

**Minutes**  
**Formal City Council Meeting**  
**October 2, 2008**

Minutes of the Formal Council Meeting of Thursday, October 2, 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 at 7:35 p.m.*

1. Councilmember Shekerjian gave the invocation.
2. Former Councilmember Joseph Lewis led the audience in the **Pledge of Allegiance**.
3. **MINUTES**
  - A. Approval of Council Meeting Minutes  
Motion by Councilmember Navarro to approve the following **COUNCIL MEETING MINUTES**.  
Second by Vice Mayor Ellis. Motion passed unanimously on a voice vote.
    1. Council's Executive Session – September 11, 2008
    2. Council's Issue Review Session – September 11, 2008 [20081002clrkck02.pdf](#)
    3. Council's Formal Meeting – September 11, 2008 [20081002clrkck01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes  
Motion by Councilmember Navarro to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Woods. Motion passed unanimously on a voice vote.
    4. Aviation Commission – May 13, June 10 & August 12, 2008 [20081002tavco01.pdf](#)  
[20081002tavco02.pdf](#) [20081002tavco03.pdf](#)
    5. Committee for Youth, Families and Community – August 18, 2008 [20081002cyfc01.pdf](#)
    6. Community Special Events Task Force – September 9, 2008 [20081002setf01.pdf](#)
    7. Development Review Commission – August 26, 2008 [20081002drc01.pdf](#)
    8. Hearing Officer – September 2, 2008 [20081002ho01.pdf](#)

9. Historic Preservation Commission – August 14, 2008 [20081002hpc01.pdf](#)
10. Library Advisory Board – May 5, 2008 [20081002lab01.pdf](#)
11. Mayor's Youth Advisory Commission – May 6, 2008 [20081002myac01.pdf](#)
12. Parks & Recreation Board – August 20, 2008 [20081002prb01.pdf](#)
13. Sponsorship Review Commission – July 8, 2008 [20081002src01.pdf](#)
14. Tempe Fire Public Safety Personnel Retirement Board – August 7, 2008
15. Tempe Police Public Safety Personnel Retirement Board – July 3 & August 7, 2008
16. Transportation Commission – August 12, 2008 [20081002tc01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- a. Mayor Hallman read a proclamation declaring October, 2008, as **National Community Planning Month**, honoring the many planning professionals of the City of Tempe who are committed to strengthening Tempe's status as the best place to learn, live, work and play, and the participation and dedication of the members of the boards and commissions, as well as other citizen volunteers, who contribute their time to the improvement of the City. Lisa Collins accepted the proclamation on behalf of the employees.
- b. Mayor Hallman read a proclamation declaring the week of October 5-11, 2008, as **Fire Prevention Week** in Tempe. Fire Chief Cliff Jones accepted the proclamation. The Tempe Fire Department is dedicated to reducing the occurrence of home fires and injuries through prevention and protection education. The theme for 2008 Fire Prevention Week is "It's Fire Prevention Week. Prevent Home Fires," which reminds us of the simple actions we can take to stay safer from fire year around.
- c. Mayor Hallman announced that **Board and Commission Appointments and Reappointments** will be made during the formal agenda:

##### 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 Vice Mayor Ellis to approve the Agenda as amended (Items #20, #25, and #41 were removed for separate consideration). Second by Councilmember Woods. Motion passed on a roll call vote 7-0.**

##### A. Miscellaneous Items

17. Request approval of the Mayor's Board and Commission appointment and reappointment selections.

DOCUMENT NAME: [20081002boards.pdf](#) BDS, COMMISSIONS, COMMITTEES ADM  
(0102-01)

18. Approved Contract #2006-60C, the second addendum to the Childsplay - Mitchell School Development and Disposition Agreement adding a section regarding signage.

DOCUMENT NAME: [20081002cdcm03.pdf](#) COMMUNITY DEVELOPMENT ADMIN.  
(0406)

19. Approved Contract #2008-193, a school crossing agreement for Thew Elementary School.

DOCUMENT NAME: [20081002PWH03.pdf](#) SCHOOL PEDESTRIAN CROSSING  
(0809-04)

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

Approved the transfer of \$115,000 in General Fund contingency funds to provide supplemental funding for distribution to various human service agencies.

Councilmember Shekerjian expressed concerns where this money is coming from given the City's projected shortfall of between \$3M and \$7M. She is concerned with this coming from contingency funds. The Tempe Community Council (TCC) will receive \$150K from an agreement that the City has with Tempe Diablo Stadium for revenue from their display panels. She feels the \$115K should be pulled from that agreement this year. She supported the TCC's plans for an endowment, but didn't feel this is the year to start that.

**Councilmember Shekerjian made a motion for approval of the \$115K, with the source of the funding be the display panel at Diablo Stadium so that those funds would be immediately available.**

Mayor Hallman agreed with Councilmember Shekerjian that this would be a way to supply these human service needs through this funding source and put less stress on our current needs for employees. He also believed that if we are able to solve our budget issues expeditiously, we might then be able to have the additional funds and be able to fund that additional request by TCC for the Tempe Community Foundation. He understood that they have started the foundation fund and it has several hundred thousand dollars in it already. He agreed that the City is facing the prospect of seeking to trim the budget to anticipate the downturn in our sales tax revenues.

**The motion failed for lack of a second.**

**Councilmember Mitchell made a motion to approve Item #20. Second by Councilmember Woods.**

Mayor Hallman noted that he will be voting "no" because he believes strongly that we ought to be funding these human service needs, but we can do so without doing so at the expense of our employees and their needs. A funding source has been identified and it would allow the funding of these needs while we deal with the trimming of the budget. We don't need to sacrifice human services or our employee needs.

Councilmember Shekerjian added that she did not want to be misinterpreted. Given the fact that the TCC and their foundation will be receiving \$150K from this display panel, the \$115K they are requesting could be taken from the \$150K. It is not a matter of not wanting to see the money funded, it is a matter of where that money is coming from and who will be affected by the loss of those dollars from our general fund. Those affected negatively are likely to be our own City employees. When City employees are negatively impacted, so are the City's services to the constituents. This is about

making sure we take care of our City employees and the City services, as well as making sure that social services are taken care of.

**Motion passed on a roll call vote, 5-2, with Councilmember Shekerjian and Mayor Hallman voting “no.”**

**DOCUMENT NAME:** [20081002fsjh01.pdf](#) TEMPE COMMUNITY COUNCIL (0109-10)

- \*21. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Convenience Management Services Inc., dba CMSI #3452 AM/PM, 908 East Broadway Road.

**COMMENTS:** Cynthia L. Rodriguez, Agent

**DOCUMENT NAME:** [20081002LIQ01.pdf](#) LIQ LIC (0210-02)

**B. Award of Bids/Contracts**

22. Awarded **Contract #2008-194**, one-year contracts with four, one-year renewal options to Proforce Law Enforcement and San Diego Police Equipment Company, Inc. to provide frangible and practice ammunition to be used as part of the Police Department's firearm training program.

**COMMENTS:** (RFP #09-023) Total cost for this contract shall not exceed \$100,000 during the initial contract period.

**DOCUMENT NAME:** [20081002fsmg06.pdf](#) PURCHASES (1004-01)

23. Awarded **Contract #2008-195**, a one-year contract with four, one-year renewal options to SST Benefits Consulting & Insurance Services, Inc., for financial consulting services to assist the City in contracting with a 401(k) and 457(b) deferred compensation provider(s) to include on-going administration services.

**COMMENTS:** (RFP #09-022) Total cost for this contract shall not exceed \$39,900 during the initial contract period.

**DOCUMENT NAME:** [20081002fsmg05.pdf](#) PURCHASES (1004-01)

24. Awarded **Contract #2008-196**, one-year contracts with four, one-year renewal options to Arizona Glove and Safety Inc.; Cactus Bolt, Inc.; Granberry Supply/Complete Safety; Conney Safety Products; Fisher Scientific Company, LLC.; L.N. Curtis & Sons; and SWABS-AZ for the purchase of safety supplies.

**COMMENTS:** (IFB WUD08-176) Total cost for this contract shall not exceed \$40,000 during the initial contract period.

**DOCUMENT NAME:** [20081002fst08.pdf](#) PURCHASES (1004-01)

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

Awarded **Contract #2008-197**, two-year contracts with three, one-year renewal options to The Wackenhut Corporation and Truly Every Assignment Matters, LLC to provide armed and unarmed security officer services at various facilities, properties, and special events. These contracts will be utilized by various departments throughout the City.

