



Minutes Formal City Council Meeting June 28, 2012

Minutes of the Formal Council Meeting of Thursday, June 28, 2012, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Councilmember Robin Arredondo-Savage
Councilmember Mark W. Mitchell
Councilmember Corey D. Woods

Vice Mayor Joel Navarro
Councilmember Shana Ellis
Councilmember Onnie Shekerjian

STAFF PRESENT:

Charlie Meyer, City Manager
Andrew Ching, City Attorney
Don Hawkes, Deputy Public Works Director – Water Utilities
Lisa Collins, Interim Community Development Director

Jeff Kulaga, Assistant City Manager
Brigitta M. Kuiper, City Clerk
Michael Greene, Central Services Administrator
Various Department Heads or their representatives

Mayor Hallman called the meeting to order at 7:53 p.m.

1. Councilmember Woods gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.

3. MINUTES

A. Approval of Council Meeting and Council Committee Meeting Minutes

Motion by Councilmember Mitchell to approve the following COUNCIL MEETING AND COUNCIL COMMITTEE MEETING MINUTES; second by Vice Mayor Navarro. Motion passed unanimously on a voice vote 7-0.

1. Executive Session – June 14, 2012
2. City Council Special Budget Meeting – June 14, 2012
3. City Council Strategy Session – January 19, 2012

B. Acceptance of Committee, Board & Commission Meeting Minutes

Motion by Councilmember Mitchell to accept the following COMMITTEE, BOARD AND COMMISSION MEETING MINUTES; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 7-0.

1. Neighborhood Advisory Commission – April 4, 2012
2. Tempe Police Public Safety Personnel Retirement System Board – May 3, 2012
3. Tempe Aviation Commission – May 8, 2012
4. Human Relations Commission – May 8, 2012
5. Transportation Commission – May 8, 2012 and May 22, 2012

6. Hearing Officer – June 5, 2012

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

Tempe Fire Department – Higgins Charity Trust Fund Donation

Mayor Hallman and Greg Ruiz, Interim Fire Chief, expressed appreciation to the Higgins Family Charity Trust Fund for a \$10,000 grant received by the Tempe Fire Department, Fire Prevention Public Education Division.

B. Manager's Announcements

Charlie Meyer, City Manager, introduced a tribute video for Mayor Hallman; he thanked Mayor Hallman for his service and leadership.

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 City 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** items.

Motion by Councilmember Woods to approve the Agenda with the exception of item 5C3, which was removed/deleted from the agenda and items 5A8, 5A9, 5B3, 5B18, 5B19, 5B20, and 5E11, which were removed for separate consideration; second by Councilmember Ellis. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

A1. Approved the May 2012 Report of Claims Paid to be filed for audit.

COMMENTS This report is a compilation of all payments made through the City's accounts payable system during May 2011 that will be subject to audit by the City's external auditors.

DOCUMENT NAME 20120628fsnw01 ACCOUNTS PAYABLE (0208-01)

A2. Approved the City Manager's designation of Residential Permit Parking Area 14 to include portions of Forest Avenue and El Camino Drive south of Broadway Road with parking restrictions from 8:00 AM to 5:00 PM, Mondays through Fridays, except holidays.

COMMENTS N/A

DOCUMENT NAME 20120628pwjd01 PARKING-TRAFFIC POLICY ADMIN (1105-01)

A3. Approved the City Manager's expansion of Residential Permit Parking Area 1 to include portions of College Avenue between the railroad tracks and Encanto Drive with parking restrictions from 8:00 AM to 5:00 PM, Mondays through Fridays, except holidays.

COMMENTS N/A

DOCUMENT NAME 20120628pwjd02 PARKING-TRAFFIC POLICY ADMIN (1105-01)

*A4. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for L&R Italian Food LLC, dba Miele's Bistro, 1835 East Guadalupe Road, #D-111.

COMMENTS Robert Craig Gilderhus is the Agent for this application.

DOCUMENT NAME 20120628 fsap01 203595 LIQ LIC (0210-02)

- *A5. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Locotempe LLC, dba Loco Patron, 222 South Mill Avenue

COMMENTS Lauren Kay Merrett is the Agent for this application.
DOCUMENT NAME 20120628 fsap02 203695 LIQ LIC (0210-02)

- *A6. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Maricopa Wings III, LLC, dba Wingstop, 555 North Scottsdale Road, #102.

COMMENTS Thomas Robert Aguilera is the Agent for this application.
DOCUMENT NAME 20120628 fsap03 203698 LIQ LIC (0210-02)

- *A7. Held a public hearing and recommended the approval of a Series 06 bar liquor license for Devils Hideaway LLC, dba Lucky Break, 1807 East Baseline Road #101.

COMMENTS Ryan Paul Erickson is the Agent for this application.
DOCUMENT NAME 20120628 fsap04 120342 LIQ LIC (0210-02)

- *A8. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Hold a public hearing for an appeal of a previously approved Use Permit and Development Plan Review for ASH PROPERTY RESURRECTION located at 959 South Ash Avenue.

- A9. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request approval for a Final Subdivision Plat for ASH ESTATES located at 959 S. Ash Avenue.

- A10. Authorized the initiation of a Section 206 Continuing Authorities Program request for assistance from the US Army Corps of Engineers to expand the Rio Salado Environmental Restoration - Salt River Tempe Reach from McClintock Drive to the 101 Freeway.

COMMENTS The request for assistance will be initiated by the City Manager's transmittal of a letter expressing the City's intent to cooperate on the project. Transmittal of the letter does not create any contractual obligation on the City's part, and either party may discontinue this effort at any point prior to construction.
DOCUMENT NAME 20120628cdnr01 RIO SALADO MASTER PLAN (0112-07-03)

B. Award of Bids/Contracts

- B1. Approved the utilization of a one-year City of Scottsdale contract with Ancon Services Company for routine and trouble spot cleaning of the City's sewer system, lift stations and wet wells for the Public Works Department.

COMMENTS The cost of this contract shall not exceed \$200,000 during the one-year contract period.
DOCUMENT NAME 20120628fst03 PURCHASES (1004-01)

- B2. Approved the utilization of a one-year State of Arizona contract with Bridgestone/Firestone of North America, Inc. for the purchase of Bridgestone and Firestone tires and tubes. Purchases will be made through an authorized Bridgestone/Firestone dealer, currently GCR Truck Tire Center, Inc.

COMMENTS The cost of this contract will not exceed \$150,000.
DOCUMENT NAME 20120628fsta01 PURCHASES (1004-01)

B3. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request approval to utilize a one-year City of Chandler contract with Basic Chemical Solutions, LLC., Brenntag Chandler, DPC Enterprises, LP., General Chemical Performance Products, LLC., Hill Brothers Chemical Company, Kemira Water Solutions, Inc., Polydyne, Inc., Saltworks and Thatcher Company of Arizona for water and wastewater treatment chemicals for the Public Works Department.

B4. Approved the utilization of a one-year Western State Contracting Alliance cooperative contract with Ricoh Americas Corporation for the lease, installation and maintenance of multifunctional digital copiers/printers throughout the City on an as-needed basis.

COMMENTS Total value of this contract will not exceed \$300,000 during the one-year term.
DOCUMENT NAME 20120628fst10 PURCHASES (1004-01)

B5. Approved a one-year contract renewal with Western Environmental Company for the purchase of equipment, parts and supplies for the City's 16 Severn Trent sodium hypochlorite generation disinfection systems located at the water production facilities.

COMMENTS Total cost of this contract shall not exceed \$300,000 during the one-year contract renewal period.
DOCUMENT NAME 20120628fst09 PURCHASES (1004-01)

B6. Awarded job order no. 1 to Pierson Construction Corporation for water line replacement at College Avenue and the Union Pacific Railroad and miscellaneous large water valve replacements.

COMMENTS Total amount of job order no. 1 is \$779,986.95 and the project contingency amount is \$80,000.
DOCUMENT NAME 20120628pwdr03 ENGINEERING ADMINISTRATION (0803-02)
PROJECT NO. 3204461

B7. Approved the utilization of one-year State of Arizona contracts with Browns Partsmaster, Inc. and Ferguson Enterprises, Inc. for the purchase of plumbing parts and supplies for the Public Works Department.

COMMENTS The combined value of these contracts shall not exceed \$400,000 for the one-year contract term.
DOCUMENT NAME 20120628fst08 PURCHASE (1004-01)

B8. Approved a one-year contract renewal with PSS First In, Inc. for the installation of emergency communication and lighting products in public safety vehicles and warning lighting and accessories on City vehicles for the Public Works Department.

COMMENTS Total cost of this contract will not exceed \$225,000 during the one-year contract renewal period.
DOCUMENT NAME 20120628fsta02 PURCHASES (1004-01)

B9. Awarded two-year contracts with three, one-year renewal options to Boundtree Medical, Copper State Supply, Fisher Scientific, Guardian EMSP, Henry Schein Inc., and Henry Schein EMS for the supply of first aid, sun screen, and glove products to be used throughout the City.

- COMMENTS** Total combined cost of these two-year contracts shall not exceed \$50,000.
- DOCUMENT NAME** 20120628fsmg05 PURCHASES (1004-01)
- B10. Approved a one-year contract with four one-year renewal options to Symetra Life Insurance Company for stop loss insurance to be overseen by the Human Resources Department. **(Contract 2012-150)**
- COMMENTS** Total projected insurance premium cost to the City of this one-year contract will not exceed \$644,688. The policy includes a \$250,000 deductible and an additional \$183,000 aggregate specific deductible.
- DOCUMENT NAME** 20120628fsta11 PURCHASES (1004-01)
- B11. Approved a one-year contract with four one-year renewal options to Utility Crane and Equipment for the purchase of hook lift type flatbeds for use by the Tempe Fire Department. **(Contract 2012-151)**
- COMMENTS** There is no cost to the City as grant funds will be utilized for the purchases – the total estimated value of the contracts for the initial one-year contract period is \$78,000.
- DOCUMENT NAME** 20120628fsta12 PURCHASES (1004-01)
- B12. Awarded a professional services construction management contract with Vanir Construction Management, Inc. for recharge well no. 1 at Ken McDonald Golf Course. **(Contract 2012-113)**
- COMMENTS** Total cost for the construction management contract is \$74,544.
- DOCUMENT NAME** 20120628pwdr04 WATER MANAGEMENT (0811) PROJECT NO. 3209301
- B13. Approved professional services contract renewals with Ricker Atkinson McBee Morman & Associates, Inc., Kleinfelder West, Inc. and Ninyo & Moore, Geotechnical Consultants Inc. to provide on-call materials testing and related services.
- COMMENTS** Total cost for each individual contract renewal will not exceed \$250,000. The original contract amount of \$200,000 plus this renewal will increase each contract to \$450,000.
- DOCUMENT NAME** 20120628pwdr05 ENGINEERING ADMINISTRATION (0803)
- B14. Awarded a two-year contract with three, one-year renewal options to LandCorp Arizona LLC for cleaning services at Diablo Stadium Complex for use by the Community Services Department. **(Contract 2012-152)**
- COMMENTS** Total cost of this contract will not exceed \$130,000 during the initial two-year contract period.
- DOCUMENT NAME** 20120628fslg06 PURCHASES (1004-01)
- B15. Awarded one-year contracts with four one-year renewal options to Asimou & Associates; Bustamante & Associates; Rebecca Covell; Curtis, Goodwin, Sullivan, Udall & Schwab; Gabriel & Ashworth; Green & Baker; Gust Rosenfeld; Helm, Livesay & Worthington; lafrate & Associates; Kelhoffer Manolio & Firestone; Kutak Rock; Littler Mendelson; Mariscal, Weeks, McIntyre & Friedlander; Diane M. Miller; Sanders & Parks; Sims Murray; Roger Spencer and Struck Wieneke & Love to provide legal representation in the event that the use of outside legal counsel becomes necessary. **(Contract 2012-153A-R)**

COMMENTS Total cost of these 18 contracts shall not exceed \$100,000 during the initial one-year contract period. The contracts will only be utilized if special circumstances require their use.

DOCUMENT NAME 20120628fsta07 PURCHASES (1004-01)

- B16. Authorized the Mayor to execute a Wired Telecommunications License and Right-of-Way Use Agreement between TCG Phoenix and the City of Tempe. (**Contract 2012-108**)

COMMENTS TCG Phoenix ("TCG") was granted a five-year license in 2007 for use of the City's rights-of-way to provide intrastate telecommunication services. This license expired on January 3, 2012 and had been in a 90 day holdover term, which expired April 2, 2012. Under Sections 31A-10(a) and 31A-14 of the Tempe City Code, TCG needs to have a license in order to continue providing services and/or do any work in the right-of-way. This license and agreement will expire June 27, 2017.

DOCUMENT NAME 20120628pwws02 TCG PHOENIX (0802-15)

- B17. Approved a four-year contract with E-Z-GO Division of Textron Inc. for the purchase of a new golf cart fleet for Ken McDonald and Rolling Hills Golf Courses.

COMMENTS Total cost of this contract will not exceed \$533,000 during the 4-year contract period. The majority of this cost (\$523,000) will be paid to a 3rd party financing company (yet to be determined) who will be awarded under a separate RFP for tax exempt lease financing services. The remaining \$10,000 will be used to pay E-Z-GO for replacement parts and non-warranty service to maintain the golf fleet as well as paying for the rental of a supplemental golf fleet to accommodate large tournaments and seasonal demands.

DOCUMENT NAME 20120628fslg13 PURCHASES (1004-01)

- B18. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request approval of a fifty-eight (58) month contract renewal with Clean Energy Fuel Corporation for maintenance and repair services for the liquid/compressed natural gas fueling station at the East Valley Bus Operations and Maintenance facility.

- B19. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request approval to award a three-year contract to Clean Energy Fuel Corporation for the supply of Liquefied Natural Gas (LNG) to support the City's transit fleet operation.

- B20. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request authorization for the Public Works Department to enter a license agreement pursuant to Section 29-19(b) of the Tempe City Code allowing construction of a two-story structure within City street right-of-way adjacent to 11 East 6th Street on the southeast corner of 6th Street and Mill Avenue.

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

- *C1. Introduced and held the first public hearing to adopt a resolution authorizing the Mayor to execute a General Plan Amendment and to adopt an ordinance for a Zoning Map Amendment for RURAL AND LAKESHORE RESTAURANT COMPLEX located at 4455 S. Rural Road. The second public hearing was scheduled for August 9, 2012.

COMMENTS Request for RURAL AND LAKESHORE RESTAURANT COMPLEX (PL120121) (Holly James, D.R.Horton, Inc., property owner; Wayne Sterling, Sterling Design Associates, LLC, applicant) consisting of Lot 1, a one-story 1,725 s.f. restaurant and Lot 2 a one-story 3,500 s.f. building for two restaurants for a total of 5,225 s.f., on 1.23 net acres, located at 4455 S. Rural Road in the MU-3 District. The request includes the following:
GEP12002 – (Resolution No. 2012.55) General Plan Land Use Amendment from Mixed Use to Commercial.
ZON12002 – (Ordinance No.2012.26) Zoning Map Amendment from MU-3, Mixed-Use Three, Medium Density District to PCC-2 Planned Commercial Center Two.

DOCUMENT NAME 062812cddk02 PLANNED DEVELOPMENT (0406) (RESOLUTION NO. 2012.55) (ORDINANCE NO. 2012.26)

- *C2. Introduced and held the first public hearing to adopt a resolution authorizing the Mayor to execute a General Plan Amendment and to adopt ordinances for a Zoning Map Amendment and Planned Area Development Overlay for ARGO AT TOWN LAKE, 601 W. Rio Salado Parkway. The second public hearing was scheduled for August 9, 2012.

COMMENTS Request for ARGO AT TOWN LAKE (PL110131) (Jason Ottman, Evergreen Development Co., property owner; Brent Fike, Todd & Associates Inc., applicant) consisting of a new four story building over two floors of podium parking, with 604,105 s.f., on approximately 5.72 net acres, located at 601 W Rio Salado Parkway in the MU-4 Mixed Use District. The request includes the following:
GEP12003 - (Resolution No. 2012.60) General Plan Land Use and Density Map Amendment from Open Space to Mixed Use and from up to 25 du/ac to greater than 25 du/ac on .135 acres of the 5.72 acre site.
ZON12003 – (Ordinance No. 2012.27) Zoning Map Amendment from GID, General Industrial District to MU-4, Mixed-Use, High Density District for .135 acres of the 5.72 acre site.
PAD12003 – (Ordinance No. 2012.28) Planned Area Development Overlay Amendment to change existing entitlements for density from 99 du/ac to 63 du/ac, lot coverage from 53% to 75%, landscape area from 35% to 43.2%, building height from 189' to 90', side yard setback from 44'6" to 34'0", and parking reduction from 664 to 559 parking spaces.

DOCUMENT NAME 20120628cddk01 PLANNED DEVELOPMENT (0406) RESOLUTION NO. 2012.60; ORDINANCE NO. 2012.27; ORDINANCE NO. 2012.28

*C3. **THIS ITEM WAS REMOVED/DELETED FROM THE AGENDA.** Introduction and first public hearing to adopt an ordinance for the lease of real property to FSAL, Inc. /Tempe Adult Day Care for the Freestone House located at 2303 East Maryland Drive, Tempe, Arizona; and authorizing the Mayor to execute the lease and attendant documents. The second public hearing is scheduled for August 9, 2012.

*C4. Introduced and held the first public hearing to amend the Tempe City Code, Section 2-181, relating to the City boards and commissions, providing authority to boards and commissions to create subcommittees under certain restrictions. The second public hearing was scheduled for August 9, 2012.

COMMENTS There is no direct cost to the City with this Code amendment.
DOCUMENT NAME 20120628ccb01 0102-01-00 BDS, COMMISSIONS, COMMITTEES
ADM; ORDINANCE NO. 2012.35

D. Ordinances and Items for Second Hearing/Final Adoption

*D1. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.31** granting an access easement to the City of Phoenix north of the Johnny G. Martinez Water Treatment Plant and the Rolling Hills Golf Course.

COMMENTS The Phoenix Zoo accesses the east portion of the Zoo property, service and maintenance by way of the driveway to the Johnny G. Martinez Water Treatment Plant for deliveries. The driveway was recently converted from Marigold Lane right-of-way to a City of Tempe driveway to allow the addition of a security gate and other improvements. This new easement will allow the Phoenix Zoo to continue to access the service area of their property. In conjunction, a new easement was granted to Tempe by the City of Phoenix across Phoenix property at the north end of the Rolling Hills Golf Course.

DOCUMENT NAME 20120628pwgk08 EASEMENT (0901) ORDINANCE NO. 2012.31

*D2. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.33** authorizing the execution of a Development and Disposition Agreement with Habitat for Humanity Central Arizona pursuant to which the City will convey two vacant lots, located at 2227 E. Randall Dive and 1130 S. Stratton Lane. (**Contract 2012-109**)

COMMENTS Staff has concluded negotiation with Habitat for Humanity Central Arizona, pursuant to Resolution 2012.27 and Resolution 2012.28, for the execution of a Development and Disposition agreement for the property at a price of \$10.00 per parcel. Habitat for Humanity will construct three affordable single family homes on the vacant lots.

DOCUMENT NAME 20120628cdch01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2012.33

E. Resolutions

E1. Adopted **RESOLUTION NO. 2012.76** authorizing the Mayor to execute a Development Agreement with SVB Financial Group, Inc. (**Contract 2012-107**)

COMMENTS The Development Agreement provides for the waiver or refund of City-imposed fees as part of an intergovernmental package of support that resulted in location of SVB's new operations and IT center in Tempe.

DOCUMENT NAME 06282012cdss01 PLANNED DEVELOPMENT (0406) RESOLUTION NO. 2012.76

- E2. Adopted **RESOLUTION NO. 2012.77** to enter into an agreement between the Tempe Police Department and the City of Tucson to accept funds for one sworn position for the Arizona High Intensity Drug Trafficking Area (HIDTA) Investigative Support Center. (**Contract 2012-114**)

COMMENTS N/A

DOCUMENT NAME 20120628pdmk01 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.77

- E3. Adopted **RESOLUTION NO. 2012.78** to enter into an agreement between the Tempe Police Department and the City of Tucson to accept overtime funding for an officer assigned to the Maricopa County Drug Suppression Task Force. (**Contract 2012-115**)

COMMENTS The award amount is \$11,000

DOCUMENT NAME 20120628pdmk02 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.78

- E4. Adopted **RESOLUTION NO. 2012.82** authorizing the Mayor to execute a First Amendment to Development and Disposition Agreement with Evergreen-Lakeside & Rio Salado, LLC (Evergreen) to expand the potential uses of an easement area and better define the property to be acquired pursuant to the existing option. (**Contract 2011-73A**)

COMMENTS N/A

DOCUMENT NAME 20120628cdcm01 COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01) RESOLUTION NO. 2012.82

- E5. Adopted **RESOLUTION NO. 2012.83** authorizing the Mayor to sign the Sixth Amendment to the Intergovernmental Agreement between the Maricopa County Library District and the City of Tempe for participation in the Reciprocal Borrowing Program through June 30, 2013. (**Contract 2001-136F**)

COMMENTS The City estimates receiving approximately \$98,500 in revenue for FY 2012/2013 at the reduced reimbursement rate of \$25.00 per net non-resident borrower card issued for the one-year term of the Amendment. The City of Tempe received \$193,749 in revenue for 2007/2008, \$196,000 for 2008/2009, \$185,874 for 2009/2010, and \$120,642 2010/2011, for its participation in this program at the reimbursement rate of \$28.50 per net non-resident borrower card issued.

DOCUMENT NAME 20120628csbr02 LIBRARY ADMIN (0704-01) RESOLUTION NO. 2012.83

- E6. Adopted **RESOLUTION NO. 2012.84** to enter into an Expense Sharing Agreement between the Tempe Police Department and the Mills Services Corp., as managing agent of Arizona Mills L.L.C. (**Contract 2012-110**)

COMMENTS N/A

DOCUMENT NAME 20120628pdmk03 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.84

- E7. Adopted **RESOLUTION NO. 2012.85** authorizing the Mayor to sign the addendum to the Rental Agreement for Unimproved or Vacant Properties with the Arizona Department of Transportation (ADOT) covering the land located under the Loop 202 Freeway at Mill Avenue. (**Contract 2010-45A**)

COMMENTS This addendum will allow for the expansion of the boat storage area under the Loop 202 Freeway at Mill Avenue. This expansion will allow for an additional 24 to 30 boat storage spaces depending on boat size.
DOCUMENT NAME 20120628cssw01 RIO SALADO MASTER PLAN (0112-07-03) RESOLUTION NO. 2012.85

- E8. Adopted **RESOLUTION NO. 2012.86** authorizing the Mayor to sign an Intergovernmental Agreement between the City of Phoenix and the City of Tempe for the provision of support services to Tempe for a five year period commencing July 1, 2011 terminating June 30, 2016. Phoenix shall provide regional transit operations support services and regional fare media distribution services to Tempe. (**Contract 2012-111**)

COMMENTS Cost to Tempe is estimated to be \$ 487,035.
DOCUMENT NAME 20120628pwmn01 TRANSPORTATION ADMIN (1101) RESOLUTION NO. 2012.86

- E9. Adopted **RESOLUTION NO. 2012.87** to approve and authorize a pilot program to establish processes for the control of noise in the City of Tempe.

COMMENTS There is no cost to the City for adopting this resolution.
DOCUMENT NAME 20120628cajb01 NOISE POLLUTION (0604-02) RESOLUTION NO. 2012.87

- E10. Adopted **RESOLUTION NO. 2012.88** ordering and calling a special bond election to be held in and for the City of Tempe, Arizona, in conjunction with the statewide general election on November 6, 2012, to submit to the qualified electors thereof the question of authorizing the issuance and sale of \$29,800,000 principal amount of general obligation bonds.

COMMENTS N/A
DOCUMENT NAME 2012628fsae01 GENERAL OBLIGATION BOND ADMINISTRATION (0203-03) RESOLUTION NO. 2012.88

- E11. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request adoption of a resolution authorizing the Mayor or his designee to sign a letter agreement establishing a strategic alliance with Salt River Project and The Rio Salado Foundation for water conservation and sustainability programs at the Carl Hayden Campus for Sustainability located at the Eisendrath House.

AGENDA ITEM(S) REMOVED FOR SEPARATE CONSIDERATION:

- B3. Approved the utilization of a one-year City of Chandler contract with Basic Chemical Solutions, LLC., Brenntag Chandler, DPC Enterprises, LP., General Chemical Performance Products, LLC., Hill Brothers Chemical Company, Kemira Water Solutions, Inc., Polydyne, Inc., Saltworks and Thatcher Company of Arizona for water and wastewater treatment chemicals for the Public Works Department.

COMMENTS Total combined cost for these contracts shall not exceed \$1,450,000 during the one-year contract period.
DOCUMENT NAME 20120628fst04 PURCHASES (1004-01)

Don Hawkes, Deputy Public Works Director – Water Utilities, spoke to the following points regarding this item: contract is for chemicals used in the water treatment process; value of contract is \$1,400,000; Water Utilities is operated as an Enterprise Fund, so it is supported solely by user fees and rates; partnered with 12 cities to purchase a large quantity of chemicals for the best possible value.

Motion by Councilmember Shekerjian to approve agenda item 5B3; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

B18. Approved a fifty-eight (58) month contract renewal with Clean Energy Fuel Corporation for maintenance and repair services for the liquid/compressed natural gas fueling station at the East Valley Bus Operations and Maintenance facility.

COMMENTS Total cost for this contract shall not exceed \$2,083,200.00 over the 58-month contract period.
DOCUMENT NAME 20120628fsmg01 PURCHASES (1004-01)

B19. Awarded a three-year contract to Clean Energy Fuel Corporation for the supply of Liquefied Natural Gas (LNG) to support the City's transit fleet operation. **(Contract 2012-116)**

COMMENTS Total cost of this three-year contract shall not exceed \$9,927,330.00
DOCUMENT NAME 20120628fsmg16 PURCHASES (1004-01)

Councilmembers discussed the dollar amount and requested an explanation of items 5B18 and 5B19. Michael Greene, Central Services Administrator, spoke to the following points regarding these items: the items are for a 58-month contract renewal to continue maintenance and repair services for a liquid compressed natural gas fueling station at the East Valley Bus Operations and Maintenance Facility; contract originally awarded to NorthStar, Inc., which was purchased by Clean Energy; contract amount estimated at approximately \$2,100,000 with a negotiated reduction of approximately 20%; includes all preventative maintenance, repairs or rebuilds; City will also pay a dispense fee.

Motion by Vice Mayor Navarro to approve agenda items 5B18 and 5B19; second by Councilmember Woods. Motion passed on a roll call vote 7-0.

B20. Authorized the Public Works Department to enter a license agreement pursuant to Section 29-19(b) of the Tempe City Code allowing construction of a two-story structure within City street right-of-way adjacent to 11 East 6th Street on the southeast corner of 6th Street and Mill Avenue.

COMMENTS The license would have a term of 15 years and contain such other terms as the parties agree, including design review and approval, construction standards, insurance requirements, termination provisions and indemnification.
DOCUMENT NAME 20120628pwko01

Councilmember Ellis declared a conflict of interest on agenda item 5B20.

Motion by Vice Mayor Navarro to approve agenda item 5B20; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 6-0-1, with Councilmember Ellis abstaining.

- E11. Adopted **RESOLUTION NO. 2012.90** authorizing the Mayor or his designee to sign a letter agreement establishing a strategic alliance with Salt River Project and The Rio Salado Foundation for water conservation and sustainability programs at the Carl Hayden Campus for Sustainability located at the Eisendrath House. (**Contract 2012-112**)

COMMENTS The Letter establishes the framework for cooperation by all three parties on the conservation and sustainability programming at the Carl Hayden Campus for Sustainability which is located at the Eisendrath House.

DOCUMENT NAME 20120628CMAC01 1400 NORTH COLLEGE (0709-01) RESOLUTION NO. 2012.90

Mayor Hallman declared a conflict of interest on agenda item 5E11 as he is the President of the Board of The Rio Salado Foundation.

Motion by Councilmember Woods to approve agenda item 5E11; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 6-0-1, with Mayor Hallman abstaining.

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- *A8. Held a public hearing and denied the appeal of a previously approved Use Permit and Development Plan Review for ASH PROPERTY RESURRECTION located at 959 South Ash Avenue.

COMMENTS Hold a public hearing for appeal of the May 22, 2012 Development Review Commission decision. The request seeks overturn of an approval of a Use Permit and Development Plan Review for ASH PROPERTY RESURRECTION (PL110362) (Irene Menting, Ash Property Resurrection LLC, property owner; James Hann, James Hann Design A.I.A., applicant). The subject under appeal is a residential community of seven units in four buildings including an existing one-story freestanding unit (1,288 sf.), two proposed two-story freestanding units (1,346 sf. and 2,368 sf.) and a proposed two-story building with four units (10,334 sf.), all on +/-0.46 net acres, located at 959 South Ash Avenue in the R-3, Multi-Family Residential Limited District. The request includes the following:
UPA12010 – appeal of a Use Permit to allow tandem parking.
DPA12005– appeal of a Development Plan Review including site plan, building elevations, and landscape plan.

DOCUMENT NAME 20120628cdkko01 PLANNED DEVELOPMENT (0406)

The following conditions of approval apply:

1. Length of approval:
 - a. The Use Permit and Development Plan Review approval are valid until May 22, 2013, which is one year from date of approval. If documents are not submitted for Building Safety Division plan check review by May 22, 2013 the Use Permit and Development Plan Review approval will expire.
 - b. If documents are submitted to the Building Safety Division for plan review prior to or on May 22, 2013, the Use Permit and Development Plan Review approval will continue to be valid during the building plan review period (period includes time extension, if required). If the plan review period is allowed to expire without issuance of a building permit, the Use Permit and Development Plan Review approval will expire.
 - c. After the issuance of a building permit, the Use Permit and Development Plan Review will remain in effect as long as the building permit itself is valid. If the building permit is allowed to expire, the Use Permit and Development Plan Review approval will expire.

2. The Use Permit for tandem parking is specific to the proposed site plan and is designed to hold vehicular site access paving to a minimum. The Use Permit provides for tandem parking with direct exit to Ash Avenue as follows: two pairs of spaces between Unit A and Unit F and one pair of spaces between Unit F and Unit G.
3. The legal non-conforming status for 15'-0" front building setback for existing Unit G applies also to the parking setback for this unit. Do not allow tandem parking for Unit G to encroach into the 15'-0" front yard parking setback.
4. Provide a temporary perimeter fence around the construction on this site.
5. If the project does not go forward within the specified time frame, remove the storage container from the vacant portion of site, re-grade the site and top-dress with decomposed granite.
6. Undertake a Security Plan with the Police Department for the seven residences of this development. Follow guidelines indicated in the POLICE/SECURITY Section of Code-Ordinance requirements below. Additionally, the following apply:
 - a. 2nd floor mechanical space and adjacent garage roofs for Units B, C, D and E behind parapet may be accessible to service personnel via exterior portable ladder but not from the interior of the building.
 - b. Unit roofs may be accessible to service personnel via exterior portable ladder but not from the building interior.
 - c. Include parking regulation for all unit occupants that does not allow a parked vehicle to block any part of alley or park in an on-site or adjacent frontage landscape area.
7. Complete process for a one-lot subdivision plat including Engineering Division and Planning Division reviews and one City Council meeting. Establishment of public utility easements for the lot may be done on this plat or by separate recorded instrument. Obtain City Council approval for submitted one-lot subdivision plat and provide final format and recordation of the subdivision plat prior to issuance of building permits.
8. Re-pave the entire 20'-0" alley width from the northeast corner of site to 10th street. Follow guidelines indicated in the ENGINEERING Section of Code-Ordinance requirements below.
9. Connect tandem parking between Unit A and F to Ash Avenue as follows. Construct a 10'-0" wide concrete driveway on Ash Avenue with quarter round curb returns per Standard Detail T-319. Center driveway on the 17'-0" wide tandem parking pavement. Connect the 10'-0" wide concrete driveway to the 17'-0" wide parking pavement with drive aisle that gradually widens across the width of the 20'-0" parking setback. Provide porous pavement in drive and parking. Do not extend porous pavement into Ash Avenue public right of way.
10. Provide porous pavement for drive aisle from alley to Unit A garage and for drive aisle and exterior parking space between Unit A and Unit B.
11. Provide porous pavement for two space parking and entrance apron between Unit C and D garages. Provide planting areas to north and south of parking and plant vines for overhead trellis.
12. Provide porous pavement for one space parking and drive aisle south of Unit E garage.
13. Provide porous pavement for entrance aprons from public alley to the four Unit B-E garages.
14. Provide raised curbs to define paving and landscape edges and preclude parking in landscape areas.
15. Do not place exterior parking spaces as proposed in retention basins.
16. Do not modify natural grade as proposed under canopy of existing mature oak tree near northwest property

corner.

17. Position required bicycle parking as indicated on landscape plan.
18. Finish utility equipment boxes in a neutral color, subject to utility provider approval. Do not paint over warning or identifying decals. Place exterior reduced pressure backflow assemblies in pre-manufactured, pre-finished, lockable cages, one assembly per cage. If backflow prevention device is for a 3" or greater water line, delete cage and provide a masonry screen wall.
19. No part of Building B-E may extend above 30'-0". The increased height exceptions allowed in ZDC Section 4-205(A) including for stair penthouses may not be applied to Building B-E.
20. The materials and colors for Buildings containing Unit A, Unit F and Unit B-E are approved as presented:
 - a. Wall Surface Fiber Cement Sheathing Materials
 - Hardie Plank Lap Siding
 - Hardie Shingle Siding
 - Hardie Panel Board and Batten Vertical Siding
 - Hardie Plank Trim
 - b. Asphalt Roof Shingles
 - Certainteed Autumn Blend
 - c. Paint:
 - Sherwin Williams Chelsea Gray LRV 41
 - Sherwin Williams Copper Red LRV 9
 - Sherwin Williams Roycroft Suede LRV 31
 - Sherwin Williams Powder Blue LRV 33
 - Sherwin Williams Birdseye Maple LRV 43
 - d. Additions or modifications may be submitted for review during building plan check process. Significant alterations to colors or materials, as determined by Planning Division, will require separate Development Review Commission approval.
21. Weather-proof exposed tops of roof rafter tails, top of parapet and top of fence with metal flashing caps. Treat corners of walls clad with fiber cement siding with metal flashing cover or provide fiber cement trim.
22. Replicate dimension of rafter tails, columns and similar members to that found in existing residential building inventory in the Maple-Ash neighborhood.
23. Locate electrical service entrance sections so surface of section cabinet is flush with the exterior of the building wall.
24. Provide a minimum 2'-0" wide cantilevered or bracket supported trellis "eyebrow" at the head of the Unit A, B, C, D and E double garage doors. Provide a minimum 2'-0" wide cantilevered or bracket supported trellis on the side of exterior parking west of Unit B and south of Garage E. Provide a full coverage trellis as indicated above exterior parking located between Garage C and Garage D. Design each trellis to support vines. Utilize trellis and vines in parking shade study required by ZDC Section 4-704(A)(2) where trees cannot be planted at ends of parking. Conceal required security task lighting for exterior parking spaces and garage doors within each trellis structure.
25. Provide internal roof drains for parapet roofs above alley garages. Minimize visible, external features such as overflows, and where provided, design these to enhance the architecture of the building.
26. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the exterior design and indicate these on the building elevations submitted for building

- plan check review. Exposed conduit, piping, or related materials on the exterior of the building is not permitted.
27. Provide the following maximum dusk to dawn light level standards. At residential exterior surface vehicular parking: 2.5 foot-candles. At exterior bicycle parking: 2.0 foot-candles, at drive aisle to Unit A: 2.0 foot-candles, at Unit F and G on-site driveways: 2.0 foot-candles. At surface retention areas: 1.0 foot-candles.
 28. Limit security light to high pressure sodium or similar residential grade fixtures that cast a warm white-yellow light. Do not use metal halide or other blue-white light fixtures.
 29. Limit freestanding and building mount security light height to 10'-0" above adjacent finish grade. Address sign illumination and upper level veranda lights are an exception from this requirement. Use trellis above double garage doors and exterior parking to shield parking space lights.
 30. Switch control all residential entrances including on verandas where these are not required to be illuminated from dusk to dawn.
 31. Have a registered landscape architect prepare and seal the landscape and irrigation construction documents.
 32. A perimeter fence is not required. Fence if proposed at the Unit B dining alley yard and along north and south property lines may be a maximum of 6'-0" height except within the Ash Avenue 20'-0" front-yard setback may only be a maximum of 4'-0" height. Install an opaque fence of painted or pre-finished 8" nominal concrete unit masonry, painted wood frame fence similar to what currently exists for Unit G or provide an open, steel vertical picket fence. If a perimeter fence is placed on the south property line, also extend the fence from the southeast site corner to the southeast corner of Building B-E to limit unauthorized pedestrian walkway between alley and Ash Avenue along the south of the site.
 33. Survey existing trees and palms on site and in the Ash Avenue frontage, including particularly the trees along the Ash curb and south of Unit G. Identify by species on the landscape plan. Preserve existing trees in place where possible and incorporate existing trees into the proposed landscape plan. Where preservation of a tree or palm is not possible, indicate reason why demolition is warranted in each case.
 34. Incorporate a hybrid *Cynodon dactylon* (Bermuda) lawn in landscape materials palette. Include a temporary spray irrigation system to establish lawn at portions of turf that will be flood irrigated at project conclusion.
 35. Provide grassy basins and trees supported by flood irrigation in the landscaped front yards facing Ash Avenue and in the landscaped north and south side yards. Provide landscape in interior of site supported by flood irrigation or optionally supported by an automatic irrigation system. Confine major retention storage capacity to the interior of the site. Incorporate maintenance access to storage structure in overall site design. Flood irrigated basins may provide some retention capacity, but not at the expense of compromising the purpose of flood irrigation to support deep rooted, large trees.
 36. Provide planting areas beside each garage entrance apron and drive aisle at the alley to the east of Building B-E. Develop the landscape plan to include plantings on either side of drive entrances adjacent to alley.
 37. Locate a Texas Mountain Laurel in a planting island east of the Unit A garage driveway. Provide an 8'-0" long planting island that extends north from the Unit A garage to divide the Unit A parking courtyard from the exterior parking space west of Unit B.
 38. Utilize existing flood irrigation basin in right of way frontage between sidewalk and curb from north of Unit G driveway to northwest property corner and re-establish lawn in this part of frontage, subject to Arizona Department of Water Resources low-water use waiver in public right of way of historic neighborhood. Present waiver with construction drawings. Existing low water use landscape in front of Unit G may remain.

39. Automatic irrigation notes (for portions of site that are not flood irrigated):
 - a. If an existing water meter is reused and dedicated for landscape irrigation, notify Water Utilities Division of the dedication.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Provide schedule 40 PVC mainline. Provide minimum class 200 PVC feeder line except provide minimum class 315 feeder for ½" diameter size. Provide details of water distribution system.
 - c. Locate automatic valve controller in vandal resistant housing or inside a building. Hardwire power source to controller—a receptacle connection is not allowed. Detail controller installation so power and valve wire conduits are concealed in an exterior wall.
 - d. Provide temporary irrigation to existing site and frontage landscape as required prior to conclusion of construction.
40. Remove soil compaction in planting areas on site and public right of way and remove construction debris from planting areas prior to landscape installation.
41. Provide address signs for buildings based on quantity and locations indicated on the elevations of the Preliminary Site Plan Review mark-up, dated January 18, 2012, and as follows.
 - a. Provide one address sign on Unit F facing Ash Avenue.
 - b. Provide street number only, not the street name.
 - c. Compose of 6" high, individual mount, metal reverse pan channel characters.
 - d. Provide self-illuminated (halo-illumination type) sign.
 - e. Coordinate location address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - f. Do not affix number or letter to elevation that might be mistaken for the address.
42. The rule of maximum three persons per dwelling unit not related to third degree of consanguinity, as defined in the ZDC Section 7-107(1), shall also apply to the dwelling units of this project.

A9. Approved a Final Subdivision Plat for ASH ESTATES located at 959 S. Ash Avenue.

COMMENTS

Request for ASH ESTATES (PL110362) (Irene Menting, Ash Property Resurrection LLC, property owner; James Hann, James Hann Design A.I.A., applicant) located at 959 S. Ash Avenue in the R-3, Multi-Family Residential Limited District. The request includes the following:

SBD12002 – Final Subdivision Plat to consolidate three lots and a 5 ft. wide strip of a fourth lot into one (1) lot on +/-0.4576 acres.

DOCUMENT NAME

20120628cdkko02 PLANNED DEVELOPMENT (0406)

The following conditions of approval apply:

1. The Subdivision Plat for Ash Estates for the +/-0.4576 net acre property including the consolidation of three lots and a 5'-0" wide strip of a fourth lot shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe Community Development Department on or before June 28, 2013 or prior to issuance of building permit, whichever comes first. Failure to record the plat on or before June 28, 2013, which is one (1) year from date of City Council approval, shall make the approval of the plat null and void.
2. All property corners shall be set and verified by Registered Land Surveyor. Submit completed and sealed Notice of Verification to Public Works/Land Services Division staff no later than three (3) months from the date of County recordation or as determined by staff.

Andrew Ching, City Attorney, stated that items 5A8 and 5A9 could be discussed together. Mayor Hallman noted that comments should be directed to item 5A8, as that item was placed on the agenda as a public hearing.

Wendy Riddell, property owner representative, provided an overview of the proposed project:

- Property located on Ash Avenue; salvaged house on the site is incorporated in this request.
- Owner salvaged some onsite structures; due to vagrancy and graffiti, other existing structures were cleared.
- Located in the cultural resource area of the General Plan; underlying zoning should remain the highest appropriate density for the area.
- Seeking a use permit and design approval, not a zoning case; zoning originally adopted in 1957 permits up to 20 dwelling units per acre.
- Original request included eight units, courtyard, with a use permit requesting additional building height and parking modifications; made changes based on conversations with neighborhood.
- Neighborhood concerns included: height, number of stories (three), tandem parking location, lot combination.
- In response: reduced height, eliminated third story, eliminated tandem parking behind the garage and reduced reliance on tandem parking, placed single units along the street for views, amended elevations, reduced density to seven units, simplified roofline.
- 11 lots frequently use the rear alley for access; agreed to pave the alley.
- Reduced number of tandem parking from 11 to three; added two more parking spaces than required; each unit has its own parking.
- Petition with 23 signatures in support; 20 letters from people in the area supporting the application.
- Lot combination is not precedent-setting; numerous examples of lot combinations along Ash Avenue.

Karyn Gitlis, appellant, chairperson of the Maple Ash Neighborhood Association (MANA), spoke regarding the appeal:

- MANA opposes the project.
- Changes to the plan were made only after Design Review Committee directed that changes be made.
- Neighborhood has assisted the property owners on various issues.
- Requests denial for the following reasons: unwanted intrusion; history of Maple Ash and its meaning; zoning and land-use in the neighborhood; failed projects; failed processes and lost zoning rights; disinvestment; preserve the neighborhood's character; community wants to preserve its character; giving away rights to developers; neighborhood wants input into projects; buildings massed across the back of the property; impact on quality of life.
- 67 owners representing 59 properties signed petitions in opposition; 23 renters in agreement; 24 outside the neighborhood; submitted the petitions to the City Clerk.
- Project is not beneficial to the neighborhood; does not integrate well with the neighborhood; building codes for single and multi-family residential do not mix.
- Oldest neighborhood in Tempe, starting in 1909; discussed the neighborhood's history.
- Developer's original vision was to include three properties from 907 through 959 South Ash Avenue; small infill cottages that would be in keeping with the surrounding structures.
- Multiplex is a poor substitute for the trees that have been lost; too much lot coverage.
- Project can be made less intrusive.
- Years of speculative investing has impacted the neighborhood; fifth large infill project in the neighborhood since 1986.
- Current land uses include commercial, medical campus, church, and multi-family residential; more rental properties than owner-occupied.
- Neighborhood failures have been caused by developers and include 1219 and 1221 South Maple Avenue; 928 South Maple Avenue; 1026 South Maple Avenue; Sienna Court at 936 South Ash Avenue; Ash Avenue Condos at 1120 and 1122 South Ash Avenue.
- Properties have been affected by vagrancy, fire, poorly designed additions, disrepair and un-permitted work activity, incomplete buildings, and light trespass.
- Discussed the different zoning for various areas, a successful project in the neighborhood, student housing, and owner-occupied housing in different developments within Maple Ash.
- 2005 zoning code rewrite allows the project to be built; when developer removed the third floor, a third unit

was added at the front of the property.

- Neighborhood's property rights have been taken; neighborhood preservationists lobbied on General Plan 2020 for a lower projected density category.

Lisa Collins, Interim Community Development Director, clarified that the zoning changes being discussed were approved in January, 2005; changes included the R-3 designation allowing lot coverage of 50% and the R-4 designation, where allowable height changed to 30 feet.

Ms. Gitlis continued:

- Neighborhood lost the lower projected density fight, as well as an application for a historic designation.
- Impact is not monetary; impact is on quality of life.
- Project can be denied under the cultural resource area designation of the General Plan 2030.
- General Plan language is designed to encourage reinvestment and redevelopment appropriate to particular areas, to promote neighborhood preservation and enhancement, and to encourage preservation of historic and archaeological resources.
- General Plan language addresses density and character of neighborhoods.
- Deny request based on poor site design, including: tandem parking, building height, massing and sizeable trees.
- General Plan 2030 reads, "with a projected density to match the zoning at the time this plan is adopted." Developer should be held to the maximum allowable lot coverage of 40%, which was in the zoning regulatory language when the General Plan was adopted.

April Erickson, Tempe, stated her support of the project for the following reasons: positive change; knows the owners personally; owners want the best for Tempe; beautiful project; trees being added are mature.

Mick Scevak, Tempe, stated his support of the project for the following reasons: enjoys the Ash Avenue area; design is sympathetic with existing buildings; knows the owners; does not detract from the area; eco-friendly development.

Bret Batchelor, Tucson, formerly of Tempe and current Tempe property-owner, stated his support of the project for the following reasons: MANA does not represent the majority of the property owners; MANA is only interested in historic preservation and has split the neighborhood; the people who are against the project are meddlesome; area is urban and calls for greater density; area has always been multi-family.

Bill Bunger, Tempe, Vice President of MAPLE, Maple Ash Property and Landowners Entity, stated his support of the project for the following reasons: opposed to historic preservation; area is not a historic district; property needs to be R-3, multi-family residential development; defends property rights and existing zoning. He stated that this neighborhood is the only one in Tempe that has two neighborhood associations because of the views on historic preservation.

Larry Mishler, Tempe, stated his support of the project for the following reasons: positive change in Tempe; project will be beautiful and an asset to Tempe; more residents add to the tax base, lowering taxes; property has been cleaned up.

Mark Beluchene, speaking on behalf of Nathan Richard, Tempe, stated Mr. Richard's support of the project for the following reasons: currently an empty lot and eyesore; luxury apartments will improve the property; buildings will keep the surrounding historic look and feel intact.

Lee Cruz, Tempe, stated her opposition to the project for the following reasons: building height; doesn't want the neighborhood to become dorms and student housing.

Kirby Spitler, Tempe, stated his opposition to the project for the following reasons: tandem parking; lot tie; design; oldest neighborhood in Tempe; history; protect property rights and neighborhood. He suggested re-platting the area.

Mayor Hallman and Mr. Spitler discussed the following: tandem parking at existing residences; maintaining the historic

look and feel of the neighborhood, including tandem parking; how the development incorporates the neighborhood's historic elements but those elements are being used to suggest that it is a bad project; a conundrum in Tempe is maintaining historic properties while trying to fix those that have deteriorated; encouraging new investment on properties while preserving history is important, but also difficult; the City cannot afford to purchase properties and build single family residences on R-3 and R-4 properties for the benefit of the people who live there and enjoy history.

Mayor Hallman discussed the effect of not combining the lots, which would result in 50% lot coverage, 30-foot height, and 3 units per property, and asked if the neighbors prefer this; Mr. Spittler responded that he believed so. They further discussed this option, including side yards which are required to be 10 feet, and setbacks, which are 25 feet for the front yard, 10 feet on the side, and 15 for the rear; parking is allowed in the setback areas.

Mayor Hallman discussed the following with Mr. Spittler, Ms. Collins, and Ms. Riddell: the review process, the current plan and the separation between the buildings along the street; moving the middle house to the south to achieve the required 20 foot separations; historic zoning and guidelines; options for moving and adjusting the design; the type of residents including student housing, frat houses, and owner residents; the difference between absentee owners and developments where the property owners live on site; and historic preservation.

Patricia St. Vincent, Tempe, stated the following regarding the project: not opposed to the project; density and parking are concerns; the number of visitors if the residents are college students; current restrictions on parking in the area.

Mayor Hallman and Ms. St. Vincent discussed options for restricting parking by requiring a permit.

Ms. St. Vincent continued: parking distance from driveways; the number of driveway entries along the street; safety concerns with additional cars traveling through the neighborhood.

Mayor Hallman stated that the City Council is trying to protect and preserve the character of the neighborhood with the tools that they have; however, impediments to people trying to improve dilapidated or empty lots make it less likely for improvements in the neighborhood.

Ms. St. Vincent continued: envisioned bungalows; welcomes new neighbors to the neighborhood.

David Arkules, Tempe, stated the following regarding the project: owners did a wonderful restoration; concerned with the density in the back; parking concerns; suggested keeping the property as three separate lots with R-3 zoning; concern about the domino effect if these lots are combined. In response to Mayor Hallman, Mr. Arkules stated that he is not asking the City Council to make sure that there is no redevelopment; he wants the neighborhood to retain its character, and restated his concerns.

Mayor Hallman and Mr. Arkules discussed the following: the condition of the alley; tools to be used with the developer, should the project be approved, to clean up the neighborhood.

John Minett, Tempe, stated the following regarding the project: conserve the neighborhood's character; against the lot tie; not opposed to student housing; build to the back of the lot and improve the alley.

Phil Douglass, Tempe, spoke in opposition to the project for the following reasons: uses the maximum density; a lot of residences in the neighborhood are single family without rental units on the property.

Mayor Hallman and Mr. Douglass discussed additions to properties to allow rental units and the alley at the property.

Mr. Douglass continued: the lot is now bare, and if the owners choose not to develop, an empty lot will remain; restated concern of building to the maximum density.

Mayor Hallman clarified that the owners have given back; the maximum density allowed is nine units; the owners are

proposing seven units. Mayor Hallman spoke to the conundrum; the credibility of the owners due to their purchasing and reinvesting in the historic house on the property; assurance that density will not increase over what is proposed now, once a lot tie is approved.

Mayor Hallman and Mr. Douglass continued discussion of the lot tie, and the quality of life if the lot tie is approved.

The public hearing was closed; Mayor Hallman asked the applicant for response comments. Mayor Hallman and Ms. Riddell discussed the following:

- Options for re-vegetation include four 42-inch boxed Ash trees that will line the street; along the south will be 24-inch boxed Brazilian Peppers.

Mr. Ching responded to a question regarding a lot tie setting a precedent for the lot; he stated that any applicant coming forward would need to meet the criteria specified in the subdivision ordinance and the zoning code, for each new application, and without respect to grants previously made for other properties.

Mayor Hallman and Ms. Riddell continued to discuss the following:

- The east elevation, facing the alley; attachment 16 in the materials presented to the City Council contains a step back in the building façade and is two units with two two-car garages.
- Location of guest parking spaces and other design features in the garages and the buildings; guest parking spaces are centered behind the buildings.
- Stipulations include use of the presented site plan and layout; future development will require a legislative approval process.
- The property owner agrees, in the event of a fire or if the property is stripped, to re-subdivide the lots.

The City Council and Ms. Riddell discussed and negotiated the following:

- Adding a stipulation restricting the lot tie to the use of this specific site plan, including deed restrictions, use of an easement, or a variance with a zero lot line.
- The large building does not include a firewall, but the units are sprinklered.
- The property owner is amenable to landscaping the front to continue the use of grass up to the street, subject to approval of a permit issued by the Arizona Department of Water Resources for water in the right of way.
- Concerns with parking; people in the neighborhood would be allotted permit parking.
- No current alternative if tandem parking is not allowed; some green space area would be lost without tandem parking, and there would need to be other mechanisms for drainage.
- Reducing the main driveway's width to match the historic driveway width.
- Parking concerns, including the number of permits issued to each property; possibility of adding a stipulation preventing residents from purchasing parking permits for the neighborhood. Ms. Riddell and the owners agreed to the stipulation that residents be able to purchase one permit per unit.
- The consanguinity, or three-unrelated party law, where no more than three unrelated parties may live in a building, and the difficulty to enforce it; the owner will keep a record of who is living in each unit, and provide the record to the City on a complaint-driven basis, and will be required to verify identity. Mr. Ching and Mayor Hallman discussed the difficulty in providing evidence of a three-unrelated party violation; agreeing for legal purposes that, as a condition of the tandem parking use permit, the owner will verify identity in the lease agreement as a condition of the tandem parking use permit. The landlord will provide the proof to enable the City to enforce violations; details will be worked out as a final condition.
- The landscape plan as presented includes trees as mature as possible; the ordinance requires that when plant materials die, they must be replaced, and a condition of approval for the site plan may be added to stipulate that provides for a minimum size plant replacement.
- A future City Council must protect the City with future developments on the property, due to the lot tie.

Mayor Hallman summarized the discussion: the acquisition of purchased permits may be limited to one per unit; the consanguinity and permit parking will be enforced through the lease by private action through the landlord, but also as a tool for the City to get the evidence to enforce the code.

Ms. Gitlis, in closing, stated her appreciation of the City Council's efforts, especially the reversion of lot ties. Mayor Hallman discussed the need to develop potential long-term solutions relating to lot ties. Mayor Hallman discussed a two-rail parking system, with additional green space, and left it to the owners and staff to work on.

Ms. Gitlis stated that she appreciated the change in driveway width, and also the parking permit restriction.

Mayor Hallman listed the amendments made during the meeting:

- Adjustments to the driveway on the northernmost drive entrance, to reduce its width to the historic width of that on the south side of the property, but may include a two-rail parking system if preferred by the neighborhood;
- Include as a condition of the tandem parking use permit that the leases include limitations on occupancy such that all occupants comply with the consanguinity ordinances of the City;
- Parking permits will be limited to one per unit, with no opportunity to purchase additional parking permits as a condition of the lease;
- The City Attorney will work with the owner's counsel to craft language to allow that to be enforced with respect to the landowner, or landlord, on a complaint basis;
- The applicant will apply to add turf to the landscape medians adjacent to the right of way.

Motion by Councilmember Woods to approve agenda items A8 and A9 with the amendments as listed by the Mayor; second by Councilmember Shekerjian. Motion passed on a roll call vote 7-0.

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Shekerjian

- Congratulated Councilmember Ellis for receiving a Desert Peaks award from the Maricopa Association of Governments for her work on transportation.
- Congratulated Charlie Meyer, City Manager, for receiving an award for his work on provided region-wide seamless effective radio communications for first responders across the region.

Vice Mayor Navarro

- Ladder 273's response to a call and their diligence during their response.

Councilmember Woods

- Congratulated Councilmember Ellis for her Desert Peaks award.

Councilmember Ellis

- Expressed sympathy to the Mayor of El Mirage, whose husband passed away during the award ceremony.

7. PUBLIC APPEARANCES

A. Scheduled – none.

B. Unscheduled

Haryaksha Knauer, Tempe, scheduled a public appearance at the August 9, 2012, City Council meeting to request support of Move to Amend.

Ray Speakman, Mesa, is running for the House of Representatives in Legislative District 26, which includes downtown Tempe, and he would like to work with Tempe if elected.

The meeting adjourned at 11:47 p.m.

I, Brigitta M. Kuiper, 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 June 28, 2012, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor
Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk