

**Minutes
Formal City Council Meeting
July 2, 2009**

Minutes of the Formal Council Meeting of Thursday, July 2, 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 Joel Navarro
Councilmember Onnie Shekerjian
Councilmember Corey D. Woods

COUNCIL ABSENT:

Councilmember Mark W. Mitchell

Mayor Hallman called the meeting to order at 8:00 p.m.

Members of the City Council may attend either in person or by telephone conference call.

1. **INVOCATION - Councilmember Navarro**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Woods**

A. Approval of Council Meeting Minutes

Motion by Councilmember Woods to accept the following **COUNCIL MEETING MINUTES**.
Second by Councilmember Navarro. Motion Passed unanimously on a voice vote.

1. Council's Issue Review Session - June 11, 2009
2. Formal Council Meeting - June 11, 2009
3. Special Budget Meeting - June 11, 2009
4. Enterprise Zone Commission - June 11, 2009
5. Council's Education Partnership Committee - May 18, 2009
6. Council's Housing Committee - April 21 and May 19, 2009
7. Council's Neighborhood Parks Rehabilitation and Maintenance Committee - May 20, 2009
8. Council's Economic Sustainability Subcommittee - April 17, 2009
9. Council's Technology Sustainability Subcommittee - April 17, 2009
10. Council's Technology, Economic and Community Development Committee - May 8, 2009

- 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.
11. DELETED
 12. Committee for Youth, Families and Community - May 18, 2009
 13. Community Special Events Task Force - June 16, 2009
 14. Development Review Commission - May 26, 2009
 15. Enhanced Services Commission - May 13, 2009
 16. Historical Museum Advisory Board - May 7, 2009
 17. Human Relations Commission - April 14 and May 12, 2009
Mayor Hallman noted that the May 12th minutes, Item #7 D did not accurately depict the Calderon Report.
 18. Neighborhood Advisory Commission - April 1, 2009
 19. Parks and Recreation Board - May 20, 2009
 20. Tardeada Advisory Board - February 9, 2009
 21. Tempe Fire Public Safety Personnel Retirement Board - May 7, 2009
 22. Joint Meeting of the Tempe Public Safety Personnel Retirement Boards for Police and Fire - May 7, 2009
 23. Tempe Police Public Safety Personnel Retirement Board - May 7, 2009
 24. Tempe Police Public Safety Personnel Retirement Board - Executive Session - May 7, 2009

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. Drowning Impact Awareness Month Proclamation
Mayor Hugh Hallman read a proclamation regarding Drowning Impact Awareness Month
- WHEREAS, Drowning Impact Awareness month raises awareness that the number and impact of child drownings in Arizona and across the nation affect everyone; and
- WHEREAS, The drowning incidents in Arizona take the lives of the equivalent of a classroom of children each year; and
- WHEREAS, A child drowning can happen to any family regardless of education, race or socio-economic background; and
- WHEREAS, Families can take simple steps to protect their children around water to avoid the tragedy of the unnecessary loss of life; and
- WHEREAS, Water safety remains a priority for Arizona families, communities, government, and Water Watchers at Phoenix Children's Hospital; and
- WHEREAS, Keeping children healthy and safe is the goal of Tempe Fire Department, Water Watchers at Phoenix Children's Hospital and other prevention institutions in Arizona, raising awareness will increase understanding and education of effective ways to prevent drownings.

He declared **August 2009** as **DROWNING IMPACT AWARENESS MONTH** in Tempe, Arizona. Durann Letter, Tiffaney Isaacson, and Fire Chief Cliff Jones joined him at the dais on behalf of Phoenix Children's Hospital and Water Watchers. Ms. Letter asked that people practice the ABC's - Adults watching children with eye to eye contact, Barriers, and Classes and during the month of August wear purple ribbons to remember those children who have passed away. These can be obtained from the Phoenix Children's Hospital.

B. Manager's Announcements

- a. City Manager Charlie Meyer made the following announcements:
Fire Chief Cliff Jones presented two new **Assistant Fire Chiefs, Mark Simmons and John Valenzuela**. He also noted that both have experience as paramedics. Chief Simmons will head Fire Administration and Chief Valenzuela will head Emergency Services.

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 the Second Public Hearing/Final Adoption will be voted upon at this meeting.

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

Motion by Councilmember Woods to approve the Agenda as amended (Items #28, 37, 41, 45, 46, 47, 52, and, 65 were removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote with Councilmember Mitchell absent.

A. Miscellaneous Items

25. Approved with condition a Final Subdivision Plat for APS ELECTRIC SUBSTATION located at 401 West First Street in the GID, General Industrial District.

COMMENTS Request by APS ELECTRIC SUBSTATION (PL080233) (Arizona Public Service company (APS), property owner, Ryan Weed/CVL, applicant), located at 401 West First Street, in the GID, General Industrial District. The request includes the following:

SBD08024 – Final Subdivision Plat to combine two (2) lots into (1) one lot.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before July 2, 2010. Failure to record the plat on or before July 2, 2010, which is one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME 20090702dssd01
PLANNED DEVELOPMENT (0406)

26. Approved Notice of Intention setting the time (7:30 p.m.) and date (September 10, 2009) for the public hearing to modify water rates.

DOCUMENT NAME 20090702wudmk01 MISCELLANEOUS FEES (0210-05)

27. Approved Notice of Intention setting the time (7:30 p.m.) and date (September 10, 2009) for the public hearing to modify wastewater rates.

DOCUMENT NAME 20090702wudmk02 MISCELLANEOUS FEES (0210-05)

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

Approved the following contracts:

Contract #2005-258A Cancellation at Broadmor School,

Contract #2005-262A Cancellation at Evans School,

Contract #90-171B Relocation at Broadmor School from LaDiosa to Palmcroft,

Contract #2005-259A Relocation at Broadmor School from Aepli to Palmcroft.

DOCUMENT NAME 20090702PWCH01 SCHOOL PEDESTRIAN CROSSING
(0809-04)

Councilmember Navarro asked about the action to remove the crosswalks – it was his understanding that Evans was still being utilized. Staff offered clarification that this action simply relocates the existing crosswalks.

Councilmember Navarro made a motion to approve; Councilmember Arredondo seconded that motion – Motion carries, 6-0 with Councilmember Mitchell absent.

29. Approved **Contract #2009-124**, grant award from the Arizona Criminal Justice Commission (ACJC) Crime Victim Assistance Program for the provision of victim assistance and emergency funds for CARE 7 services.

COMMENTS Arizona Criminal Justice Commission (ACJC) Grant is in the amount of \$26,300.00 for FY July 1, 2009 through June 30, 2010. This is the eighth consecutive fiscal year this grant has

- been awarded to the City of Tempe CARE 7 Program.
- DOCUMENT NAME** 20090702cskb02 COMMUNITY SERVICE ADM (0701-01)
30. Approved **Contract #2006-301B**, authorization for the Mayor to execute the Second Modification Agreement to the Payment Agreement dated as of November 21, 2006 between the City and GDG Partners, L.L.C.
- COMMENTS** The agreement establishes deferred payments on the Payment Agreement dated as of November 21 2007, as amended (c2006-301), for a period of three (3) years, and enables refinancing the current Key Bank loan to meet US Housing and Urban Development (HUD) financing.
- DOCUMENT NAME** 20090702cdnr02 RIO SALADO MASTER PLAN (0112-07-03)
- *31. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Two Brothers VII, Inc., dba Valero in the Zone VII, 1925 North Scottsdale Road.
- COMMENTS** Saad N. Saad is the Agent for this application.
- DOCUMENT NAME** 20090702LIQ01 LIQ LIC (0210-02)
- *32. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Chipotle Mexican Grill Inc., dba Chipotle Mexican Grill #1322, 815 East Baseline Road, #B-115.
- COMMENTS** H. J. Lewkowitz is the Agent for this application.
- DOCUMENT NAME** 20090702LIQ04 LIQ LIC (0210-02)
- *33. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Mijana, 1290 North Scottsdale Road, #107.
- COMMENTS** Thomas N. George is the Agent for this application.
- DOCUMENT NAME** 20090702LIQ05 LIQ LIC (0210-02)
- *34. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Circle K Stores Inc., dba Circle K Stores #9172, 1435 West Broadway Road.
- COMMENTS** Kim Kwiatkowski is the Agent for this application.
- DOCUMENT NAME** 20090702LIQ06 LIQ LIC (0210-02)
- ADDRESS AMENDED TO 1435 W. BASELINE**
- *35. Held a public hearing and recommended the approval of a Series 07 original beer and wine bar liquor license for Trader Joe's Company dba Trader Joe's #93, 6460 South McClintock Drive.
- COMMENTS** H. J. Lewkowitz is the Agent for this application.
- DOCUMENT NAME** 20090702LIQ07 LIQ LIC (0210-02)
- B. Award of Bids/Contracts
36. Approved a one-year renewal of a contract with Scheidt & Bachmann USA, Inc. for a fare box collection system and components for the Public Works Department.

COMMENTS (Agreement #117764) Total amount not to exceed \$2,328,634.
DOCUMENT NAME 20090702fslg02 PURCHASES (1004-01)

37. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Approved **Contract #2008-136G**, Job Order 7 with SDB, Inc. and a project contingency for renovations to the ramadas at Kiwanis Park.

COMMENTS Total amount of Job Order 7 is \$568,236.55 and the project contingency is \$56,000.
DOCUMENT NAME 200900702PWDR03 KIWANIS COMMUNITY PARK (0706-25)
PROJECT NO. 63-986844

Councilmember Arredondo asked for details regarding the renovations.

Mr. Richwine stated that this was a bond-funded project that was part of the approved Capital Improvement Program which was overwhelmingly supported by Tempe voters. Four (4) original ramadas and three (3) new ramadas at Kiwanis Park will be constructed as well as another ramada at Joyce Park.

Councilmember Shekerjian requested that some details be given in regards to the CIP NOT competing with staff funding.

Mr. Richwine continued that the CIP was voted on (and approved last November); it was not funded through the general fund.

Mayor Hallman explained that, under state laws, bond funds are earned when we sell bonds and then secondary tax is collected which can only be used to repay those bonded indebtedness. Money that is raised from the sell of those bonds can only be used for capital improvements. This is an example of a capital improvement project approved by the voters.

Councilmember Arredondo made a motion to approve; Councilmember Navarro seconded that motion – Motion carries, 6-0 with Councilmember Mitchell absent.

38. Approved **Contract #2008-250**, Job Order 2 with Quest Civil Constructors, Inc. and a project contingency for storm drain improvements at Tempe Royal Palms unit 12 subdivision.

COMMENTS Total amount of Job Order 2 is \$461,421 and the project contingency is \$46,000.
DOCUMENT NAME 200900702PWDR04 STORM DRAIN UPGRADING-
CONSTRUCTION (0808-06) PROJECT NO. 5803161

39. Awarded **Contract #2009-125**, a construction manager at risk (CMAR) contract with Pierson Construction Corporation for construction services, awarded **Contract #2009-126**, a construction management contract with Vanir Construction Management, Inc. and approve a project contingency for phase II of the Western Canal water transmission line. This is a bond-funded project on the approved CIP project list.

COMMENTS Total cost for the construction services contract (CMAR) is

\$816,629.28, total cost for the construction management contract is \$52,714 and the amount of the project contingency is \$75,000.

DOCUMENT NAME 20090802PWDR05 WATERMAIN UPGRADES (0810-04)
PROJECT NO. 3203181

40. Approved **Contract #2008-252C**, Job Order 3 with Pierson Construction Corporation for water line upgrade and replacement at Margo and Geneva Drives. This is a bond-funded project on the approved CIP project list.

COMMENTS Total amount of Job Order 3 is \$751,503.85.

DOCUMENT NAME 200900702PWDR06 WATERMAIN UPGRADES (0810-04)
PROJECT NO. 3209331

41. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Approved addenda as follows: **Contract #2008-138** with ForeSite Design & Construction, Inc., **Contract #2008-137** with Caliente Construction, Inc., and **Contract #2008-136** with SDB, Inc. to extend the job order contracts for an additional twelve months each to perform on-call general construction services. Total cost for each addendum is \$4,000,000.

DOCUMENT NAME 200900702PWDR07 ENGINEERING ADMINISTRATION (803-02)

Councilmember Shekerjian inquired as to how many addenda there actually were and the actual cost.

Mr. Kephart stated that there are three separate companies each with its own addendum to extend the contract term. They were approved a year ago. They provide for job order contracting. This action does not increase the funds used, it only extended the time period that they may be used.

Councilmember Shekerjian stated that this is actually a \$12 million item (three addenda).

Mr. Kephart continued that the money can come from several sources, CIP (water, transit, bond, or general funds).

Councilmember Shekerjian made a motion to approve; Councilmember Woods seconded that motion – Motion carries, 6-0 with Councilmember Mitchell absent.

42. Approved **Contract #2007-220**, Addendum 2 with CPC Construction, Inc. to increase the contract amount for minor concrete improvements, on-call maintenance and emergency repairs or grading.

COMMENTS Total cost for this addendum is \$750,000, which will increase the contract amount of \$2,377,669.68 to \$3,127,669.68.

DOCUMENT NAME 200900702PWDR09 STREET UPGRADING-MAINT-
CONSTRUCTION (0809-05) PROJECT NO. 5401413

43. Approved **Contract #2007-218E**, Job Order 5 with Sunland, Inc. - Asphalt & Seal coating and a project contingency for street milling and asphalt overlay on the Southern Avenue

curb lanes, east and west bound between Priest Drive and the western boundary of the Tempe Canal bridge.

COMMENTS Total amount of Job Order 5 is \$821,579.43 and the project contingency is \$82,100.

DOCUMENT NAME 200900702PWDR10 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5403481

44. Approved **Contract #2009-127**, five-year contract with one, two-year renewal option with Slippery Pig Bicycles LLC for concessionaire services at the Regional Bicycle Center located in the Transportation Center.

COMMENTS (T09-044RB-01) There is no cost to the City.

DOCUMENT NAME 20090702fslg05 PURCHASES (1004-01)

45. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Approved **Contract #2009-128**, one-year contract with four, one-year renewal options to Southwest Sweeper Sales for the purchase of up to three street sweepers for use by the Streets Department of Public Works.

COMMENTS (RFP09-142) Total amount of this contract shall not exceed \$601,000 during the initial contract period.

DOCUMENT NAME 20090702fsta01 PURCHASES (1004-01)

Councilmember Arredondo suggested that items 45, 46, and 47 be referred back to staff with the idea that the timeframe for replacement be increased to two years instead of the one (purchasing half one year) and allow staff to establish a phased timeline for replacement. The total cost for items 45-47 is \$1.4 million.

Mayor Hallman asked City Manager Charles Meyer if staff had conducted a cost analysis - maintaining the current vehicles versus purchasing new.

Mr. Kephart stated that \$500,000.00 in vehicle purchases was deferred last year. He also stated that a cost analysis was done; the maintenance cost would outweigh the replacement cost. A fleet reduction is in process. Two street sweepers are 80 percent grant funded, and one is funded through the highway user revenue funds. These three street sweepers are replacements for the first ones purchased in 2000.

Mayor Hallman asked if this item could be taken separately. Separate consideration was taken for this item.

Councilmember Arredondo made a motion to approve; Councilmember Shekerjian seconded that motion – Motion carries, 6-0 with Councilmember Mitchell absent.

46. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Approved the utilization of a State of Arizona Contracts with Five Star Ford, Midway Chevrolet Isuzu, Courtesy Chevrolet and Larry Miller Toyota for the purchase of forty-three light duty vehicles budgeted in fiscal year 2010 to be utilized by Public Works, Fire, Communications, Community Development, Parks and Recreation, Development Services, Water/Wastewater, Police and Rio Salado departments/divisions.

COMMENTS (SCC090000) Total cost of this contract shall not exceed \$888,000.
DOCUMENT NAME 20090702fsta06 PURCHASES (1004-01)

Mayor Hallman proposed that a consensus be made to purchase those vehicles that are crucial to complete now; come back on August 20th to review a cost/benefit analysis to find out when and how the remaining vehicles will be replaced. This way council and the public will understand how the money is being spent.

Councilmember Shekerjian inquired on how many public safety vehicles were to be replaced.

Mr. Kephart stated 21 of them are public safety vehicles.

Councilmember Arredondo made a motion to approve with the stipulation of a cost benefit analysis and presentation; Councilmember Woods seconded that motion – Motion carries, 6-0 with Councilmember Mitchell absent.

This item was considered as a group with Item #47.

47. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Approved the utilization of a State of Arizona Contract with Midway Chevrolet Isuzu for the purchase of four medium duty vehicles budgeted in fiscal year 2010 to be utilized by Public Works and Water departments.

COMMENTS (SCC090001) Total cost of this contract shall not exceed \$83,500.
DOCUMENT NAME 20090702fsta07 PURCHASES (1004-01)

This item was considered as a group with Item #46.

48. Approved **Contract #2009-129**, one-year contracts with four, one-year renewal options to C&D Crystal Cleaning, Inc., Desert Glen Commercial Landscape Group, Inc., and Somerset Landscape Maintenance Inc. for clean-up services at City parks and facilities for the Parks and Recreation Department.

COMMENTS (RFP #09-120) Total cost for these contracts shall not exceed \$360,000 during the contract period.
DOCUMENT NAME 20090702fslg08 PURCHASES (1004-01)

49. Approved **Contract #2009-130**, a five-year contract with four, one year renewal options to Nationwide Retirement Solutions to provide 401(k) and 457(b) deferred compensation administration services for eligible City employees and retirees.

COMMENTS (RFP #09-112) All plan expenses are paid by participants through the investments selected.
DOCUMENT NAME 20090702fsmg09 PURCHASES (1004-01)

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

*50. Introduced and held first public hearing to adopt an ordinance abandoning an existing eighteen (18) foot Water and Sewer Easement located at 323 S. Roosevelt Street. **The second public hearing is scheduled for August 20, 2009.**

DOCUMENT NAME 20090702PWWS11 ABANDONMENT (0901) ORDINANCE NO. 2009.29

*51. Introduced and held first public hearing to adopt an ordinance authorizing the issuance of a License For Special Use for an underground crossing by a private utility at Greentree Road and Priest Drive. **The second public hearing is scheduled for August, 20, 2009.**

DOCUMENT NAME 20090702PWWS12 BUILDING OVER RIGHT-OF-WAY (0904-01) ORDINANCE NO. 2009.28

*52. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Introduced and held first public hearing for a Planned Area Development Overlay for 707 SOUTH FOREST. **The second public hearing is scheduled for August 20, 2009.**

COMMENTS Request by 707 S FOREST (PL090073) (Charles Lawrence, L&G Cannery LLC, owner; Marc Lifshin, Campus Acquisitions LLC, applicant) for a 20 story mixed-use building with 168 student housing units, structured parking, 5,000 sq. ft. of retail/restaurant space and 1,163 sq. ft. of retail/office space. Building area is 311,007 s.f. overall. The 0.511 acre site is located at 707 South Forest Avenue within the City Center District and Transportation Overlay District. The request includes the following:

PAD09004 - (Ordinance No. 2009.21) Planned Area Development Overlay to establish development standards for vehicle parking quantity and building height.

DOCUMENT NAME 20090702dskko01 PLANNED DEVELOPMENT (0406)

Resident Mr. Darren Price delivered a letter from a Riverside/Sunset Neighborhood representative concerning the parking. Mr. Price expressed concern in the drop in required parking spaces. Will the project only allow students and how would it be controlled? As presented the allowance for parking is 1.5 spaces per unit to .36 spaces per unit. For retail and restaurant, parking is changed from 1 space per 75 sq. ft. to 1 per 500 sq. ft. The View has been used as a model, but is not yet opened and we have not been able to evaluate the impact. The View is not fully constructed yet.

Ms. Manjula Vaz addressed Mr. Price's concerns and appeared on behalf of the Campus Acquisitions, the developers of the property. A presentation will be made on August 20th. The View will be occupied on August 20th and is 100 percent leased (430 beds and 140 spaces are leased, leaving a 100 space surplus). The View is located next to a regional bus station, ORBIT, light rail, and about a block from Zip Car. Campus Acquisitions has built student housing for the last 10 years and typically find the parking ratio is .3 to .28. They believe that .33 is an adequate amount of parking taking into account other urban campuses.

Mayor Hallman asked if the 100 surplus parking spaces will be made available to the public and for other purposes as well.

Ms. Vas replied that the spaces at the View could be allocated to this project and possibly long term parking.

Councilmember Shekerjian read a letter from Mr. Bill Butler concerning a possible problem within the Landlord and Tenant Act which allows for two people per bedroom and two additional people in a common area (living room) which could mean 1396 residents attempting to park cars in 192 spaces which is 7.2 people to a parking space. Councilmember Shekerjian also noted that the letter did not reflect her own views; she was simply reading the letter so that it would be documented in the meeting.

****FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR AUGUST 20, 2009.**

- *53. Introduced and held first public hearing to adopt an ordinance granting a non-exclusive electrical power easement to Arizona Public Service Company for the purpose of supplying electrical power to the relocated O'Connor Residence in the vicinity of Weber Drive and College Road by the City of Tempe. **The second public hearing is scheduled for August 20, 2009.**

DOCUMENT NAME 20090702PWWS14 UTILITY EASEMENT GRANTED (904-02)
ORDINANCE NO. 2009.30

AMENDED TO COLLEGE AVENUE

D. Ordinances and Items for Second Hearing/Final Adoption

- *54. Held the second public hearing and adopted Ordinance 2009.24 abandoning a portion of existing Water Line Easement located at 1990 East Third Street.

DOCUMENT NAME 20090702PWWS01 ABANDONMENT (0901) Ordinance No.
2009.24

- *55. Held the second public hearing and adopted Ordinance 2009.25 authorizing **Contract #2009-131**, a License for an ATM at 25 East Fifth Street with Arizona Federal Credit Union.

DOCUMENT NAME 20090702PWWS02 REAL PROPERTY/RIGHT OF WAY
LICENSE (TO OTHERS) (0903) Ordinance No. 2009.25

- *56. Held the second public hearing and approved Ordinance 2009.26 authorizing the Mayor to execute an Assignment and Assumption of Leases **Contract #98-127E** on Units 1 and 2 of the Brickyard, and a Deed **Contract #98-127F** reconveying Units 1 and 2 to ASU.

DOCUMENT NAME 20090702dscm01 COMMUNITY
DEVELOPMENT/REDEVELOPMENT ADM (0403-01)
Ordinance #2009.26

- *57. Held a public hearing and approved Ordinance 2009.27, a Code Text Amendment for

ZONING AND DEVELOPMENT CODE AMENDMENTS.

COMMENTS Hold a public hearing for a request for ZONING AND DEVELOPMENT CODE AMENDMENTS (PL080143) (City of Tempe Development Services Department, applicant) consisting of changes within the Code, providing temporary flexibility to Chapter 9-Signs, as it relates to lead-in signs, sale, lease or rent signs and significant event signs. The request includes the following:

ZOA09003 – (Ordinance No. 2009.27) – Code Text Amendment for the Zoning and Development Code Sections 4-903(M), 4-903(P), 4-903(R)2.

DOCUMENT NAME 20090702dsjt01 ZONING AND DEVELOPMENT CODE (0414-04, 0414-06)

E. Resolutions

58. Approved Resolution 2009.48, authorizing **Contract #94-13B**, Amended and Restated Parking Agreement for the city property located at 909 East Lemon Street between Raymond C. Boles, LLC and the City of Tempe.

DOCUMENT NAME 20090702PWWS08 **REAL PROPERTY LEASES (0903-19)**
RESOLUTION NO. 2009.48

59. Approved Resolution 2009.71, authorizing **Contract #2009-132** the acceptance of funding for drinking water facilities improvements from the Arizona Water Infrastructure Finance Authority (WIFA) and to enter into a financial assistance agreement with WIFA. The awards consist of grant funds and low interest loans under the American Reinvestment and Recovery Act of 2009.

DOCUMENT NAME 20090702wudcb01 WATER MANAGEMENT ADMINISTRATION
(0811-13) Resolution No. 2009.71

60. Approved Resolution 2009.75 authorizing **Contract #2009-133**, Intergovernmental Agreement between Tempe School District No.3 and the City of Tempe Kid Zone Enrichment Program for Kid Zone Early Childhood Enrichment Programs from July 1, 2009 to June 30, 2010. Total cost shall not exceed \$33,200.00

DOCUMENT NAME 20090702cskb01 COMMUNITY SERVICE ADM (0701-01)
RESOLUTION NO. 2009.75

61. Approved Resolution 2009.70 authorizing **Contract #2003-174C**, Development Agreement between the City and 101/ 202 Holdings, L. L .C., an Arizona limited liability company, Miravista Holdings, L.L.C., an Arizona limited liability company and NNE, LLC, an Arizona limited liability company. The property is also known as Tempe Marketplace Phase II.

DOCUMENT NAME 20090702cdnr01 COMMUNITY DEVELOPMENT ADMIN
(0406) RESOLUTION NO. 2009.70

62. Approved Resolution 2009.72 authorizing **Contract #2009-135** to accept Arizona Governor's Office of Highway Safety (GOHS) funding for the Selective Traffic Enforcement Program (STEP) and the IACP Drug Recognition Expert (DRE) Training Conference on Drugs, Alcohol and Impaired Driving.

DOCUMENT NAME 20090702pdsj01 POLICE DEPARTMENT ADMINISTRATION
(0606-02) RESOLUTION NO. 2009.72

63. Approved Resolution 2009.73 authorizing **Contract #2009-135** to accept Public Awareness grant funding from the Arizona Automobile Theft Authority (AATA) in the amount of \$2,289 to purchase anti-theft devices, vin etching supplies and a DC/AC inverter for the PD's vin etching machine.

DOCUMENT NAME 20090702pdsj02 POLICE DEPARTMENT ADMINISTRATION
(0606-02) RESOLUTION NO. 2009.73

64. Approved Resolution 2009.76 authorizing **Contract #2009-136**, Intergovernmental Agreement between the City of Tempe and the Arizona Department of Transportation, to receive American Recovery and Reinvestment Act of 2009 grant funds in the amount of \$250,000.

DOCUMENT NAME 20090702PWRY01 TRANSPORTATION PLANNING (1101-01)
RESOLUTION NO. 2009.76

65. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Approved Resolution 2009.77 authorizing **Contract #2009-137**, Memorandum of Understanding between the Firefighter's Unit and the City of Tempe effective July 1, 2009 – June 30, 2011 and authorizing its execution.

DOCUMENT NAME 20090702hrrb01 FIREFIGHTERS UNIT – MEET AND
CONFER (0303-08-01) RESOLUTION NO. 2009.77

Councilmember Ellis declared a conflict of interest

Councilmember Arredondo made a motion to approve; Councilmember Woods seconded that motion – Motion carries, 5-0 with Councilmember Ellis Abstaining and Councilmember Mitchell absent.

6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Woods congratulated Mayor Hallman on his new position as headmaster of Tempe Preparatory Academy. He also commented on the festivities taking place at Tempe Beach Park for the Fourth of July.
- Councilmember Ellis commented on a new website that the Tempe Community Council has created: TempeKarma.org – online resource for people to find opportunities to give back to their community. DW Green put this website together for TCC.
- Councilmember Arredondo made a comment on a TV appearance of Captain Victor Garcia and the way he came across explaining the safety measures and the clarity along with the teamwork that took place fighting the fire in a warehouse on Kyrene. He also thanked the Kiwanis Club for their sponsorship for the Fourth of July festivities especially since other cities have cancelled their celebrations. He also commented on the good comments he received about the ORBIT and on the light rail and how it was handled by Carlos deLeon.
- Councilmember Shekerjian thanked the Kiwanis Club of Tempe for their Fourth of July program. Another event that will be taking place at the TCA at 6:30 on the Fourth of July is the Miss Chinese Phoenix Pageant.
- Mayor Hallman announced the 58th Annual CBS 5 Tempe Town Lake Festival taking place July Fourth starting at 4:00PM. Fireworks will begin just after 9:00 p.m. Mayor Hallman invited all to attend with their families. Funds raised go to a number of charities benefitting children. Thanks to the Kiwanis Club for their partnership, and thank you to the Tempe Fire, Police, and Public Works personnel that will be working to allow us to enjoy the festival.

Meeting adjourned at 9:00 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 July 2, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2009