

## Minutes Formal City Council Meeting September 18, 2008

Minutes of the Formal Council Meeting of Thursday, September 18, 2008, 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 Shana Ellis  
Councilmember P Ben Arredondo  
Councilmember Mark W. Mitchell  
Councilmember Joel Navarro  
Councilmember Onnie Shekerjian  
Councilmember Corey D. Woods

Mayor Hallman called the meeting to order.

1. Councilmember Navarro gave the invocation.
2. Students from Scales Technology Academy led the audience in the **Pledge of Allegiance**.
3. **MINUTES**
  - A. Approval of Council Meeting Minutes  
Motion by Councilmember Woods to approve the following **COUNCIL MEETING MINUTES**.  
Second by Councilmember Shekerjian. Motion passed unanimously on a voice vote.
    1. Council Summit – August 15 & 16, 2008 [20080918clrkck01.pdf](#) [20080918clrkck02.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes  
Motion by Councilmember Woods to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Navarro. Motion passed unanimously on a voice vote.
    2. Apache Boulevard Project Area Committee – May 12, 2008 [20080918apac01.pdf](#)
    3. Golf Committee – May 7, 2008 [20080918gc01.pdf](#)
    4. Hearing Officer – August 19, 2008 [20080918ho01.pdf](#)
    5. Historical Museum Advisory Board - June 5, 2008 [20080918csjc01.pdf](#)
    6. Municipal Arts Commission – Public Art/Art in Private Development Committee – August 26, 2008 [20080918mac01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

a. DELETED

b. Mayor Hallman recognized **students from Scales Technology Academy**. He announced that the Riverside Sunset Neighborhood Association (RSNA) is coordinating a benefit for students at their neighborhood school, Scales Technology Academy located on West 5<sup>th</sup> Street. The students provided a concert outside of the Chambers prior to the meeting. Under the neighborhood leadership of **Bill Butler, Jonathan Thums, Dave Swanson and Darin Price**, the RSNA Musical Program loans new and used musical instruments to students at no cost. The RSNA asks for support of this new program. By calling (480) 966-2311, free pick-up of donated instruments can be arranged, or cash donations will be accepted. Cash donations can be made at any Wells Fargo Bank to the "RSNA Musical Scales Account" and will be used to purchase electronic pianos and other instruments. RSNA's goal is to gain the support of at least 100 organizations or individuals to participate in their endeavors.

##### B. Manager's Announcements.

City Manager Charlie Meyer introduced and welcomed **Renie Broderick**, the City's new Human Resources Manager. She and her husband have moved to Tempe from Alleghany, Pennsylvania.

#### 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 (Item #20 was removed for separate consideration). Second by Councilmember Woods. Motion passed on a roll call vote 7-0.**

##### A. Miscellaneous Items

7. DELETED

8. Approved **Contract #2008-184**, a landscape agreement between the City of Tempe and Tempe Transit, L.L.C. for installation and maintenance of landscaping at the Valley Metro Rail, Inc., Traction Power Substation 12 located adjacent to the Tempe Transit, L.L.C. Equinox project at the southeast corner of Apache Boulevard and McClintock Drive.

DOCUMENT NAME: [20080918pwjism01.pdf](#) TRANSPORTATION PLANNING

(1101-01)

9. DELETED
10. Approved **Contract #2008-185**, an Intergovernmental Agreement with the City of Phoenix to reimburse the City of Tempe to offset costs of associated capital maintenance for bus parts with local matching funds provided by the City of Tempe.  
**COMMENTS:** The amount of reimbursement is \$89,688 or less; City of Tempe match is \$22,422.  
**DOCUMENT NAME:** [20080918PWdj02.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
11. Approved **Contract #2008-186**, an Intergovernmental Agreement with the City of Phoenix for reimbursement to the City of Tempe for advance design, right-of-way acquisition and construction of the Tempe Transportation Center, design and construction of the Bicycle Station, and to construct a Traffic Management Center, with local matching funds to be provided by the City of Tempe.  
**COMMENTS:** The amount of reimbursement is \$2,972,749 or less; City of Tempe match is \$985,566.  
**DOCUMENT NAME:** [20080918PWdj01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
12. Approved **Contract #2008-187**, an Intergovernmental Agreement with the City of Phoenix for reimbursement to the City of Tempe of construction costs for the East Valley Bus Operations and Maintenance Facility, with local matching funds provided by the City of Tempe.  
  
**COMMENTS:** The amount of reimbursement is \$1,304,160 or less; City of Tempe match is \$326,040.  
**DOCUMENT NAME:** [20080918PWdj03.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
13. *THIS ITEM WAS REMOVED.*
- 13a. Authorized the Mayor to execute **Contract #2006-301A**, the Modification Agreement to the Payment Agreement dated November 21, 2006, and Development and Disposition Agreement dated March 1, 2007, between the City of Tempe and GDG Partners, L.L.C.  
  
**DOCUMENT NAME:** [20080918cdnr01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**
- \*14. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for 7-Eleven Inc., dba 7-Eleven #25078B, 1405 North Scottsdale

Road.

COMMENTS: Nicholas Guttilla, Agent

DOCUMENT NAME: [20080918LIQ01.pdf](#) LIQ LIC (0210-02)

- \*15. Held a public hearing and recommended the approval of a Series 6 Bar Liquor License for Arizona Fine Wine and Spirits, LLC, dba Total Wine & More #1004, 8544 South Emerald Drive.

COMMENTS: Nicholas C. Guttilla is the Agent for this application.

DOCUMENT NAME: [20080918LIQ03.pdf](#) LIQ LIC (0210-02)

- \*16. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for DRT Investments, LLC, dba Paradise Hawaiian BBQ, 580 South College Avenue, #103.

COMMENTS: Hye Kyong Diana Kang, Agent

DOCUMENT NAME: [20080918LIQ02.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

17. Awarded **Contract #2008-189**, a professional services contract with Nfra, Inc., for on-call design services for bridge repair.

COMMENTS: Total amount of this contract shall not exceed \$75,000.

DOCUMENT NAME: [20080918PWDR02.pdf](#) BRIDGES (0801) PROJECT NO. 5401884

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

- \*18. Introduced and held the **first public hearing** to amend Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes by amending Sections 16-300, 16-310 and 16-315. **The second public hearing is set for October 2, 2008.**

DOCUMENT NAME: [20080918STAX1.pdf](#) TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16) ORDINANCE NO. 2008.52.

D. Ordinances and Items for Second Hearing/Final Adoption

- \*19. Held the **second** public hearing and approved ORDINANCE NO. 2008.47 amending Chapter 2 of the Tempe City Code relating to Administration by amending Section 2-32 relating to the Establishment of Prosecution Assessment.

DOCUMENT NAME: [20080918cacc01.pdf](#) TCC CH 2 - CITY CODE ADMINISTRATION (0503-02)

- \*20. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held the **second** public hearing and approved ORDINANCE NO. 2008.45 amending

Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-142 relating to Parking Without Paying Designated Meter Prohibited.

Councilmember Navarro understood that this item concerns the parking meters that are being clogged and people are parking for free. For the person who is new in the area, will there be some sort of indication on the meter to indicate that this is not a place to park?

Chris Salomone responded that Downtown Tempe Community (DTC) will be putting red stickers on the face of the meters that specify, "If this meter is disabled, you may not park here." In addition, they will repair the jammed meters when they perform their daily collection of revenues. If the meter can't be fixed quickly, they will put a bag over the meter.

Councilmember Woods was concerned whether this would be enforceable. If someone is ticketed because the meter is broken and the person says it was not broken, how would it be enforced?

Mr. Salomone responded that the idea is to overcome the problem of people disabling the meters and this will eliminate much of that. Enforcement would ultimately be up to a judge to determine.

**Motion by Vice Mayor Ellis to approve Item #20. Second by Councilmember Navarro. Motion passed on a roll call vote, 7-0.**

**DOCUMENT NAME:** [20080918cdcm.pdf](#) TCC CH 19 – MOTOR VEHICLES & TRAFFIC (0503-19)

- \*21. Held the **second public hearing** and approved ORDINANCE NO. 2008.38 granting an easement to Southwest Gas Corporation to install and maintain the facilities necessary to provide gas service across a parcel of City-owned property located at approximately 1621 West Rio Salado Parkway.

**DOCUMENT NAME:** [20080918PWCH05.pdf](#) EASEMENTS (0904-02)

- \*22. Held the **second public hearing** and approved ORDINANCE NO. 2008.39 abandoning an existing Public Utility Easement and Sewer Easement located at 1240 E. University Drive.

**DOCUMENT NAME:** [20080918PWCH03.pdf](#) ABANDONMENT (0901)

- \*23. Held the **second public hearing** and approved ORDINANCE NO. 2008.43 abandoning portions of existing public utility easements located at 222 S. Mill Avenue.

**DOCUMENT NAME:** [20080918PWCH04.pdf](#) ABANDONMENT (0901)

- \*24. Held the **second public hearing** and approved ORDINANCE NO. 2008.44 abandoning a portion of an existing alley located at 1000 East Apache Boulevard.

**DOCUMENT NAME:** [20080918PWCH06.pdf](#) ABANDONMENT (0901)

E. Resolutions

25. Approved RESOLUTION NO. 2008.85 amending City Code Appendix A - Fee Schedule, Chapter 2, Administration, relating to Prosecution Assessment.  
**COMMENTS:** This resolution increases the Prosecution Assessment fee from \$50.00 to \$100.00  
**DOCUMENT NAME:** [20080918cacc02.pdf](#) MISCELLANEOUS FEES (0210-05)
- \*26. Held a public hearing to receive comments on the proposed Enterprise Zone applications and approved RESOLUTION NO. 2008.86 authorizing the Economic Development Division to submit one or more applications to the Arizona Department of Commerce seeking an expansion of the Tempe Enterprise Zone and reauthorization of the current Tempe Enterprise Zone.  
**DOCUMENT NAME:** [20080918cdmm01.pdf](#) ENTERPRISE ZONE (0111-03-01)
27. Rehearing of Resolution No. 2008.67 adopted by Council on July 22, 2008, which authorized the Mayor to execute a Development and Disposition Agreement between the City and Centerpoint Holdings, LLC, **WILL BE CONTINUED TO A TIME TO BE DESIGNATED BY THE APPLICANT.**  
**COMMENTS:** At the September 11, 2008 City Council meeting, the City Council approved reconsideration of Resolution No. 2008.67.  
**DOCUMENT NAME:** [20080918cdcm03.pdf](#) COMMUNITY DEVELOPMENT ADMIN. (0406) RESOLUTION NO. 2008.67

6. PUBLIC APPEARANCES – None.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS – None.

*Meeting adjourned at 7:50 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 September 18, 2008, by the Tempe City Council, Tempe, Arizona.

---

Hugh Hallman, Mayor

ATTEST:

---

Jan Hort, City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.