**COMMENTS:** (RFP 08-185) Total cost for this contract shall not exceed \$1,500,000 during the initial two-year contract period.

Councilmember Arredondo asked that this item be removed for separate consideration for clarification. He asked if this means that we are providing this because we cannot provide it with our in-house security..

Assistant City Manager Jeff Kulaga agreed.

Councilmember Arredondo asked for the amount of the contract.

Mr. Kulaga responded that the total cost of the contract shall not exceed \$1,500,000 during the initial two-year period.

Mayor Hallman asked Police Chief Tom Ryff to clarify that in the last four years, the City has added 58 police personnel to the department. Did he feel that item #25 adds to the City's ability to continue to provide police services?

Chief Ryff responded that the Police Department has never been charged with the responsibility of providing security functions for all City buildings. The department has provided in the past Park Rangers for Library and City Hall facilities. We have utilized contract services in the past to supplement existing police resources for special events. These employees have been used to augment our existing police resources. The Water Utilities Department is another example of critical infrastructure identified for additional resources.

Mayor Hallman added that during the reorganization, we were able by deploying these kinds of services we deploy our park rangers from sitting at the welcome desk at City Hall back out into the community. Those are the kinds of things we have done as a result of accessing an additional kind of security operation.

**Motion by Councilmember Shekerjian to approve Item #25. Second by Councilmember Navarro. Motion passed on a roll call vote, 7-0.**

**DOCUMENT NAME:**            [20081002fst09.pdf](#)            **PURCHASES (1004-01)**

26.    Awarded **Contract #2008-198**, a construction manager at risk (CMAR) contract to Pierson Construction Corporation for construction services, awarded **Contract #2008-199**, a construction management contract to CWC Engineering, Inc., and approved a project contingency for replacement of a 24 inch water line along 5<sup>th</sup> Street, Forest Avenue and Mill Avenue.

**COMMENTS:**            Total amount for the construction services contract is \$4,462,159.90, total amount for the construction management contract shall not exceed \$112,920, and the amount of the project contingency is \$178,486.00.

**DOCUMENT NAME:**            [20081002PWDR04.pdf](#)            **WATERMAIN UPGRADES (0810-04)**  
**PROJECT NO. 3202891**

27.    Approved **Contract #2008-38A**, an addendum to a professional services contract with Stantec Consulting, Inc., for additional construction administration and design services for the City Hall parking garage project.

**COMMENTS:**            Total cost of the addendum is \$78,540.

**DOCUMENT NAME:**            [20081002PWDR03.pdf](#)            **PARKING (0503-19) PROJECT NO. 6702971.**

28.    Request approval of a one-year renewal of contracts with Recreation Design Concepts and Dave

Bang Associates Inc. for the purchase of drinking fountains, grills and bleachers.

**COMMENTS:** (T08-081-01 and T08-081-02) Total amount not to exceed \$200,000.

**DOCUMENT NAME:** [20081002fslg01.pdf](#) **PURCHASES (1004-01)**

29. Approved a one-year renewal of a contract with The Advocacy Group for federal lobbyist and information services.

**COMMENTS:** (T08-021-01) Total amount not to exceed \$120,000.

**DOCUMENT NAME:** [20081002fslg02.pdf](#) **PURCHASES (1004-01)**

30. Approved a six-month renewal of a contract with Great West Life/Benefits Corporation for deferred compensation administration services.

**COMMENTS:** (T00-001-01) Total amount not to exceed \$50,000.

**DOCUMENT NAME:** [20081002fslg03.pdf](#) **PURCHASES (1004-01)**

31. Approved a one year renewal of a sole source contract with AlphaCorp for software maintenance to support the Sire document imaging software program utilized by various departments throughout the City.

**COMMENTS:** (Sole Source #IT09-037-006) Total cost for this contract shall not exceed \$46,920 during the contract period.

**DOCUMENT NAME:** [20080911fst13.pdf](#) **PURCHASES (1004-01)**

32. Approved a one-year renewal of a contract with Norit Americas, Inc. for the purchase of powdered activated carbon (PAC) that is used in the treatment of water at the Johnny G. Martinez Water Treatment Plant and South Tempe Water Treatment Plant.

**COMMENTS:** (T07-168-01) Total amount not to exceed \$850,000.

**DOCUMENT NAME:** [20081002fst14.pdf](#) **PURCHASES (1004-01)**

33. Approved the utilization of one-year State of Arizona contracts with Executive Training Solutions and Interface Technical Training for computer training classes and information technology training services used by various departments.

**COMMENTS:** (EPS060041-8 and EPS060041-19) Total amount not to exceed \$125,000.

**DOCUMENT NAME:** [20081002fst04.pdf](#) **PURCHASES (1004-01)**

34. Approved the utilization of a seven month U.S. Communities Government Purchasing Alliance contract with Tech Depot for the purchase of computer hardware, peripherals, and related services purchased by the Information Technology Department for various City departments.

**COMMENTS:** (RQ03-605674-16A) Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20081002fst10.pdf](#) **PURCHASES (1004-01)**

35. Approved the utilization of a one-year City of Glendale contract with Badger Meter, Inc. for the purchase of lead free residential water meters and replacement parts for the Water Utilities Department.

**COMMENTS:** (WUD08-27) Total amount not to exceed \$650,000.

**DOCUMENT NAME:** [20081002fst11.pdf](#) **PURCHASES (1004-01)**

36. Approved the utilization of a one-year Pima County contract with Peoria Pest Control for manhole insecticide painting services used by the Water Utilities Department.  
**COMMENTS:** (11-03-P-137279-1105) Total amount not to exceed \$70,000.  
**DOCUMENT NAME:** [20081002fst12.pdf](#) **PURCHASES (1004-01)**

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

- \*37. Introduced and held the **first** public hearing to adopt an ordinance authorizing the granting of an electrical Utility Easement located at 117 E. 5<sup>th</sup> Street to Arizona Public Service by the City of Tempe. **The second public hearing is set for October 16, 2008.**  
**DOCUMENT NAME:** [20081002PWCH01.pdf](#) **EASEMENTS (0904-02)**  
ORDINANCE NO. 2008.51
- \*38. Introduced and held the **first** public hearing to adopt an ordinance abandoning an existing Sewer Line Easement located at 904 E. Secretariat Drive. **The second public hearing is set for October 16, 2008.**  
**DOCUMENT NAME:** [20081002PWCH02.pdf](#) **ABANDONMENT (0901) ORDINANCE**  
NO. 2008.50
- \*39. Introduced and held the **first** public hearing for a General Plan Amendment, Zoning Map Amendment, and a Planned Area Development Overlay for THE ELEMENT @ ASU, located at 1949 East University Drive. **The second public hearing is set for October 16, 2008.**  
**COMMENTS:** (PL080041) (JLB Tempe LLC, property owner; Angie Rawie, JLB Partners, applicant) consisting of a new 215 unit student housing complex with 10 live/work units, including an internal parking garage. The building consists of 4 stories within approximately 132,000 s.f. of total building area on 6.35 acres, located at 1949 East University Drive in the R-4(PAD) District. The request includes the following:  
**GEP08004 – (Resolution No. 2008.80)** General Plan Land Use map amendment from “Residential” to “Mixed-Use”, a Projected Residential Density map amendment from “Medium to High Density” (up to 25 du/ac) to “High Density” (greater than 25 du/ac).  
**ZON08006 – (Ordinance No. 2008.46)** Zoning Map Amendment from R-4(PAD), Multi-Family Residential General District to MU-4, Mixed-Use High Density District.  
**PAD08012 –** Amended Planned Area Development Overlay to modify the development standards to allow for a building height increase from 46 feet to 60 feet; reduce front yard building setback from 20 feet to 5 feet; and a density increase from 25 units/acre to 35.4 units/acre.  
**DOCUMENT NAME:** [20081002dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**
- \*40. Introduced and held the **first** public hearing for a General Plan Major Amendment for ELEMENTS ART CAMPUS PHASE 2, located at 1102 W. Rio Salado Parkway. **The second public hearing is set for October 16, 2008.**  
**COMMENTS:** (PL080239) (Nancy Ryan, City of Tempe, property owner and applicant) consisting of a General Plan Major Amendment of approximately 40.64 acres of land: 12.64 acres referred to as the Arts Park Phase 1 and 28 acres referred to as Phase 2 located at 1102 W. Rio Salado Parkway in the R1-6, Single Family Residential, MU-4, Mixed-Use High Density and GID, General Industrial districts. The request includes the following:

**GEP08003 – (RES No 2008.72)** General Plan Major Land Use Map Amendment to change:

4.5 acres from Public Recreational/Cultural to Mixed-Use (Phase 1)

2.57 acres from Public Recreational/Cultural to Industrial (Phase 1)

5.57 acres from Public Open Space to Industrial (Phase 1)

28 acres from Public Open Space to Commercial (Phase 2)

This request also includes a Density Map Amendment to change 4.5 acres from 0 to up to 3 dwelling units per acre.

**DOCUMENT NAME:** [20081002dsdk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

**D. Ordinances and Items for Second Hearing/Final Adoption**

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

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

**COMMENTS:** (PL080143) (City of Tempe Development Services, applicant) consisting of changes within the development Code, providing reinvestment opportunities in our residential neighborhoods relating to provisions for alternative fence heights in the front yard (Section 4-706), reduced rear and side yard building setbacks when adjacent to an alley (Section 4-202), and time limitations when holding a required neighborhood meeting (Sections 6-401 & 6-402). The request includes the following:

**ZOA08001 – (Ordinance No. 2008.28)** Code Text Amendment for the Zoning and Development Code Sections 4-202, 4-706, 6-401 and 6-402.

Councilmember Navarro expressed concern with raising the limit for fences in front yards. If we are trying to build neighborhoods, he didn't think raising fences in the front yards is appropriate. This could be used as a tool to hopefully improve our neighborhoods, but he didn't believe this is appropriate.

Mayor Hallman asked Lisa Collins to clarify that this is not an automatic right.

Lisa Collins clarified that this would require a use permit which would require a public hearing.

Mayor Hallman further clarified that it would require a hearing officer, neighbors would be notified, and the public would have an opportunity to decide whether what is being proposed enhances or degrades the neighborhood.

**Motion by Councilmember Woods to approve Item #41. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 6-1, with Councilmember Navarro voting "no."**

**DOCUMENT NAME:** [20081002dsrl02.pdf](#) **ZONING AND DEVELOPMENT CODE (0414-04, 0414-06)**

\*42. Held the **second** public hearing and **approved with conditions** for a Planned Area Development Overlay for DRURY INN AND SUITES, located at 1780 West Ranch Road.

**COMMENTS:** (PL070546) (Larry Hasselfeld, Drury Development Corporation, property owner; Dennis Newcombe, Beus Gilbert PLLC, applicant) consisting of an 8 story hotel building, with approximately 124,519 s.f. of building area on 2.96 net acres, located at 1780 West Ranch Road in the PCC-1, Planned Commercial Center Neighborhood and GID, General Industrial

Districts, and within the Southwest Tempe Overlay District. The request includes the following:  
**PAD08011 – (Ordinance No. 2008.40)** Planned Area Development Overlay to modify the development standards to allow for a building height increase from 60 feet to 99 feet.

The following conditions were also approved:

1. A building permit shall be obtained on or before October 2, 2010, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
2. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 that may now or in the future exist, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than November 3, 2008, or the PAD approval shall be null and void.
3. The Planned Area Development for Drury Inn and Suites Hotel 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.

**DOCUMENT NAME:**            [20081002dsac01.pdf](#)            **PLANNED DEVELOPMENT (0406)**

- \*43. Held the **second** public hearing and **approved with conditions** a Zoning Map Amendment and Planned Area Development Overlay for 6<sup>th</sup> & WILSON CUSTOM LOTS, located at 430 West 6<sup>th</sup> Street.

**COMMENTS:**            (PL080154) (Joseph Lewis, Sunny Tempe Investments, property owner; Barry Goldstein, Vincent Goldstein Architect, applicant) consisting of a Planned Area Development for four new lots for three-story custom homes, ranging from 2,000-2,800 s.f. within a 1,114 s.f. building footprint on four 2,800 s.f. lots totaling .27 net acres, located at 430 W. 6<sup>th</sup> Street in the R-3, Multi-Family Residential Limited District. The request includes the following:

**ZON08005 – (Ordinance No. 2008.29)** Zoning Map Amendment from R-3 Multi-Family Residential Limited District to R-1 PAD, Single-Family Residential Planned Area Development District.

**PAD08009 –** Planned Area Development Overlay for four new single-family lots with development standards to allow for future custom homes on 2,800 s.f. lots, with a 40-foot building height, 50% lot coverage, 25% landscape area, 5-foot front, side and street side-yard setbacks and a 15-foot rear yard setback.

The following conditions were also approved:

1. A building permit shall be obtained on or before August 14, 2010, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
2. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 that may now or in the future exist, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than September 12, 2008, or the Zoning Map Amendment and Planned Area Development Overlay approval shall be null and void.
3. The Planned Area Development for 6<sup>th</sup> & Wilson Custom Home Lots 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.
4. An amended Subdivision Plat is required for this development and 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 August 14, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.
5. Provide 6'-0" wide public sidewalk along both streets.
6. All development standards for the Planned Area Development Overlay shall conform to the standards as presented at the hearing and shall not be modified by individual custom home development:

Land Use Category	Residential
Zoning District	R1-PAD
Zoning Name	Single-family Residence with Planned Area Development Overlay
Minimum Lot Area per Dwelling Unit	2,930 s.f.
Building Height	30 ft. with the exception of 40 maximum for stairwells to exterior balconies or roof top non-livable space
Max. Lot Coverage (% of net)	50%
Min. Landscape Area (% of net)	25%
Front Parking setback	20 ft.
Front Building setback	5 ft.
Side building setback	5 ft.
Side common wall setback	0 ft.
Rear Building setback	15 ft.

7. As a condition of sale, all home elevations shall be subject to approval by City staff with the understanding that the facades will not be identical and shall be complimentary. (added by the Commission)

**DOCUMENT NAME:** [20081002dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*44. Held the **second** public hearing and approved ORDINANCE NO. 2008.52 amending Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes by amending Sections 16-300, 16-310 and 16-315.

**DOCUMENT NAME:** [20081002STAX1.pdf](#) **TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16) ORDINANCE NO. 2008.52.**

#### E. Resolutions

- \*45. Held a public hearing and approved RESOLUTION NO. 2008.87 amending Appendix A of the Tempe City Code relating to sewer and water development fees. Final resolution adoption is scheduled for November 6, 2008.

**COMMENTS:** These proposed changes establish the sewer and water development fee rate structure with the effective date of the increases occurring February 1, 2009.

**DOCUMENT NAME:** [20081002mkwud01.pdf](#) **MISCELLANEOUS FEES (0210-05)**

46. Approved RESOLUTION NO. 2008.83 authorizing negotiation of a development and disposition agreement with Habitat Metro, LLC, regarding property located at 1389 and 1395 E. Apache Boulevard.

**DOCUMENT NAME:** [20081002cdls01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01)**

47. Approved RESOLUTION NO. 2008.88 approving and authorizing the Mayor to sign **Contract #2006-266A**, Amendment No. 1 to Memorandum of Agreement No. 119877 extending its term for two (2) years to continue access to and use of Flight Track Data from Phoenix Sky Harbor International Airport

**DOCUMENT NAME:** [20081002cacc01.pdf](#) **SKY HARBOR AIRPORT NOISE POLLUTION (0604-02-01)**

## 6. PUBLIC APPEARANCES

### SCHEDULED PUBLIC APPEARANCE

- **Kira Whitacre, Charlotte, NC, re: improvement of local/national economies affected by loss of manufacturing jobs.** Ms. Whitacre outlined a trade resolution which speaks to reverse manufacturing job loss in the local and national level by lessening the number of illegal trading practices with foreign traders. Arizona has lost over 35,000 manufacturing jobs in the last two years. This is part of a 4.3M job loss trend nationally. She works for several manufacturers, many of which are based in Arizona. It becomes increasingly difficult for the manufacturers to be carrying on active business in the United States. The major issues the resolution addresses are currency manipulation and over-subsidizing by foreign governments of their products which are then dumped into our economy. This makes it difficult to pay for environmental compliance, as well as health benefits and other benefits provided for workers and puts us at an unfair disadvantage for trading. We are seeking a level playing field by enforcing current laws as well as the U. S. Department of Treasury. She has been working with the Tempe Chamber of Commerce to provide an open dialogue as well as starting that dialogue with other Chambers to decide what language is best to go forward.

Mayor Hallman asked if there were particular countries that are offensive with their dumping practices.

Ms. Whitacre responded that the issue really is the practices in general. Several countries engage in those, for example, India and China.

Mayor Hallman asked for a definition of "dumping." Foreign governments applying subsidies for the manufacture of goods.

Ms. Whitacre responded that it is applying subsidies aggressively so that exceed the bottom line that we could. This is such a problem that in the past year there have been only 8 cases brought to the World Trade Organization because it is understood that this is such a dysfunctional program.

Mayor Hallman clarified that the point would be to have our City Council enact a resolution entering international trade negotiations.

Ms. Whitacre clarified in honor of the fact that it has an intimate effect on this community and other communities in Arizona and that collectively with other communities, the City Council would be endorsing that this is an issue that should be addressed.

Mayor Hallman asked if the U. S. is guilty of dumping as well.

Ms. Whitacre responded that is true with agriculture, but not with manufacturing. When it comes to defending our jobs in this country, we feel this is a worthy cause.

Councilmember Shekerjian asked which Arizona manufacturers she represents.

Ms. Whitacre responded that she would discuss that with Councilmember Shekerjian privately.

### UNSCHEDULED PUBLIC APPEARANCE

(continuation of #4.A. Mayor's Announcements)

Mayor Hallman introduced Dick Neuheisel, President of Sister Cities, who introduced the following Sister Cities representatives:

Regensburg Mayor, Hans Schaidinger  
Regensburg Sister City President, Franz Feldmeir  
Zhenjiang Representative, (Lydia) Shao Wen Qing  
Skopje City Councilman, Ivon Velitchkoski  
Timbuktu representative, Boubacar Baba Dicko (Jimmy)  
Timbuktu representative, Chirfi Mohamed Lamine  
Carlow City Manager, Joe Watters  
Carlow Vice Mayor, Dee Hurly

Each representative presented a brief response.

Mr. Neuheisel also urged everyone to attend Oktoberfest which begins tomorrow night with a parade at 7 p.m.

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

- Councilmember Woods congratulated Councilmember Arredondo for the Vaya del Solo (?) for his award, and Vice Mayor Ellis who won the Brian Nicholson Housing Hero award for her work in creating the affordable housing trust fund.
- Councilmember Arredondo announced that Tempe Tardeada is scheduled for October 12 and he congratulated City staff for their participation. He also urged everyone to get their flu shot.
- Councilmember Shekerjian congratulated Dr. Mark Dupliss, a Tempe resident, who has done a lot of work with our schools and recently was the assistant principal at Corona del Sol. He has now begun work with ASU as the liaison for high schools. Next week, a workforce education forum will be held at the Tempe Center for the Arts on October 8<sup>th</sup> at 7:20 a.m. This event will provide the opportunity to discuss how businesses and schools work together to increase the quality of the work force in Tempe. For further information, call Alex Smith or Kris Baxter in Economic Development. She has been meeting with people working on Team Tempe. This is a group training for the Rock 'n Roll Marathon in January. This event benefits many of the charities in Tempe. Last year she walked the half marathon and she encouraged as many as possible to participate.
- Councilmember Mitchell congratulated the Mayor's two sons, Eli and Lewis, on their Eagle Scout achievement. He also reminded everyone about the Oktoberfest.
- Councilmember Navarro also congratulated the Mayor's sons. He also thanked the Police Department on the new youth alcohol squad and cracking down on parties and underage drinking. That sends a strong message. As a firefighter, he also believes we are saving lives. He added that the United Latino Business Coalition will be recognizing Tempe for the Race Neutral Supplier Diversity Program as the winner of this year's Government Advocate of the Year at the ULBC Excellence and Business Awards dinner tonight.
- Mayor Hallman added that Oktoberfest starts tomorrow evening from 6 p.m. to midnight, Saturday from 10 a.m. to midnight, and Sunday from noon until 6 p.m. He thanked the Sister Cities representatives for attending tonight, and also congratulated Arnie Moreno on a great season so far.

*Meeting adjourned at 8:50 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 October 2, 2008, by the Tempe City Council, Tempe, Arizona.

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Hugh Hallman, Mayor

ATTEST:

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

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