



Minutes Formal City Council Meeting August 20, 2009

Minutes of the Formal Council Meeting of August 20, 2009, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Shana Ellis
Councilmember P Ben Arredondo
Councilmember Mark W. Mitchell
Councilmember Joel Navarro
Councilmember Onnie Shekerjian
Councilmember Corey D. Woods

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

1. Councilmember Woods gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES – Vice-Mayor Ellis**

A. Approval of Council Meeting Minutes

Vice-Mayor Ellis made a motion to approve the **COUNCIL MEETING MINUTES** as amended. Second by Councilmember Shekerjian. Motion passed unanimously with Councilmember Mitchell abstaining from voting on 3A-1 and 3A-3 due to the fact that he was absent from those meetings.

1. [Formal Council Meeting - July 2, 2009](#)
Councilmember Shekerjian asked that Item #41, page 7, paragraph #4 reflect the fact that it was not Mark Richwine addressing the Council, it was Glen Kephart.
2. Council's Executive Session - June 11, 2009, July 2, 2009
3. [Council Calendar Meeting - July 2, 2009](#)
4. [Housing Committee Meetings - June 16, 2009, July 28, 2009](#)
5. [Transportation Committee Meeting - June 23, 2009](#)
6. [Rio Salado/Papago Park Ad Hoc Committee - May 7, 2009](#)
7. [Mill and Lake District Committee - June 11, 2009](#)

- B. Acceptance of Board & Commission Meeting Minutes
Motion by Vice-Mayor Ellis to accept the following **COMMITTEE & BOARD MEETING MINUTES**.
Second by Councilmember Woods.
8. [Neighborhood Advisory Commission - May 6, 2009](#)
 9. [Public Art/Art in Private Development Committee - June 23, 2009, July 14, 2009](#)
 10. [Enhanced Services Commission - June 10, 2009](#)
 11. [Police Public Safety Personnel Retirement Board - June 11, 2009](#)
 12. Police Public Safety Personnel Retirement, Executive Session - June 11, 2009
 13. [Fire Public Safety Personnel Retirement Board - June 11, 2009](#)
 14. [Hearing Officer - June 2, 2009, July 7, 2009, July 21, 2009](#)
 15. [Historic Preservation Commission - March 31, 2009, May 14, 2009](#)
 16. [Special Events Task Force - July 14, 2009, July 28, 2009 & August 11, 2009](#)
 17. [Human Relations Commission - June 9, 2009, June 16, 2009](#)
 18. [Housing Trust Fund Board Meeting - July 2, 2009](#)
 19. [Development Review Commission Study Session - July 14, 2009](#)
 20. [Development Review Commission - July 14, 2009, July 28, 2009](#)
 21. [Tardeada Advisory Board - May 11, 2009](#)
 22. [Neighborhood Advisory Commission Retreat - June 13, 2009](#)

4. **REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

a. **NAHRO National Awards of Merit**

Mayor Hallman stated that the City of Tempe has received two awards from the National Association of Housing and Redevelopment Officials that represents decades of work. The first award is for a superfund site located adjacent to a major highway interchange that posed a serious blight to the City of Tempe. This parcel was comprised of unregulated landfills, storage tanks and lead contaminated soil, which was a significant safety hazard for public safety personnel. Through perseverance and innovative planning that site has been turned into 1.3 million square feet, housing 125 stores – now known as Tempe Market Place. Tempe obtained \$7 million in public financing for this project and added over \$249 million in private financing. This development now serves as a significant economic engine that gives families a desirable community amenity to enjoy. Liz Chavez and Chris Salome were asked to accept this award.

The second award from the National Association of Housing and Redevelopment Officials is for Project Homeless Connect. This program is designed to alleviate multiple barriers in accessing services to homeless individuals. This project brings diverse community agencies and services together for one day, under one roof, to provide essential services and connections to homeless people. Key themes of the event have included immediacy, hospitality and community. The event is operated primarily on donations and volunteer efforts. Theresa James, Carol Schottke and Ric Garza were asked to accept this award.

b. **Board and Commission appointment recommendations**

Mayor Hallman announced the following board appointments and reappointments:

Disability Concerns Commission

Armando Faustini, Jr.
Kristoffer Kiefer
Martha Ashburn

Terms Expire 12-31-12
Replaces Mason Murphy (1)
Replaces Barbara Shelton (1)
Replaces Linda Bergevin (1)

Linda A. Kurth

Term Expires 12-31-11 (U)
Replaces Tyler Allen

Ed Mitchell
Kay Butler

Term Expires 12-31-10 (U)
Replaces Darrell Shandrow
Replaces Matthew Jellison

Development Review Commission

Vanessa MacDonald
Dennis Webb
Paul Kent

Terms Expire 7-01-12
Reappointment (*)
Reappointment (1)
Reappointment (1) as Alternate

Human Relations Commission

Kade Twist

Term Expires 12-31-09 (U)
Replaces Fentress Truxon

Robert Marshak

Term Expires 12-31-10 (*)
Replaces Janis Webb

Judicial Review Board

Jennifer Willmott
Michael Mason
James Sampanes

Terms Expire 7-17-12
Replaces Thomas Klobas
Replaces Brad Tebow
Replaces Judy Aldrich

Honorable Mark Aceto

Term Expires 7-17-12 (1)
Reappointment

Municipal Arts Commission

Richard H. Kiene III

Terms Expire 12-31-11 (1)
Replaces Lise Hawkos

**Neighborhood Advisory
Commission**

Mark Lymer

Term Expires 12-31-10 (U)
Replaces Greg Ellison, zip 85281

Maureen DeCindis

Term Expires 12-31-11 (U)
Replaces Faye Farmer, zip 85282

c. Census Committee

The following individuals were appointed to the Census 2010 Complete Count Committee:

Tracy T. Koen, David Cromwell, Neal Babcock, Dave Summers, Beth Fiorenza, Stephanie Salazar, Ed Wycoff, Arthur W. Tate, Jr., Catherine Mayorga, Kate Hanley, Omar Ahmed, Ed Smith.

Don Cassano and Ed Valeuzuela – Co-chairs

Mayor Hallman stated that Cecelia Esquir has declined to participate as a co-chair on this committee due to health related issues. Her notable contributions to this community were commended.

B. Manager's Announcements

Charlie Meyer commended the City Clerk, Information Technology and various city staff for their assistance in converting the City Council agenda creation process into a more automated and efficient system.

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may make a vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

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

Motion by Councilmember Woods to approve the Agenda as amended. (Items #30, 33, 53, 81 were removed for separate consideration; item #87 was deleted from the agenda and on item #92 a typographical error on the background material was corrected under Article 7, page 8, item 1, 4th line under 'position' should read "patrol sergeant with two or more field training officers...."). Councilmember Arredondo asked for clarification on item #84. Charlie Meyer stated that management/confidential employees have been notified that the personnel rules and regulations are being amended to freeze

employee salaries within this employment category and gives management the flexibility to give salary increases on a case by case basis. Second by Councilmember Navarro. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

23. Approved the Report of Claims Paid to be filed for audit for the month of June, 2009.

COMMENTS A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

24. [Approved the Mayor's Board and Commission appointment and reappointment selections and Census Committee selections](#)

DOCUMENT NAME BDS, COMMISSION<COMMITTEES ADM (0102-01)

- *25. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Moreno's Mexican Grill LLC dba Moreno's Mexican Grill, 829 South Rural Road.](#)

COMMENTS Jose Moreno is the Agent for this application
DOCUMENT NAME 20090820Q01 LIQ LIC (0210-02)

- *26. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Devil's Hideaway LLC dba Devil's Hideaway, 1807 East Baseline Road, #101.](#)

COMMENTS Lauren Merrett is the Agent for this application.
DOCUMENT NAME 20090820Q02 LIQ LIC (0210-02)

- *27. [Held a public hearing and recommended the approval of a Series 6 bar liquor license for 40 Grand Down LLC dba Last Exit Bar & Grill, 1425 West Southern Avenue.](#)

COMMENTS Brendan Fischer is the Agent for this application.
DOCUMENT NAME 20090820Q03 LIQ LIC (0210-02)

- *28. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Carlos Soto Inc., dba 3 Margaritas, 1717 South Rural Road](#)

COMMENTS Steven Arreola is the Agent for this application.
DOCUMENT NAME 20090702LIQ02 LIQ LIC (0210-02)

- *29. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Magunghwa dba Ichi Ban Sushi & BBQ, 1324 South Rural Road.](#)

COMMENTS Ki K. Pak is the Agent for this application.
DOCUMENT NAME 20090820Q04 LIQ LIC (0210-02)

- *30. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.](#)
[Held a public hearing and recommended the approval of a Series 9 liquor store license for Wal-Mart Stores, Inc., dba Wal-Mart Supercenter #5768, 800 East Southern Avenue.](#)

No public comment was forthcoming.

Councilmember Arredondo made a motion to deny this liquor license application. No follow up motion was made by Councilmembers.

Councilmember Arredondo amended his initial motion and changed it to a no recommendation. Councilmember Navarro seconded the motion.

Councilmember Mitchell asked the City Attorney what the result of a 'no recommendation' is. Andrew Ching, City Attorney, responded that the Council recommendation is forwarded to the State Department of Liquor Licenses and Control (DOL) for their final determination on whether or not to approve this application.

Liquor agent, Clare Abel, addressed the Council and stated that the ramifications of forwarding a no-recommendation to the DOL is that it will delay the issuance of a liquor license because a 'no recommendation' requires a public hearing by DOL to further consider the 'no recommendation' from the City. The desired opening is scheduled for early September, so sending a recommendation other than approval may delay the opening into October. A no recommendation from a municipality also requires a 2/3 vote by the DOL board at their public hearing. Mayor Hallman asked Ms. Abel why this liquor application was not submitted sooner, so that in the event a denial or no recommendation was the outcome, there would be ample time for Wal-Mart to respond. Ms. Abel explained that there was a change in leadership that led to the delay in filing this application.

The Mayor closed the public hearing portion of this agenda item. Councilmember Navarro seconded the motion for 'no recommendation'. Mayor Hallman called for a roll call vote. Motion carried 6 – 1 to approve forwarding a recommendation of 'no recommendation' to the DOL on this agenda item. Mayor Hallman voted no on this motion.

COMMENTS Clare Abel is the Agent for this application.
DOCUMENT NAME 20090820LIQ06 LIQ LIC (0210-02)

- *31. [Held a public hearing and recommended the approval of a Series 10 beer and wine liquor store license for Gray Resident Services LLC dba Grigio Metro, 1811 East Apache Boulevard.](#)

COMMENTS Randy Nations is the Agent for this application.
DOCUMENT NAME 20090820LIQ07 LIQ LIC (0210-02)

- *32. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Long Wong's at the Firehouse LLC dba Long Wong's at the Firehouse, 1639 East Apache Boulevard.](#)

COMMENTS Avner Sadote is the Agent for this application.
DOCUMENT NAME 20090820LIQ08 LIQ LIC (0210-02)

- *33. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.](#)
[Held a public hearing and recommended an approval of a Series 12 restaurant liquor license for SPS Diners LLC dba Suckerpunch Sallys Diner, 4 East University Drive.](#)

Michael Frost, landlord at 4 East University Drive, stated that this location has had a restaurant liquor license since 1989 with no problems. Suckerpunch Sallys is a nationally recognized name that will bring a lot of business to downtown. This is a diner, not a bar. The name of this establishment represents a national manufacturing company that also markets motorcycles across the United States. They are also affiliated with Coco Cola and Albertson's. This is a family concept and a great use for this empty building. Mr. Frost welcomed questions regarding this project. Councilmember Woods acknowledged that the name of this establishment is a national brand; however the female reference portion of the name is unnerving. Mr. Frost stated that his experience with the word 'suckerpunch' was that it was geared more towards the male persuasion – everyone has had different experiences. This business name is not negative – it's cute and represents a brand.

Darrin Heights agreed with Councilmember Woods that certain words can be unnerving. This establishment is associated with choppers, which is different than motorcycles. I am supportive of a 24 hour diner, but I do have trepidation about the name of this establishment. Mayor Hallman asked Mr. Heights if he felt the same way about the brand name 'Harley Davidson' and Mr. Heights replied yes.

Pete Lavalle, co-ower of Suckerpunch Sallys, stated that this name presents a lifestyle company with over 25 dealers throughout the United States. Approximately 350 bikes are manufactured a year. Progressive Insurance is the title sponsor. This is not the dirty biker/Hells Angels type of company. We represent motorcycle and music enthusiasts.

Councilmember Arredondo made a motion for no recommendation. Second by Councilmember Woods. A roll call vote to support a no recommendation resulted in 4 – 3; Councilmembers Mitchell and Shekerjian, Vice-Mayor Ellis and Mayor Hallman voting to deny the motion.

Councilmember Mitchell made a motion to approve this liquor application. Second by Councilmember Shekerjian. Motion passed on a roll call vote of 4-3. Vice-Mayor Ellis and Councilmembers Arredondo and Woods dissenting.

COMMENTS Christian Clayton is the Agent for this application.
DOCUMENT NAME 20090820LIQ09 LIQ LIC (0210-02)

34. [Approved a Library Services and Technology Act Grant for Parent and Child Early Literacy.](#)

COMMENTS Upon approval, the City will receive a federal grant of \$16,800.
DOCUMENT NAME 20090820csar03 LIBRARY ADMINISTRATION (0704-01)

35. [Approved a Library Services and Technology Act Grant for Discover, Explore and Read.](#)

COMMENTS Upon approval, the City will receive a federal grant of \$21,200.
DOCUMENT NAME 20090820csar02 (LIBRARY ADMINISTRATION 0704-01)

36. [Approved funding for the 2009-2010 Maryanne Corder Neighborhood Grant Program to homeowners' and neighborhood associations.](#)

COMMENTS Total amount of recommended grants funding is \$250,000 to be paid from the Capital Improvement Program budget.
DOCUMENT NAME 20090820crsw01 NEIGHBORHOOD ASSOCIATION PROGRAM (0109-24)

37. [Approved 2009/2010 Sponsorship Review Commission recommendations for city sponsorship of special events.](#)

COMMENTS The City's annual contribution cost is \$30,000 which is matched by the Tempe Visitor and Convention Bureau. Total recommendation allocations are \$77,950 in both cash and in-kind sponsorship.
DOCUMENT NAME 20090820prtd04.doc COMMUNITY SERVICES (0701-01)

38. [Approved a Final Subdivision Plat for the Campus Court Apartments located at 2026 South Hammond Drive.](#)

COMMENTS Request by CAMPUS COURT APARTMENTS (PL070457) (2026 S. Hammond Drive LLC, Pete Sayegh, property owner, and Gary B. Fox/Superior Surveying Services, Inc., applicants) for a final subdivision plat on 3.626 acres, located at 2026 South Hammond Drive in the R-3, Multi-family Residential Limited District and R-4, Multi-family Residential General District. The request includes the following:

SBD07057 – Final subdivision plat combining four (4) lots into

one (1) lot.

DOCUMENT NAME 20090820dsjc02 PLANNED DEVELOPMENT (0406)

39. [Approved a Subdivision/Condominium Plat for THE ENCLAVE ON PRIEST located at 1616 South Priest Drive.](#)

COMMENTS Request by THE ENCLAVE ON PRIEST(PL090131) (Priestly Properties, Inc., Tom Kowalski, property owner, Hunter Engineering, Inc. Jerry Heath Jr., R.L.S., applicant) consisting of an existing recorded plat to develop a 9.98 acre parcel into a condominium plat that will consist of 45 units, located at 1616 South Priest Drive, in the GID, General Industrial District. The request includes the following:

SBD09005 – Subdivision/Condominium Plat consisting of one lot to be developed into 45 units.

DOCUMENT NAME 20090820dsjc01 PLANNED DEVELOPMENT (0406)

40. [Approved an Amended Condominium Plat for Warner Century Plaza located at 2133 East Warner Road.](#)

COMMENTS Request for WARNER CENTURY PLAZA (PL090239) (Warner Century Development LC, property owner and Capricorn K LLC Unit 125 owner; Matt Turney, Fairway Property Advisors, applicant) consisting of a 3,646 sf. unit, located at 2133 East Warner Road in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:

SBD09010 – Amended Condominium Plat, dividing one (1) condo unit into two (2) units.

DOCUMENT NAME 20090820dsr101 PLANNED DEVELOPMENT (0406)

41. [Approved **Contract #2009-142**, a grant award from the Arizona Department of Public Safety – Victims of Crime Act \(VOCA\) - Victim Assistance Grant Program for the provision of victim assistance services for CARE 7.](#)

COMMENTS Victims of Crime Act (VOCA) Grant is in the amount of \$55,978.00 for FY July 1, 2009 through June 30, 2010. Matching funds of \$13,995.00 for in-kind services will be through volunteer hours. This is the tenth consecutive year this grant has been awarded to the City of Tempe CARE 7 Program

DOCUMENT NAME 20090820cskb02 COMMUNITY SERVICES ADMIN (0701-01)

42. [Approved the Use Agreement Addendum between the Kyrene School District No. 28 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 July 1, 2009 to June 30, 2010.](#)

COMMENTS Total cost shall not exceed \$130,000
DOCUMENT NAME 20090820cskb01 COMMUNITY SERVICES ADMIN (0701-01)

43. [Approved funding for the 2009-2010 Arts Grant Awards to schools and non-profit organizations.](#)

COMMENTS Total amount of recommended grants funding is \$151,500 to be paid from the Municipal Arts Fund.
DOCUMENT NAME 20090820csar01 COMMUNITY SERVICES ADMIN (0701-01)

B. Award of Bids/Contracts

44. [Approved a one-year renewal of a contract with Phoenix Pumps, Inc. for the maintenance, repair and purchase of small to medium sized horizontal water pumps for the Water Utilities Department.](#)

COMMENTS (WUD08-169-01) Total amount not to exceed \$250,000.
DOCUMENT NAME 20090820fst02 PURCHASES (1004-01)

45. [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 Water Utilities Department.](#)

COMMENTS (WUD08-187-01 and 02) Total amount not to exceed \$400,000.
DOCUMENT NAME 20090820fst01 PURCHASES (1004-01)

46. [Awarded Contract #2009-143, a two-year contract with three, one-year renewal options to Bound Tree Medical, LLC \(primary contractor\) and Henry Schein MatrX Medical \(secondary\) for the supply of emergency medical supplies for the Tempe Fire Department.](#)

COMMENTS (RFP #09-134) Total cost for these contracts shall not exceed \$260,000 during the contract period (\$130,000 per fiscal year) of which approximately 27% will be reimbursed by the City's ambulance services provider.
DOCUMENT NAME 20090820fsta04 PURCHASES (1004-01)

47. [Approved a ten-month contract renewal with Specialty Disease Management, Inc. \(formerly known as U.S. Care Management\) for a disease management program to](#)

assist with the care of patients with chronic health problems offered to all eligible employees, retirees and their dependents.

COMMENTS (T06-149-01) Total amount not to exceed \$60,000.
DOCUMENT NAME 20090820fsta04 PURCHASES (1004-01)

48. Approved a contract to utilize a one-year State of Arizona Contract with Qwest Communications Corporation for local and long distance telephone services utilized by all City departments.

COMMENTS (EPS060014-A6) Total cost of this contract shall not exceed \$500,000.
DOCUMENT NAME 20090820fsts05 PURCHASES (1004-01)

49. Awarded Contract #2009-144, a one-year contract with four, one-year renewal options to Western Truck and Equipment Company and Drake Equipment for the purchase of vehicle utility bodies to be used by citywide departments.

COMMENTS (RFP09-137) Total amount of this contract shall not exceed \$85,000 during the initial contract period.
DOCUMENT NAME 20090820fsta07 PURCHASES (1004-01)

50. Awarded Contract #2009-145, a two-year contract with two, two-year renewal options to Crafc0, Inc. for the purchase of asphalt crack sealing compound to be used by Public Works Department.

COMMENTS (IFB 10-006) Total amount of the contract shall not exceed \$200,000 during the initial two year contract period.
DOCUMENT NAME 20090820fsta08 PURCHASE (1004-01)

51. Awarded Contract #2009-146, a two-year contract with two, two-year renewal options to First In, Inc. for the installation of emergency communication and lighting products in public safety vehicles and warning lighting and accessories on City vehicles.

COMMENTS (RFP 09-141) Total amount of this contract shall not exceed \$326,000 during the initial two year contract period
DOCUMENT NAME 20090820fsta12 PURCHASES (1004-01)

52. Awarded Contract #2009-147, a professional services contract with Stantec Consulting, Inc. for design and construction management services for replacement of the Tempe Town Lake downstream rubber dam.

COMMENTS Cost for this contract is \$452,854. The City will receive reimbursement from Bridgestone Corporation for 100% of this

contract amount.

DOCUMENT NAME 200900820PWDR01 RIO SALADO MASTER PLAN-TEMPE
TOWN LAKE (0112-07-03) PROJECT NO. 6503061

53. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.](#)
[Awarded Contract #2009-148, a professional services contract with Malcolm Pirnie, Inc. for design services related to the South Tempe Water Treatment Plant \(STWTP\) Water Quality Improvements project. This is a bond-funded project on the approved CIP project list.](#)

Councilmember Shekerjian stated that since this contract is for such a large amount, it would be advantageous to inform the public about where the money is coming from and how it will be spent.

Oliver Ncube stated that this funding will be for the design phase for improvements on the water system in order to meet federal standards and mandates in terms of safety. These funds are separate from maintenance and operation funds. Bond funded projects of this nature do not affect general fund revenues/expenses.

Motion by Councilmember Shekerjian to approve. Second by Vice-Mayor Ellis. Motion passed unanimously.

COMMENTS Total cost for this contract is \$3,635,877.
DOCUMENT NAME 200900820PWDR05 WATER PUMPING STATION - SOUTH
TEMPE (0811-10) PROJECT NO. 3203211

54. [Awarded Contract #2009-149, a professional services contract with Black & Veatch Corporation for design services related to the Ken McDonald Golf Course Recharge Project. This is a bond-funded project on the approved CIP project list.](#)

COMMENTS Total cost for this contract is \$189,111.
DOCUMENT NAME 200900820PWDR06 KYRENE WATER RECLAMATION PLANT
(311 W GUADALUPE) (0812-02) PROJECT NO. 3209301

55. [Awarded Contract #2009-150, a professional services contract with Motley Design Group, L.L.C., to provide architectural design services for rehabilitation of the Eisendrath House.](#)

COMMENTS Total cost for this contract is \$247,772.
DOCUMENT NAME 200900820PWDR07 EISENDRATH HOUSE (0709-01)
PROJECT NO. 6703471

56. [Awarded Contracts #2008-251 & 2009-151, a job order no. 1 with Hunter Contracting Co., award a construction management contract with Vanir Construction Management, and approve a project contingency for water line upgrades/replacement at 22nd and 24th](#)

[Streets. This is a bond-funded project on the approved CIP project list.](#)

COMMENTS Total amount of job order no. 1 is \$737,195.23, total amount for the construction management contract is \$53,190, and the amount of the project contingency is \$35,000.
DOCUMENT NAME 20090820PWDR08 WATERMAIN UPGRADES (0810-06)
PROJECT NO. 3209341

57. [Awarded Contract #2009-152, a construction contract with Nickle Contracting, LLC and approval of a project contingency for pedestrian improvements on Curry Road.](#)

COMMENTS Total cost for this contract is \$448,500 and the amount of the project contingency is \$45,000.
DOCUMENT NAME 20090820PWDR09 STREETSCAPE THEME (0809-07)
PROJECT NO. 6001571

58. [Approved a one-year renewal of a contract with TransCore ITS, LLC for an information display system and system integration at the Transportation Management Center within the Tempe Transportation Center.](#)

COMMENTS (T08-112-01) Total amount not to exceed \$125,000.
DOCUMENT NAME 20090820fslg18 PURCHASES (1004-01)

59. [Approved a one-year renewal of a contract with Christmas Light Decorators for holiday light displays and installation.](#)

COMMENTS (T08-168-01) Total cost for this contract shall not exceed \$60,000 during this renewal period.
DOCUMENT NAME 20090820fslg10 PURCHASES (1004-01)

60. [Approved a one-year renewal of a contract with Dave Bang Associates for park furniture.](#)

COMMENTS (T08-065-01) Total cost for this contract shall not exceed \$500,000 during the renewal period.
DOCUMENT NAME 20090820fslg20 PURCHASES (1004-01)

61. [Awarded Contract #2009-154, a three-year contract to Arizona Truck & Coach Painting for painting the City's transit buses for the Public Works Department.](#)

COMMENTS (IFB #10-001) Total cost for this contract shall not exceed \$300,000 during the contract period.
DOCUMENT NAME 20090820fslg23 PURCHASES (1004-01)

62. [Awarded Contract #2009-155, a award two-year contract with three, one-year renewal](#)

[options to Evergreen Turf, Inc. \(primary contractor\) and West Coast Turf \(secondary\) for the supply and installation of sod used by the Parks and Recreation Department.](#)

COMMENTS (IFB 09-161) Total amount of the contracts shall not exceed \$500,000 during the initial two-year contract term.

DOCUMENT NAME 20090820fslg24 PURCHASES (1004-01)

63. [Awarded Contract #2009-156, the ratification of an award of a one-year contract with four, one year renewal options to Applied Research Associates and Adamson Police Products for the purchase of tactical reconnaissance robots for the Police Department.](#)

COMMENTS (RFP #10-015) The total amount of this contract shall not exceed \$85,000 during the initial contract period. All costs for the initial contract period shall be paid for through a Homeland Security federal grant.

DOCUMENT NAME 20090820fsmg14 PURCHASES (1004-01)

64. [Awarded Contract #2009-157, a professional services contract with Carollo Engineers, Inc. for construction management services for improvements to the Johnny G. Martinez Water Treatment Plant.](#)

COMMENTS Total cost for this contract is \$256,261.

DOCUMENT NAME 200900820PWDR11 JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091

65. [Awarded Contract #2009-158, a two-year contract with three, one-year renewal options to Crop Production Services and Target Specialty Products for the supply of chemicals, fertilizers, and pesticides that will be used by the Parks and Recreation Department throughout the City, including golf courses and parks.](#)

COMMENTS IFB 09-132) Total amount of the contracts shall not exceed \$250,000 during the initial two-year contract term.

DOCUMENT NAME 20090820fslg25 PURCHASES (1004-01)

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

- *66. [Introduced and held the first public hearing to amend Chapter 19 of the Tempe City Code, relating to Motor Vehicles and Traffic by amending Sections 19-93, 19-94 and 19-122 and by adding new Section 19-93.1, relating to Wheelchair Curb Access Ramps; Sanctions. The second public hearing is set for September 10, 2009.](#)

DOCUMENT NAME 20090820PWSS10 TCC CH 19 (0503-19) Ordinance No. 2009.31

- *67. [Introduced and held the first public hearing to adopt an ordinance authorizing the execution of a quit-claim deed reconveying to Robert R. Stonoff and Anna Mary Stonoff a portion of parcel number 132-18-009A located at 1250 North Miller Road in Maricopa County, unintentionally obtained by the City pursuant to a condemnation action. The second public hearing is scheduled for September 10, 2009.](#)

COMMENTS The conveyance is required to reconvey to the property owners excess property inadvertently included in a condemnation order in 2007.

DOCUMENT NAME 20090820PWWS12 REAL PROPERTY DISPOSITION (0905-21-01) Ordinance No. 2009.32

- *68. [Introduced and held the first public hearing to adopt an ordinance granting a 20 foot wide irrigation easement to the United States of America \(Department of the Interior Bureau of Reclamation\). Said easement to extend generally from 3rd Street and Ash Avenue to 5th Street and College Avenue. The second public hearing is scheduled for September 10, 2009.](#)

COMMENTS This easement was previously granted to Salt River Project in 2005 by Ordinance No. 2005.68 in conjunction with the Light Rail Project. Through this action and the provision of Quit Claim Deeds from the USA to the City of Tempe and other named parties any Federal interest in the Hayden, McKinley – Kirkland Canal in this area will be extinguished.

DOCUMENT NAME 20090820PWWS13 UTILITY EASEMENT GRANTED (0904-02) Ordinance No. 2009.33

- *69. [Introduced and held the first public hearing to accept the dedication of certain real property for use as a public right of way and the grant of an exclusive water line easement from the Tempe School District #3 of Maricopa County, Arizona for the location at 1430 W. Elna Rae Street. The second public hearing is scheduled for September 10, 2009.](#)

COMMENTS The exclusive water line easement and the right of way will allow the City to repair, maintain, replace and/or perform other work on the property located at 1430 W. Elna Rae Street.

DOCUMENT NAME 20090820PWWS14 UTILITY EASEMENT GRANTED (0904-02) Ordinance No. 2009.34

- *70. [Introduced and held the first public hearing to amend Chapter 33, Article IV, Tempe City Code, relating to Water Development Fees by amending Section 33-93; and to amend Chapter 27, Article II, Division 4, Tempe City Code, relating to Sewer Development Fees by amending Section 27-213. The second public hearing is](#)

[scheduled for September 10, 2009.](#)

COMMENTS This ordinance authorizes the Water Utilities Department to install an unmetered tap to a City water main to serve a fire sprinkler system added to an existing single-family residence. A resident who requests this service will not be charged development fees for the fire tap and line, which may be used only in a fire emergency. The resident will pay standard tap and inspection fees for installation, and a small monthly fire service line fee.

DOCUMENT NAME 20090820cacc01 TCC CH 33 – WATER (0503-33) Ordinance No. 2009.35

- *71. [Introduced and held the first public hearing to amend Chapter 2, Article V, Division 19, Tempe City Code, relating to Housing Trust Fund Advisory Board by amending Section 2-355 relating to Established; Composition. The second public hearing is scheduled for September 10, 2009.](#)

DOCUMENT NAME 20090910cdch01 TCC CH 2 – CITY CODE ADMINISTRATION (0503-02) Ordinance No. 2009.36

- *72. [Introduced and held the first public hearing to amend Chapter 2, Article V, Boards, Commissions, Etc., of the Tempe City Code, by amending Section 2-181 relating to Powers and Duties; amending Div. 12, relating to Tempe Citizens' Panel for Review of Police Complaints and Use of Force by amending Sections 2-288 \(b\)\(1\), to conform with ARS 13-105. The second public hearing is set for September 10, 2009.](#)

COMMENTS This ordinance amends the definition of serious injury to read as “physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serous impairment of health or loss or protracted impairment of the function of any bodily organ or limb”.

DOCUMENT NAME 20090820pdsam02TCC CH 2 – CITY CODE ADMINISTRATION (0503-02) Ordinance No. 2009.37

D. Ordinances and Items for Second Hearing/Final Adoption

- *73. [Held the second public hearing and adopted an ordinance authorizing the issuance of a License For Special Use for an underground crossing by a private utility at Greentree Road and Priest Drive.](#)

COMMENTS This underground crossing will be for fiber optic communication facilities specific to the owner’s business.

DOCUMENT NAME 20090820PWWS02 BUILDING OVER RIGHT-OF-WAY (0904-

01) ORDINANCE NO. 2009.28

- *74. [Held the second public hearing and adopted an ordinance abandoning an existing eighteen \(18\) foot Water and Sewer Easement located at 323 S. Roosevelt Street, more particularly described in the attached Exhibit A.](#)

COMMENTS The City of Tempe desires the abandonment of an existing eighteen (18) foot Water and Sewer Easement described in Exhibit "A" attached. This Water and Sewer Easement is no longer in use or needed and has been replaced with a new facility.

DOCUMENT NAME 20090820PWWS03 ABANDONMENT (0901) ORDINANCE NO. 2009.29

- *75. [Held the second public hearing and adopted an ordinance granting a non-exclusive electrical power easement to Arizona Public Service Company for the purpose of supplying electrical power to the relocated O'Connor Residence in the vicinity of Weber Drive and College Avenue by the City of Tempe.](#)

COMMENTS This underground easement will be for the purposes stated above.

DOCUMENT NAME 20090820PWWS04 UTILITY EASEMENT GRANTED (904-02) ORDINANCE NO. 2009.30

- *76. [Held the second public hearing and approved a Planned Area Development Overlay for 707 SOUTH FOREST.](#)

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

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

DOCUMENT NAME 20090820dskko01 PLANNED DEVELOPMENT (0406)

77. [Approved RESOLUTION NO. 2009.85 to authorize an Intergovernmental Agreement between the City of Tempe and the City of Phoenix, the designated grant recipient, for securing the City of Tempe Federal Transit Administration American Recovery and Reinvestment Act of 2009 grant funds.](#)

COMMENTS Grant funds are in the amount of \$6,500,000 with no cost to the City.

DOCUMENT NAME 20090820CDRY01 TRANSPORTATION PLANNING (1101-01)
Resolution No. 2009.85

78. [Approved RESOLUTION NO. 2009.79 to revise to the City of Tempe's Rehabilitation Programs Policy Manual, increasing the amount of the grant available to the applicant to \\$10,000.](#)

COMMENTS Funding for the rehabilitation program is from Federal sources. This action will have no financial impact to the City

DOCUMENT NAME 20090820cdch01 COMMUNITY DEVELOPMENT (0207-26)
RESOLUTION 2009.79

79. [Approved RESOLUTION NO. 2009.80 establishing rental fees for special events banners at 5th Street and Mill Avenue and Rio Salado Parkway and Mill Avenue.](#)

COMMENTS Annual revenue from the rental fees is projected to be approximately \$26,000 annually.

DOCUMENT NAME 20090820prtd01 MISCELLANEOUS FEES (0210-05) Resolution
2009.80

80. [Approved RESOLUTION NO. 2009.81 increasing rental fees for events using Tempe Beach Park, Arts Park, Rio Salado Park and Kiwanis Park](#)

COMMENTS It is estimated the fees will increase event rental income to \$217,000 annually beginning in FY 2010/11.

DOCUMENT NAME 20090820prtd02.doc MISCELLANEOUS FEES (0210-05)
Resolution 2009.81

81. [Approved RESOLUTION NO. 2009.82 establishing rental fees for the use of Pyle Adult Center classrooms by outside organizations effective January 1, 2010.](#)

Councilmember Navarro asked staff why these fees are being adjusted at this time. Mark Richwine responded that a majority of facility users are community partners that are not charged fees for use. These fee adjustments will primarily impact non-commercial users at a relatively low increase of between \$5 and \$10 per hour of use. The overall impact of these fee adjustments will add approximately \$18,000 to the general fund.

Councilmember Woods asked what the ramifications would be if this agenda item were

to be denied. Mr. Richwine responded that it would result of a projected revenue deficiency of approximately \$18,000 previously accounted for in the upcoming budget projections.

Motion made by Councilmember Navarro to approve. Second by Councilmember Arredondo. Motion passed unanimously.

COMMENTS It is estimated that this fee will generate an additional \$18,000 in fiscal year 2009-2010.
DOCUMENT NAME 20090820prtd03.doc MISCELLANEOUS FEES (0210-05)
Resolution 2009.82.

82. [Approved RESOLUTION NO. 2009.87 to authorize the participation of the City of Tempe in an intergovernmental agreement \(IGA\) with the City of Phoenix to facilitate the payment and distribution of funds dedicated for the regionally coordinated Papago Park Master Plan Project](#)

COMMENTS Total cost is in the amount of \$584,000 which includes grant funds from the Salt River Pima Maricopa Indian Community in the amount of \$384,000 and \$100,000 each from Phoenix and Tempe.
DOCUMENT NAME 20090820prsw01 PAPAGO PARK MASTER PLAN (0112-07-01)
Resolution No. 2009.87

83. [Approved RESOLUTION NO. 2009.86 to approve the new Post Employment Health Plan Policy effective July 1, 2009 and authorizing its execution, and amending the current Tempe Health Plan document.](#)

COMMENTS Resolution 2009.86 approves the establishment and execution of the City's new Post Employment Health Plan Policy and amends the current Tempe Health Plan document.
DOCUMENT NAME 20090820hrjr03 HEALTH INSURANCE (0303-03-01)
Resolution No. 2009.86

84. [Approved RESOLUTION NO. 2009.83 to amend the City of Tempe Personnel Rules and Regulations, Rule 2, Section 202F and Rule 3, Section 306C, relating to salary step increases.](#)

COMMENTS This resolution amends the Personnel Rules and Regulations, to grant the City Manager authority to approve any salary step increases and to determine the percentage amount of any salary step increase up to a maximum of 5%. Current rules require increases without requisite approval. These provisions apply only to employees not covered under an MOU and would create

consistency with current MOU agreements regarding step increases.

DOCUMENT NAME 20090820hrjo01 PERSONNEL RULES AND REGULATIONS (0301-01) Resolution No. 2009.83

85. [Approved RESOLUTION NO. 2009.93 to enter into a Memorandum of Understanding \(MOU\) with Maricopa County to accept funding from the Justice Assistance Grant \(JAG\) program.](#)

COMMENTS Funding in the amount of \$118,919
DOCUMENT NAME 20090820pdsj01 POLICE DEPARTMENT ADMINISTRATION Resolution No. 2009.93

86. [Approved RESOLUTION NO. 2009.90 to authorize the Mayor to sign an agreement between the City of Tempe and Campus Suites on the Rail, LLLP for sharing construction costs of sewer infrastructure improvements at 1900 E. Apache Boulevard.](#)

COMMENTS Total cost to be reimbursed to Campus Suites by the City is \$30,810.
DOCUMENT NAME 20090820cacc02 WASTEWATER MANAGEMENT ADMIN (0812-01) Resolution No. 2009.90

87. [Approved RESOLUTION NO. 2009.88 to authorize the Mayor to execute a Development Agreement and documents reference therein \(including without limitation, a Lease, Memorandum of Lease, and an Addendum to Parking Agreement\) with Michael D. Frost.](#)

DOCUMENT NAME 20090820cdcm01 COMMUNITY DEVELOPMENT ADMIN. (0406) Resolution No. 2009.88

88. [Approved RESOLUTION NO. 2009.91 to authorize the Mayor to execute an amended and restated intergovernmental agreement for membership of the City of Tempe in the Regional Wireless Cooperative \(RWC\) for the ownership, operation, and maintenance of an interoperable public safety radio communications network.](#)

COMMENTS The amended IGA incorporates language that allows entities to utilize optional funding mechanisms for purchasing equipment to be used by the RWC, including lease/purchase. The amended agreement also clarifies the role of the Executive Director and the reporting relationship to the RWC Board.
DOCUMENT NAME 20090820ITDH01 COMMUNICATION (1002) RESOLUTION NO. 2009.91

89. [Approved RESOLUTION NO. 2009.89 to authorize the Mayor to sign the renewal of](#)

[Intergovernmental Agreement for Security Services in the Police Courts Building](#)

COMMENTS Total amount not to exceed \$205,000.00
DOCUMENT NAME 20090820mcnr01 POLICE DEPT ADMIN (0606-02) Resolution
No. 2009.89

90. [Approved RESOLUTION NO. 2009.96 to authorize the Mayor to execute a Development Agreement with Sea Life US, Inc.](#)

DOCUMENT NAME Merlin COMMUNITY DEVELOPMENT ADMIN. (0406)
Resolution No. 2009.96

91. [Approved RESOLUTION NO. 2009.92 to enter into a Memorandum of Understanding between the Service Employees International Union \(SEIU\) and the City of Tempe July 1, 2009 – June 30, 2011 and authorizing its execution.](#)

DOCUMENT NAME 20090820hrrb01 NON SUPERVISORY UNION AND PUBLIC
WORKS – MEET AND CONFER (0303-08-03 and 0303-08-
04)Resolution No. 2009.92

92. [Approved RESOLUTION NO. 2009.84 to enter into a Memorandum of Understanding between the Tempe Officers Association and the City of Tempe for the period of July 1, 2009 – June 30, 2011 and authorizing its execution.](#)

DOCUMENT NAME 20090820hrjo02 POLICE – MEET AND CONFER (0303-08-02)
Resolution No. 2009.84

93. [Approved RESOLUTION NO. 2009.95 to award a grant to Tempe Community Council for the disbursement to The Centers for Habilitation for transportation services for elderly and disabled residents and which authorizes the Mayor to execute a funding agreement between the City and the Tempe Community Council.](#)

COMMENTS Grant award is in the amount of \$50,000 or less.
DOCUMENT NAME 20090820PWgj01 TRANSPORTATION PLANNING (1101-01)
Resolution No. 2009.95

94. [Approved RESOLUTION NO. 2009.97 to accept grant funding from the Arizona Governor's Office of Highway Safety for overtime to conduct Click It or Ticket seat belt enforcement.](#)

COMMENTS The grant is a demonstration project in Maricopa and Pima
Counties to test the effects of conducting multiple, interim Click

It or Ticket enforcements. The goal is to sustain and increase seat belt usage. The program provides overtime funding, totaling \$30,000.

DOCUMENT NAME 20090820pdsj02 POLICE DEPARTMENT ADMINISTRATION
Resolution No. 2009.97

95. [Approved RESOLUTION NO. 2009.98 to accept Higgins Family Charitable Foundation grant dollars for K-9 equipment and less-lethal munitions.](#)

COMMENTS The Higgins Family Charitable Foundation awarded the Tempe Police Department a \$16,300 grant. These dollars are to fund the refurbishment of Tempe PD K-9 kennels (\$8,300) and purchase less lethal munitions (\$8,000).

DOCUMENT NAME 20090820pdsam01 POLICE DEPARTMENT
ADMINISTRATION Resolution No. 2009.98

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. [Lori Peloquin - Chaparral Mobile Home Village Issues](#)
None.

Unscheduled public appearances:

Jack Batty, President of SEIU Tempe Chapter, stated that he is looking forward to working with City leadership on budget related matters. Mr. Batty acknowledged the City Managers contributions to this process and the challenges that lay ahead.

SEIU conducted a bottled water donation drive which raised 566 cases of bottled water that will be delivered to the homeless population in Tempe.

Eleanor Holguin voiced her dissatisfaction with the Tempe Police Chief. Ms. Holguin requested an independent investigation regarding a voice recording of Chief Ryff when he was a Lieutenant for the Tempe Police Department. Ms. Holguin made assertions that Mr. Ryff's integrity is in

question and does not coincide with the Police Code of Conduct. A prior city manager had been made aware of these allegations.

Ms. Holguin added that she and her family are being personally attacked. Whenever public safety personnel are called to her home there is a delayed response because the fire department must be accompanied by the police department when responding to a call for service.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Vice-Mayor Ellis commended Councilmember Woods on receiving an award on his efforts for affordable housing.

Councilmember Mitchell also acknowledged Councilmember Woods for his contributions to the affordable housing issue and congratulated the Kiwanis Club for the successful July 4, Tempe Town Lake special event.

Councilmember Arredondo also acknowledged Councilmember Woods for his contributions to the affordable housing issue and agreed that the Kiwanis Club deserves special recognition for the July 4 special event.

Councilmember Shekerjian announced that ASU students return on Monday, August 24 and cautioned the everyone to drive safely.

Councilmember Navarro also acknowledged Councilmember Woods affordable housing contributions and recognized the volunteer efforts of Care 7 and their important role within the community.

Councilmember Woods also congratulated staff and the Kiwanis Club on the successful July 4 special event. Councilmember Woods also commended staff for their diligence and hard work on the affordable housing issues affecting this community.

Meeting adjourned at 9:05 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of _____, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2009.