

Minutes Formal City Council Meeting February 5, 2009

Minutes of the Formal Council Meeting of Thursday, February 5, 2009, 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. Vice Mayor Ellis 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 Mitchell to approve the following **COUNCIL MEETING MINUTES**. Second by Councilmember Woods. Motion passed unanimously on a voice vote.

 1. Council's Executive Session – January 33, 2009
 2. Council's Formal Meeting – January 22, 2009 [20090205clrkck01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes

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

 3. Aviation Commission – December 9, 2009 [20090205tavco01.pdf](#)
 4. Committee for Youth, Families and Community – December 15, 2008 [20090205cyfc01.pdf](#)
 5. Community Special Events Task Force – January 13, 2009 [20090205setf01.pdf](#)
 6. Development Review Commission – December 23, 2008 [20090205drc01.pdf](#)
 7. Double Butte Cemetery Advisory Committee – November 19, 2008 [20090205dbac01.pdf](#)
 8. Hearing Officer – December 16, 2008 and January 6, 2009 [20090205ho01.pdf](#)
[20090205ho02.pdf](#)
 9. Human Relations Commission – December 9, 2009 [20090205hrc01.pdf](#)
 10. Mayor's Youth Advisory Commission – January 6, 2009 [20090205myac01.pdf](#)
 11. Parks and Recreation Board – November 19, 2008 [20090205prb01.pdf](#)

- 11a. Rio Salado Advisory Commission – December 2, 2008 [20090205rsac01.pdf](#)
- 12. Transportation Commission – December 16, 2008 [20090205tc01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. Mayor Hallman summarized that Tempe strives to provide young people with a safe and healthy environment and has a valuable prevention and education program designed to address youth drug use. He thanked the truly dedicated employees of the City of Tempe for their commitment to the youth of our community, in particular, the Community Services and Police Departments under the leadership of Police Chief Tom Ryff and Community Services Manager Tom Canasi. As a result of great efforts on their parts and others, for the past three years, Tempe has achieved national awards from America's Promise Alliance as one of the top 100 communities in the country for kids. He read a proclamation declaring the week of **February 8 – 14, 2009, as Partner Up For Drug Free America Week in Tempe.**

B. Manager's Announcements – None.

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Councilmember Mitchell to approve the Agenda as amended (Item #29 was deferred to the February 19, 2009, Council meeting). Second by Councilmember Arredondo. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- 13. Approved **Contract #2004-241D**, the fourth amendment to the intergovernmental agreement with the Regional Public Transportation Authority (RPTA) for purchase of paratransit services in Tempe during fiscal year 2008/2009.
COMMENTS: (Contract C2004-241d) Cost to Tempe is \$454,062 during fiscal year 2008/2009.
DOCUMENT NAME: [20090205PWgj01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
- *14. Approved an **appeal** by the COLEMAN RESIDENCE (PL080305/UPA08007) (Steven Coleman, applicant/property owner), located at 5426 South College Avenue in the R1-6, Single Family Residential District, of the November 18, 2008 Development Review Commission's decision to uphold the September 16, 2008 Hearing Officer's denial for one (1) use permit.
COMMENTS: Appeal (PL080305/UPA08007) (Steven Coleman, applicant/property owner) of the November 18, 2008 Development Review Commission's decision to uphold the

September 16, 2008 Hearing Officer's denial of the following:

ZUP08132 Use permit to allow an accessory building.

The following conditions were also approved:

1. All required permits and clearances shall be obtained from the Building Safety Division.
2. Accessory Building shall be painted to match main residence.
3. One (1) 24" box tree shall be planted in the front yard east of the existing accessory building to screen the view from College Avenue.

DOCUMENT NAME: [20090205dsdp01.pdf](#) **PLANNED DEVELOPMENT (0406)**

15. Approved **with condition** a Final Subdivision Plat for ELEMENTS ART CAMPUS – PHASE 2 located at 1102 West Rio Salado Parkway.

COMMENTS: (PL080239) (City of Tempe, property owner, Blair C. Meggitt/Brady Aulerich & Associates, Inc., applicant), located at 1102 West Rio Salado Parkway in the GID, General Industrial District, MU-4 PAD, Mixed Use High Density District, and R1-6, Single Family Residential District. The request includes the following:

SBD08027- A final subdivision plat, creating six (6) lots and one (1) tract on a net of 58.37 acres.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before one year from the date of City Council approval (February 5, 2010). Failure to record the plan within one (1) year of City Council approval shall make approval of the Subdivision Plat null and void.

DOCUMENT NAME: [20090205dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

16. Approved **with condition** a Final Subdivision Plat for BETHANY CHRISTIAN SCHOOL located at 6304 South Price Road.

COMMENTS: (PL080059) (Bethany Christian School, Dorothy Hines, property owner, Line Werks Architecture, applicant), located at 6304 South Price Road in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:

SBD08038- A final subdivision plat combining two (2) lots into one (1) on 3.4 acres.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before one year from the date of City Council approval (February 5, 2010). Failure to record the plan within one (1) year of City Council approval shall make approval of the Subdivision Plat null and void.

DOCUMENT NAME: [20090205dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

17. Approved **with conditions** a Final Subdivision Plat for AURORA SIGNATURE HEALTHCARE located at 6350 South Maple Avenue.

COMMENTS: (PL070519) (Aurora Signature Healthcare Services LLC, property owner; Bill Fogell/Primatech LLC, applicant) located at 6350 South Maple Avenue in the GID, General Industrial District. The request includes the following:

SBD08031 – Final Subdivision Plat combining seven (7) lots into one (1) lot on 4.589 acres.

The following conditions were also approved:

1. The Subdivision Plat shall be recorded prior to building permit.
2. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development

Services Department on or before one year from the date of City Council approval (February 5, 2010). Failure to record the plan within one (1) year of City Council approval shall make approval of the Subdivision Plat null and void.

DOCUMENT NAME: [20090205dsjc03.pdf](#) **PLANNED DEVELOPMENT (0406)**

18. Approved **with condition** a Final Subdivision Plat for PRICE APACHE PARK AND RIDE located at 2235 East Apache Boulevard.

COMMENTS: (PL080303) (City of Tempe, property owner, Ken Olmstead/City of Tempe, applicant), located at 2235 East Apache Boulevard in the CSS, Commercial Shopping and Services District and the GID, General Industrial District. The request includes the following:

SBD08028- A final subdivision plat combining nine (9) lots into one (1) lot on 8.13 acres.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before one year from the date of City Council approval (February 5, 2010). Failure to record the plan within one (1) year of City Council approval shall make approval of the Subdivision Plat null and void.

DOCUMENT NAME: [20090205dsjc05.pdf](#) **PLANNED DEVELOPMENT (0406)**

- 18a. Approved **with condition** an amended Final Subdivision Plat for LAKES TOWNE CENTER BANK PARCEL located at 777 East Baseline Road.

COMMENTS: (PL070361) (Pivotal 650 California St, LLC, Andrew M. Cohn property owner; Brian J. Benedict, CMX Engineering, applicant), located at 777 East Baseline Road in the PCC-2, Planned Commercial Center General District. The request includes the following:

SBD08036- An amended final subdivision plat creating two (2) lots totaling 16.0435 acres.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before one year from the date of City Council approval (February 5, 2010). Failure to record the plan within one (1) year of City Council approval shall make approval of the Subdivision Plat null and void.

DOCUMENT NAME: [20090205dsjc04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *19. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for N and D Restaurants Inc., dba Olive Garden Italian Restaurant #1488, 1010 West Elliot Road.

COMMENTS: Andrea Lewkowitz is the Agent for this application.

DOCUMENT NAME: [20090205LIQ01.pdf](#) **LIQ LIC (0210-02)**

- *20. Held a public hearing and recommended the approval of a Series 7 beer and wine bar liquor license for Dehli Palace LLC dba Dehli Palace, 933 East University Drive, #103 & 104.

COMMENTS: Gurnam Ram is the Agent for this application.

DOCUMENT NAME: [20090205LIQ02.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

21. Awarded **Contract #2009-25**, a construction manager at risk (CMAR) contract with Valley Rain Construction Corporation for construction services, awarded **Contract #2009-26**, a construction

management contract with C. Williams Construction Engineering, Inc., and approved a project contingency all related to construction of Rio East linear park at Tempe Town Lake.

COMMENTS: Total amount for the construction services contract is \$3,069,289.40, total amount for the construction management contract is \$101,920, and the amount of the project contingency is \$190,000.

DOCUMENT NAME: [20090205PWDR03.pdf](#) RIO SALADO PARK (0706-32)
PROJECT NO. 6509171

22. Awarded **Contract #2009-27**, a three-year contract with two, one-year options to Bingham Equipment Company for skid steer loaders to be used by the Solid Waste Division of Public Works.

COMMENTS: (RFP 09-063) Total cost for this contract shall not exceed \$100,000 during the initial three-year contract period.

DOCUMENT NAME: [20090205fsta03.pdf](#) PURCHASES (1004-01)

23. Approved a one-year renewal of contracts with Equity Plumbing, Inc. and RCI Systems, Inc. for testing, repair and replacement of backflow prevention assemblies for the Water Utilities Department.

COMMENTS: (T07-067-01 and 02) Total amount for these contracts shall not exceed \$100,000.

DOCUMENT NAME: [20090205fsts01.pdf](#) PURCHASES (1004-01)

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

- *24. Introduced and held the **first public hearing** for an Amended Planned Area Development Overlay for RIVERSIDE OFFICE PLAZA PHASE III, located at 1275 West Rio Salado Parkway. **The second public hearing is scheduled for February 19, 2009.**

COMMENTS: (PL080263) (Richard J. Lund, HOF Biltmore Rio Salado II LLC and City of Tempe, property owners; Stephen C. Earl, Earl, Curley & Lagarde, P.C., applicant) for a three story office of +/-83,330 s.f. building area on +/-4.19 net acres and a five story hotel of +/-84,274 s.f. building area on +/-2.78 net acres. The entire site is +/-6.97 net acres and is located at 1275 West Rio Salado Parkway. The site is within the General Industrial District, has a Planned Area Development Overlay and is within the Rio Salado Overlay District. The request includes the following:

PAD08021 – (Ordinance No. 2008.73) Amended Planned Area Development Overlay to allow a maximum 77'-0" tall hotel and a maximum 52'-0" tall office in the General Industrial District.

DOCUMENT NAME: [20090205dskko01.pdf](#) PLANNED DEVELOPMENT (0406)

- *25. Introduced and held the **first public hearing** to adopt an ordinance abandoning an existing Sewer Line Easement and two Driveway Easements located at 3339 and 3345 South Rural Road. **The second public hearing is scheduled for February 19, 2009.**

DOCUMENT NAME: [20090205PWCH04.pdf](#) ABANDONMENT (0901) ORDINANCE NO. 2009.05

- *26. Introduced and held the **first public hearing** to adopt an ordinance abandoning portions of an

existing Water line Easement located at Tempe Marketplace at 2090 East Rio Salado Parkway.
The second public hearing is scheduled for February 19, 2009.

DOCUMENT NAME: [20090205PWCH05.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2009.06

D. Ordinances and Items for Second Hearing/Final Adoption

*27. Held the second public hearing and adopted ORDINANCE NO. 2009.01 authorizing the annexation of two parcels of land located between the Tempe Market Place development and the Red Mountain Freeway at 2106 E. Rio Salado Parkway.

DOCUMENT NAME: [20090205PWWS02.pdf](#) ANNEXATION (0402-01)

*28. Held the second public hearing and adopted ORDINANCE NO. 2009.03 abandoning a portion of an existing Water Line Easement located at 7414 South Harl Avenue.

DOCUMENT NAME: [20090205PWCH01.pdf](#) ABANDONMENT (0901)

E. Resolutions

29. **THIS ITEM WAS DEFERRED TO THE FEBRUARY 19, 2009, COUNCIL MEETING.**

Request approval of a resolution authorizing the development of plan documents governing new City of Tempe retiree health benefits to become effective July 1, 2009.

DOCUMENT NAME: [20090205hrrb01.pdf](#) HEALTH INSURANCE (0303-03-01)
RESOLUTION NO. 2009.11

6. PUBLIC APPEARANCES

UNSCHEDULED PUBLIC APPEARANCE

Matthew Linderman, Tempe, stated that light rail is not fast enough or dependable enough to be a serious mode of transportation in Tempe. Even at its best, it takes considerably longer than a car. The trains still have to stop at most of the stoplights. His last ride was supposed to take 25 minutes according to the schedule, actually took him an hour and a half. On a Saturday, he had to wait about 30 minutes while two "out of service" trains passed, and once he finally got on a train, everyone had to get off at 44th and Washington, where there was a large crowd of people, some of whom had been waiting over an hour to board. There was no explanation given for the reason. He eventually got on a bus. This was his worst experience, but there have been times he has had to wait longer than he was supposed to, or the train ride took longer than scheduled. The light rail is a current novelty, but the riders will eventually go back to driving. If improvements aren't made before the novelty goes away, it will be hard to win back riders. One improvement would be to time the lights so light rail doesn't have to stop except at the stations. The electronic displays at the stations could indicate the current wait time. A raise in ticket prices would be counter-productive.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Vice Mayor Ellis announced that the Regional Unity Walk will be held on February 7th at 10:30 a.m. Tempe is the host city this year. There will be participants from Chandler, Gilbert, Mesa, Phoenix, Scottsdale, and ASU. Starting points will be at the Tempe Town Lake Marina and the ASU Lot #59

and participants are asked to assemble at 10 a.m. The walk will end at the Tempe Art Park. She also congratulated the Mayor on his new part-time job as Headmaster at Tempe Preparatory Academy.

- Councilmember Navarro added his congratulations to the Mayor and recognized Fire Chief Jones who will be receiving the “Outstanding Community Leader” award from Tempe Leadership for his service and contributions in improving the quality of life in Tempe.
- Councilmember Arredondo added his congratulations to Chief Jones and thanked him for making our community a safer and a better community. He also reminded Council of the joint Council and Tri-District dinner hosted by TD3 on February 11th. This is a good opportunity to share concerns and support for education.
- Councilmember Mitchell added his congratulations to the Mayor. He added that the annual Tempe Diablo Casino Capers Night will be held on February 7th. This fundraiser is for a good cause and he urged everyone to attend. The event will be at the Tempe Marketplace, Suite #140. Tickets are available at the door.
- Councilmember Woods congratulated the Mayor and Fire Chief Jones.
- Councilmember Shekerjian announced that the Tempe Chamber of Commerce on February 17th will also be honoring Dick Foreman with the “Spirit of Tempe” award. Mr. Foreman has been a long-time resident, has written a column for the newspaper, and has committed thousands of hours of service to this community, including serving on the Tempe Union High School District Board. Also, the TCC will be hosting the Earned Income Tax Credit Program, where volunteers will be preparing taxes free for those eligible residents (those making less than \$35K per year, and families making less than \$55K). This Saturday it will be from 9 a.m. to noon at the Tempe Schools Credit Union at 2800 S. Mill Avenue, and on Wednesday evening, February 11, from 5 p.m. to 8 p.m., at the same location. If you need more information, go to the City’s website at www.tempe.gov/TCC or you can call TCC for more details. She also thanked the Mill Avenue Executive Board for a meeting last week with Councilmembers to discuss ideas regarding the future of Mill Avenue.
- Mayor Hallman congratulated both Fire Chief Jones and Dick Foreman for their awards. He noted that the Aloft Hotel opened this morning, the first hotel built in a decade. He thanked staff who, in spite of an economic downturn that has caused significant struggles across the nation, have helped this kind of thing to continue to happen in Tempe. The City has an exceptional staff that has come together to create opportunity for business and our partners that is helping make sure we are keeping as many doors open in our community as possible. It is the businesses that are here that are generating the tax revenue that helps to pay for our police and fire services and everything else we do. But for the great work that goes on in this governmental organization, those kinds of things would not be happening. He added that he was offered a new position. He wanted to clarify to the community that those who serve on this Council do so not because they are wildly compensated, but because they love the community. Typically, we all have to continue in our full time jobs to make sure we can provide for our families. His family has decided the highest calling he could perform is to work in education in the coming years, and he has decided to close his private law practice. It will provide him the opportunity to serve the community in a different way in the education of Tempe youth. He is grateful for the community’s continuing support of him in that capacity as well as serving as the Mayor of Tempe.

Meeting adjourned at 8:00 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 February 5, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of February, 2009.