development Review does not look at context or the relationship between one developer and another.

Mayor Hallman added that Council created an entire master plan for the downtown for the first time. It is at the ASU Decision Theater and it shows the developable lots that don't involve tearing down any of our historic properties, and makes sure we are keeping the public spaces and the open spaces connected. All of that is part of the master plan that involves the entire lakeshore, as well as downtown. Today at the Decision Theater, Council did a walk-through with some of the tools to examine in 3-D not just the downtown, but the entirety of Papago Park, to capture what each of those sites looks like. We need to encourage people to see what all of these tools are and see how it fits together. To leave people with the impression that that is not happening is unfair.

Mr. Minett stated that he was still concerned about situations where opportunities are missed. This project has some mistakes.

Mayor Hallman added that this project has to be woven within the fabric that we are creating so that the open spaces fit and it creates the master view that we have been working for the last three and a half years to create. In the current project, however, there are dead spots that need to be reactivated.

#### APPLICANT PRESENTATION

**Manjula Vaz** thanked the public for their comments. There have been eight meetings over the last six months, open houses, meetings with neighborhood associations, and with individual tenants. They are working with staff on the parking concerns. They are over-parked under the Code standards on the shared parking lot

Mayor Hallman clarified that under the Code standards they are providing more parking than is required and arguably, the Code is a mandatory limit on the parking, and it is also more than would otherwise be allowed.

Ms. Vaz continued that the individual residential buildings will have underground garages and more parking is being added than currently exists at Centerpoint. There will also be additional parking underneath the proposed hotel. Also, they are not planning to demolish any of the buildings. They will try to re-tenant the buildings. The project will be developed in phases and the hotel will be developed first because the lease has expired on the theater building. The office building is fully leased and about 75% of the retail on Mill has been leased and they are hoping to lease the remainder early next year. They know how important retail is to Mill Avenue.

Mayor Hallman noted that one of the public asked about the burden on schools. The Superintendent of the Tempe Elementary School District was complaining that he had lost enrollment and that redevelopment may actually be costing him students. He asked Ms. Vaz to have data by the next meeting to respond to this concern. There were other issues raised concerning further involvement of the public.

Ms. Vaz responded that there has been one hearing with the Development Review Commission, one with the Sunset/Riverside Neighborhood Association, two open houses of their own, one open house for the tenants, three meetings with the Maple/Ash neighborhood, and one meeting with the DTC.

Mayor Hallman added that there was another concern about helping small businesses who might be lost from Mill Avenue. There was another question about the height along Mill Avenue and, in particular, how that fits into the height guidelines. There are two elements to the height guidelines. One element is for the general Mill Avenue area that have the stepdown as they approach the Butte, and the other element is for the specific Mill Avenue height stepdown. There was a desire expressed to have the heights expressed in feet and not floors, and he noted that on page 2 of the report, it is stated in feet.

***\*\*\*FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR DECEMBER 6, 2007.***

DOCUMENT NAME: [20071108dsrl01.pdf](#) PLANNED DEVELOPMENT (0406)

\*42. DELETED

\*43. Introduced and held the **first public hearing** to adopt an ordinance granting two (2)

utility easements between the City of Tempe and Arizona Public Service (APS) in conjunction with the Light Rail Project. **The second public hearing is scheduled for December 6, 2007.**

**DOCUMENT NAME:** [20071108PWCH09.pdf](#) **GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2007.79**

D. Ordinances and Items for Second Hearing/Final Adoption

- \*44. Held the **second public hearing** and approved ORDINANCE NO. 2007.30 amending Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-63 relating to speed limits.

**DOCUMENT NAME:** [20071108PWSS01.pdf](#) **TCC CH 19 – MOTOR VEHICLES AND TRAFFIC (0503-19)**

- \*45. Held the **second public hearing** and approved **with conditions** a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlays for FARMER ARTS DISTRICT located at 280 West University Drive.

**COMMENTS:** (PL070353) (Farmer Arts, LLC, owner; Todd Marshall, applicant) for a General Plan Amendment, Zoning Map Amendment and Planned Area Developments for a mixed-use development consisting of several buildings including residential, retail and public spaces (library) on 8.81 net acres located at 280 West University Drive in the GID, General Industrial District. The request includes the following:

**GEP07005 – (Resolution No. 2007.82)** General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 du/ac) to High Density (greater than 25 du/ac).

**ZON07008 – (Ordinance No. 2007.68)** Zoning Map Amendment from GID, General Industrial District and TOD to MU-4, Mixed-Use High Density District and TOD.

**PAD07020 –** Planned Area Development Overlay for Farmer Arts District, Parcel 1 to establish development standards for five (5) buildings consisting of a public library, commercial and mixed-use with live/work up to seven (7) floors, on +/-4.82 acres

**PAD07024 –** Planned Area Development Overlay for Farmer Arts District, Parcel 2 to establish development standards for four (4) buildings consisting of commercial and mixed-use with live/ work up to 5 floors, all in approx. of building area on +/-3.51 acres.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced on or before **November 8, 2009, or the property shall revert to a previous zoning designation—subject to a formal public hearing.**
2. Prior to the effective date of the ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S.§12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
3. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Manager and City Attorney.
4. The Planned Area Development for Farmer Arts District 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.
5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permit.
  6. A Condominium Plat (Horizontal Regime) is required for this development and shall be recorded prior to an occupancy permit.
  7. The Subdivision Plat (Condominium Plat) for the Farmer Arts District 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 the issuance of an occupancy permit.
    - Provide public art as part of this development in conformance with the Art in Private Development Ordinance and the Zoning and Development Code; see the Zoning and Development Code Sec. 4-407 and Appendix D. Contact the Cultural Services Administration (Adrienne Richwine or Liz Lagman 480-350-5287) if any questions regarding implementation of this requirement.
    - Provide emergency radio amplification for the office building and parking garage, as required. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Contact Telecommunications (Stuart Snow 480-350-2930) to discuss the size and materials of the buildings, to verify radio amplification requirement, and determine the extent of construction to fulfill this condition.
    - Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Review dated **August 15, 2007**. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
    - Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for this project. Have the landscape architect and the mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive #59 available from Building Safety (480-350-8341). Contact Pete Smith of Water Resources (480-350-2668) if there are any questions regarding the purpose or content of the water conservation reports.
    - Specific requirements of the **Zoning and Development Code** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time, and reduce the potential for multiple plan check submittals, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through [www.tempe.gov/zoning](http://www.tempe.gov/zoning), or purchased at Development Services.
  8. The developer must provide a final traffic impact study prior to any submittal for a building permit.
  9. The developer must receive approval of the final Traffic Impact Study from Traffic Engineering prior to issuance of a building permit.
  10. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
    - 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.
    - Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies, or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department (Jim Walker 480-350-8341).

- Locate fire hydrant within 150' of any portion of the first floor; maintain access to within 150' of any portion of the building at grade level.
- Engineering requirement for undergrounding of overhead utilities. Underground utilities requirement excludes high-voltage transmission line unless project inserts a structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
- Building height: measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).
- Incorporate brick sidewalks for all off-site pedestrian paving. Follow City of Tempe Public Works Department Detail T-353, when designing all sidewalk areas in the Right-of-Way. Alternative paver materials may be considered subject to review, and approval, by the Engineering and Planning Departments. Any alternative patterns should be used in small amounts to create accent areas of entrances, or to demarcate architectural features of the building. These materials shall be compatible with the Americans with Disabilities Act, ADA, and the Building Code.
- Parking spaces:
  - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
  - At parking areas, provide demarcated accessible aisle for disabled parking.
  - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per Standard Detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

**DOCUMENT NAME:** [20071108dssa01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*46. Held the **second public hearing** and approved **with conditions** a General Plan Amendment, Zoning Map Amendment and Planned Area Development Overlay for RESIDENCES AT THE ARTSPARK located at 600 West 1<sup>st</sup> Street.

**COMMENTS:** (PL070166) (Ross Robb, Zacher Homes and Chris Messer, City of Tempe Community Development Department, owners; Michael Rumpelstin, R.S.P. Architects, applicant) consists of a mixed-use development including 472 residential units and 40 live-work units, approximately 1,071,700 s.f. of building, on +/- 5.215 acres. The request includes the following:

**GEP07004 – (Resolution No. 2007.71)** General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 d.u./ac.) to High Density (greater than 25 d.u./ac.)

**ZON07009 – (Ordinance No. 2007.66)** Zoning Map Amendment from GID, General Industrial District and RSOD, Rio Salado Overlay District to MU-4, Mixed-Use, High Density District and RSOD, Rio Salado Overlay District.

**PAD07022 –** Planned Area Development Overlay to establish Development Standards

for the four buildings on +/- 5.215 acres.

The following conditions were also approved:

1. Do not exceed building height of 167'-0" from ground level or 1320 ft. above mean sea level, whichever is less, in order to accommodate finding of the City of Phoenix Aviation Department that this is the maximum building height in this location that is consistent with airport economic development, capacity and safe flight procedure. This condition includes the height of mechanical penthouses and other above-roof items that are normally allowed as exceptions to building height in ZOC Sec. 4-205(A). This condition includes these items as part of the height of the building. An exception to this condition will be allowed for the northeast tower only, provided it does not exceed 185'-0", if the following occurs:
  - a. The Federal Aviation Administration agrees in writing to the height coordinates presented.
  - b. The City of Phoenix Aviation Department agrees in writing to a certain overall height greater than 167'-0" for the northeast tower, based on an acceptable One Engine Inoperative departure slope.
2. Provide agreement between Regatta Pointe Homeowners Association and Zacher Homes for shared maintenance of Lakeside Drive including, but no limited to, paving and associated landscape and irrigation. Execute this agreement and record agreement with the Maricopa County Recorder's Office prior to approval of the Development Plan for Residences at the Artspark.
3. Prior to the effective date of Resolution No. 2007.71 and Ordinance No. 2007.66, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the General Plan Projected Density Map Amendment and the Zoning Map Amendment shall be null and void.
4. 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, including:
  - 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 redevelopment in accordance with the Code of the City of Tempe – Section 25.120.
5. Obtain a Development Plan approval for building elevations, site and landscape plan for the Residences at the Artspark from the Development Review Commission.
6. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
7. A building permit shall be obtained and substantial construction commenced by on or before October 9, 2009, or the zoning shall revert to that in place at the time of application, subject to a public hearing.
8. The Planned Area Development for Residences at the Artspark 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.
9. Provide the following prior to issuance of a building permit:
    - a. Provide an encroachment permit from the Public Works Department for projections over the public right of way.
    - b. Provide a Final Subdivision Plat. The Subdivision Plat requires separate process review through City Council followed by recordation at the Maricopa County Recorder's Office.
    - c. Provide cross access and cross drainage agreements between the Artspark and the City park tract.
  10. Provide a Condominium Plat (Horizontal Regime Subdivision) prior to Certificate of Occupancy. The Condominium Plat requires separate process review through City Council followed by recordation at the Maricopa County Recorder's Office.
  11. Provide a Codes, Covenants and Restrictions Agreement for the condominiums prior to Certificate of Occupancy. The CC&R's require Development Services and City Attorney's Office review and approval by the Development Services Manager and the City Attorney, followed by recordation at the Maricopa County Recorder's Office.

**DOCUMENT NAME:** [20071108dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*47. Held the **second public hearing** and approved **with conditions** a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlay for APACHE ASL TRAILS located at 2428 E. Apache Boulevard.

**COMMENTS:** (PL070371) (Cardinal Capital Management, Inc., owner; Paul Mickelberg, Welman Sperides Mickelberg Architects, applicant) for a General Plan Amendment, Zoning Map Amendment, Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-170,000 sq. ft. development on +/-2.27 acres located at 2428 E. Apache, in the CSS Commercial Shopping and Services District. The request includes the following:

**GEP07007 (Resolution 2007.86)** – General Plan 2030 Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac)

**ZON07010 (Ordinance 2007.73)** - Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4)

**PAD07025** - Planned Area Development (PAD) overlay for development standards and a density of 60 du/ac, consisting of 135 residential units and 13,000 sq. ft. of retail, restaurant and office uses within 3-6 floors of mixed-use buildings.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced on or before **November 8, 2009, or the property shall revert to a previous zoning designation—subject to a formal public hearing.**
2. Prior to the effective date of the ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S.§12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
3. An Encroachment Permit must be obtained from the Engineering Department prior to submittal of construction documents for building permit. The limitations of this encroachment include:
  - a. a maximum projection of eight (8) feet for any upper level balconies or decorative architectural features of the building.

- b. a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure, and
  - c. any other requirements described by the encroachment permit or the building code.
4. The Planned Area Development for Apache ASL Trails 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.
  5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
  6. A Condominium Plat (Horizontal Regime) is required for this development and shall be recorded prior to an occupancy permit.
  7. The Subdivision Plat and Condominium Plat for Apache ASL Trails 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 **November 8, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.
    - Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated **August 22 and September 5, 2007**. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
    - Specific requirements of the **Zoning and Development Code** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time, and reduce the potential for multiple plan check submittals, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through [www.tempe.gov/zoning](http://www.tempe.gov/zoning) or purchased at Development Services.
  8. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
  9. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
    - 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.
    - Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies, or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department (Jim Walker 480-350-8341).
    - Show and provide bike parking per Tempe Standard Detail T-578.
    - Locate fire hydrant within 150' of any portion of the first floor; maintain access to within 150' of any portion of the building at grade level.
    - Engineering requirement for undergrounding of overhead utilities. Underground utilities requirement excludes high-voltage transmission line unless project inserts a structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
    - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
    - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
    - Refuse:

- Double container enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
- Gates for refuse enclosure(s) are not required. If gates are provided, the property manager must arrange for gates to be open from 6:00 a.m. to 4:30 p.m. on collection days.
- Driveways:
  - Construct driveways in public right of way in conformance with Standard Detail T-320 or T-319, (30 ft. minimum, 40 ft. maximum).
  - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services Counter or from John Brusky in Transportation (480-350-8219) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- Building height: measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).

DOCUMENT NAME: [20071108dsdk01.pdf](#) PLANNED DEVELOPMENT (0406)

- \*48. Held the **second public hearing** and adopted ORDINANCE NO. 2007.69 granting an easement to Arizona Public Service to install and maintain the necessary facilities to provide electrical service to the Tempe Transit Center building located at 200 East 5<sup>th</sup> Street.

DOCUMENT NAME: [20071108PWCH02.pdf](#) GRANT OF EASEMENTS (0904-02)

- \*49. Held the **second public hearing** and adopted ORDINANCE NO. 2007.71 abandoning a water line easement at 1630 W. Alameda Drive, west of Priest Drive.

DOCUMENT NAME: [20071108PWCH03.pdf](#) ABANDONMENT (0901)

#### E. Resolutions

50. Approved RESOLUTION 2007.88 accepting revisions to the City of Tempe's Rehabilitation Programs Policy Manual.

DOCUMENT NAME: [20071108cdlc01.pdf](#) COMMUNITY DEVELOPMENT (0207-26)

51. Approved RESOLUTION NO. 2007.93 authorizing the City Manager to sign **Contract #2007-207**, the First Amendment to the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Centerpoint Plaza.

DOCUMENT NAME: [20071108cdcm03.pdf](#) DEVELOPMENT PROJECT (0406)

52. Approved RESOLUTION NO. 2007.94 authorizing the Mayor to execute **Contract #2007-208**, a Funding Agreement between the City of Tempe and NAU-Nizhoni Academy ("NAU-Nizhoni").

DOCUMENT NAME: [20071108graw02.pdf](#) STATE LEGISLATURE (0107-06)

53. Approved RESOLUTION NO. 2007.95 authorizing the Mayor to execute **Contract #2007-189A**, an Amended Intergovernmental Agreement between the City of Tempe and Salt River Pima-Maricopa Indian Community ("SRPMIC").

DOCUMENT NAME: [20071108graw01.pdf](#) STATE LEGISLATURE (0107-06)

## 6. PUBLIC APPEARANCES

### UNSCHEDULED PUBLIC APPEARANCE

**Fentress Truxon, Tempe**, noted that seven years ago he and his family moved to Tempe. He thanked the Mayor and Councilmember Arredondo who challenged him to get involved. He is currently part of the Human Relations Commission. Tonight he wanted to thank Council for recognizing its veterans.

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

- Vice Mayor Hutson thanked Council for accommodating him with the telecom tonight. He also wished Councilmember Ellis a happy birthday.
- Councilmember Arredondo reminded the public of the Veterans Day Parade on Monday at 9:00 a.m. We can't say "thank-you" enough to our veterans..
- Mayor Hallman noted that because he will be out of town, this will be the first time in ten years that he will not be participating in the parade, but his sons will be representing him with a number of Boy Scouts and some veterans from the Vietnam War. He encouraged the public to participate in the festivities.

*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 November 8, 2007, by the Tempe City Council, Tempe, Arizona.

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

ATTEST:

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

Dated this        day of        , 2007.