



Minutes Formal City Council Meeting September 22, 2011

Minutes of the Formal Council Meeting of Thursday, September 22, 2011, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

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

Vice Mayor Joel Navarro
Councilmember Shana Ellis
Councilmember Onnie Shekerjian

STAFF PRESENT:

Charlie Meyer, City Manager
Andrew Ching, City Attorney
Don Hawkes, Deputy Public Works Dir. – Water Utilities

Jeff Kulaga, Assistant City Manager
Brigitta M. Kuiper, City Clerk
Various Department Heads or their representatives

Mayor Hallman called the meeting to order at 8:06 p.m.

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

3. MINUTES

A. Approval of Council Meeting Minutes

Motion by Councilmember Woods to approve the following COUNCIL, MEETING MINUTES; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 7-0.

1. Formal Council Meeting - September 8, 2011
2. Executive Session - September 8, 2011
3. Education Partnerships Council Committee - June 6, 2011
4. Housing and Social Service Programs Council Committee - June 14, 2011
5. Sports, Tourism, Recreation, Arts and Cultural Development Council Committee - August 3, 2011
6. Transportation Council Committee - August 9, 2011

B. Acceptance of Committee, Board & Commission Meeting Minutes

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

1. Library Advisory Board - June 1, 2011
2. Historical Museum Advisory Board - June 2, 2011
3. Commission on Disability Concerns - July 7, 2011 and August 4, 2011

4. Municipal Arts Commission - June 8, 2011
5. Human Relations Commission - July 12, 2011 and August 9, 2011
6. Merit System Board - July 22, 2011 and August 31, 2011
7. Parks, Recreation and Golf Advisory Board - July 27, 2011
8. Neighborhood Advisory Commission - August 3, 2011
9. Fire Public Safety Personnel Retirement Board - August 4, 2011
10. Police Public Safety Personnel Retirement Board - August 4, 2011
11. Fire and Police Public Safety Retirement Board Joint Meeting - August 4, 2011
12. Aviation Commission - August 9, 2011
13. Historic Preservation Commission - August 11, 2011
14. Hearing Officer - August 16, 2011
15. Special Event Task Force - September 6, 2011

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

2. **Fire Prevention Week**

Mayor Hallman read a proclamation declaring October 9 – 15, 2011 Fire Prevention Week.

3. **Bicycle-Friendly Community**

Mayor Hallman announced that the League of American Bicyclists has re-designated the City of Tempe as a Silver-Level Bicycle-Friendly Community (BFC) Award winner. Tempe has one of the highest percentages of bicycle commuters in the country.

4. **Fall 2011 Board and Commission Recruitment**

Mayor Hallman announced that there are over 80 openings on various City boards and commissions. The recruitment period ends on Friday, October 7, 2011 at 5:00 p.m.

1. **Detective Tim Barber Donors Recognition**

Mayor Hallman commended former Tempe Police Detective Tim Barber, for raising awareness for prostate cancer early testing. Community members and organizations were acknowledged and thanked for their support of Mr. Barber and his family. On Saturday, September 24, 2011, there will be a POP (Prostate On-site Project) Walk at Kiwanis Park; free prostate screenings are available for men that register. Mrs. Barber voiced her appreciation of the community support shown to her and her family.

B. Manager's Announcements

Charlie Meyer, City Manager, announced that a new utility billing system has been implemented. Unfortunately, there was confusion about the City's H2O Program, which allows water customers to make a contribution to charities within the community. The bills that were sent to customers were unclear whether or not the customer was making, or not making, a contribution to the H2O Program. This problem has been resolved for subsequent billing cycles. Letters have been sent to customers stating that their account will be rectified if they did not intend to make a charitable donation.

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 5D6 and 5E1, which were removed for separate consideration, and items 5A7 and 5B8 which were removed/deleted from the agenda; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- A1. Approved the August 2011 Report of Claims Paid to be filed for audit.

COMMENTS N/A
DOCUMENT NAME 20110922fsnw01 ACCOUNTS PAYABLE (0208-01)

- A2. Approved board appointments.

COMMENTS N/A
DOCUMENT NAME 20110922ccb01 0102-01-00 BDS, COMMISSIONS, COMMITTEES
ADM

Fire Public Safety Personnel Retirement System Board

Peggy Higginbottom Appoint to a term expiring 5/31/13 (FT1)
(replacing James Foley)

Police Public Safety Personnel Retirement System Board

Peggy Higginbottom Appoint to a term expiring 5/31/13 (FT1)
(replacing James Foley)

(FT1) – First term full term

- *A3. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for ADR Associates, LLC, dba Baja Cove Bar & Grill, 414 South Mill Avenue #118.

COMMENTS Adrien Rita Almassy is the Agent for this application.
DOCUMENT NAME 20110922fsap01 201015 LIQ LIC (0210-02)

- *A4. Held a public hearing recommended the approval of a Series 10 beer and wine store liquor license for M & I Oil, LLC, dba Arco AM/PM #5452, 2785 West Baseline Road.

COMMENTS Odette Nassim Odeh is the Agent for this application.
DOCUMENT NAME 20110922fsap02 200657– LIQ LIC (0210-02)

- *A5. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Sports AZ, LLC, dba Geno's Cheesesteaks & Deli, 829 South Rural Road.

COMMENTS Randy D Nations is the Agent for this application.
DOCUMENT NAME 20110922fsap03 Geno 200590 LIQ LIC (0210-02)

- *A6. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Nohope, LLC, dba Mary's Place, 1402 South Priest Drive.

COMMENTS Amy S Nations is the Agent for this application.
DOCUMENT NAME 20110922fsap04 201007– LIQ LIC (0210-02)

- A7. **THIS ITEM WAS REMOVED/DELETED FROM THE AGENDA** Request approval to appropriate federal grant funds and transfer local matching funds for the construction of additions to the East Valley Bus Operations and Maintenance Facility (EVBOM).

- A8. Approved a final subdivision plat for The District located at 941 East Apache Boulevard.

COMMENTS Request for THE DISTRICT (PL110169) (Tara Waldier, RB Tempe LLC, Scott E. Baer, Baer's Den, and Charles and Elsa Fong, Spence Avenue Apartments, property owners; Nick Wood, Esq., Snell & Wilmer LLP, applicant) located at 941 East Apache Boulevard in the CSS, Commercial Shopping and Service District, the R-4, Multi-Family Residential General District and with 4 parcels with a P.A.D., Planned Area Development Overlay District and T.O.D., Transportation Overlay District. The request includes the following: SBD11009 – Final Subdivision Plat to consolidate twelve (12) parcels into three (3) lots and dedicate public right of way on +/- 5.5108 net acres.
DOCUMENT NAME 20110922cdkko02 PLANNED DEVELOPMENT (0406)

The following conditions of approval apply:

1. The Subdivision Plat for The District on Apache for the +/-5.5108 net acre property including the consolidation of existing parcels into three lots shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe Community Development Department on or before September 22, 2012 or prior to issuance of building permit, whichever comes first. Failure to record the plat on or before September 22, 2012, which is one (1) year from the date of City Council approval, shall make the City Council approval of the plat null and void.
2. Abandon existing public utility easements that are no longer needed within Lot 1, Lot 2 and Lot 3. Separately submit abandonment request to Public Works/Land Services Division and process abandonments through City Council.
3. Provide exclusive easements for public water line and (as needed) for sewer line that serve Lot 1. Either have easements and agreements for Lot 1 including cross drainage and cross access agreements "dedicated hereon" the Subdivision Plat or have easements and agreements separately reviewed by the Public Works Department, dedicated by separate instrument and recorded at the Maricopa County Recorder's Office.
4. All property corners shall be set and verified by Registered Land Surveyor. Submit completed and sealed Notice of Verification to Public Works /Land Services Division staff no later than three (3) months from the date of County recordation or as determined by staff.

- A9. Approved a lot line adjustment for The Enclave On Priest located at 1602 South Priest Drive.

COMMENTS Request for THE ENCLAVE ON PRIEST (PL110291) (Priestly Properties Inc., owner and Hunter Engineering, Inc., applicant) located at 1602 South Priest Drive in the GID, General Industrial District. The request includes the following: SBD11010 – Lot Line Adjustment for two (2) condominium units consisting of 5,092 square feet.

DOCUMENT NAME 20110922cdr101 PLANNED DEVELOPMENT (0406)

The following conditions of approval apply:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe Community Development Department on or before September 22, 2012. Failure to record the plat on or before September 22, 2012, which is one (1) year from date of City Council approval, shall make the approval of the plat null and void.
2. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

- A10. Authorized the Mayor to execute a wired telecommunications license and right-of-way agreement between Level 3 Communications, LLC and the City of Tempe. **(Contract #2011-136)**

COMMENTS Level 3 Communications, LLC was originally granted a fiber optic license in 2000 and a telecommunications license in 2006 for use of the City's rights-of-way to provide telecommunications services. Additionally, Level 3 has empty conduit occupying the right-of-way and currently also engages in the sale and/or leasing of dark fiber within its routes. Level 3's license expired June 25, 2011 and it wishes to continue to use the right-of-way to provide its services for an additional five-year term.

DOCUMENT NAME 20110922pwws05 LEVEL 3 COMMUNICATIONS (0802-03)

Mayor Hallman noted that there was an exhibit error on the original document, but that has since been corrected.

B. Award of Bids/Contracts

- B1. Approved a one-year contract renewal with Badger Meter, Inc. for the purchase of 2" through 10" water meters and repair parts for the Public Works Department.

COMMENTS Total value of this contract shall not exceed \$250,000 for the one-year renewal term.

DOCUMENT NAME 20110922fsts06 PURCHASES (1004-01)

- B2. Approved one-year contract renewals with Phoenix Pumps, Inc. and Weber Group L.C. for the maintenance, repair and purchase of large capacity vertical turbine pumps for the Public Works Department.

COMMENTS Total combined value of these contracts shall not exceed \$500,000 for the one-year renewal term.
DOCUMENT NAME 20110922fst06 PURCHASES (1004-01)

- B3. Awarded a one-year contract with four, one-year renewal options to East Valley Uniforms, as a primary contractor, and to Arizona Uniform and Apparel, as a secondary contractor, for the purchase of employee uniforms and miscellaneous clothing items for use by all City departments. **(Contract #2011-137)**

COMMENTS Total cost of this contract will not exceed \$110,000 during the initial one-year contract period.
DOCUMENT NAME 20110922fslg04 PURCHASES (1004-01)

- B4. Approved a one-year contract renewal with Bingham Equipment Company for skid steer loaders for use by the Public Works Department.

COMMENTS Total cost of this contract will not exceed \$85,000 during the one-year contract renewal period.
DOCUMENT NAME 20110922fst05 PURCHASES (1004-01)

- B5. Approved a one-year contract renewal with Water Movers, Inc. for the lease and operation of water bypass pumping operation at the Tempe Town Lake for the Public Works and Community Development Departments.

COMMENTS Total cost of this contract will not exceed \$200,000 during the one-year contract renewal period.
DOCUMENT NAME 20110922fst05 PURCHASES (1004-01)

- B6. Awarded job order no. 15 with Caliente Construction, Inc. for emergency road restoration for a waterline break at 13th Street and Wilson Street. **(Contract #2008-1370)**

COMMENTS Total amount of job order no. 15 with Caliente Construction, Inc. is \$54,524 and a project contingency amount of \$5,500.
DOCUMENT NAME 20110922pwtg04 WATERMAIN UPGRADES (0810-04)
PROJECT NO. 3204532

- B7. Awarded a two-year contract with three, one-year renewal options to Unique Management Services, Inc. for library collection services to include non-returned library materials and fines. **(Contract #2011-138)**

COMMENTS Total value of this contract will not exceed \$55,000 during the initial two-year contract period.
DOCUMENT NAME 20110922fslg02 PURCHASES (1004-01)

- B8. **THIS ITEM WAS REMOVED/DELETED FROM THE AGENDA** Request to award a construction contract with SDB, Inc. and approval of a project contingency for federal grant funded additions to the East Valley Bus Operations and Maintenance Facility.

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

- *C1. Introduced and held the first public hearing to adopt and approve an Ordinance authorizing the Mayor to execute a license agreement with Electric Transportation Engineering Corporation, dba ECotality North America, to use and occupy City property to install, maintain, and operate electric vehicle charging equipment through the use of Department of Energy funding through the American Recovery and Reinvestment Act. The second public hearing was scheduled for October 20, 2011.

COMMENTS ECotality will fund the installation of the charging sites on city property under an ARRA grant at no cost to city. The city will be responsible for the electricity cost to each site. The cost of each charge for use of the charging station is estimated at \$1.25 - \$2.00 per hour, for a 4-6 hour charge, to be paid by the vehicle user.

DOCUMENT NAME 20110922pwws07 ENGINEERING ADMINISTRATION (0803-02) Ordinance No. 2011.44

- *C2. Introduced and held the first public hearing to adopt and approve an Ordinance amending the Tempe City Code to add Code Section 19-101, to regulate parking at electric vehicle charging stations in the City of Tempe. The second public hearing was scheduled for October 20, 2011.

COMMENTS The penalties for violating the Code section include a civil sanction of up to \$250.

DOCUMENT NAME 20110922pwws06 TCC CH 19 – MOTOR VEHICLES AND TRAFFIC (0503-19) ORDINANCE NO. 2011.46

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. Held the second and final public hearing and adopted **ORDINANCE NO. 2011.33** amending the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by repealing the existing 2006 International Codes and adopting the 2009 edition of the International Codes.

COMMENTS This ordinance adopts the 2009 editions of the International Codes to establish the minimum requirements to safeguard the public health, safety, general welfare, and energy conservation in the built environment.

DOCUMENT NAME 20110922cdml01 TCC CH 8 – BUILDINGS AND BUILDING REGULATIONS (0503-08) ORDINANCE NO. 2011.33

- *D2. Held the second and final public hearing and adopted **ORDINANCE NO. 2011.19**, a Historic Overlay for the Harris House located at 823 South Maple Avenue.

COMMENTS Request for the HARRIS HOUSE (PL110191) (Jenny Lucier & Dan O'Neill property owners; City of Tempe -Tempe Historic Preservation Office, applicant) consisting of Historic designation and listing in the Tempe Historic Property Register for the Harris House, consisting of one (1) lot on approximately 0.16 acres, located at 823 South Maple Avenue in the R-3, Multi-Family Residential Limited District. The request includes the following: HPO 11004 (Ordinance No. 2011.19)

DOCUMENT NAME – Historic Designation consisting of one (1) lot.
20110922cdjn01 PLANNED DEVELOPMENT (0406) ORDINANCE
NO. 2011.19

- *D3. Held the second and final public hearing and adopted **ORDINANCE NO. 2011.29**, a Planned Area Development Overlay for the Jones Studio located at 205 South Wilson Street.

COMMENTS Request for the JONES STUDIO (PL110207) (Melissa Farling, Jones Studio, Applicant; Edward Jones, Jones Studio Inc., property owner) consisting of a one-story office building, with approximately 6,354 s.f., on .36 net acres, located at 205 South Wilson Street in the GID, General Industrial District. The request includes the following:

PAD11005 (Ordinance No. 2011.29) – Planned Area Development Overlay to reduce the required front yard setback from 25'-0" to 6'-0" and a reduced side yard setback from 6 ft. to 0 ft. along the south side and to reduce the required parking from 21 to 16.

DOCUMENT NAME 20110922cddk01 PLANNED DEVELOPMENT (0406) ORDINANCE
NO. 2011.29

The following conditions of approval apply:

1. A building permit shall be obtained on or before September 22, 2013 or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
2. The property owner shall sign a waiver of rights and remedies form. By signing the form, the Owner voluntarily waives any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than October 24, 2011, or the PAD approval shall be null and void.
3. An Encroachment Permit must be obtained from the Engineering Department prior to submittal of construction documents for building permit.
4. The Planned Area Development for JONES STUDIO shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.

- *D4. Held the second and final public hearing and adopted **ORDINANCE NO. 2011.18**, a Historic Overlay for the McGinnis House located at 915 South Maple Avenue.

COMMENTS Request for the MCGINNIS HOUSE (PL110192) (Maple Ash Conservancy LLC. property owners; City of Tempe -Tempe Historic Preservation Office, applicant) consisting of Historic designation and listing in the Tempe Historic Property Register of the McGinnis House, consisting of one (1) lot on approximately 0.16 acres located at 915 South Maple Avenue in the R-3, Multi-Family Residential Limited District. The request includes the following: HPO 11005 (Ordinance No. 2011.18) – Historic Designation consisting of one (1) lot.

DOCUMENT NAME 20110922cdjn02 PLANNED DEVELOPMENT (0406) ORDINANCE
NO. 2011.18

- *D5. Held the second and final public hearing and adopted **ORDINANCE NO. 2011.41**, a Zoning Map Amendment and Planned Area Development Overlay for The District located at 941 East Apache Boulevard.

COMMENTS

Request for THE DISTRICT (PL110169) (Tara Waldier, RB Tempe LLC, Scott E. Baer, Baer's Den, and Charles and Elsa Fong, Spence Avenue Apartments, property owners; Nick Wood, Esq., Snell & Wilmer LLP, applicant) consisting of a five story, 639,589 sf. 279 unit student housing complex with structured parking and ground floor retail plus a reconstructed one story 1,868 sf. Baer's Den bar, all on +/-5.616 acres (12 parcels, total), located at 941 East Apache Boulevard in the CSS, Commercial Shopping and Service District, the R-4, Multi-Family Residential General District and with 4 parcels with a P.A.D., Planned Area Development Overlay District and T.O.D., Transportation Overlay District. The request includes the following:

ZON11003 – (Ordinance No. 2011.41) Zoning Map Amendment from CSS, Commercial Shopping and Service to MU-4, Mixed-Use, High Density District on +/-3.427 acres (5 parcels) facing Apache, from CSS, Commercial Shopping and Service and R-4, Multi-Family Residential General to R-5, Multi-Family Residential High-Density District on +/-2.189 acres (7 parcels) facing Spence, and for insertion of +/-3.510 acres (8 parcels) into the T.O.D., Transportation Overlay District.

PAD11006 – (Ordinance No. 2011.41) Planned Area Development Overlay to establish development standards for density (in MU-4 District) and building height, building setbacks, building lot coverage and landscape lot coverage on +/-5.616 acres.

DOCUMENT NAME

20110922cdkko01 PLANNED DEVELOPMENT (0406)
ORDINANCE NO. 2011.41

The following conditions of approval apply:

1. A building permit shall be obtained on or before September 22, 2013 or the zoning districting of the property may revert to that in place at the time of application, subject to a public hearing.
2. The property Owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waives any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than October 24, 2011, or the Zoning Map Amendment and Planned Area Development Overlay approval shall be null and void.
3. The Planned Area Development Overlay for The District shall be put into proper engineered format with appropriate signature blanks. The finalized and acknowledged Planned Area Development Overlay document shall be received and kept on file with the City of Tempe Community Development Department prior to issuance of building permits.
4. The Developer shall revise the Traffic Impact Analysis in accordance with Transit Studies comments, dated August 12, 2011 and resubmit the revision to Transit Studies Division prior to any submittal for a building permit.

5. The Developer must receive approval of the revised Traffic Impact Analysis from the City of Tempe Traffic Engineer or her designee prior to issuance of a building permit.
 6. A Final Subdivision Plat is required for this development. The Final Subdivision Plat shall be processed through the City of Tempe Community Development Department and shall be recorded prior to issuance of a building permit.
 7. The maximum density for the MU-4 District on +/-3.427 acres shall be sixty-three dwelling units per acre (63.0 d/ac). The maximum density for the R-5 District on +/-2.189 acres shall be maintained at thirty dwelling units per acre (30.0 d/ac) in accordance with the provision of the Zoning and Development Code.
 8. The maximum building height for the MU-4 District on +/-3.427 acres shall be ninety feet (90.0 ft.). The maximum building height for the R-5 District on +/-2.189 acres shall be fifty-eight feet (58.0 ft.).
 9. Building step-back above 30'-0" height shall be waived along common property line between lots of the development. The 1:1 building step-back is maintained on the east and west site perimeters where the development is adjacent to multi-family residential districts following the standard step-back provision of the Zoning and Development Code. The step-back planes shall be established at five feet (5.0 ft.) from the side perimeter property lines.
 10. Building setbacks shall be waived along common property line between lots of the development. The minimum building setbacks as established along the perimeter of the development shall be as follows. Minimum front yard (Apache) and reverse front yard (Spence) setbacks are five feet (5.0 ft.). Side yard setback at west perimeter property line is thirty feet (30.0 ft.). Side yard setback at east perimeter property line is forty-one feet (41.0 ft.).
 11. The maximum building lot coverage is established collectively for the lots of the development at fifty-eight percent (58%).
 12. The minimum landscape lot coverage is established collectively for the lots of the development at twenty-four percent (24%).
- *D6. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Second and final public hearing to adopt an ordinance authorizing the Mayor to execute Amendment No. 2 to the Lease Agreement between City of Tempe and the Valley of the Sun Young Men's Christian Association (YMCA) for the continued lease of real property located at 7070 S. Rural Road Tempe, Arizona, a consent agreement with U.S. Bank National Association, other related documents, including a Memorandum to Lease Agreement with the YMCA.

E. Resolutions

- *E1. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request adoption of a resolution amending Appendix A of the Tempe City Code relating to water rates.
- *E2. Adopted **RESOLUTION NO. 2011.74** amending Appendix A of the Tempe City Code relating to wastewater rates.

COMMENTS This resolution establishes the wastewater rate structure effective November 1, 2011.
DOCUMENT NAME 20110922wudph02 MISCELLANEOUS FEES (0210-05)
RESOLUTION NO. 2011.74

- E3. Adopted **RESOLUTION NO. 2011.92** accepting grant funding from the Governor's Office of Highway Safety for the following programs: DUI Enforcement (**Contract #2011-143**), DUI Equipment (**Contract #2011-144**), Traffic (Speed) Enforcement and Equipment (**Contract #2011-145**), Occupant Protection (**Contract #2011-146**), and Accident Investigation and Training (**Contract #2011-147**).

COMMENTS The award amount is \$143,400.
DOCUMENT NAME 20110922pdmk01 POLICE DEPT ADMIN (0606-02) Resolution No. 2011.92

- E4. Adopted **RESOLUTION NO. 2011.93** authorizing a pass through grant agreement with the City of Phoenix, as the designated federal grant recipient, to provide Federal Transit Administration (FTA) grant funds for the construction of improvements to the East Valley Bus Operations and Maintenance Facility (EVBOM) and the purchase of neighborhood circulator buses. (**Contract #2011-148**)

COMMENTS Grant agreement provides a total of \$1,967,180 in federal funds for transit projects.
DOCUMENT NAME 20110922pwgj01 TRANSPORTATION PLANNING (1101-01-01)
RESOLUTION NO. 2011.93

AGENDA ITEM(S) REMOVED FOR SEPARATE CONSIDERATION:

- *D6. Held the second and final public hearing and adopted **ORDINANCE NO. 2011.43** authorizing the Mayor to execute Amendment No. 2 to the Lease Agreement (**Contract #2011-140**) between City of Tempe and the Valley of the Sun Young Men's Christian Association (YMCA) for the continued lease of real property located at 7070 S. Rural Road Tempe, Arizona, a consent agreement with U.S. Bank National Association (**Contract #2011-142**), other related documents, including a Memorandum to Lease Agreement with the YMCA (**Contract #2011-141**).

COMMENTS The Lease amount of \$1 per year will remain the same.
DOCUMENT NAME 20110922caef01 YMCA (0109-15) ORDINANCE NO. 2011.43.

Councilmember Mitchell declared a conflict of interest on agenda item 5D6.

Motion by Councilmember Woods to approve agenda item 5D6; second by Councilmember Ellis. Motion passed on a roll call vote 6-0-1 with Councilmember Mitchell abstaining.

- *E1. Adopted **RESOLUTION NO. 2011.73** amending Appendix A of the Tempe City Code relating to water rates.

COMMENTS This resolution establishes the water rate structure effective November 1, 2011.
DOCUMENT NAME 20110922wudph01 MISCELLANEOUS FEES (0210-05)
RESOLUTION NO. 2011.73

Councilmember Shekerjian stated that she has received feedback from the public concerning water and wastewater fee increases. Staff was asked to explain why rates have been increasing and to explain how the water fund works.

Don Hawkes, Deputy Public Works Director – Water Utilities, stated that water is operated as an Enterprise Fund; it works strictly on user fees and rates. No sales taxes or property taxes are used to fund water operations. Governmental regulations are the primary reason for rate increases; 82% of the revenues supporting capital improvements for the fund are used to meet Federal regulations such as the Safe Drinking Water Act and Clean Water Act. These are unfunded Federal mandates. The alternative is to be fined \$27,500 per day for not meeting Federal requirements.

Motion by Councilmember Shekerjian to approve agenda item 5E1; second by Councilmember Woods. Motion passed on a roll call vote 7-0.

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Woods

- Attended the Getting Arizona Active In Neighborhoods (GAIN) event; it helps the City provide quality services in a streamlined manner
- Condolences to the Barber family

Councilmember Ellis

- Congratulations to the City of Tempe and Tempe Center for the Arts for being nominated for an Emmy for the Rocky Mountain Southwest Chapter of the National Academy of Television Arts and Sciences for the Songwriter Showcase; this program airs on Channel 8. The winner will be selected on October 15, 2011.

Councilmember Mitchell

- Condolences to the Barber family
- Saturday, September 24, 2011 – Walk for POP event; free on-site prostate screenings

Councilmember Arredondo-Savage

- GAIN night coordinators and volunteers were commended for a job well done; October 22, 2011 there will be another GAIN night event
- Condolences to the Barber family

Councilmember Shekerjian

- Free oral health screenings and fluoride varnishes will be offered in several Tempe schools for children under the age of 6 years old, regardless of insurance status. Program information is available at thriveto5.org
- Condolences to the Barber family

Vice Mayor Navarro

- Saturday, October 15, 2011 – Old Settlers potluck event at Tempe High School; event is for individuals that have lived in the City of Tempe for over 30 years
- Saturday, October 15, 2011 – The Lakes community will celebrate their 40-year anniversary.
- GAIN night was successful; gives Councilmembers an opportunity to meet and talk with residents
- October is Cyber Security Awareness month
- Condolences to the Barber family

Mayor Hallman

- Condolences to the Barber family
- Condolences to the Witter and Goronkin families

7. PUBLIC APPEARANCES

A. Scheduled

1. Citizens concerns regarding policing – no one spoke.
2. Request to locate plaque for Greg Hull
Gary Meyer, former City of Tempe employee, stated that he is requesting that the City of Tempe honor Don Hull, former Community Development Director, with a memorial plaque. Mr. Meyer suggested a location for the plaque and provided information about Mr. Hull. Mayor Hallman stated that he has asked staff to schedule an Issue Review Session discussion regarding a Naming Policy, including plaque recognition.

B. Unscheduled – No one spoke.

The meeting adjourned at 8:50 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 September 22, 2011, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk