



Minutes Formal City Council Meeting May 31, 2012

Minutes of the Formal Council Meeting of Thursday, May 31, 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
Lisa Collins, Interim Community Development Director
Various Department Heads or their representatives

Jeff Kulaga, Assistant City Manager
Brigitta M. Kuiper, City Clerk
Kim Hale, Police Commander

Mayor Hallman called the meeting to order at 8:18 p.m.

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

1. [Formal Council Meeting - May 10, 2012](#)
2. [Issue Review Session - April 26, 2012 and May 10, 2012](#)
3. Executive Session - May 10, 2012
4. [Education Partnerships Council Committee - February 6, 2012](#)
5. [Housing and Social Service Programs Council Committee - March 27, 2012](#)
6. [Transportation Council Committee - February 14, 2012](#)
7. [Neighborhood Quality of Life and Revitalization Council Committee - February 28, 2012](#)
8. [Sports, Tourism, Recreation, Arts & Cultural Development Council Committee - April 4, 2012](#)

B. Acceptance of Committee, Board & Commission Meeting Minutes

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

1. [Parks, Recreation and Golf Course Advisory Board - March 21, 2012](#)
2. [Commission on Disability Concerns - April 5, 2012](#)
3. [Aviation Commission - April 10, 2012](#)
4. [Human Relations Commission - April 10, 2012](#)

5. [Transportation Commission - April 10, 2012](#)
6. [Historic Preservation Commission - April 12, 2012](#)
7. [Mayor's Youth Advisory Commission - April 17, 2012](#)
8. [Double Butte Cemetery Advisory Committee - April 18, 2012](#)
9. [Development Review Commission - April 24, 2012 and May 8, 2012](#)
10. [Hearing Officer - May 1, 2012](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. *Tempe 11 – Telly Awards*
Mayor Hallman announced that two Tempe 11 productions have recently won international Telly Awards. Greg Wolfe, Jason Wolf, Skip Neeley, Don Fassinger and Mary Fowler were acknowledged for their achievements.
2. *Water Safety Awareness Month*
Mayor Hallman read a proclamation declaring June as Water Safety Awareness Month.

B. Manager's Announcements

Charlie Meyer, City Manager announced that Barbara Blue has been promoted to the position of City Auditor, Greg Ruiz is serving as the Interim Fire Chief and Lisa Collins is serving as the Interim Community Development Director.

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 items 5A2, 5C1, 5C2, 5C3, 5C4, 5D2, 5D3 and 5E11 which were removed for separate consideration; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- A1. [Approved the April 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 April 2012 that will be subject to audit by the City's external auditors.

DOCUMENT NAME 20120531fsnw01 ACCOUNTS PAYABLE (0208-01)

- *A2. [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 for PJ PROPERTIES located at 1290 North Scottsdale Road, Suite Nos. 120 – 122.](#)

- *A3. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Mad Hatter Brew Pub, LLC, dba Mad Hatter Brew Pub, 502 South College Avenue #103.](#)

COMMENTS Justin Merrick Borchik is the Agent for this application.
DOCUMENT NAME 20120531 fsap01 203354 LIQ LIC (0210-02)

B. Award of Bids/Contracts

- B1. [Approved a one-year contract renewal for annual software maintenance and support with Versaterm, Inc. for the City's integrated public safety system for the Police Department.](#)

COMMENTS Total cost of this contract shall not exceed \$326,000 during the one-year contract renewal period.
DOCUMENT NAME 20120531fsts06 PURCHASES (1004-01)

- B2. [Approved a one-year sole source contract renewal for annual software maintenance and support with Hansen Information Technologies for the City's infrastructure management system which is used by the Community Services, Finance and Technology and Public Works departments.](#)

COMMENTS Total cost of this contract will not exceed \$82,000 during the one-year contract renewal period.
DOCUMENT NAME 20120531fsts07 PURCHASES (1004-01)

- B3. [Approved one-year contract renewals with All City Towing, Inc. and Apache Sands Service Center, Inc. for vehicle towing services for the Police Department and Public Works Department.](#)

COMMENTS Total combined costs of these contracts for City of Tempe fleet tows shall not exceed \$30,000 during the one-year renewal period. Charges for Police initiated tows are the responsibility of the vehicle owner.
DOCUMENT NAME 20120531fsmg05 PURCHASES (1004-01)

- B4. [Approved one-year contract renewals with Aquatic Consulting and Testing, Inc., Bio-Aquatic Testing, Inc., Legend Technical Services of Arizona, Inc., MWH Laboratories, Test America Inc. and Xenco-Tranwest Analytical for potable water quality, wastewater and soil testing services for the Public Works Department.](#)

COMMENTS Total combined cost of these contracts will not exceed \$360,000 during the one-year contract renewal period.
DOCUMENT NAME 20120531fsts02 PURCHASES (1004-01)

- B5. [Approved one-year contract renewals with Scott McAlister \(Division I\), Robert A. Butler \(Division II\), Patrick G. Gann \(Division III\) and Chad D. Niven \(alternate\) to provide public defender representation for indigent defendants whose cases are filed with the Tempe Municipal Court.](#)

COMMENTS Total combined cost of these four contracts, and related indigent representation, will not exceed \$200,000 during the one-year contract period beginning July 1, 2012.
DOCUMENT NAME 20120531fsta03 PURCHASES (1004-01)

- B6. [Awarded a two-year contract with three, one-year renewal options to Total Office Interiors for the purchase of remanufactured Haworth systems furniture, ESI Ergonomic Solutions products, freestanding furniture and related support services to be used throughout the City. \(Contract #2012-82\)](#)

COMMENTS The total cost of this contract shall not exceed \$60,000 during the initial two-year contract period.
DOCUMENT NAME 20120531fslg04 PURCHASES (1004-01)

- B7. [Awarded a construction contract with AJP Electric, Inc. for security and lighting improvements at Johnny G. Martinez Water Treatment Plant. \(Contract #2012-83\)](#)

COMMENTS Total cost for the construction contract is \$832,758 and the project contingency amount is \$85,000.

DOCUMENT NAME 20120531pwr04 WATER MANAGEMENT (0811) PROJECT NO. 3203501

- B8. [Awarded a professional engineering services contract with Arcadis U.S., Inc. to develop a Master Plan for the water and wastewater Supervisory Control and Data Acquisition system. \(Contract #2012-84\)](#)

COMMENTS Total cost for the professional services contract is \$199,909.

DOCUMENT NAME 20120531pwr05 WATER MANAGEMENT ADMINISTRATION (0811-13) PROJECT NO. 3204401

- B9. [Approved one-year contracts with four one-year renewal options to Roberts Tire Sales \(Contract #2012-85\) and Redburn Tire Company \(Contract #2012-86\) for tire retreading services used by the Public Works Department.](#)

COMMENTS The total cost of these two contracts will not exceed \$150,000 during the initial one-year contract period.

DOCUMENT NAME 20120531fsta08 PURCHASES (1004-01)

- B10. [Approved an amendment to the Energy Performance Agreement with Ameresco Southwest, formerly known as APS Energy Services Company, to extend the construction period for energy retrofits an additional six \(6\) months to December 31, 2012. \(Contract #2011-19B\)](#)

COMMENTS There is no change in scope of work or project cost to the agreement with Ameresco Southwest for energy upgrades. Additional time is needed to install exterior lighting, a power management system, retro-commissioning and rebalancing City Hall and the Police/Courts buildings.

DOCUMENT NAME 20120531cmgk01 ELECTRICAL SAVINGS GOALS (0105-01-04)

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

- *C1. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) Introduction and first public hearing to adopt an ordinance abandoning an existing public utility easement over a portion of the 8th Street alignment, east of Rural Road and south of University Drive. The second public hearing is scheduled for June 14, 2012.

- *C2. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION](#) Introduction and first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay for VILLAS AT SOUTHBANK, located at 1122 East Vista Del Lago Drive. The second public hearing is scheduled for June 14, 2012.

COMMENTS Request for VILLAS AT SOUTH BANK (PL120046) (SOUTHBANK ASU LLC, property owner; MDT Development Partners LLC, applicant) consisting of 262 units within a 17-story senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367,896 sf. of building area on 2.23 net acres, located at 1122 East Vista Del Lago Drive in the MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay and within the Rio Salado Overlay District. The request includes the following:
PAD12002 (Ordinance No. 2012.23) – An Amended Planned Area

Development Overlay to establish development standards of 118 dwelling units per acre; a maximum building height of 211'-0"; reduce the required vehicle parking from 458 to 187 spaces, and reduce the required bicycle parking from 182 to 53 spaces.

DOCUMENT NAME 20120531cdr01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2012.23

- *C3. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) [Introduction and first public hearing to adopt an ordinance authorizing the transfer of a portion of the City of Tempe 8th Street right-of-way east of Rural Road to Salt River Project. The second public hearing is scheduled for June 14, 2012.](#)
- *C4. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) [Introduction and first public hearing to adopt an ordinance authorizing an Irrigation Easement for the benefit of Salt River Project over a portion of the City of Tempe 8th Street right-of-way. The second public hearing is scheduled for June 14, 2012.](#)
- *C5. [Introduced and held the first public hearing to adopt an ordinance abandoning five sanitary sewer easements south of Apache Boulevard, between Rural Road and Terrace Road. The second public hearing was scheduled for June 14, 2012.](#)

COMMENTS The District on Apache is being constructed at 941 East Apache Boulevard. Five existing sanitary sewer easements were previously dedicated for sanitary sewer service to the site. The site has been redesigned and the locations of the sanitary sewer lines have been changed. A new easement will be dedicated by the developer to provide access to public sewer lines which will be constructed with the project.

DOCUMENT NAME 20120531pwko06 ABANDONMENT (0901-00) ORDINANCE NO. 2012.29

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. [Held the second and final public hearing and adopted **ORDINANCE NO. 2012.05** for the Historic Designation of WEXLER \(DESKIN/WAGNER\) HOUSE, located at 1215 South Maple Avenue.](#)

COMMENTS Request for WEXLER (DESKIN/WAGNER) HOUSE (PL120017) (Mike Deskin & Jan Wagner property owner/ applicants) consisting of the historic designation and listing in the Tempe Historic Property Register one (1) lot on approximately 0.21 acres, located at 1215 South Maple Avenue, in the R-2, Multi-Family Residential. The request includes the following:
HPO12001 (Ordinance No. 2012.05) – Historic Property Designation consisting of one (1) lot on approximately 0.21 acres.

DOCUMENT NAME 20120531cdjn01 PLANNED DEVELOPMENT (0406-00) ORDINANCE NO. 2012.05

- *D2. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) [Second and final public hearing to adopt an ordinance for a Zoning Map Amendment and Planned Area Development Overlay for GRACIE'S VILLAGE located at 1520 East Apache Boulevard.](#)
- *D3. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) [First and final public hearing to adopt an ordinance authorizing the Mayor to execute a development and disposition parking agreement with BestIT.Com, Inc. \(BestIT\), Right-of-Way encroachment permit and easement license agreement for the granting of a Right-of-Way encroachment permit and easement.](#)

E. Resolutions

- E1. [Adopted RESOLUTION NO. 2012.53 authorizing the Mayor to sign the seventh amendment to the intergovernmental agreement for Dial-a-Ride services with the Regional Public Transportation Authority \(RPTA\) during fiscal year 2011-12. \(Contract #2004-241G\)](#)

COMMENTS Cost to Tempe is estimated to be \$337,575.
DOCUMENT NAME 20120531pwmn01 RPTA (0107-08) RESOLUTION NO. 2012.53

- E2. [Adopted RESOLUTION NO. 2012.54 authorizing the Mayor to sign the fiscal year 2011-12 light rail operations funding agreement with Valley Metro Rail, Inc. \("METRO"\) for the City of Tempe's proportionate share of light rail operating costs. \(Contract #2012-88\)](#)

COMMENTS Net cost to Tempe is \$7,176,637.
DOCUMENT NAME 20120531pwjc01 TRANSPORTATION PLANNING (1101-01) RESOLUTION NO. 2012.54

- E3. [Adopted RESOLUTION NO. 2012.56 authorizing external nonprofit organizations to apply for the Pascua Yaqui Tribe State Shared Revenue Grant Funds through the City of Tempe.](#)

COMMENTS If funded by the Pascua Yaqui Tribe, the City of Tempe will serve as a pass through for the distribution of the Pascua Yaqui Tribe's State Shared Revenue Grant Funds. There is no direct fiscal impact to the City of Tempe.
DOCUMENT NAME 20120531craw01 STATE LEGISLATURE (0107-06), RESOLUTION NO. 2012.56

- E4. [Adopted RESOLUTION NO. 2012.57 authorizing City of Tempe departments to apply for Pascua Yaqui Tribe State Shared Revenue Grant Funds.](#)

COMMENTS If granted by the Pasqui Yaqui Tribe, the City of Tempe will fund four City programs for a total amount of \$277,968.00.
DOCUMENT NAME 20120531craw02 STATE LEGISLATURE (0107-06), RESOLUTION NO. 2012.57

- E5. [Adopted RESOLUTION NO. 2012.58 authorizing the submission of applications from external nonprofit organizations to the Gila River Indian Community.](#)

COMMENTS If funded by the Gila River Indian Community, the City of Tempe will serve as a pass through for the distribution of the Tribe's State Shared Revenue Grant Funds. There is no fiscal impact to the City of Tempe.
DOCUMENT NAME 20120531craw03 GILA RIVER INDIAN COMMUNITY (0109-32), RESOLUTION NO. 2012.58

- E6. [Adopted RESOLUTION NO. 2012.59 authorizing the submission of City of Tempe applications to the Gila River Indian Community.](#)

COMMENTS If granted by the Gila River Indian Community, the City of Tempe will fund three City programs for a total amount of \$267,968.00.
DOCUMENT NAME 20120531craw04 GILA RIVER INDIAN COMMUNITY (0109-32), RESOLUTION NO. 2012.59

- E7. [Adopted RESOLUTION NO. 2012.61 authorizing the Mayor to execute Amendment No. 2 to the Sharing Agreement to the Intergovernmental Agreement for Telecommunications Facilities Sharing, between the City of Tempe and the City of Phoenix \(Nos. 100502 and C99-238A\), to extend the term of the Sharing Agreement. \(Contract #99-238B\)](#)

COMMENTS This Amendment No. 2 will be of no cost to the City of Tempe.
DOCUMENT NAME 20120531fitdh COMMUNICATION (1010-02) RESOLUTION NO. 2012.61

- E8. [Adopted RESOLUTION NO. 2012.62 accepting the 100 Club of Arizona's Safety Enhancement Stipend Award.](#)

COMMENTS The 100 Club of Arizona has awarded a stipend to the Tempe Fire Department in the amount of \$1,372.00 to purchase a Medical Support Unit - Cooling System.
DOCUMENT NAME 20120531fdta01 FIRE/PARAMEDIC SERVICE ADMIN (0605-01) RESOLUTION NO. 2012.62

- E9. [Adopted RESOLUTION NO. 2012.63 authorizing the Mayor to execute an Intergovernmental Agreement between the Pascua Yaqui Tribe and the City of Tempe for the disbursement of a portion of its annual 12% monies from gaming proceeds from the July, 2011 grant cycle. \(Contract #2012-89\)](#)

COMMENTS State law, A.R.S. §5-601.02, requires Pascua Yaqui Tribe and other Indian tribes to distribute twelve percent of its total annual contribution to local governments for government services which benefit the general public. Via the Intergovernmental Agreement and Funding Agreements, the City of Tempe will act as a pass through for the Pascua Yaqui Tribe for Compadre High School - Jobs for Arizona Graduates (JAG) program in the amount of \$10,000.00 and for Tempe Union High School District Indian Education Program in the amount of \$22,000.00.
DOCUMENT NAME 20120531craw05 STATE LEGISLATURE (0107-06), RESOLUTION NO. 2012.63

- E10. [Adopted RESOLUTION NO. 2012.64 authorizing the Mayor to execute funding agreements between the City of Tempe, Compadre High School \(Contract #2012-90\) and Tempe Union High School District \(Contract #2012-91\) for the disbursement of a portion of the Pascua Yaqui gaming proceeds from applications submitted to the Tribe in July, 2011.](#)

COMMENTS State law, A.R.S. §5-601.02, requires Pascua Yaqui Tribe and other Indian tribes to distribute twelve percent of its total annual gaming contribution to local governments for government services which benefit the general public. Via Funding Agreements, the City of Tempe will act as a pass through for the Pascua Yaqui Tribe for Compadre High School - Jobs for Arizona Graduates (JAG) program in the amount of \$10,000.00 and for Tempe Union High School District Indian Education Program in the amount of \$22,000.00.
DOCUMENT NAME 20120531craw06 PASCUA YAQUI TRIBE (0109-36), RESOLUTION NO. 2012.64

- *E11. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION Hold a public hearing to request adoption of a resolution for the approval of the annual assessments for the Downtown Tempe Enhanced Services Improvement District.](#)

COMMENTS Each year the City Council authorizes assessments on downtown Tempe property owners. The Assessment partially funds the Downtown Tempe Community operation for the upcoming fiscal year.
DOCUMENT NAME 20120531cdcm01 DOWNTOWN TEMPE ENHANCED SERVICES DISTRICT (0805-03) RESOLUTION NO. 2012.65

- E12. [Adopted RESOLUTION NO. 2012.66 declaring the official canvass \(results\) of the May 15, 2012 General/Special Election.](#)
- COMMENTS** State law requires the City Council to meet and canvass the election results not less than six days nor more than twenty days following the election.
- DOCUMENT NAME** 20120531 ccbk 2012 PRIMARY, GENERAL /SPECIAL ELECTIONS (0506-33-01) RESOLUTION NO. 2012.66
- E13. [Adopted RESOLUTION NO. 2012.69 authorizing the execution of a Development Agreement between the City of Tempe and Tempe Campus SPV, LLC. \(Contract #2012-80\)](#)
- COMMENTS** The Development Agreement allows for shorter building heights; waives any one-time or reoccurring pavement resurfacing fees and surcharges; defers payment of all potable water and sanitary sewer fees; waives the undergrounding of utility lines; and allows for additional signage.
- DOCUMENT NAME** 20120531cdmm01 PLANNED DEVELOPMENT (0406-00) RESOLUTION NO. 2012.69
- E14. [Adopted RESOLUTION NO. 2012.70 authorizing the Mayor to execute the Amended and Restated Parking Easement and Cost Sharing Agreement among ZARCALRES TEMPE, LLC, CENTERPOINT LAND LLC, CENTERPOINT HOLDINGS, LLC, and the CITY OF TEMPE, ARIZONA. \(Contract #2012-81\)](#)
- COMMENTS** On March 22, 2001 the City Council approved a number of documents related to the transfer of ownership of certain properties (the "Brownstone Parcel") within the Centerpoint development from Centerpoint Plaza Limited Partnership (DMB) to Brownstone 6th & Maple, L.L.C. (MCW). Among these documents was a Parking Easement and Cost Sharing Agreement ("Brownstone Agreement"), providing for the operation, maintenance and cost sharing of parking to be replaced and developed on Lot 7A. The Brownstone Agreement also granted the City an easement for 175 parking spaces. The City currently uses these spaces to satisfy its obligations under various third-party parking agreements. The Amended and Restated Parking Easement and Cost Sharing Agreement withdraws Lot 1 from the real property encumbered by the Brownstone Agreement and reduces the number of replacement spaces, from 316 to 271, required to be built on the Centerpoint Land property.
- DOCUMENT NAME** 20120531cdaws01 PLANNED DEVELOPMENT (0406-00) RESOLUTION NO. 2012.70
- E15. [Adopted RESOLUTION NO. 2012.71 authorizing the Mayor to sign an Intergovernmental Agreement with Arizona State University \(ASU\) for the funding of urban and neighborhood circulator services. \(Contract #2012-92\)](#)
- COMMENTS** ASU will contribute a total of \$873,901 to the operation of urban (FLASH) and neighborhood circulator bus services (Orbit) in Fiscal Year 2011-12.
- DOCUMENT NAME** 20120531pwgj01 TRANSPORTATION PLANNING (1101-01) RESOLUTION NO. 2012.71
- E16. [Adopted RESOLUTION NO. 2012.73 authorizing the Mayor to execute the Second Modification Agreement between Centerpoint Land, LLC \(Centerpoint Land\) and the City modifying portions of the Development Agreement \(C2004-128\), originally executed by Tempe Land Company, LLC and the City, that have been assumed by Centerpoint Land. \(Contract #2004-128H\)](#)

COMMENTS This agreement modifies Section 2.3 of the Development Agreement which addressed certain parking issues arising out of the Parking Easement and Cost Sharing Agreement (“Brownstone Agreement”), to which the property was subject. The Brownstone Agreement provided for the operation, maintenance and cost sharing of parking to be replaced and developed on Lot 7A. Lot 7A was subdivided into Lots 1, 2 and 3 of Centerpoint Plaza and Centerpoint Land became the successor in interest with respect to Lots 2 and 3 (DMB Surface Parking Lots).
The Brownstone Agreement has been replaced with the Amended and Restated Parking Easement and Cost Sharing Agreement (the “Amended Parking Easement”). The Amended Parking Easement withdraws Lot 1 from the real property encumbered by the Brownstone Agreement and reduces the number of replacement spaces, from 316 to 271, required to be built on the Centerpoint Land property.

DOCUMENT NAME 20120531cdaws03 DEVELOPMENT PROJECT (0406) RESOLUTION NO. 2012.73

AGENDA ITEM(S) REMOVED FOR SEPARATE CONSIDERATION:

*C1. Introduced and held the first public hearing to adopt an ordinance abandoning an existing public utility easement over a portion of the 8th Street alignment, east of Rural Road and south of University Drive. The second public hearing was scheduled for June 14, 2012.

COMMENTS The City reserved a public utility easement over the public right-of-way abandoned through City of Tempe Ordinance 86.61, recorded in the office of the Maricopa County Recorder, document number 86-559327, October 14, 1986. The Developer of the adjacent property has completed relocation of the affected utilities and has requested abandonment of the public utility easement.

DOCUMENT NAME 20120531pwko01 ABANDONMENT (0901) ORDINANCE NO. 2012.21

*C3. Introduced and held the first public hearing to adopt an ordinance authorizing the transfer of a portion of the City of Tempe 8th Street right-of-way east of Rural Road to Salt River Project. The second public hearing was scheduled for June 14, 2012.

COMMENTS The City is a party to a Development and Disposition Agreement with 529 Tempe, LLC, in which the City agreed to sell the property located at 903 S. Rural Rd. Per the agreement, the City will transfer ownership of 12’-6” of the existing 8th St right-of-way east of Rural Road and south of University Drive to Salt River Project for use in the relocation of the existing McKinney-Kirkland Ditch, currently located between the 529 Tempe, LLC. property and the City property.

DOCUMENT NAME 20120531pwko02 SRP (0113-03) ORDINANCE NO. 2012.24

*C4. Introduced and held the first public hearing to adopt an ordinance authorizing an Irrigation Easement for the benefit of Salt River Project over a portion of the City of Tempe 8th Street right-of-way. The second public hearing was scheduled for June 14, 2012.

COMMENTS The City is a party to a Development and Disposition Agreement with 529 Tempe, LLC, in which the City agreed to sell the property located at 903 S. Rural Rd. Per the agreement, the City will grant an Irrigation Easement over a portion of the existing 8th St right-of-way to Salt River Project Agricultural Improvement and Power District. The easement is to be used for relocation and maintenance of the existing McKinney-Kirkland Ditch.

DOCUMENT NAME 20120531pwko03 SRP (0113-03) ORDINANCE NO. 2012.25

Councilmember Ellis declared a conflict of interest on agenda items 5C1, 5C3 and 5C4. Motion by Councilmember Woods to approve agenda items 5C1, 5C3 and 5C4; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 6-0-1 with Councilmember Ellis abstaining.

*D3. Held the first and final public hearing and adopted **ORDINANCE NO. 2012.32** authorizing the Mayor to execute a development and disposition parking agreement (**Contract #2012-87**) with BestIT.Com, Inc. (BestIT), for the granting of a Right-of-Way encroachment permit and easement.

COMMENTS The development and disposition agreement provides for the redevelopment of an underutilized property, improves the City's bike and pedestrian transportation system, supports economic development and generates revenues for the City.

DOCUMENT NAME 20120531cdmm02 ORDINANCE NO. 2012.32

Councilmember Woods asked staff to clarify how this agreement will impact First Street access with the activation of the Farmer Arts area and asked for clarification to ensure that this project does not preclude addressing that issue at a later date. Mayor Hallman clarified that this is in regards to the First Street right-of-way issue, as well as carrying forward the pedestrian path from its current location.

Lisa Collins, Interim Community Development Director, stated that Tempe is granting easements to BestIT. There is language in the contract that the City could obtain the property to create the alignments at a later date, if that was necessary or agreed on by the City Council. The property is not being deeded to another party. The City is retaining the rights to realign First Street, if necessary.

Councilmember Ellis declared a conflict of interest on agenda item 5D3. Motion by Councilmember Woods to approve agenda item 5D3; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 6-0-1 with Councilmember Ellis abstaining.

*C2. Introduced and held the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay for VILLAS AT SOUTHBANK, located at 1122 East Vista Del Lago Drive. The second public hearing was scheduled for June 14, 2012.

COMMENTS Request for VILLAS AT SOUTH BANK (PL120046) (SOUTHBANK ASU LLC, property owner; MDT Development Partners LLC, applicant) consisting of 262 units within a 17-story senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367,896 sf. of building area on 2.23 net acres, located at 1122 East Vista Del Lago Drive in the MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay and within the Rio Salado Overlay District. The request includes the following: PAD12002 (Ordinance No. 2012.23) – An Amended Planned Area Development Overlay to establish development standards of 118 dwelling units per acre; a maximum building height of 211'-0"; reduce the required vehicle parking from 458 to 187 spaces, and reduce the required bicycle parking from 182 to 53 spaces.

DOCUMENT NAME 20120531cdri01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2012.23

Ed Mitchell, Tempe, stated his support of the project for the following reasons: the proposed development is 100% accessible to individuals with disabilities and the development includes a memory care unit. He urged the City Council to support accessible developments.

Mayor Hallman closed the public hearing portion of the meeting for agenda item 5C2.

- *E11. Held a public hearing and adopted **RESOLUTION NO. 2012.65** approving the annual assessments for the Downtown Tempe Enhanced Services Improvement District.

COMMENTS Each year the City Council authorizes assessments on downtown Tempe property owners. The Assessment partially funds the Downtown Tempe Community operation for the upcoming fiscal year.

DOCUMENT NAME 20120531cdcm01 DOWNTOWN TEMPE ENHANCED SERVICES DISTRICT (0805-03) RESOLUTION NO. 2012.65

Mayor Hallman stated that a written protest was received from a property owner seeking an exception to the Downtown Tempe Community's assessments for the following reasons: the property owner uses this facility as his office; there are two suites in the building that are currently unoccupied and the owner is trying to sell the building. The total assessment amounts to \$585.92. Mayor Hallman stated that the protest does not provide a basis on which the assessment would be waived.

Motion by Vice Mayor Navarro to approve agenda item 5E11; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

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- *A2. Held a public hearing and continued the public hearing to the June 14, 2012 Formal Council Meeting for an appeal of a previously approved use permit for PJ PROPERTIES located at 1290 North Scottsdale Road, Suite Nos. 120 – 122.

COMMENTS Hold a public hearing for an appeal of the April 10, 2012 Development Review Commission decision to overturn the use permit approved for RIO SALADO CENTER – P J PROPERTIES (PL110435) (Arnaldo Matos/P J Properties, applicant/property owner) located at 1290 North Scottsdale Road, Suite Nos. 120 – 122 in the PCC-1, Planned Commercial Center Neighborhood District for: UPA12009– Use Permit appeal (ZUP11116) to allow a reception center with live entertainment.

DOCUMENT NAME 20120531cdsl01 PLANNED DEVELOPMENT (0406-00)

Stephen Anderson, applicant representative, introduced the property owner and the property manager to the City Council. Presentation and discussion highlights include:

- Seeking approval of a use permit; the use permit meets the requirements of the ordinance, specifically including the areas of traffic, parking, noise and security.
- Staff analysis indicated compliance with the ordinance; staff and the Hearing Officer recommended approval of the use permit application.
- The applicant has responded to community input. There were security concerns with the former teen nightclub at this location, Pulse. Pulse closed, and the business lost their use permit.
- This application is not for a teen nightclub; this use permit is for live entertainment for a reception center where private events, not public events, are held.
- The applicant has committed in writing that the application is not for a teen nightclub; it is not an application for the activity that was previously at the location.
- The applicant received a list of 17 concerns submitted from Darlene Justus; the concerns were taken into consideration.
- The Police Department had approved the security plan for the reception center when the suggestions from Ms. Justus were received. The applicant addressed all 17 suggestions in a revised security plan.
- The Police Department was thanked for their patience and guidance in finalizing and approving the revised plan.
- This is a commercial shopping center located on a major arterial street.
- The reception center is allowable at the site; the use permit is for live entertainment for the reception center.
- Zoning condition of approval # 2 calls for a one-year approval; this is the beginning of the approval process.

Vice Mayor Navarro stated that the neighborhood is concerned that this is a way to circumvent the process in terms of having a teen nightclub. He asked that the applicant reaffirm that this is a private venue, not a public venue, and asked about noise decibel levels drifting into the neighborhood.

Mr. Anderson stated the following in response:

- A teen nightclub is a defined activity under the City code; the security plan indicates that this will not be a teen nightclub as defined in the City code.
- There will be no ticket sales of any kind at these events; events will not be open to the public.
- Noise will be monitored inside the building; no outside entertainment will be allowed.
- The applicant agreed to a set-decibel level; onsite security personnel will have noise-measuring devices.
- Objective noise standard can be measured and verified by the security staff.
- Police could also use their noise monitoring instruments to determine compliance with noise level restrictions.
- Doors will remain closed except for when being used for ingress and egress; doors will not be propped open at any time during events.

Mayor Hallman and Mr. Anderson discussed the following:

- Fees charged for events.
- Tickets purchased in advance of events versus tickets sold at the door, and the possibility of a teen rave being held at the location.
- Liquor sold at the events, including the use of Pour Masters bartending services, since the applicant will not have a liquor license.
- Target audience for the venue, includes the use of the word “etcetera”.
- Concerns about the neighborhoods, both existing and future.
- The security plan.

Lane Carraway, Tempe, stated his opposition to the project for the following reasons: neighborhood cleanliness; venue does not conform to the neighborhood; noise, traffic and undesirable elements; robberies and security violations; not enough parking; no definition of use for the permit. He suggested that the venue be moved to the opposite side of the property and asked why the applicant is not booking seminars prior to opening; it appears that the business is circumventing the law. He submitted 16 emails and signatures of residents that will be impacted.

Paul Dunham, Tempe, stated his opposition to the project for the following reasons: music and noise; location does not fit into the neighborhood; mistrust of the property owners and managers; on-street parking concerns; vague target audience. He stated that the business owners told him that responsibility for anything happening during an event was with the lessee of the property for the event; people who lease the location for one night will not care about complaints. Additionally, residents had been told that if they did not like the change, they should move to another location.

Janis Garcia, Tempe, stated her opposition to the project for the following reasons: drug activity in the area across from PJ Properties; criminal activity, including burglaries; does not want the area to be like Apache Boulevard, where a gang-related shooting disrupted the community and caused bad press; the applicant has shown no concern for the neighborhood.

Darlene Justus, Tempe, President of the North Tempe Neighborhood Association, stated her opposition to the project for the following reasons: under-supervised events; illegal activity in parking lots; loud music; overflow parking; inadequate security; no definition in the City Code for a “reception hall”; fear that the same issues that happened with the Pulse nightclub will happen again; and the history of the location.

Rachel (*last name not provided*) – Mayor Hallman read the following into the record: “Was this stripmall there when residents moved in?” He responded no; the additional buildings were added later.

There being no further public comment, Mayor Hallman invited Mr. Anderson to respond. Mayor Hallman and Mr. Anderson reviewed and discussed the following:

- Pulse Nightclub.
- Complaints about the noise from Pulse Nightclub.
- The neighboring Santa Fe Apartment Complex.
- The City Council's position of not holding current operations responsible for the actions of prior tenants.
- The applicant will be held accountable for activities that take place in the space and in the parking lot outside of the building.
- Other use permits currently in effect in the strip center include: a restaurant, which faces east, and the Goodwill store.
- Neighbors are against a use that could disrupt their quality of life.
- Concerns about circumventing the law; the applicant has met with and addressed ambiguities that are a concern to the neighbors, the NTNA, and to the City, and will address the ambiguity of the word "etcetera".
- There is ambiguous language regarding ticket sales; for-fee events need to be separated from the use permit.
- Ensure that there will not be backdoor night club activities by including promotional events.
- Any event for which fees will be charged cannot have live music.

Mr. Anderson suggested limiting ticket sales to events that are held during the day.

Mayor Hallman stated the importance of eliminating the connection of sales or ticket use with live music and alcohol. What is being done is something for truly special event occasions in which family and friends gather; yes there could be live music. There would be no ticket sales or fees of any type collected with respect to events when there is live music or liquor being served; Mr. Anderson agreed. Mayor Hallman stated that the target audience list has been extended and that live music and alcohol service would cease by midnight. Mr. Anderson agreed to these terms.

Mayor Hallman asked if it was sufficient to add these conditions to the security plan or if they should be added to the existing conditions of approval. Lisa Collins, Interim Community Development Director, stated that the conditions of approval should also be modified.

Mayor Hallman and Mr. Anderson reviewed, discussed and negotiated the stipulations of approval and the security plan as presented to the City Council. Items discussed include:

- Zoning condition of approval number 15.
- Zoning condition of approval number 9.
- Zoning condition of approval number 11.
- Security plan section V.7.C.
- Zoning condition of approval number 12.
- Security plan section II.7.
- Zoning condition of approval number 12 and Security plan section V.7.A.
- Hours of operation.
- Security plan section V.7.B.

Mayor Hallman and Mr. Anderson also reviewed, discussed and negotiated the following subjects:

- Event capacity.
- Sound measurement.
- Security plan section IV.2.C.
- Security plan section IV.1.C.
- Restricting commercial parking on residential streets.

Mayor Hallman asked Ms. Justus if reducing the target audience list to the following addresses her concerns: weddings, bat mitzvahs, quinceneras, birthdays, family reunions, anniversaries, seminars, Sunday church services and graduation parties, with the restriction that there can be no events that have tickets or other fees

associated with them at all if they include live entertainment or the pouring of alcohol. Ms. Justus stated that noise is still a concern; the installation of double doors may help with noise levels and bass levels.

Mr. Anderson disagreed. The last police report indicated that bass noise was neither audible nor detectible at the Carraway property. The double set of doors is set under an overhang with an architectural feature. The applicant is reluctant to agree to install the double set of doors given that there are already architectural features on the property that capture, buffer, and contain sound. The applicant does not want to be insensitive to sound; that is why the applicant has agreed to a decibel measurement.

The City Council and Mr. Anderson also discussed disc jockeys, which are included in the live entertainment concept.

Police Commander, Kim Hale, addressed the City Council regarding the security plan:

- Security plans are issued to businesses to help enforce and provide guidelines on the kind of security they provide for their businesses.
- This particular security plan is not enforced or agreed upon; terms have changed and the plan is still under review by the Police Department.
- Tailoring conditions of approval leads to unrealistic expectations for Police Officers to have that level of detailed knowledge when responding to calls.
- Additional changes to the security plan may be necessary.

Mayor Hallman proposed that this agenda item be continued until the June 14, 2012 Formal Council Meeting, or until there is an approved security plan by the Police Department.

Motion by Councilmember Woods to continue agenda item 5A2 to the June 14, 2012 Formal Council Meeting; second by Councilmember Shekerjian; motion passed on a roll call vote 7-0.

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- *D2. Held the second public hearing and continued the public hearing to the June 14, 2012 Formal Council Meeting to adopt an ordinance for a Zoning Map Amendment and Planned Area Development Overlay for GRACIE'S VILLAGE located at 1520 East Apache Boulevard.

COMMENTS

A LEGAL PROTEST HAS BEEN FILED WITH REGARD TO THIS MATTER. THEREFORE, A ¾ COUNCIL MAJORITY (6 OF 7) IS REQUIRED FOR APPROVAL.

The Development Review Commission is recommending approval of this proposal. Staff is recommending approval as submitted, subject to conditions.

Request for GRACIE'S VILLAGE (PL110282) (Jeff Brosman, Grace Community Church of the Valley, property owner; Francis J. Slavin, Esq., Law Offices of Francis J. Slavin, PC, applicant) consisting of a four (4) story mixed-use commercial and residential development including +/-13,035 sf. Gracie's Thrift store and fifty (50) dwelling units with program support and amenity spaces, +/-93,718 sf. overall on +/-1.984 acres, located at 1520 East Apache Boulevard in the CSS (TOD) Commercial Shopping and Service District and Transportation Overlay District (Corridor). The request includes the following:

ZON12001 – (Ordinance No. 2012.16) Zoning Map Amendment from CSS, Commercial Shopping and Service District to MU-3, Mixed-Use, Medium-High Density District. The TOD, Transportation Overlay District shall remain without change.

PAD12001 – (Ordinance No. 2012.16) Planned Area Development Overlay to establish development standards for building height, building setbacks, building lot coverage and landscape lot coverage.

DOCUMENT NAME

20120531cdkko01 PLANNED DEVELOPMENT (0406-00) ORDINANCE NO. 2012.16

Mayor Hallman noted that it is now 10:13 p.m.; this matter must be concluded by 11:45. Speakers were asked to not repeat comments; comments made in previous public hearings will be taken into consideration.

Charlie Meyer, City Manager, stated that the City has received requests from individuals with disabilities and older residents that they be considered a high priority to speak. A few of the speaker cards have been marked indicating a disability priority, but the cards are not marked to identify older individuals.

Manjula Vaz, property owner representative, made the following opening statements:

- At the last public hearing there were a number of concerns raised from the community; the applicant has responded to the questions and concerns. This project supports workforce housing.
- The project is 100% accessible to disabled individuals and conforms to the General Plan; proposing mixed use projects.
- The residential density in the General Plan is medium to high; proposing a medium density project on 25 acres.
- Proposing ground level to be retail; building footprint includes 50 residential units.
- Fronting on Apache Boulevard; four-story elements are on Apache Boulevard.
- 33% lot coverage, same building setbacks; 213 feet from the north property line, and the north building is 70 feet; tried to move the buildings and have open space and landscaping to provide a buffer for the neighbors.
- Decreasing density by reducing the number of bedrooms from 110 to 94; decreasing building height, while keeping vehicle and bicycle parking the same.
- Increased one bedroom units from 15 to 21 bedroom units; increased two bedroom units from 15 to 16; reduced the number of 3 bedroom units from 15 to 14.
- Removed the fourth floor residential units; the fourth floor restricted amenity area with a resident lounge, patio, and fitness center.
- Current zoning, in place since 1960, allows 42 feet height with a Use Permit.
- Community wants medium density; 3 story project provides buffers for neighborhood, moves the height to Apache Boulevard and has 25 units per acre with a lower bedroom count.

Mayor Hallman commented on the following: original proposal was 50 units per acre; City Council reduced area to 25 units per acre, with no residents coming forward to support the reduction; the area is designated as historic.

Ms. Vaz continued:

- Under the current Commercial Shopping and Service (CSS) zoning, the applicant could build 10 feet from the property line.
- Workforce housing is for families that earn \$18,000 to \$51,000 annually; there will be a credit check, criminal background investigation and professional third-party management.
- Participant in crime free multi-housing; wireless key entry with 24-hour closed circuit monitoring.
- Applicant agrees to neighborhood request to be involved with landscaping and tree selection.
- The Design Review Commission (DRC) approved the driveway and traffic design to prevent vehicles from turning left onto Una Butte Avenue; final design approval is subject to the Traffic Engineering Division.

Mayor Hallman opened the public hearing portion of the meeting.

Patrician Edwards, Tempe, stated her support of the project for the following reasons: project is accessible; she welcomes those who work within the community.

Aaron Edgell, Tempe, spoke regarding the difficulty of locating accessible housing.

Tom Ringhofer, Tempe, stated his support of the project for the following reasons: accessible housing is not available to the people that need it; there is no law for apartment complexes to rent to individuals with disabilities; influx of soldiers from Afghanistan will need accessible housing.

Ed Mitchell, reading a statement on the behalf of David Carey, stated support of the project for the following reasons: difficulty in finding affordable accessible housing; no obligation for apartment complexes to provide or rent to disabled individuals; all units in the development are accessible.

Mayor Hallman stated that the developer is now proposing to reduce the height of the building from 4 stories to 3 stories; there will be a fourth floor at the corner that would include a community room, gym, and patio. He requested that speakers that oppose the project speak first so that it can be determined if there are additional issues to address.

Tina Martin, Tempe, stated her opposition to the project for the following reasons: the four-story plan/building height; the social services component; Apache Boulevard not appropriate for low-income housing; misconception about the definition of workforce housing.

Christine Hartman, Tempe, stated her opposition to the project for the following reasons: wants to protect the neighborhood; does not trust the developer and would like to review project changes; opposed to the change in zoning; concern about future developments on the site.

Mayor Hallman stated that the community voted for 25 units per acre, which is in the General Plan. The neighbors requested that the building height and number of units be reduced; the developer has done both. The neighbors have not fought to reduce the number of units from 25 to 20 units per acre. The zoning being discussed pertains only to this site. The General Plan does impact surrounding properties.

Chris Strom, Tempe, stated opposition to the project for the following reasons: head count can affect health; traffic. Would be supportive of 40 units.

Mayor Hallman spoke to the following: density is appropriate for light rail; number of units doesn't dictate the number of bedrooms, nor does it dictate the number of people living there; developer has proposed to reduce the total number of bedrooms; building nothing is not an option on this property; what can legally be built is 35 feet tall, 42 feet with a Use Permit; the project has been moved south, closer to Apache Boulevard; reduced height in new proposal.

Gail Martelli, Tempe, stated her opposition to the project because project changes are being made with short notice to residents. She submitted a petition with 148 signatures in support of no exemptions for high density development.

Christopher McKee, Tempe, Co-Chair of University Heights Neighborhood Association, stated his opposition to the project for the following reasons: discussions regarding accessibility were only recently held; frustrating process for residents.

Mayor Hallman spoke regarding the following: accessibility has been a part of the project since the beginning; light rail availability to current and future residents; social service availability; quality of life concerns; a project will be built at that location; the entire community voted for 25 units per acre in the General Plan; grant funding was received based on the zoning in the General Plan; density has decreased from the original proposal; crime-free multi-housing requires background checks.

Ron Gasowski, Tempe stated his opposition to the project and asked why it is necessary to change the zoning as it aligns with existing zoning.

Mayor Hallman spoke regarding: zoning requirements; previous zoning and the General Plan, and reduction in density to allow for accessible and affordable housing.

Mr. Gasowski continued, and recommending staying with the General Plan.

Dephine (no last name provided), Tempe, spoke to the following points regarding the project: requested a gate at the end of her street for Fire Department access; no right turns from McClintock Drive onto 12th Street; security to address on-street parking issues; requested clean up from garbage left by foot traffic.

Mayor Hallman made the following comments: cannot restrict parking on a public street; neighborhood can decide to convert to permitted parking on the street; this project has a lot more parking spaces available than is required; experience comes from buildings built on Apache Boulevard where the parking requirements have been higher than they needed to be.

Chuck Buss, Tempe, Chairperson of the University Heights Neighborhood Association, stated his opposition to the project for the following reasons: future upzoning along Apache Boulevard; not enough time to review the changes; problems with items 5, 11 and 12; tree type; rush-hour traffic and traffic patterns; community spaces are ill-defined; item 18 contains old data; would be more comfortable with original zoning.

Mayor Hallman made the following statements to Mr. Buss: the General Plan sets direction and tells the kind of project that the community desires; zoning cannot be changed without landowner permission; as projects come forward, the General Plan is referenced to find out what the voters wanted at that location; the community identified this neighborhood as a cultural amenity and identified the lesser zoning of 25 units per acre; there is a public utility easement, and the property owner cannot plant along the wall; cannot restrict right turns onto the site without restricting the neighbors, such as along Una Butte Avenue and Apache Boulevard; subtracting 50 units will have little impact on the traffic pattern.

Andrew Ching, City Attorney, noted the time as 11:34 p.m.; there are two Special City Council Meetings scheduled for this evening.

Motion by Councilmember Woods to recess the Formal City Council meeting at 11:35 p.m.; duly seconded. Motion passed unanimously on a roll call vote 7-0. The Formal City Council Meeting was recessed to hold the two Special Council meetings and reconvened at 11:39 p.m.

Kevin Helseth, Tempe, stated his opposition to the project for the following reasons: density; income bracket; driveway; recreational opportunities; no opportunity for community review.

George Wittenberg, Tempe, stated his opposition to the project for the following reasons: fighting for homes; leaders can mandate that redevelopment shall be ADA accessible; grow in terms of quality, not size.

Konell R. Ann, Tempe, spoke to the following points regarding the project: not enough profit for the church or developer; project does not benefit neighbors; stay with current zoning and new plan; simpler to purchase a house than workforce housing; approves of accessible housing for veterans returning from Iraq or Afghanistan.

Mayor Hallman stated that due to the time and to comply with the Open Meeting Law, Gracie's Village will be continued to June 14, 2012 Formal Council Meeting.

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmembers were asked to suspend comments; Mayor Hallman expressed condolences to Pam Goronkin for the loss of her husband.

7. 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

Bob Stafford, Tempe, requested that the motel on the northwest corner on River Drive and Apache Boulevard be reviewed by staff.

Jan Scott Glasser, Tempe, requested a grocery store downtown and asked for a meeting with the new Mayor.

The meeting adjourned at 11:58 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 May 31, 2012, by the Tempe City Council, Tempe, Arizona.

ATTEST:

Hugh Hallman, Mayor
Mark W. Mitchell, Mayor

Brigitta M. Kuiper, City Clerk