



Minutes Formal City Council Meeting August 19, 2010

Minutes of the Formal Council Meeting of August 19, 2010, 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

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

Jeff Kulaga, Assistant City Manager

Andrew Ching, City Attorney

Brigitta M. Kuiper, City Clerk

Andy Goh, Deputy Public Works Manager

Various Department Heads or their representatives

Mayor Hallman called the meeting to order at 7:45 p.m.

1. Councilmember Arredondo-Savage gave the invocation.
2. Mayor Hallman called upon a Boy Scout Troop to lead the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Councilmember Ellis to approve the following **COUNCIL MEETING MINUTES**; second by Councilmember Woods. Motion passed unanimously on a voice vote.

1. Formal Council Meeting - June 24, & July 1, 2010
2. Council Executive Session - June 24, 2010
3. Council Special Budget Meeting - June 24, 2010
4. Council Technology, Economic & Community Development Technology Forum - March 24, 2010
5. Council Technology, Economic & Community Development Committee - May 7, 2010
6. Council Housing Committee - June 15, 2010
7. Council Transportation Committee - June 15, 2010

B. Acceptance of Board & Commission Meeting Minutes

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

1. Tardeada Advisory Board - February 8, 2010

2. Historical Museum Advisory Board - April 1, 2010
3. Enhanced Services Commission - April 14, 2010
4. Multi-modal Planning & Project Review Transportation Commission Subcommittee - April 14, 2010
5. Double Butte Cemetery Advisory Committee - April 21, 2010
6. Transit Fund Ad Hoc Committee - April 20, 2010
7. Transportation Commission - April 27, 2010
8. Housing Trust Fund Advisory Board - May 10, 2010
9. Public Art/Art in Private Development Municipal Arts Commission Subcommittee - May 12, & June 15, 2010
10. Municipal Arts Commission - May 12, 2010
11. Parks, Recreation and Golf Advisory Board - May 19, 2010
12. Grants Municipal Arts Commission Subcommittee - May 25, 2010
13. Hearing Officer - June 1 & 22, and July 6, & 20, 2010
14. Neighborhood Advisory Commission - June 5, 2010
15. Development Review Commission - June 8 & 22, and July 13, 2010
16. Tempe Police Public Safety Personnel Retirement Board - June 10, 2010
17. Historic Preservation Commission - June 10, 2010
18. Committee for Youth, Families and Community Town Hall Ad-Hoc Committee - June 17, & July 7, 2010
19. Tempe South Corridor Study - Ad Hoc Committee - June 23, & July 14, 2010
20. Special Events Task Force - July 13, 27 & August 10, 2010
21. Human Relations Commission - June 8, 2010

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements – None.

B. Manager's Announcements – Charlie Meyer announced that he has been asked to serve as a City of Tempe representative on the Tempe Chamber of Commerce Board.

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** items.

Motion by Vice Mayor Navarro to approve the Agenda with the exception of item 5B12 which was removed for separate consideration; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

A1. Approved the Report of Claims Paid to be filed for audit for June 2010.

COMMENTS	N/A
DOCUMENT NAME	20100819fsnw01 ACCOUNTS PAYABLE (0208-01)

A2. Approved the Report of Claims Paid to be filed for audit for July 2010

COMMENTS N/A
DOCUMENT NAME 20100819fsnw02 ACCOUNTS PAYABLE (0208-01)

- *A3. Held a public hearing and recommended the approval of a Series 12 restaurant continuation (Grill Bill) liquor license for Corner Pub Inc., dba Bogey's, 6463 South Rural Road.

COMMENTS Stephanie J Potter is the Agent for this application.
The Arizona Department of Liquor License and Control (ADOL) conducted an audit of this establishment to determine if they were meeting the minimum 40% of revenue being derived from food sales as required by statute for a Series 12 restaurant liquor license. Audit findings revealed this establishment requires a Series 12 restaurant continuation (Grill Bill) liquor license which allows for a minimum of 30% revenue being derived from food sales. There are only fifteen of these licenses issued each fiscal year. Applicants that are granted these licenses pay a \$30,000 fee to ADOL. A restaurant continuation (Grill Bill) liquor license allows the applicant to continue to sell liquor during the application review process.

DOCUMENT NAME 20100819fsap04 Bogey's 117054 – LIQ LIC (0210-02)

- *A4. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Canteen Tempe LLC, dba Canteen Modern Tequila Bar, 640 South Mill Avenue, #110.

COMMENTS Julian J Wright is the Agent for this application.
DOCUMENT NAME 20100819fsap01 Canteen 124024 – LIQ LIC (0210-02)

- *A5. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Luigi's Pizza LLC, dba Luigi's Pizza, 1805 East Elliot Road, #109.

COMMENTS Corey Thomas Holmes is the Agent for this application
DOCUMENT NAME 20100819fsap03 Luigi's 120664 – LIQ LIC (0210-02)

- *A6. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Brosenbrus LLC, dba Brosenbrus, 922 East Apache Boulevard, #105.

COMMENTS Bradley Allen Stewart is the Agent for this application.
DOCUMENT NAME 20100819fsap02 Brosenbrus 123912 – LIQ LIC (0210-02)

- A7. Approved a database and infrastructure management support expenditure with Public Safety Systems Incorporated (PSSI) for the Police Department's Computer Aided Dispatch system and the Incident/Crime Information system.

COMMENTS (Sole Source #IT09-037-004) Total cost shall not exceed \$84,000.
DOCUMENT NAME 20100819fsts07 PURCHASES (1004-01)

- A8. Approved an amended subdivision plat for Southern Plaza 2nd Amended located at 620 East Southern Avenue.

COMMENTS Request for SOUTHERN PLAZA 2ND AMENDED (PL090107) (VERUS-RS, LLC and Wal-Mart Stores, Inc. property owners;

Merestone Land Survey, applicant) for a subdivision plat located at 620 East Southern Avenue in the PCC-1, Planned Commercial Center Neighborhood District. This request includes the following:

SBD10007 – Amended Subdivision Plat from two (2) lots to three (3) lots on 10.76 acres.

DOCUMENT NAME 20100819dsr101 PLANNED DEVELOPMENT (0406)

The following condition of approval applies:

The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before August 19, 2011. Failure to record the plat on or before August 19, 2011, one (1) year from the date of City Council approval, shall make the plat null and void.

A9. Approved a lot line adjustment for Agave Center Lots 7 & 8 located at 8945 South Harl Avenue.

COMMENTS Request for AGAVE CENTER LOTS 7 & 8 (PL100064) (MEPT Agave, LLC, property owner; David Evans & Assoc., applicant) for a subdivision plat located at 8945 South Harl Avenue in the GID, General Industrial District and PCC-1, Planned Commercial Center Neighborhood District. This request includes the following:

SBD10006 – Lot Line Adjustment for two (2) lots on approximately 7.2 acres.

DOCUMENT NAME 20100819dsr102 PLANNED DEVELOPMENT (0406)

The following condition of approval applies:

The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before August 19, 2011. Failure to record the plat on or before August 19, 2011, one (1) year from the date of City Council approval, shall make the plat null and void.

A10. Approved the Magellan Health Services of Arizona, Inc. Prevention Services grant for the provision of youth substance abuse prevention programs and coalition efforts to reduce underage drinking in Tempe. **(Contract #2010-166)**

COMMENTS The Magellan Health Services of Arizona grant awards to the City of Tempe \$136,748.00 in federal funds from July 1, 2010 through June 30, 2011. No matching funds are required from the City. Existing City staff will assist in administering the program within current budget allocations for fiscal year 2010-11.

DOCUMENT NAME 20100819cskb01EDUCATION-SERVICE PROJECTS (0606-01-02)

B. Award of Bids/Contracts

B1. Approved a one-year renewal of a contract with West Coast Arborists, Inc. for tree trimming services for the downtown trees as well as various City parks and facilities to be used by the Public Works Department.

- COMMENTS** (T09-041-01) Total cost of this renewal shall not exceed \$200,000 during the one-year contract period beginning October 17, 2010.
DOCUMENT NAME 20100819fslg02 (PURCHASES 1004-01)
- B2. Approved the expenditure of funds under the existing Intergovernmental Agreement with the City of Phoenix Fire Department for firefighter medical and physical exams for the fiscal year 2010/2011.
- COMMENTS** (C97-179) Total expenditure of funds for fiscal year 2010/2011 shall not exceed \$125,000.
DOCUMENT NAME 20100819fslg04 PURCHASES (1004-01)
- B3. Approved of a one-year contract renewal with Utility Service, Co., Inc. for the maintenance and repair of water reservoir tanks for the Public Works Water Utilities Division.
- COMMENTS** (T01-052-01) Total value of this renewal shall not exceed \$85,000 during this one-year contract period.
DOCUMENT NAME 20100819fst06 (PURCHASES 1004-01)
- B4. Approved a one-year renewal of contracts with Phoenix Pumps, Inc. and Weber Group L.C. for the maintenance, repair and purchase of large capacity vertical turbine pumps for the Public Works Water Utilities Division.
- COMMENTS** (WUD08-187-01 and 02) Total combined value of this renewal shall not exceed \$400,000 during the one-year contract period.
DOCUMENT NAME 20100819fst08 PURCHASES (1004-01)
- B5. Approved the ratification for the use of a State of Arizona contract with Midway Chevrolet for the purchase of a service truck to be use by the Public Works Department to service fresh water lift and booster stations.
- COMMENTS** (SCC0900001) Total cost of this purchase is \$57,642.39.
DOCUMENT NAME 20100819fsta12 PURCHASES (1004-01)
- B6. Approved the utilization of a one-year State of Arizona contract with Goodyear Tire and Rubber Company for the purchase of Goodyear tires and tubes. Purchases will be made through an authorized Goodyear dealer, currently Purcell Western States.
- COMMENTS** (AD040531) The total value of this contract will not exceed \$100,000.
DOCUMENT NAME 20100819fsta09 PURCHASES (1004-01)
- B7. Approved the utilization of a three-year Maricopa County cooperative contract with Conduit Language Specialists for the purchase of monitoring and transcription services to be used by the Police Department and be paid for using federal and state crime prevention funds
- COMMENTS** (Maricopa County Contract 09-125) Total amount not to exceed \$1,500,000 over the three-year term of agreement.
DOCUMENT NAME 20100819fsmg05 PURCHASES (1004-01)

- B8. Approved the utilization of a one-year City of Tucson/National Intergovernmental Purchasing Alliance contract with Toter, Inc. for the purchase of 95-gallon residential refuse and recycling containers for use by the Public Works Department.

COMMENTS (083008-01 City of Tucson) The total value of this contract will not exceed \$125,000.

DOCUMENT NAME 20100819fsta10 PURCHASES (1004-01)

- B9. Awarded a one-year contract with four, one-year renewal options with First Data Government Solutions, LP for the purchase, implementation and annual maintenance of an Interactive Voice Response/Interactive Web Response System for the Customer Services Division. This is a bond funded project on the approved Capital Improvement Program (CIP) project list.

COMMENTS (RFP10-137) Total cost of this contract will not exceed \$400,000 for the first year of this agreement.

DOCUMENT NAME 20100819fst14 PURCHASES (1004-001)

- B10. Awarded a contract to Norwood Equipment, Inc. for the purchase of two (2) hook lift type emergency response storage units for use by the Fire Department. **(Contract #2010-167)**

COMMENTS (RFP11-018) Total value of this contract will not exceed \$55,000.

DOCUMENT NAME 20100819fsta15 PURCHASES (1004-01)

- B11. Approved the renewal of a Facility Use Agreement between Tempe School District No. 3 and the City of Tempe Kid Zone Enrichment Program for the before school, after school, breaks (fall, winter and spring) and summer facilities for the Kid Zone Enrichment Program from August 1, 2010 to July 31, 2011. **(Contract #2010-168)**

COMMENTS Total cost shall not exceed \$38,295.00

DOCUMENT NAME 20100819cskb03 COMMUNITY SERVICES ADMIN (0701-01)

- B12. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.**

Request award of a construction manager at risk construction services contract with Sundt Construction, Inc., **(Contract #2010-169)**, a construction management contract with Wilson Engineers, L.L.C. **(Contract #2010-170)**, and a materials testing and inspection services contract with Ninyo & Moore Geotechnical Consultants, Inc. **(Contract #2010-171)** for improvements to the South Tempe Water Treatment Plant - GMP 2. This is a bond-funded project on the approved CIP water utilities project list.

- B13. Approved a Sole Source contract with TSC America, DBA TATA American International for the City's business/privilege tax software system upgrade, used by the Tax and License Division of the Financial and Technology Department. This is a bond funded project on the approved Capital Improvement Program (CIP) project list. **(Contract #2010-172)**

COMMENTS (Sole Source IT10-162-01) Total amount of the contract shall not exceed \$375,000.

DOCUMENT NAME 20100819fst13 (PURCHASES 1004-01)

- B14. Awarded a contract with MGT of America, Inc., to conduct a detention facility review for the Police Department. **(Contract #2010-173)**

COMMENTS (RFP #10-130) Total amount not to exceed \$74,405.00.
DOCUMENT NAME 20100819fsmg11 PURCHASES (1004-01)

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 an ordinance authorizing the granting of an electrical "Utility Easement" to Salt River Project by the City of Tempe. The second public hearing is scheduled for September 2, 2010.

COMMENTS This easement will enable Salt River Project to provide electrical power to operate lighting for the Rio Salado Restoration Project, Phase 3, located adjacent to the south bank of Tempe Town Lake.
DOCUMENT NAME 20100819PWWS06 GRANT OF EASEMENT (0904-02)
ORDINANCE NO. 2010.30

- *C2. Introduced and held the first public hearing to adopt an ordinance authorizing the granting of an electrical "Utility Easement" to Salt River Project by the City of Tempe. The second public hearing is scheduled for September 2, 2010.

COMMENTS This easement will enable Salt River Project to provide electrical power to operate Well Site Number Nine, located at 1502 East Calle De Caballos.
DOCUMENT NAME 20100819PWWS07 GRANT OF EASEMENT (0904-02)
ORDINANCE NO. 2010.29

- *C3. Introduced and held the first public hearing to adopt an ordinance authorizing the granting of an easement to Southwest Gas Corporation to install and maintain the facilities necessary to provide gas service to 1829 E. Apache Blvd. The second public hearing is scheduled for September 2, 2010.

COMMENTS This easement will enable Southwest Gas Corporation to provide gas service to 1831 E. Apache Blvd.
DOCUMENT NAME 20100819PWWS08 GRANT OF EASEMENT (0904-02)
ORDINANCE NO. 2010.31

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

- *D1. Held the second and final public hearing and adopted **ORDINANCE NO. 2010.21** authorizing the abandonment of a 3' wide utility easement on Lot 136 of Circle G Ranches 4 Unit 3 Subdivision.

COMMENTS This request is part of a proposed re-plat of Lot 136.
DOCUMENT NAME 20100819PWWS01 ABANDONMENT (0901) Ordinance No. 2010.21

- *D2. Held the second and final public hearing and adopted **ORDINANCE NO. 2010.25** authorizing the abandonment of all Water Lines and Water Line Easements within Lot 1 of the "Galleria

Palms" Subdivision (located at 1600 West La Jolla Drive).

COMMENTS This request is part of a re-plat of Lot 1 of the Galleria Palms Subdivision.
DOCUMENT NAME 20100819PWWS02 ABANDONMENT (0901) Ordinance No. 2010.25

- *D3. Held the second and final public hearing and adopted **ORDINANCE NO. 2010.26** authorizing the abandonment of all Water Line Easements lying within Lot Two of Emerald Phase II and III (located at 8515 East Emerald Drive).

COMMENTS This is part of a re-plat currently under review by the City for Emerald Phase II and III.
DOCUMENT NAME 20100819PWWS03 ABANDONMENT (0901) Ordinance No. 2010.26

- *D4. Held the second and final public hearing and adopted **ORDINANCE NO. 2010.23** authorizing the abandonment of a construction and maintenance easement located at 1305 West 23rd Street.

COMMENTS This request completes the abandonment process from previous water line easement abandonment.
DOCUMENT NAME 20100819PWWS04 ABANDONMENT (0901) Ordinance No. 2010.23

- *D5. Held the second and final public hearing and adopted **ORDINANCE NO. 2010.19**, a Planned Area Development Overlay for Quik Trip #1420 located at 1190 West Elliot Road.

COMMENTS Request for QUIK TRIP # 1420 (PL090493) (Rodney Loyd, Quik Trip Corporation, property owner; Juan Romero, Quik Trip Corporation, applicant) for a 5,014 sf. convenience store with a 6,190 sf. fuel sales canopy on a +/- 1.43 acre site located at 1190 West Elliot Road in the PCC-2, Planned Commercial Center General District and the SWOD, Southwest Tempe Overlay District. The request includes the following:
PAD10006 – (Ordinance No. 2010.19) Planned Area Development Overlay to establish development standard for rear yard building setback.
DOCUMENT NAME 20100819dskko01 PLANNED DEVELOPMENT (0406) Ordinance No. 2010.19

The following **PAD10006** conditions of approval apply:

- 1) A building permit shall be obtained on or before August 19, 2012 or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
- 2) The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, Owner(s) voluntarily waive(s) any right to claim compensation for diminution in property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than September 20, 2010 or the Planned Area Development Overlay approval shall be null and void.

- 3) The Planned Area Development Overlay document for Quik Trip # 1420 shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
- 4) The rear (north) building setback shall be minimum 10'-0" except a 6'-8" setback shall be allowed for the electrical service entrance section masonry enclosure at the west end of the north elevation.
- 5) There are six existing Phoenix dactylifera (Phoenix Date Palm) in line on the west of the site, adjacent to the Groves Power Center driveway. These are part of the landscape entrance feature for the Groves Power Center. Preserve, maintain, and as needed transplant these specimens out of way of the proposed Quik Trip driveway so the landscape entrance concept for the Groves Power Center is maintained. The retention of three "palm trees" in the southwest site corner, as indicated on the Preliminary Landscape Plan, sheet 4, is inadequate. Position the driveway to reduce need for transplant of Phoenix dactylifera as much as possible. Where a specimen in transplant dies or indicates probability of dying, replace with a minimum 25'-0" brown trunk Phoenix dactylifera.
- 6) Add four Cercidium Praecox (Palo brae) canopy trees of minimum 48" box installation size to the landscaped yard on the west of the site. The west side of the Groves Power Center entrance driveway has existing Palo brae; the four indicated in this condition are required to visually reinforce the landscape entrance concept for the center. Select upright specimens with a foliage canopy understory of minimum 7'-0" high so the thorns of these trees are not in close proximity with pedestrians.
- 7) At the reduced rear building setback yard, add a continuous line of Quercus Virginia 'Heritage' (Heritage Live Oak) canopy trees at 25'-0" on center on the north side of the store. This specimen is selected to match the existing Quercus found in the adjacent parking lot. Extend the line of trees to the adjacent driveways that are northeast and northwest of the store. Center the S.E.S. between two adjacent trees in the line to avoid interference between the tree line and access to the S.E.S. doors.

E. **Resolutions**

- E1. Approved **RESOLUTION NO. 2010.81** authorizing room fees and charges for the use of the Don Cassano Community Room, Tempe Transportation Center.

COMMENTS N/A
DOCUMENT NAME 20100701pwdj01 MISCELLANEOUS FEES (0210-05) Resolution No. 2010.81

- E2. Approved **RESOLUTION NO. 2010.99**, a Memorandum of Understanding between the Tempe Supervisors' Association and the City of Tempe July 1, 2010 - June 30, 2011 and authorizing its execution. (**Contract #2010-174**)

COMMENTS Resolution 2010.99 approves the execution of the Memorandum of Understanding (MOU) between the City and the Tempe Supervisors' Association (TSA) for the period July 1, 2010 – June 30, 2011.
DOCUMENT NAME 20100819hrrb01 SUPERVISORY EMPLOYEES – MEET AND CONFER (303-08-05) Resolution No. 2010.99

- E3. Approved **RESOLUTION NO. 2010.98** authorizing the Mayor to execute the Grant Agreement between the Arizona Criminal Justice Commission and the City of Tempe for the provision of CARE 7 victim assistance services during fiscal year 2010-2011. **(Contract #2010-175)**

COMMENTS The Arizona Criminal Justice Commission (ACJC) grants awards to the City of Tempe \$21,000.00 in state funds from July 1, 2010 through June 30, 2011. The required match of \$21,000 will be met through existing City staff in cost center 2485.

DOCUMENT NAME 20100819cskb02COMMUNITY SERVICES ADMIN (0701-01) RESOLUTION NO. 2010.98

- E4. Approved **RESOLUTION NO. 2010.100** authorizing the creation of a two year temporary benefitted position for a Building Inspector II for the implementation of the International Energy Code (IEC).

COMMENTS N/A

DOCUMENT NAME 20100819cddk01 POSITIONS AUTHORIZED (0302-01-00) Resolution No. 2010.100

- E5. Approved **RESOLUTION NO. 2010.106** to accept funding from the United States Department of Justice, Drug Enforcement Administration (DEA), for overtime for the police officer assigned to the DEA Task Force. **(Contract #2010-179)**

COMMENTS Funding not to exceed \$17,202.25.

DOCUMENT NAME 20100819pdsam02 POLICE DEPT ADMIN (6060200) Resolution No. 2010.106

- E6. Approved **RESOLUTION NO. 2010.101** authorizing an extension of the Intergovernmental Agreement between the City of Tempe and Kyrene School District No. 28 for one year, which details the agreed upon respective responsibilities of the School Resource Officer grant program.

COMMENTS The City will be reimbursed up to \$80,044 for FY2011 toward the cost of salary and benefits for one School Resource Officer.

DOCUMENT NAME 20100819pdsam01 POLICE DEPT ADMIN (6060200) Resolution No. 2010.101

- *E7. Held a public hearing and approved **RESOLUTION NO. 2010.95** revising the preference system for the selection of applicants to the Section 8 Housing Choice Voucher Program.

COMMENTS N/A

DOCUMENT NAME 20100819cdlc01 HOUSING AUTHORITY SECTION 8 ADMINISTRATIVE PLAN (0408-09) Resolution No. 2010.95

- E8. Approved **RESOLUTION NO. 2010.105** adopting the Maricopa County Community Wildfire Protection Plan 2010. **(Contract #2010-176)**

COMMENTS This is a countywide risk assessment that was developed in response to the Healthy Forests Restoration Act of 2003.

DOCUMENT NAME 20100819 fdmk02 Fire/Paramedic Service Admin (0605-01)
Resolution No. 2010.105

- E9. Approved **RESOLUTION NO. 2010.104** establishing an Applicant Agent for the City of Tempe and the Arizona Department of Emergency Management. **(Contract #2010-177)**

COMMENTS The Resolution names Fire Chief Mark Simmons as the Applicant Agent.

DOCUMENT NAME 20100819 fdmk01 Fire/Paramedic Service Admin (0605-01)
Resolution No. 2010.104

- E10. Approved **RESOLUTION NO. 2010.109** authorizing the submittal of a grant application for the design and construction of a shared-use path and underpass along the Rio Salado/Salt River Channel underneath the ADOT Loops 101 and 202 in Tempe, and authorizing the Mayor to execute such documents as may be necessary to evidence and implement the grant if awarded to the City and allocating funds for the City's portion of the project costs.

COMMENTS N/A

DOCUMENT NAME TRANSPORTATION PLANNING (1101-01) Resolution No.
2010.109

- E11. ***THIS ITEM WAS REMOVED FROM THE AGENDA; NO FURTHER ACTION WAS TAKEN.***
Resolution approving a Memorandum of Understanding between the Tempe Firefighter's Unit and the City of Tempe effective July 1, 2010 – June 30, 2013 and authorizing its execution.

COMMENTS Resolution 2010.107 approves the execution of the Memorandum of Understanding (MOU) between the City and the Tempe Firefighter's Unit for the period July 1, 2010 – June 30, 2013.

DOCUMENT NAME 20100819hrb02 FIRE FIGHTERS – MEET AND CONFER (0303-08-01) Resolution No. 2010.107

- E12. Approved **RESOLUTION NO. 2010.103** amending the Intergovernmental Agreement for the Commercial Recreational Development of Indian Bend Wash Outlet between the City of Tempe and the Flood Control District of Maricopa County. **(Contract #87-85A)**

COMMENTS Amendment No. 1 clarifies the District's role in approving leases and lease modifications Tempe enters into as authorized by the Intergovernmental Agreement between the City and the Flood Control District for commercial recreational use of the District's Indian Bend Wash Outlet property.

DOCUMENT NAME 20100819wudcb04 FLOOD CONTROL ADMINISTRATION (0808-01) Resolution No. 2010.103

AGENDA ITEM REMOVED FOR SEPARATE CONSIDERATION:

- B12. Awarded a construction manager at risk construction services contract with Sundt Construction, Inc., **(Contract #2010-169)**, a construction management contract with Wilson Engineers, L.L.C. **(Contract #2010-170)**, and a materials testing and inspection services contract with Ninyo &

Moore Geotechnical Consultants, Inc. (**Contract #2010-171**) for improvements to the South Tempe Water Treatment Plant - GMP 2. This is a bond-funded project on the approved CIP water utilities project list.

COMMENTS	Total cost for the construction manager at risk (CMAR) construction services contract is \$23,617,462, total cost for the construction management contract is \$1,502,510, total cost for the materials testing and inspection services contract is \$122,000 and the amount of the project contingency is \$1,000,000.
DOCUMENT NAME	20100819PWDR05 SOUTH TEMPE WATER TREATMENT PLANT(0811-08) PROJECT NO. 3203211

Councilmember Shekerjian removed this item for separate consideration and asked staff to explain what this agenda item is for and how it will be funded.

Deputy Public Works Manger, Andy Goh, stated that this is a bond funded project that will be paid for by the Water Utility Enterprise Fund. This purpose of this project is to upgrade the south Tempe water treatment plant to meet new drinking water quality standards.

Mayor Hallman explained that there are various funds that have restrictions placed upon them. Some of those funds have bonding components and some funds are paid for by user fees. There is no comingling of these funds.

Councilmember Shekerjian clarified that this project will bring Tempe drinking water quality up to federally mandated standards.

Councilmember Shekerjian made a motion to approve agenda item 5B12; second by Councilmember Mitchell. Motion passed 7-0.

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.

A. Scheduled - None.

B. Unscheduled

Eleanor Holguin, Tempe, made the following comments:

- Stress from activity with the Tempe Police Department has contributed to her father's ill health
- Tempe has the highest violent crime, murder and hate crimes in the metro area
- There is a lack of integrity in the Tempe Police Department

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Arredondo-Savage

- Voiced her appreciation to staff and her colleagues on educating her on municipal operations and issues

Councilmember Shekerjian

- Thanked Dave Heck, Deputy Information Technology Manager, for assisting her in using an iPad to access her Council meeting material; Councilmember Woods and Charlie Meyer have also elected to access their Council packets electronically, saving staff time and resources
- Thanked Council colleagues for their contributions at the recent Summit

Vice Mayor Navarro

- New Town recently upgraded a home with energy efficient features and gifted it to a homeless woman with three children; thanked Tempe Community Council and Councilmembers Woods and Ellis for their work on housing issues
- National Driver Safety Institute (NDSI) – Cricket sponsored this event which teaches high school students safe driving concepts, such as not texting and driving

Councilmember Woods

- Commended the Police Department for recently making 40 arrests, including the seizure of drugs and cash and thanked his colleagues for their support of public safety

Councilmember Ellis

- Reminded the public to vote August 24, 2010
- Asked the public to be aware of students returning to school
- Tempe Sister City Program – wished Sister City student participants who were unable to attend a summer Council meeting safe travels home
- Welcomed Councilmember Arredondo-Savage to the Tempe City Council

Councilmember Mitchell

- Thanked Council colleagues for their contributions at the recent Summit
- Welcomed Councilmember Arredondo-Savage to the Tempe City Council

Mayor Hallman

- Welcomed Councilmember Arredondo-Savage to the Tempe City Council; this is the most diverse City Council that has ever served the community
- Thanked Council colleagues for their contributions at the recent Summit; outlining a community vision is the goal
- Crime rates are based on the number of people living in a community. Unique to Tempe are – Arizona State University population of 40,000 students, (not counted in population statistics), 60,000 non-residents work in Tempe, and tourism draws an additional 40,000-50,000 visitors. Accident rates in Tempe are higher due to this activity.
- Requested that the Police Department give a future Issue Review Session update on crime statistics and the context in which they occur.

The meeting was adjourned at 8:23 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 August 19, 2010, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk