



## Minutes Formal City Council Meeting November 5, 2009

Minutes of the Formal Council Meeting of November 5, 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.

1. Councilmember Arredondo 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 Shekerjian. Motion passed unanimously on a voice vote.

1. Formal Council Meeting - October 22, 2009
2. Issue Review Session - October 22, 2009
3. Executive Session - October 22, 2009
4. Council Education Partnerships Committee - October 19, 2009
5. Council Housing Committee - October 20, 2009

#### B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Woods to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Shekerjian. Motion passed unanimously on a voice vote.

1. Commission on Disability Concerns Mayor's Awards Committee - June 17, 2009 & August 19, 2009
2. Commission on Disability Concerns Architectural Compliance Committee - June 18, 2009

- & July 16, 2009
3. Commission on Disability Concerns - July 2, 2009
  4. Tardeada Advisory Board - Reception Sub-Committee - August 3, 2009 & September 24, 2009
  5. Neighborhood Advisory Commission - Codes Committee Meeting - August 18, 2009 & September 15, 2009
  6. Neighborhood Advisory Commission - Affordable Housing Committee - August 31, 2009
  7. Human Relations Commission - September 8, 2009
  8. Municipal Arts Commission - September 9, 2009
  9. Municipal Arts Commission - Public Art/Art in Private Development Committee - September 9, 2009
  10. Library Advisory Board - September 14, 2009
  11. Tardeada Advisory Board - September 14, 2009
  12. Hearing Officer - September 15, 2009
  13. Parks and Recreation Board - September 16, 2009
  14. Development Review Commission - September 22, 2009
  15. Neighborhood Advisory Commission - Outreach Committee Meeting - September 22, 2009
  16. Evelyn Hallman Park Public Art Opportunity Review Panel - September 24, 2009
  17. Housing Trust Fund Advisory Board - September 28, 2009
  18. Mayor's Youth Advisory Commission - October 6, 2009
  19. Special Events Task Force - October 20, 2009
  20. Census 2010 Complete Count Committee - October 20, 2009

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

Mayor Hallman read a proclamation to acknowledge City of Tempe employees that have made a commitment to serve in the military and to honor their veteran status.

Board recruitments were made for the following:

- Disability Concerns Commission
- Historical Museum Advisory Board
- Human Relations Commission
- Judicial Advisory Board
- Library Advisory Board
- Tardeada Advisory Board

The application deadline is December 4, 2009.

Tickets for the State of the City address may be purchased at the Tempe Chamber of Commerce. This will also be televised on Channel 11 as well as being available on the City of Tempe website.

- November 7, from 10 am – 5 pm there will be free boating on the town lake
- November 10, from 6 – 9 pm, Tempe will be hosting a Green Street Party environmental event

- November 11, there will be a Veterans Day parade
- November 19, 7 pm, there will be an Iron Man Arizona Charity Challenge at Tempe Beach Park

**B.**      Manager's Announcements

- November 17, from 6 – 7:30 pm budget forum held in the City Council chambers, 31 East Fifth Street
- November 18, from 6 – 7:30 pm budget community forum at the Tempe Police South Substation, 8201 South Hardy Drive

**5. AGENDA**

All items in these minutes identified with an asterisk (\*) **are public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

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

**Motion by Councilmember Woods to approve the Agenda as Amended (Item 5D1 was removed for separate consideration). Second by Councilmember Navarro. Motion passed on a roll call vote 7-0.**

**A.**      Miscellaneous Items

1.      Approved the adoption of a Notice of Intent to enter into a retail development tax incentive agreement for the Bill Kay's Tempe Dodge, Chrysler, Jeep, Kia, Inc. relocation Project

<b>COMMENTS</b>	N/A
<b>DOCUMENT NAME</b>	20091008cdssw01 Notice of Intent for Tempe Dodge Project COMM DEV/REDEV ADMIN (04030-01)

**B.**      Award of Bids/Contracts

1.      Approved a one-year renewal of contracts with Summit Electric Supply Co. and Brown Wholesale Electric for electrical supplies used by the Public Works department.

<b>COMMENTS</b>	(T06-067-01/02) Total cost of this contract shall not exceed \$250,000.
<b>DOCUMENT NAME</b>	20091105fsta02 PURCHASES (1004-01)

2.      Approved a one-year renewal of contracts with Recreation Design Concepts and Dave Bang Associates for the purchase of drinking fountains and bleachers by the Parks and Recreation Department for various City parks.

<b>COMMENTS</b>	(T08-081-01 and T08-081-02) Total amount not to exceed
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\$125,000.

**DOCUMENT NAME** 20091105fslg01 PURCHASES (1004-01)

3. Approved the utilization of National Intergovernmental Purchasing Alliance (National IPA) contracts with Kimball Office and National for the purchase of systems furniture, freestanding furniture, seating, filing systems and equipment and related support services for use by the Information Technology Department for the building renovation at 120 E. 5th Street.

**COMMENTS** (07-001 Awards A and B) Total cost of these contracts shall not exceed \$150,000.

**DOCUMENT NAME** 20091105fslg03 PURCHASES (1004-01)

4. Approved the utilization of a U.S. Communities contract with Haworth Inc. for the purchase of systems furniture, freestanding furniture, seating, filing equipment and related products and services for use by the Information Technology Department for the building renovation at 120 E. 5th Street.

**COMMENTS** (RQ07-878957-20A-E) Total cost of this contract shall not exceed \$120,000.

**DOCUMENT NAME** 20091105fslg04 PURCHASES (1004-01)

5. Awarded a one-year contract, **Contract #2009-215**, with four, one-year renewal options to MeadWestvaco Specialty Chemicals for the purchase of Aqua Nuchar powdered activated carbon for use by the Water Utilities Department.

**COMMENTS** (RFP #10-013) Total Amount not to exceed \$1,900,000.

**DOCUMENT NAME** 20091105fst05 PURCHASES (1004-01)

6. Approved an executable contract with OptumHealth Financial Services/Administration Resources Corporation for retiree health administration services for all eligible City employees.

**COMMENTS** (RFP #09-112) The vast majority of expenses related to this contract are paid by plan participants. City expenses shall be limited to annual governmental reporting requirements that will not exceed \$4,150 over the initial five-year term of agreement.

**DOCUMENT NAME** 20091105fsmg07 PURCHASES (1004-01)

7. Approved an executable contract, **Contract #2009-216**, with Prudential Insurance Company of America for a guaranteed interest contract that is part of the City's recently awarded deferred compensation program available to all eligible employees and retirees

**COMMENTS** (RFP #09-112) City funds will not be used for this contract as all

plan expenses are paid by participants through the investments selected.

**DOCUMENT NAME** 20091105fsmg08 PURCHASES (1004-01)

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

D. Ordinances and Items for Second Hearing/Final Adoption

\*1. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Held the second public hearing and approved a Code Text Amendment for Freeway Signs.

**COMMENTS** Request for FREEWAY SIGNS (PL090008) (City of Tempe Development Services Department, applicant) consisting of changes within the Code for Freeway Signs. The request includes the following:

**ZOA09005 (Ordinance No. 2009.40)** – Code Text Amendment for the Zoning and Development Code within Sections 3-503, 4-902 and 4-903.

**DOCUMENT NAME** 20091105dsrl01 **ZONING & DEVELOPMENT CODE (0414-04)**  
Ordinance No. 2009.40 (also reference Ordinance No. 2009.15)

Lisa Collins stated that there is a correction to Ordinance 2009.40, Sec. 3 (J) Freeway Signs, 2(c) (d) and (f) should read as follows:

C. SIGN SHALL NOT BE LOCATED WITHIN ONE THOUSAND THREE HUNDRED TWENTY (1,320) FEET MEASURED BY A STRAIGHT LINE IN ANY DIRECTION, FROM THE LOT LINE OF ANY RESIDENTIAL DISTRICT THAT IS ON THE SAME SIDE OF THE FREEWAY AS THE FREEWAY RIGHT-OF-WAY ON WHICH THE SIGN IS TO BE LOCATED; AND THE SIGN SHALL NOT BE LOCATED ON ANY CITY OWNED LAND;

D. SIGN SHALL NOT BE LOCATED WITHIN ONE THOUSAND (1,000) FEET, MEASURED FROM THE SIGN'S CENTERPOINT BASE, OF ANY OTHER FREESTANDING ON-PREMISE OR OFF-PREMISE FREEWAY SIGN;

F. SIGN SHALL BE AUTHORIZED THROUGH A DEVELOPMENT AGREEMENT THAT MAY BE ENTERED INTO AT THE DISCRETION OF THE CITY COUNCIL. IN ADDITION TO ANY OTHER CONDITIONS IMPOSED BY THE CITY COUNCIL, EACH DEVELOPMENT AGREEMENT SHALL

DESCRIBE CRITERIA WHICH INCLUDES BUT IS NOT LIMITED TO THE ALLOWABLE SIGN HEIGHT AND SIZE OF THE SIGN TO BE INSTALLED; AND SHALL ALSO PROVIDE FOR THE REMOVAL OF LEGALLY NON-CONFORMING FREESTANDING OFF-PREMISE SIGN(S) WITHIN THE CITY OF TEMPE; OR THE REMOVAL OF NO MORE THAN THREE (3) OTHER LEGALLY NON-CONFORMING OR LEGALLY CONFORMING SIGN(S) OR SURRENDER OF SIGN ENTITLEMENTS WITHIN THE CITY OF TEMPE TOTALING NO LESS THAN SIX HUNDRED SEVENTY-TWO (672) SQUARE FEET OF DISPLAY AREA WHEN COMBINED FOR THE PURPOSES OF INSTALLING ONE FREESTANDING OFF-PREMISE FREEWAY SIGN WITHIN THE CITY OF TEMPE; AND

Councilmember Arredondo mentioned that the City Council has the authority to amend an ordinance, when the need arises.

Councilmember Arredondo made a motion to approve item 5D1 as revised; Councilmember Navarro seconded the motion. Motion passed 7-0.

E. Resolutions

1. Approved RESOLUTION NO. 2009.116 authorizing the Mayor to execute an agreement, **Contract #2009-217**, between the City of Tempe and the Flood Control District of Maricopa County for maintenance of the habitat restoration area in Indian Bend Wash.

**COMMENTS** Total cost not to exceed – \$30,000 per year for expanding an existing park maintenance contract.

**DOCUMENT NAME** 20091105cdnr01 **RIO SALADO MASTER PLAN (0112-07-03)**

2. Approved RESOLUTION NO. 2009.118 to receive and expend additional grant funding from the Arizona Department of Homeland Security.

**COMMENTS** This is a 2009 Urban Area Security Initiative (UASI) homeland security grant. The award totals \$170,000.

**DOCUMENT NAME** 20091105pdsam01 **POLICE DEPARTMENT ADMINISTRATION (0606-02)**

6. **PUBLIC APPEARANCES**

Eleanor Holguin stated that she has been speaking out again Police Chief, Tom Ryff over the past eight months because of the misconduct allegations alluded to on a website. She alleges that the taped conversation that can be found on this website illustrates examples she believes to constitute Mr. Ryff's misconduct as well as other rumors of police misconduct that have been relayed to her. As a result of speaking out, Ms. Holguin

stated that she has been harassed in numerous ways. Ms. Holquin closed by stating that she will continue to speak out about Mr. Ryff until an investigation has been ordered.

Charlie Meyer stated he has reviewed the tape and that there has also been a review in regards to the tape by the Police Officer Standards and Training Board which has determined that Chief Ryff continues to meet the standards under which individuals are originally certified to become police officers. Their findings were based on the determination that there was not sufficient evidence to proceed any further with an investigation or any action. On that basis, the City has determined that no further investigation or action of this matter is necessary. Subsequent anonymous allegations have been made, which were also review. No substantiate evidence to those allegations was found. There is a Police Civilian Review Board that is also available to investigate issues of concern.

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

- Councilmember Mitchell offered his condolences to the families and victims of the recent shooting incident at Fort Hood.
- Councilmember Arredondo promoted the upcoming Tempe Block Party.
- Councilmember Shekerjian thanked Shauna Warner and Elizabeth Thomas for their coordination and participation in the GAIN event. On November 15, it will be the 80<sup>th</sup> anniversary of Night of Terror.
- Councilmember Navarro voiced condolences to the family of Scott Jeffers, an actor of Childsplay. Tom Ryff has been honored by the NAACP for the importance of promotion of workplace, values, inclusiveness and innovation.
- Councilmember Woods congratulated the Tempe Elementary School District for the recent passage of a bond measure.
- Vice Mayor Ellis announced that the City Council attended a Clean Air luncheon on October 27. The Outstanding Bike Program was awarded to the City of Tempe.

Meeting adjourned at 8:15 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 November 5, 2009, by the Tempe City Council, Tempe, Arizona.

\_\_\_\_\_  
Hugh Hallman, Mayor

ATTEST:

\_\_\_\_\_  
Jan Hort, City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

