



Minutes Formal City Council Meeting January 5, 2012

Minutes of the Formal Council Meeting of Thursday, January 5, 2012, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

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

Vice Mayor Joel Navarro
Councilmember Shana Ellis
Councilmember Onnie Shekerjian

STAFF PRESENT:

Charlie Meyer, City Manager
Andrew Ching, City Attorney
Various Department Heads or their representatives

Jeff Kulaga, Assistant City Manager
Brigitta M. Kuiper, City Clerk

Mayor Hallman called the meeting to order at 7:43 p.m.

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

3. MINUTES

A. Approval of Council Meeting and Council Committee Meeting Minutes

Motion by Councilmember Shekerjian to approve the following COUNCIL MEETING AND COUNCIL COMMITTEE MEETING MINUTES; second by Councilmember Woods. Motion passed unanimously on a voice vote 7-0.

1. Formal Council Meeting - November 17, 2011; December 1, 2011
2. Issue Review Session - November 17, 2011; December 1, 2011
3. Executive Session - December 1, 2011
4. Sports, Tourism, Recreation, Arts & Cultural Development Council Committee - November 2, 2011
5. Ad Hoc Council Committee Advanced Transportation Infrastructure - November 3, 2011
6. Ad Hoc Council Committee Neighborhood Enhancement - November 3, 2011
7. Ad Hoc Council Committee Sustainable Economic Development - November 3, 2011
8. Ad Hoc Council Committee Town Lake Development and Downtown Connectivity - November 3, 2011
9. Ad Hoc Council Committee Effective Infrastructure - November 4, 2011
10. Ad Hoc Council Committee Education as a Priority - November 7, 2011
11. Transportation Council Committee - September 13, 2011
12. Housing and Social Service Programs Council Committee - October 11, 2011
13. Technology, Economic & Community Development Council Committee - October 21, 2011
14. Education Partnerships Council Committee - November 7, 2011

B. Acceptance of Committee, Board & Commission Meeting Minutes

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

1. Tardeada Advisory Board - September 7, 2011
2. Municipal Arts Commission - September 14, 2011 and October 12, 2011
3. Library Advisory Board - October 5, 2011 and November 2, 2011
4. Commission on Disability Concerns - October 6, 2011 and November 3, 2011
5. Historical Museum Advisory Board - October 6, 2011 and November 3 2011
6. Double Butte Advisory Committee - October 19, 2011
7. Aviation Commission - October 11, 2011
8. Historic Preservation Commission - November 3, 2011
9. Human Relations Commission - November 8, 2011
10. Development Review Commission - November 8, 2011
11. Hearing Officer - November 15, 2011
12. Mayor's Youth Advisory Commission - November 15, 2011

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. Mayor Hallman announced that the P.F. Chang's Rock N' Roll Marathon will be held on Sunday, January 15, 2012.
2. *Sally Meyerhoff Week*
Mayor Hallman read a proclamation declaring the week of January 9, 2012 through January 15, 2012 Sally Meyerhoff Week. Ms. Meyerhoff, who passed away as a result of a traffic accident, was acknowledged for her athletic achievements.

B. Manager's Announcements – None.

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 item 5C2, which was removed for separate consideration; second by Vice Mayor Navarro. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

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

COMMENTS

This report is a compilation of all payments made through the City's accounts payable system during November 2011 that will be subject to audit by the City's external auditors.

DOCUMENT NAME

20111205fsnw01 ACCOUNTS PAYABLE (0208-01)

- A2. Approved an amended subdivision plat for Southern Plaza 2nd Amended located at 610 East Southern Avenue.

COMMENTS Request for O'REILLY'S AUTOMOTIVE (PL110408) (VERUS-RS, LLC and Wal-Mart Stores, Inc. property owners; Merestone Land Survey, applicant) for a subdivision plat located at 610 East Southern Avenue in the PCC-1, Planned Commercial Center Neighborhood District. This request includes the following: SBD11011 – Amended Subdivision Plat from one (1) lot to two (2) lots on 2.33 net acres.

DOCUMENT NAME 20120105cdr101 PLANNED DEVELOPMENT (0406)

The following conditions of approval apply:

1. The subdivision plat shall show and dedicate 5'-0" of property along Southern Avenue for the purpose of public right-of-way, providing a right-of-way half street totaling 55'-0", as determined by the Public Works, Engineering Division.
2. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Community Development Department on or before January 5, 2013. Failure to record the plat on or before January 5, 2013, within one year of City Council approval, shall make the plat null and void.
3. 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.

- A3. Approved an annual sole source software maintenance and support services expenditure with The Active Network, Inc. for the City's Class software system utilized by Community Services, Public Works and other City departments.

COMMENTS Total annual expenditure shall not exceed \$67,000.

DOCUMENT NAME 20120105fst08 PURCHASES (1004-01)

- *A4. Held a public hearing and recommended the approval of a Series 06 bar liquor license for Canteen Tempe, LLC, dba Canteen Modern Tequila Bar, 640 South Mill Avenue, #110.

COMMENTS Julian James Wright is the Agent for this application.

DOCUMENT NAME 20120105fsap01 124024 – LIQ LIC (0210-02)

- *A5. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Tempe Kings Market, Inc., dba Tempe King's Market, 1125 South Terrace Road.

COMMENTS Kamel Jamil Shiha is the Agent for this application.

DOCUMENT NAME 20120105fsap02 201652 LIQ LIC (0210-02)

B. Award of Bids/Contracts

- B1. Approved the utilization of a City of Mesa contract with Lion Apparel, Inc., for the purchase of thirty-five (35) multi-threat personal protection equipment suits for the Police Department

COMMENTS Total cost of this contract shall not exceed \$65,000.

DOCUMENT NAME 20120105fsmg05 PURCHASES (1004-01)

- B2. Approved the utilization of a seven-month National Intergovernmental Purchasing Alliance (National IPA) contract awarded by the City of Tucson to Network Services Company, a nationwide consortium of janitorial suppliers including the City's current provider – Waxie Janitorial Supply – for the purchase of janitorial supplies used by the Public Works Department.

COMMENTS Total potential costs related to purchases made via this contract will not exceed \$85,000 during the seven-month period remaining in the current contract.

DOCUMENT NAME 20120105fsta01 PURCHASES (1004-01)

- B3. Approved an increase to the contract amount with RSI Enterprises, Inc., to provide telemarketing services to support the City's new Service Line Protection Program (SLiPP).

COMMENTS If approved as recommended, the contract will increase by \$25,000 from \$50,000 to \$75,000.

DOCUMENT NAME 20120105fsmg04 PURCHASES (1004-01)

- B4. Awarded a one-year contract with four, one-year renewal options to Phoenix Fibers for a textile recycling program overseen by the Public Works Department. **(Contract #2012-01)**

COMMENTS This is a revenue generating program for the City. Total value of this contract is dependent on the weight of the textiles forwarded for processing – since this is a new program, there is no basis for determining volumes or the potential revenue for the awarded vendor.

DOCUMENT NAME 20120105fsta02 PURCHASES (1004-01)

- B5. Approved the utilization of a one-year National Intergovernmental Purchasing Alliance (National IPA) contract awarded by the City of Tucson to Toter, Inc. for the purchase of 95-gallon residential refuse and recycling containers for use by the Public Works Department.

COMMENTS The total cost of the contract will not exceed \$100,000.

DOCUMENT NAME 20120105fsta03 PURCHASES (1004-01)

- B6. Approved a one-year contract renewal with Hennesy Equipment Sales Company for the maintenance, repair and purchase of actuators for the Public Works Department.

COMMENTS Total cost of this contract will not exceed \$85,000 for the one-year contract renewal term.

DOCUMENT NAME 20120105fst06 PURCHASES (1004-01)

- B7. Authorized the Mayor to execute an amendment to a license agreement between XO Communications Services, Inc. and the City of Tempe for the continued use of the City's rights-of-way to provide communication services. **(Contract #2006-257A)**

COMMENTS This First Amendment will extend the current holdover term until April 15, 2012.

DOCUMENT NAME 20120105pw04 XO COMMUNICATIONS (0802-29)

- B8. Approved a Memorandum of Understanding (MOU) between the City of Tempe and Arizona State University (ASU) to host an Early Voting site at ASU's main campus in Tempe for the

2012 Primary and General Elections. **(Contract #2012-02)**

COMMENTS ASU will pay for all costs associated with the Early Voting site; there is no cost to the City.
DOCUMENT NAME 20120105ccbk 2012 ELECTION (0506-32-01)

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

*C1. Introduced and held the first public hearing to adopt an ordinance for a Zoning Map Amendment for SWC Loop 101 & 202 located at 2100 East Rio Salado Parkway. The second and final public hearing was scheduled for January 19, 2012.

COMMENTS Request for SWC LOOP 101 & 202 (PL110374) (Pacific Coach-101/202 Holdings LLC, property owner; Withey Morris PLC, applicant) consisting of three parcels, within approximately seven acres, with undeveloped land near the southwest corner of Loop 101 and Loop 202 interchange, located at 2100 East Rio Salado Parkway. The request includes the following:
ZON11006 (ORDINANCE NO. 2012.04) – Zoning Map Amendment from AG, Agricultural District to GID, General Industrial District, totaling 6.475 acres.
DOCUMENT NAME 20120105cdri02 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2012.04

*C2. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Introduction and first public hearing to adopt an ordinance authorizing the granting of a utility easement ("Easement Agreement") to Southwest Gas Corporation by the City of Tempe for natural gas pipe lines and appurtenances at 601 S. Farmer Ave. The second and final public hearing is scheduled for January 19, 2012.

*C3. Introduced and held the first public hearing to adopt an ordinance amending Tempe City Code, Chapters 5 and 19 relating to disability parking. The second and final public hearing was scheduled for January 19, 2012.

COMMENTS This ordinance clarifies disabled parking spaces and designated accessible passenger loading zones in Chapter 19; Chapter 5 language allows alternative accessible parking during special events.
DOCUMENT NAME 20120105DOGB01 AMUSEMENTS (0503-05) & MOTOR VEHICLES & TRAFFIC (0503-19) ORDINANCE NO. 2012.03

*C4. Introduced and held the first public hearing to adopt an ordinance amending the Tempe City Code Chapter 2, Article VI, Section 401(a) - Employee Groups. The second and final public hearing was scheduled for January 19, 2012.

COMMENTS This ordinance will amend the City Code provision that establishes the City's employee groups for the purpose of meeting and conferring. This amendment is sought at the request of the United Arizona Employee Association (the "UAEA") and will merge the "non-supervisory employees in the public works department" employee group with the "all other non-supervisory employees" group to form a

single non-supervisory group.
DOCUMENT NAME 20120105cadp01 TCC CH 2 – CITY CODE ADMINISTRATION
(0503 02) ORDINANCE NO. 2012.06

D. Ordinances and Items for Second Hearing/Final Adoption - None.

E. Resolutions

- E1. Adopted **RESOLUTION NO. 2012.03** authorizing the Mayor to execute a funding agreement between the City of Tempe and East Valley Adult Resources, Inc. for the disbursement of a portion of the Gila River Indian Community gaming proceeds from applications submitted to the Tribe July, 2011. **(Contract #2012-03)**

COMMENTS State law, A.R.S. §5-601.02, requires Gila River Indian Community and other Indian tribes to distribute twelve percent of its total annual contribution to local governments for government services which benefit the general public. Via the Funding Agreement, the City of Tempe will act as a pass through to distribute funds to non-city organizations to which Gila River Indian Community has awarded a grant.

DOCUMENT NAME 20120105craw GILA RIVER INDIAN COMMUNITY (0109-32)
RESOLUTION NO. 2012.03

- E2. Adopted **RESOLUTION NO. 2012.02** entering into an Intergovernmental Agreement with the Arizona State Department of Public Safety for forensic examination of DNA evidence. **(Contract #2012-04)**

COMMENTS Annual contract amount not to exceed \$82,000.

DOCUMENT NAME 20120105pdmk01 POLICE DEPT ADMIN (0606-02) RESOLUTION
NO. 2012.02

- E3. Adopted **RESOLUTION NO. 2012.04** establishing the polling places and districts for the March 13, 2012 and May 15, 2012 Primary and General Elections.

COMMENTS Tempe City Code Section 13-1 requires that the City Council establish polling places and voting districts by resolution, at least sixty (60) days prior to an election.

DOCUMENT NAME 20120105ccbk 2012 PRIMARY/GENERAL ELECTIONS (0506-33-01)
RESOLUTION NO. 2012.04

AGENDA ITEM(S) REMOVED FOR SEPARATE CONSIDERATION:

- *C2. Introduced and held the first public hearing to adopt an ordinance authorizing the granting of a utility easement ("Easement Agreement") to Southwest Gas Corporation by the City of Tempe for natural gas pipe lines and appurtenances at 601 S. Farmer Ave. The second and final public hearing was scheduled for January 19, 2012.

COMMENTS Southwest Gas Corporation has requested an easement for installation of natural gas pipe lines and equipment necessary to provide service to Phase 1 of the Farmer Arts development.

DOCUMENT NAME 20120105 pwko01 UTILITY EASEMENTS GRANTED (0904-02).
ORDINANCE NO. 2012.01.

Councilmember Ellis declared a conflict of interest on agenda item 5C2.

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Arredondo-Savage

- She acknowledged Mayor Hallman's participation in the P.F. Chang's Rock N' Roll Marathon.
- Happy Birthday to Mayor Hallman.
- Congratulations to the Community Services Department for being awarded a \$245,000 Piper Trust Grant; funding will be used for various school programs.
- Freeze Your Paws for a Cause (Polar Plunge) is scheduled for Saturday, January 28, 2012; proceeds from this event go to the Tempe Special Olympics.

Councilmember Shekerjian

- Best of luck to Mayor Hallman in the upcoming P.F. Chang's Rock N' Roll Marathon.
- Happy Birthday to Mayor Hallman.
- Christmas tree recycling is available at Kiwanis Park and at the Household Products Collection Center located on University Drive. Trees are recycled and turned into compost.
- Beginning January 25, 2012, a quiet zone has been approved north of Broadway, along the railroad tracks. Staff and the Union Pacific Railroad were thanked for their work on this project.
- February 16, 2012 – Geeks Night Out event.

Vice Mayor Navarro

- Happy Birthday to Mayor Hallman.
- Staff was thanked for their work on the successful Block Party event.
- The P.F. Chang's Rock N' Roll Marathon is a great community event.
- Sally Meyerhoff's accident brings an awareness of traffic safety to drivers.

Councilmember Woods

- Happy Birthday to Mayor Hallman.
- He acknowledged the recent passing of his mother.

Councilmember Ellis

- Happy Birthday to Mayor Hallman.
- Happy Birthday to her sister and nephew.
- Wished Councilmember Arredondo-Savage and Mayor Hallman good luck on their upcoming participation in the P.F. Chang's Rock N' Roll Marathon.
- On behalf of her Council colleagues, condolences to Councilmember Woods on the loss of his mother.

Councilmember Mitchell

- Condolences to Councilmember Woods on the loss of his mother.
- Happy Birthday to Mayor Hallman.
- Wished Councilmember Arredondo-Savage and Mayor Hallman good luck on their upcoming participation in the P.F. Chang's Rock N' Roll Marathon.

Mayor Hallman

- Road closures and congestion are a part of the P.F. Chang's Rock N' Roll Marathon; this event supports City of

Tempe businesses that pay taxes that support City services. Event volunteers were thanked for their contributions.

- Condolences to Councilmember Woods on the loss of his mother.

7. PUBLIC APPEARANCES

A. Scheduled

1. Citizens concerns regarding policing – No one spoke.
2. Kimmie Baker, Phoenix, Arizona, made the following comments:
 - He acknowledged the loss of Councilmember Woods' mother.
 - Until his name has been cleared or until he is charged, he will continue to talk about his arrest at Council meetings.
 - Two police reports have been altered.
 - Management should be concerned that police reports are being altered.

B. Unscheduled - No one spoke.

The meeting adjourned at 8:21 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 January 5, 2012, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk