

## Minutes Formal City Council Meeting May 15, 2008

Minutes of the Formal Council Meeting of Thursday, May 15, 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 Hut Hutson  
Councilmember P Ben Arredondo  
Councilmember Barbara J. Carter  
Councilmember Shana Ellis  
Councilmember Mark W. Mitchell  
Councilmember Onnie Shekerjian

*Mayor Hallman called the meeting to order at 7:48 p.m.*

1. Councilmember Arredondo 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 Carter to approve the following **COUNCIL MEETING MINUTES**.  
Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Council's Executive Session – May 1, 2008
2. Council's Issue Review Session – May 1, 2008 [20080515clrck01.pdf](#)
3. Council's Formal Meeting – May 1, 2008 [20080515clrck02.pdf](#)
4. Council's Education, Technology & Economic Development Committee – April 1, 2008 [20080515eted01.pdf](#)
5. Council's Finance, Economy & Veterans Affairs Committee – April 15, 2008 [20080515feva01.pdf](#)
6. Council's Social Services & Culture Committee – April 16, 2008 [20080515sssc01.pdf](#)
7. Ad Hoc Long Range Budget & Finance Planning Committee – April 24, 2008 [20080515lrbf01.pdf](#)

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

Motion by Councilmember Carter to accept the following **COMMITTEE & BOARD MEETING**

**MINUTES.** Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

8. Development Review Commission – February 12, 2008 [20080515drc01.pdf](#)
9. Human Relations Commission – March 11, 2008 [20080515hrc01.pdf](#)
10. Tempe Police Public Safety Personnel Retirement Board – April 3, 2008

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- a. Mayor Hallman read a proclamation declaring **May 18-24, 2008, as Public Works Week** in Tempe. He presented the proclamation to the Public Works Manager, Glenn Kephart.

##### B. Manager's Announcements – None.

- a. City Manager Charlie Meyer asked **Police Chief Tom Ryff** to come forward. Chief Ryff stated that the Police Department has been undergoing significant change and reorganization. The internal operations has been restructured, and new technology, resources and additional staffing have been added with the aim of going out into the community to fight crime and be ready for the development of our fast-growing community. He introduced **Charles Cobbs** who will serve as the Police Department Community Outreach Specialist. Mr. Cobb will work directly with Chief Ryff and will be coordinating internal programs, getting out into the community and acting as a liaison, developing programs and forums, attending neighborhood meetings, and bridging the gap between all of the Police Department services and community members. He will also act as a liaison with Mayor and Council and other City departments. Mr. Cobb stated that it is a pleasure and a great opportunity to be part of the Tempe Police Department and a representative of the City of Tempe.

#### 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 Arredondo to approve the Agenda as amended (Items #32 and #34 were removed for separate consideration). Second by Vice Mayor Hutson. Motion passed on a roll call vote 7-0.**

##### A. Miscellaneous Items

11. Approved the Report of Claims Paid to be filed for audit for the April 2008.  
**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

12. Approved **Contract #2000-144J, Contract #2000-144K, and Contract #2000-142H**, renewal of public defender contracts for a one-year period to provide services for indigent defendants in the Tempe Municipal Court.  
**COMMENTS:** The total cost of these contracts with overages shall not exceed \$220,000  
**DOCUMENT NAME:** [20080515mclca01.pdf](#) COURT ADMINISTRATION (0501-02)
13. Authorized the Mayor to sign **Contract #2008-87**, an intergovernmental agreement with the Regional Public Transportation Authority (RPTA) for site design and construction of the South Tempe Transportation Center.  
**COMMENTS:** The City will receive Public Transportation Funds (PTF) totaling \$1,945,123.  
**DOCUMENT NAME:** [20080515PWRY02.pdf](#) TRANSPORTATION PLANNING (1101-01)
14. Authorized the Mayor to sign **Contract #2008-88, Amendment #4** to an intergovernmental agreement with Arizona State University to design and construct bus stop improvements.  
**COMMENTS:** (C93-195) City's contribution in this Amendment is \$188,000 while ASU will provide \$70,000 to assist in the completion of this project.  
**DOCUMENT NAME:** [20080515PWRY01.pdf](#) BUS BENCHES / SHELTERS / BUS BAYS (1107)
15. Approved the City Manager's designation for the extension of the Residential Permit Parking Area 7 to include portions of the Mitchell Park neighborhood.  
**DOCUMENT NAME:** [20080515PWJD01.pdf](#) RESIDENTIAL PERMIT PARKING (0503-19)
16. Approved the City Manager's designation for the extension of the Residential Permit Parking Area 5 to include portions of the Jen Tilly Terrace Neighborhood.  
**DOCUMENT NAME:** [20080515PWJD02.pdf](#) RESIDENTIAL PERMIT PARKING (0503-19)
17. Approved the City Manager's designation of Residential Permit Parking Area 11 to include portions of Farmer Avenue.  
**DOCUMENT NAME:** [20080515PWJD03.pdf](#) RESIDENTIAL PERMIT PARKING (0503-19)
18. Approved **with condition** a Final Subdivision Plat for CITY HALL COMPLEX located at 31 East Fifth Street.  
**COMMENTS:** (PL080118) (City of Tempe, owner; Chris Aulerich, Brady-Aulerich &

Associates, Inc., applicant) for a Final Subdivision Plat on +/- 6.91 net acres located at 31 East Fifth Street in the CC, City Center District and within the TOD, Transportation Overlay District, including the following:

**SBD08010** – Final Subdivision Plat to combine the property into four lots and two parcels.

The following condition was also approved:

1. Place the Subdivision Plat into proper engineered format with appropriate signature blanks. Record the Subdivision Plat with the Maricopa County Recorder's Office through the Tempe Development Services Department on or before one year from date of City Council approval (May 15, 2009). Failure to record the plan by one year from date of City Council approval shall make the approval of the Subdivision Plat null and void.

**DOCUMENT NAME:** [20080515dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

19. Approved **with condition** a Final Subdivision Plat for VICTORY ACRES PARK located at 2407 East McArthur Drive.

**COMMENTS:** (PL080111) (City of Tempe, property owner, Marvin G. Lovlein, V3 Companies of Arizona, applicant) located at 2407 East McArthur Drive, in the CSS, Commercial Shopping and Services District and in the R-2 Multi – Family Residential. The request includes the following:

**SBD08002**- A final subdivision plat combining seven (7) lots into two (2) on 22.92 net acres parcel.

The following condition was also approved:

1. Place the Subdivision Plat into proper engineered format with appropriate signature blanks and record with the Maricopa County Recorder's Office through the Tempe Development Services Department on or before May 15, 2009. Failure to record the plan by one (1) year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20080515dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

20. Approved **with condition** a Final Subdivision Plat for SOUTHERN AND MCCLINTOCK PLAZA 2 located at 1709 East Southern Avenue.

**COMMENTS:** (PL080045) (Walgreens Company, Rebecca Lidskin, property owner, Jerry Heath, Hunter Engineering, applicant), located at 1709 East Southern Avenue in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:

**SBD08002**- A final subdivision plat, consisting of creating two (2) lots on a net of 2.96 acres parcel.

The following condition was also approved:

1. Place the Subdivision Plat into proper engineered format with appropriate signature blanks and record with the Maricopa County Recorder's Office through the Tempe Development Services Department on or before May 15, 2009. Failure to record the plan by one (1) year of City Council approval shall make the plan null and void.

**DOCUMENT NAME:** [20080515dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*21. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Thai Rama Tempe LLC dba Thai Rama Restaurant, 927 East University Drive.

**COMMENTS:** Nantiya Vaughn is the Agent for this application.

**DOCUMENT NAME:** [20080515LIQ01.pdf](#) LIQ LIC (0210-02)

- \*22. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Macayo's Depot Cantina LLC dba Macayo's Depot Cantina, 300 South Ash Avenue.

**COMMENTS:** Stephen Johnson is the Agent for this application.

**DOCUMENT NAME:** [20080515LIQ02.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

23. Approved **Contract #2008-89**, a professional services contract with Olsson Associates for an athletic field preliminary lighting design study.

**COMMENTS:** Total cost for this contract shall not exceed \$37,182.

**DOCUMENT NAME:** [20080515PWDR01.pdf](#) PARKS STUDIES (0112-07)  
**PROJECT NO.** 6303081

24. Awarded **Contract #2008-90**, two-year contracts with three, one-year renewal options to Stantec Consulting Inc.; Willdan; BJY Southwest; Bureau Veritas; and W.C. Scoutten, Inc. for plan review and building inspection services.

**COMMENTS:** (RFP #08-113) Total cost for this contract shall not exceed \$136,000 during the initial contract period.

**DOCUMENT NAME:** [20080515fslg01.pdf](#) PURCHASES (1004-01)

25. Awarded **Contract #2008-91**, a two-year contract with three, one-year renewal options to Off Madison Ave for professional advertising and marketing services for the City's transportation program.

**COMMENTS:** (RFP #08-101) Total cost for this contract shall not exceed \$770,000 during the initial contract period.

**DOCUMENT NAME:** [20080515fslg06.pdf](#) PURCHASES (1004-01)

26. Awarded **Contract 2008-92**, a two-year contract with four, one-year renewal options to MedCo Health Solutions, Inc. for the management of Pharmacy Benefits for current and retired City employees and their dependents.

**COMMENTS:** (RFP #08-124) Total cost for this contract shall not exceed \$7,000,000 during the initial contract period.

**DOCUMENT NAME:** [20080515fsta07.pdf](#) PURCHASES (1004-01)

27. Awarded **Contract #2008-93**, one-year contracts with four, one-year renewal options to

Chematrix, LLC, Lakepointe Environmental Group, Inc., and Siemens Water Technologies Corporation for the purchase of chemicals by the Water Utilities Department to control odor in wastewater.

**COMMENTS:** (IFB #08-154) Total cost for these contracts shall not exceed \$100,000 during the initial contract period.

**DOCUMENT NAME:** [20080515fsts08.pdf](#) **PURCHASES (1004-01)**

28. Approved a one-year renewal of a contract with Marsh USA, Inc., for risk management consultation and insurance broker services.

**COMMENTS:** (T05-109-01) Total amount not to exceed \$80,000.

**DOCUMENT NAME:** [20080515fsts02.pdf](#) **PURCHASES (1004-01)**

29. Approved a one-year renewal of a contract with Salt Works for the purchase of white crystal coarse solar salt for use in the production of sodium hypochlorite for the disinfection of water at Johnny G. Martinez Water Treatment Plant and the South Tempe Water Treatment Plant.

**COMMENTS:** (T07-171-01) Total amount not to exceed \$250,000.

**DOCUMENT NAME:** [20080515fsts03.pdf](#) **PURCHASES (1004-01)**

30. Approved one-year renewals of contracts with Banner Occupational Health Services and U.S. Healthworks Medical Group of Arizona for City of Tempe employee occupational health care services.

**COMMENTS:** (T05-103-01 and T05-103-02) Total amount not to exceed \$200,000.

**DOCUMENT NAME:** [20080515fsts05.pdf](#) **PURCHASES (1004-01)**

31. Approved the utilization of a four-month State of Arizona contract with Federal Communications Group for data and telecommunications cabling and fiber optic installation in City buildings and streets.

**COMMENTS:** (EPS060014-A6) Total cost of this contract shall not exceed \$200,000.

**DOCUMENT NAME:** [20080515fsts04.pdf](#) **PURCHASES (1004-01)**

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

- \*32. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Introduced and held the **first public hearing** for a Planned Area Development Overlay for TEMPE LANDING located at 125 S. Priest Dr. **The second public hearing is scheduled for June 5, 2008.**

**COMMENTS:** (PL070508) (Tom Meissner, Vaughan Street LLC, property owner; David Thorson, McShane Construction Corporation, applicant) consisting of a commercial development of two mid-rise office buildings with combined area of 420,406 s.f. and a parking garage of 516,892 s.f. of area on a site of approximately 7.68 acres

located at 125 South Priest Drive in the GID, General Industrial District and the Rio Salado Overlay. The request includes the following:

**PAD08003 – (Ordinance No. 2008.17)** Planned Area Development Overlay to modify development standards to allow a building height increase from 35'-0" to 101'-0" for the two office buildings and from 35'-0" to 96'-0" for the garage.

#### PUBLIC HEARING

**Bill Butler, Tempe**, Co-Chair of the Riverside-Sunset Neighborhood Association, stated that this project will benefit not only the Riverside-Sunset area, but the area west of the Tempe Arts Center which is also being considered for development. This project can only help to bring more value to this side of Tempe.

**Jonathan Thums, Tempe**, concurred with Mr. Butler. The consensus of the Riverside-Sunset Neighborhood Association was that the project is almost too small. It is a very valuable corner and it will do great things for the neighborhood. He urged Council to approve the project.

DOCUMENT NAME: [20080515dskko02.pdf](#) PLANNED DEVELOPMENT  
(0406)

- \*33. Introduced and held the **first public hearing** to amend Chapter 21 of the Tempe City Code relating to Nuisances and Property Enhancement by amending Section 21-3 relating to Enumerated Violations. **The second public hearing is scheduled for June 5, 2008.**

DOCUMENT NAME: [20080515cdjk01.pdf](#) TCC CH 21 – NUISANCES (0503-21)  
ORDINANCE NO. 2008.21

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

- \*34. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Held the **second public hearing** and approved ORDINANCE NO. 2008.22 authorizing the Mayor to execute **Contract #2008-94**, a Development and Disposition Agreement between the City of Tempe and Arizona Boathouse and Welcome Center LLC.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson conducted the public hearing and vote.

#### PUBLIC HEARING

No one came forward to speak.

**Motion by Councilmember Shekerjian to approve Item #34. Second by Councilmember Carter. Motion passed on a roll call vote, 6-0, with Mayor Hallman abstaining.**

DOCUMENT NAME: [20080515cdnc01.pdf](#) COMMUNITY DEVELOPMENT  
ADMIN. (0406) ORDINANCE NO. 2008.22

- \*35. Held the **second public hearing** and adopted ORDINANCE NO. 2008.15 abandoning a forty foot bus, bicycle and pedestrian access easement located east of McAllister Avenue within Krueger Street west of Rural Road.  
**DOCUMENT NAME:** [20080515PWCH02.pdf](#) **ABANDONMENT (0901)**
- \*36. Held the **second public hearing** and adopted ORDINANCE NO. 2008.18 abandoning portions of Water & Sewer Line Easements located at 1900 E. Apache Boulevard.  
**DOCUMENT NAME:** [20080515PWCH03.pdf](#) **ABANDONMENT (0901)**
- \*37. Held the **second public hearing** and adopted ORDINANCE NO. 2008.19 abandoning two existing Water Line Easements located at 777 E. Baseline Road.  
**DOCUMENT NAME:** [20080515PWCH04.pdf](#) **ABANDONMENT (0901)**

#### E. Resolutions

- 38. Approved RESOLUTION NO. 2008.37 amending City Code Appendix A—Schedule of Fees and Charges, Relating to Chapter 4, Alcoholic Beverages.  
**COMMENTS:** A restaurant continuation liquor license allows the applicant to continue to sell liquor during the application review process.  
**DOCUMENT NAME:** [20080515cacc01.pdf](#) **MISCELLANEOUS FEES (0210-05)**
- 39. DELETED
- 40. Approved RESOLUTION NO. 2008.39 amending the polling places and districts set by Resolution 2008.25 for the May 20, 2008, General Election.  
**DOCUMENT NAME:** [20080515clrkck06.pdf](#) **GENERAL ELECTION – MAY 20, 2008 (0506-31-01)**
- 41. Approved RESOLUTION NO. 2008.40 authorizing the Mayor to execute **Contract #2008-95**, a Development Agreement with Insight Direct Worldwide, Inc.  
**DOCUMENT NAME:** [20080515cdsws01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01)**

#### 6. PUBLIC APPEARANCES

##### SCHEDULED PUBLIC APPEARANCE

- **Jill Ellis, Tempe, re: refund for damages re: water main break.** Ms. Ellis stated that her mother-in-law is the owner of the residence. On April 15, 2008, she was informed that there was a water main break in her area and that work should be completed within four to six hours. That afternoon, the water was turned on, and within 30 seconds, the toilet blew up which destroyed the inner workings, as well as the shut off valve. Water sprayed everywhere and the wall was damaged. A plumber came immediately and fixed the toilet as well as a previously damaged

faucet. The total bill was \$430, but the toilet repair was only \$280. She called the City to determine if she could file a claim and was told that although it would be a waste of time, she could file a claim. Late last week, she received the decision stating that the City is not liable due to Section 33-22 of the City Code. She called David McAllister to ask about the appeal process. He stated that there is no procedure in place. She is only asking for the damages she feels are the City's responsibility.

Mayor Hallman asked City Attorney Andrew Ching to explain the process.

Andrew Ching stated that generally if there is an incident where a potential claimant feels that the City is liable for some damage to person or property, the claimant has 180 days to file a claim. After that time period, within 60 days, the City can either make a formal response and pay the claim, or deny the claim, and within a year of the incident, under State law, the claimant has a right to take further legal action by filing a lawsuit.

Mayor Hallman clarified that one has 180 days from the event to fill a notice of claim that puts the City on notice.

Mr. Ching agreed and the Risk Management area will provide form "Notices of Claims" to potential claimants.

Mayor Hallman asked Ms. Ellis to call 480-350-8575 for assistance or to speak to Mr. Ching after the meeting.

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

- Councilmember Ellis announced that Valley Metro has a contest every year in which students are asked to enter a contest to design a wrap for a bus. This year's winner is Tommy Spencer from McClintock High School. She and Councilmember Arredondo attended the presentation and viewed the bus. She also thanked his teacher, Leann Smith, who encouraged her students to participate. McClintock also won 3<sup>rd</sup> place and honorable mention.
- Councilmember Carter announced that she will be leaving the Council on July 17<sup>th</sup> and she reminded everyone to vote in the election on Tuesday, May 20<sup>th</sup>.

*Meeting adjourned at 8:20 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 May 15, 2008, by the Tempe City Council, Tempe, Arizona.

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Hugh Hallman, Mayor

ATTEST:

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Jan Hort, City Clerk

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