

Formal Meeting Agenda



Tempe City Council Thursday, October 22, 2009

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 PM

Members of the City Council may attend either in person or by telephone conference call.

1. **INVOCATION - Councilmember Mitchell**

2. **PLEDGE OF ALLEGIANCE**

3. **MINUTES - Councilmember Shekerjian**

A. Approval of Council Meeting Minutes

1. Council Formal Meeting - October 8, 2009
2. Council Issue Review Session - October 8, 2009
3. Special Budget Meeting - October 8, 2009
4. Council Executive Session - October 8, 2009
5. Transportation Committee - September 22, 1009
6. Joint City Council and Tri District School Boards - October 5, 2009
7. Technology, Economic and Community Development Committee - September 11, 2009

B. Acceptance of Board & Commission Meeting Minutes

1. Historical Museum Advisory Board - June 4, 2009, & September 3, 2009
2. Enhanced Services Commission - July 8, 2009
3. Ad Hoc Transit Fund Committee - August 6, 2009 & September 4, 2009
4. Housing Trust Fund Advisory Board - August 10, 2009
5. Transportation Commission - August 11, 2009 & September 8, 2009
6. Transportation Commission - Multi-Modal Planning & Project Review Committee - August 12, 2009 & September 9, 2009
7. Transportation Commission - Accountability and Governance Committee - August 18, 2009 & September 4, 2009
8. Neighborhood Advisory Commission - September 2, 2009
9. Tempe Aviation Commission - September 8, 2009
10. Historic Preservation Commission - September 10, 2009
11. **DELETED**
12. Mayor's Youth Advisory Commission - September 15, 2009

- 13. 2010 Census Complete Count Committee - September 22, 2009 & October 6, 2009
- 14. Advocacy and Communication Committee Subcommittee of Tempe Municipal Arts Commission - October 6, 2009
- 15. Special Events Task Force - October 6, 2009
- 16. Committee for Youth, Families and Community - September 8, 2009

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
 - a. **Sister Cities Chinese Educators**
 - b. **United States Tennis Association Tennis Town Award**
 - c. **Lights On Afterschool Day Proclamation**
 - d. **Tempe Old Settlers Day Proclamation**
 - e. **National Community Planning Month Proclamation**
- B. Manager's Announcements

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).

A. Miscellaneous Items

- *1. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for 7-Eleven #25078C, 1405 North Scottsdale Rd.

COMMENTS Vaneet Sapra is the Agent for this application.
DOCUMENT NAME 20091022LIQ02 LIQ LIC (0210-02)

- *2. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Moirbia LLC., dba Robbie Fox's, 640 S. Mill Avenue #B2-105.

COMMENTS Dominic Joseph Jones is the Agent for this application.
DOCUMENT NAME 20091022LIQ01 LIQ LIC (0210-02)

- *3. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Carniceria El Portal LLC dba Carniceria El Portal, 1533 East Apache Boulevard.

COMMENTS Mayra Pavon De Ruiz is the Agent for this application.
DOCUMENT NAME 20091008LIQ03 LIQ LIC (0210-02)

B. Award of Bids/Contracts

1. Request approval of job order no. 3 with Hunter Contracting Co. for expansion of the chlorine generation system at the South Tempe Water Treatment Plant. This is a bond-funded project on the approved CIP project list.

COMMENTS Total amount of job order no. 3 is \$474,117.61 and the amount of the project contingency is \$25,000.
DOCUMENT NAME 20091022PWDR01 SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 3209351

2. Request approval to utilize U.S. Communities contracts with Gametime Division of Playcore-Wisconsin, Inc. and Landscape Structure, Inc. for the purchase of park and playground equipment, surfacing, site furnishings and related commodities and services for use by the Parks and Recreation Department as part of the Parks renovation program. This is a bond funded project on the approved Capital Improvement Program (CIP) project list.

COMMENTS (040376.14 and 040377.09) Total cost of these contracts shall not exceed \$150,000.
DOCUMENT NAME 20091022fslg01 PURCHASES (1004-01)

3. Request approval of a one-year renewal of a contract with Aquatic Consulting and Testing for water quality sampling, testing, aquatic weed control and insect monitoring services at Tempe Town Lake and Indian Bend Wash Habitat for the Water Utilities and Community Development Departments.

COMMENTS (WUD09-043-01) Total cost of this contract shall not exceed \$350,000 during the contract period.
DOCUMENT NAME 20091022fst02 PURCHASES (1004-01)

4. Request approval to utilize a one-year State of Arizona contract with Brown Evans Distributing Company for vehicle lubricants utilized for vehicle maintenance by the Public Works and Fire Departments.

COMMENTS (SCC070001) Total cost of this contract shall not exceed \$75,000.
DOCUMENT NAME 20091022fsta05 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 is the second public hearing to amend Chapter 2, Article V, Division 12, of the Tempe City Code, relating to Tempe Citizens' Panel for Review of Police Complaints and Use of Force by amending Section 2-288 relating to Powers and Duties.

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 20090820pdsam01 TCC CH 2 - CITY CODE ADMINISTRATION (0503-02) Ordinance No. 2009.37

- *2. This is the second public hearing for a Code Text Amendment for the Zoning and Development Code.

COMMENTS Request for ZONING AND DEVELOPMENT CODE AMENDMENTS (PL090008) (City of Tempe Development Services Department, applicant) consisting of changes within the Code for process improvements, clarifications and responses to changing uses and trends for Abatements; APAC Committee repeal; Hearing Officer duties; revised regulations on Accessory Buildings; New Provisions for Guest Quarters; Small Animals; Card Rooms; Recycling Centers; Commercial/Restaurant uses in Industrial Districts; Outdoor Retailing; Service Entrance and Exits; Outdoor Dining Parking; Freeway Signs; Development Plan Review Criteria and Time Limitations; Use Permit and Variance Time Limitations; Notice of Appeals; Extension Requests; Revocations; and definitions for Card Room, Columbarium, Donation Bins, Livestock, Poultry, Recycling Centers, Reverse Vending Machines, Small Animals and Smoking Establishment. The request includes the following:

ZOA09001 (Ordinance No. 2009.15) – Code Text Amendment for the Zoning and Development Code within Sections 1-304, 1-305, 1-306, 3-102, 3-202, 3-302, 3-401, 3-404, 3-410, 3-411, 3-417, 3-418, 3-503, 4-406, 4-603, 4-902, 4-903, 6-306, 6-308, 6-309, 6-310, 6-802, 6-901, 6-902, 7-103, 7-104, 7-105, 7-108, 7-113, 7-117, 7-119, 7-120, and 7-121.

DOCUMENT NAME 20091022dsrl01 ZONING & DEVELOPMENT CODE (0414-01, -03, -04, -06, -07)
Ordinance No. 2009.15

- *3. This is the second public hearing to amend Chapter 6, Section 6-3, of the Tempe City Code, relating to poultry, and Chapter 21, of the Tempe City Code, relating to nuisances and property enhancement.

COMMENTS TEMPE CITY CODE AMENDMENTS (PL090008) (City of Tempe Development Services Department, applicant) This ordinance amends Chapter 6 of the Tempe City Code, eliminating separation requirements relating to poultry; and amends Chapter 21 of the Tempe City Code, changing the authorized Manager to Development Services and modifying abatements from "lien" to "assessment". The request includes the following:

ZOA09001 (Ordinance No. 2009.38) – Code Text Amendment for the Tempe City Code Chapter 6, Section 6-3, and Chapter 21, Sections 21-42, 21-43, and 21-53.

DOCUMENT NAME 20091022dsr102 TCC CH 6 – ANIMALS AND FOWL (0503-06) & TCC CH 21 – NUISANCES AND PROPERTY ENHANCEMENT (0503-21) Ordinance No. 2009.38

E. Resolutions

1. Request approval to accept grant funding from the U.S. Department of Justice, Community Oriented Policing Services (COPS) Technology 2009 Grant Program to fund a portion of the technical infrastructure expansion of the digital radio system.

COMMENTS The grant will assist in funding radio channel expansion equipment, accessories, shipping and warranty/support as part of the radio interoperability project CIP. The grant totals \$275,000.

DOCUMENT NAME 20091022pdsam01 POLICE DEPARTMENT ADMINISTRATION Resolution No. 2009.112

2. Request approval to accept 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 \$278,000.

DOCUMENT NAME 20091022pdsam02 POLICE DEPARTMENT ADMINISTRATION Resolution 2009.113

3. Request approval of a resolution approving the sixth amendment to the intergovernmental agreement with the City of Phoenix for the purchase of public transit services during fiscal year 2009-10.

COMMENTS (Contract #C2004-242e) Cost to Tempe is \$32,701 less fare revenue collected.

DOCUMENT NAME 20091022pwgj01 PHOENIX TRANSIT (1106-02) Resolution No. 2009.115

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. Scheduled Public Appearances

1. Dave Fackler - Don Hull Memorial Request

B. Unscheduled Public Appearances

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

**Agendas are also available at www.tempe.gov/clerk
Watch live at www.tempe.gov/tempe11**



Minutes Formal City Council Meeting October 8, 2009

Minutes of the Formal Council Meeting of October 8, 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
Councilmember P Ben Arredondo
Councilmember Joel Navarro
Councilmember Corey D. Woods

Vice Mayor Shana Ellis
Councilmember Mark W. Mitchell
Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order.

1. Vice Mayor 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 Arredondo to approve the following **COUNCIL MEETING MINUTES**.
Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

1. Formal Council Meeting - September 10, 2009 & September 17, 2009
2. Issue Review Session - September 10, 2009, & September 17, 2009
3. Executive Session - September 10, 2009, September 17, 2009
4. Council Calendar Meeting - September 10, 2009
5. Council Technology, Economic & Community Development Committee Technology Community Forum - April 15, 2009
6. Council Technology, Economic & Community Development Committee Economic Community Forum - May 27, 2009
7. Council Quality of Life Committee - May 28, 2009
8. Council Technology, Economic & Community Development Committee - June 12, 2009 & July 10, 2009
9. Council Neighborhood Parks Rehabilitation and Maintenance - August 19, 2009
10. Mill and Lake District Committee - July 2, 2009 & August 20, 2009
11. Council's Housing Committee - September 22, 2009

B. Acceptance of Board & Commission Meeting Minutes

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

1. Double Butte Cemetery Advisory Committee - March 18, 2009 & May 20, 2009
2. Tempe Police Public Safety Personnel Retirement Board - July 9, 2009 & August 20, 2009
3. Library Advisory Board - May 4, 2009
4. Parks and Recreation Board - June 17, 2009
5. Tardeada Advisory Board - August 3, 2009
6. Committee for Youth, Families and Community - August 11, 2009
7. Historic Preservation Commission - August 13, 2009
8. Tempe Fire Public Safety Personnel Retirement Board - August 20, 2009
9. Development Review Commission - August 25, 2009
10. Hearing Officer - September 1, 2009
11. Advocacy and Communication Committee Subcommittee of Municipal Arts Commission - September 1, 2009
12. Mayor's Youth Advisory Committee - September 1, 2009
13. 2010 Census Complete Count Committee - September 8, 2009
14. Special Events Task Force - September 22, 2009

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

a. American Institute of Architects Award for Tempe City Hall Building

Tempe has long been a focal point for bold, innovative, environmentally-responsive architecture and a model for urban revitalization. These efforts recently were recognized by the Arizona Society of the American Institute of Architects at their 2009 Celebrate Architecture Awards.

The Tempe Municipal Building, better known as City Hall or the "upside-down pyramid," was the recipient of the prestigious 25-year Award, given to buildings which evoke a timeless quality in their design and continue to make a contribution to their surroundings. This structure, completed in 1970, also is featured in the AIA's recently published "Phoenix 25," which identifies the 25 most notable public buildings in the Phoenix Metropolitan area, as well as "Landmark Buildings" by Arizona Highways and several other publications.

It was four decades ago when the Tempe architectural firm of Michael and Kemper Goodwin worked on the design of the building we're in now. We're pleased to have Michael Goodwin here tonight to share this honor with us. Mr. Goodwin, please come forward.

The Tempe Transportation Center, completed in 2008, was designed by the Tempe firms Architekton and OTAK, and built by Adolphson & Peterson Construction of Tempe. This project received the SRP Sustainable Award for its many environmentally-friendly features and has been submitted for a LEED Platinum rating from the United States Green Building Council. In addition, it received the AIA's Kemper Goodwin Award for outstanding design, craftsmanship and collaboration by the architect, contractor and owner. The project has also been recognized by Valley Forward, the Arizona Masonry Guild and other organizations.

Another Tempe structure, the Papago Gateway Center, informally known as the First Solar building, received the APS Energy Award and a Merit Award for design. This building includes many sustainable features, as well, achieving a LEED Gold rating. It has also been recognized by Valley Forward and others.

Finally, the architects of the Tempe History Museum's renovation, Weddle-Gilmore, were named Arizona Architectural Firm of the Year, and U.S. Congressman Harry Mitchell received the Patron Award for his role in the revitalization of downtown Tempe during his long tenure as mayor.

- b.** Higgins Foundation Charitable Grant Recognition
Mayor Hallman asked Police Chief Ryff, Mr. Andrew Higgins and the Higgins family, please join him at the podium and stated the following:

As you came into the Council Chambers tonight, you may have noticed that with us tonight are members of the Tempe Police Department's K9 Unit: Officer Feddeler and Ares [air-eez], Officer McKinney and Phoenix, and Lt. Noah Johnson. The City of Tempe and the Tempe Police Department are very appreciative of a recent generous grant from the Higgins Family Charitable Foundation, to help support public safety in our city.

We have been working hard over the past two years to address the challenges that this economy presents us. The Council members, the city manager and every Tempe employee has stepped up. We are doing more with less, so that we can continue to provide Tempe residents the quality services they expect and deserve.

And that is why this grant is especially appreciated. Chief Ryff has a few words of appreciation. Chief?

Chief Ryff:

Thank you very much Mayor Hallman and members of the Council.

As chief of the Tempe Police Department, I am very aware of these challenging financial times. We are grateful for the support our councilmembers and citizens provide. Our citizens have let us know through their Customer Service Survey that public safety is their number one concern. And it is our job to work in partnership with citizens to keep our community safe.

One family, the Higgins family, decided to support us in a very special way, by making a significant financial contribution to our Police K9 Unit. The Higgins Family Charitable Foundation is a private foundation that makes grants to various organizations and community projects that foster medical research, provide education, assist families in need and/or improve the environment – and in this case public safety.

At the family's request, the grant will be used for equipment for our K9 officers and handlers, who work to protect our community by searching out explosives, narcotics and criminals.

On behalf of the men and women of the Tempe Police Department, thank you Mayor Hallman and thank you Council members for this opportunity to recognize the Higgins family, represented by Mr. Andrew Higgins, who has provided this generous grant for our Police Department and our City in the amount of \$16,300.

Mayor Hallman:

Mr. Higgins and the members of the Higgins Family, thank you for your generosity. We recognize you selected our community and our Police Department from among many worthy applicants, and we greatly appreciate your support. We have a certificate of appreciation we would like to present you.

Board and Commission Recruitments

Throughout the decades, Tempe's citizens have been more than willing to roll up their sleeves and help make this city a better place to live, work and play.

In partnership with the Clerk's Office, the City Council would like to thank all of our residents who offer their dedication and expertise to our three dozen boards and commissions. But right now, there are a handful of vacancies needing to be filled.

Applications are being accepted through the close of business on Friday, October 30th. The paperwork can be found at the Clerk's office, 31 East Fifth Street, Second floor; or by visiting

the city's Website at www-dot-tempe-dot-gov-backslash-clerk.

The current vacancies are on the:

Tempe Aviation Commission

Building Code Advisory Board of Appeals, where there are openings for a building contractor, an architect and a fire protection consultant

Board of Adjustment

Electrical Code Advisory Board of Appeals; we need an electrician, a representative from an electrical utility and an architect.

Golf Advisory Committee

Joint Review Committee

Municipal Arts Commission

Neighborhood Advisory Commission

Parks and Recreation Board

Plumbing Code Advisory Board of Appeals, where there are openings for a doctor or health official, a plumber or plumbing contractor, and a mechanical contractor.

Police Citizens Review Board

Rio Salado Advisory Commission

And the *Transportation Commission*

Again, you can apply in person or online, and the deadline is October 30th.

d. Fire Prevention Week Proclamation

WHEREAS, The City of Tempe is committed to ensuring the safety and security of all those living in and visiting our City;

WHEREAS, Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire;

WHEREAS, The non-profit National Fire Protection Association (NFPA) has documented that fire departments responded to nearly 400,000 home fires, in which 2,500 people in the U.S. were killed in 2006;

WHEREAS, The Tempe Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education;

WHEREAS, City of Tempe residents are responsive to public education measures and are able to take personal steps to increase their safety from fire;

WHEREAS, Residents who have planned and practiced a home fire escape plan are more

prepared and will therefore be more likely to survive a fire;

WHEREAS, The 2009 Fire Prevention Week theme, “It’s Fire Prevention Week – Prevent Home Fires!” effectively serves to remind us all of the simple actions we can take to stay safer from fire year-round;

NOW, THEREFORE, I, HUGH HALLMAN, Mayor of the City of Tempe, Arizona do hereby declare:

October 4-10, 2009 as Fire Prevention Week in Tempe, Arizona

Mayor Hallman closed the Mayor’s announcements portion of the meeting by extending best wishes to our springtime guests: the Los Angeles Angels of Anaheim. Tonight, the Angels begin their pursuit of the 2009 World Series championship, following a regular season in which they won 97 games and captured a franchise-record third straight American League West Division title. Hopefully, come February we will welcome back, to Tempe, baseball’s best.

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 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 (Items #5A9, 5B3, 5B4, 5B5, 5B7 & 5C1). Second by Councilmember Navarro. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- *1. Held a public hearing and approved a Series 12 restaurant liquor license for The Yaya Thai LLC., dba Thai Basil, 1111 South Rural Road.

COMMENTS Narong Thavilanuvat is the Agent for this application.
DOCUMENT NAME 20091008LIQ01 LIQ LIC (0210-02)

- *2. Held a public hearing and approved a Series 7 beer and wine bar liquor license for Sports Center Bar & Grill LLC dba Sports Center Bar & Grill, 5235 South Kyrene Road, #104.

COMMENTS Richard Regalado Jr. is the Agent for this application.
DOCUMENT NAME 20091008LIQ05 LIQ LIC (0210-02)

- *3. Held a public hearing and approved a Series 12 restaurant liquor license for Mostafavi Holdings I, LLC dba Pancharo's, 555 North Scottsdale Road.

COMMENTS Kaveh Mostafavi is the Agent for this application.
DOCUMENT NAME 20091008LIQ04 LIQ LIC (0210-02)

4. Approved **Contract 2009-199**, authorizing the Mayor to execute a Rehabilitation and License Agreement with Veterans Memorial - Tempe, LLC, an Arizona Limited Liability Company for the rehabilitation of the Ash Avenue road approach, Ash Avenue bridge abutment and construction of a Veterans Memorial in Tempe Beach Park.

COMMENTS Execution of the agreement will allow Veterans Memorial-Tempe L.L.C to design and construct the Veterans Memorial and return the completed project to the City within three (3) years from execution of the agreement
DOCUMENT NAME 20090910cdnr01 RIO SALADO MASTER PLAN (0112-07-03)

5. Approved the annual software maintenance and support expenditure with the Tata Consulting Services, Limited for the City's business/privilege tax software system used by the Tax and License Division of the Financial Services Department.

COMMENTS (Sole Source #T01-087-01) Total cost shall not exceed \$109,200.00
DOCUMENT NAME 20091008fsts06 PURCHASES (1004-01)

6. Approved **Contract 2009-200**, an agreement between the City of Tempe ("Tempe"), a municipal corporation organized under the laws of the State of Arizona, and the Downtown Tempe Community ("DTC"), a 501(c)(6) non-profit Arizona organization for the approval of an agreement to produce the 2009 Tempe Festival of the Lights.

COMMENTS The cost of City services provided in support of this event shall be reimbursed by DTC per the terms of this agreement.
DOCUMENT NAME 20091008prtd01 DOWNTOWN TEMPE COMMUNITY, INC (0109-30)

7. Approved **Contract 2009-201**, a five-year agreement with two additional five-year renewal options between the City of Tempe ("Tempe"), a municipal corporation organized under the laws of the State of Arizona, and the Downtown Tempe Foundation ("DTF"), a 501(c)(3) non-profit Arizona organization for the approval of an agreement for the operation, management and production of the Festival of the Arts for five (5) consecutive years, beginning with the Fall 2009 Festival.

COMMENTS The cost of City services provided in support of this event shall be reimbursed by DTF.

DOCUMENT NAME 20091008prtd02 DOWNTOWN FOUNDATION (0109-34)

8. Approved **Contract 2009-202**, an Experience Corps/AmeriCorps grant to provide the Experience Corps early literacy program in selected Tempe Elementary School District #3 and Kyrene Elementary School District schools.

COMMENTS The grant is for \$35,814 for the 2009-10 school year. The required 38% match is provided by additional grant funds.

DOCUMENT NAME 20091008cskb01 COMMUNITY SERVICES ADMIN (0701-01)

9. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Adopted notice of Intent to enter into a retail development tax incentive agreement for SeaLife Aquarium Project

COMMENTS N/A

DOCUMENT NAME 20091008cdssw01 COMMUNITY DEVELOPMENT/
REDEVELOPMENT ADMIN (0403-01)

Mayor Hallman announced that new legislation requires that municipalities publicly notify residents when agreements are entered into that involve retail sales taxes.

This new facility will allow Tempe students to visit this educational aquarium at a reduced rate.

Motion by Councilmember Mitchell for approval of Item 5A9. Second by Councilmember Arredondo. Motion passed on a roll call vote, 7-0.

B. Award of Bids/Contracts

1. Approved an executable contract with Nationwide Retirement Solutions and Galloway Asset Management to provide 401(k) and 457(b) deferred compensation administration services for eligible City employees and retirees.

COMMENTS (RFP 09-112) Plan expenses are paid by participants through the investments selected.

DOCUMENT NAME 20091008fsmg02 PURCHASES (1004-01)

Councilmember Arredondo asked if this contract affected the employer contribution to the deferred compensation plan. Renee Broderick replied that this contract assigns the administrative tasks to Nationwide Retirement Solutions and Galloway Asset Management. Any future changes affecting employer contributions may be done through the budget process.

2. Approved a one-year City of Glendale contract with Badger Meter, Inc. for the purchase

of 5/8" through 2" lead free residential water meters for the Water Utilities Department.

COMMENTS (WUD08-027) Total cost of this contract shall not exceed \$750,000.
DOCUMENT NAME 20091008fsts03 PURCHASES (1004-01)

3. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved a one-year City of Tucson contracts with Insight Public Sector, Mobile Concepts Technology and Portable Computer Systems for the purchase of Panasonic Toughbook PC's, tablet PC's, accessories, related services and microwave communications equipment for the Fire Department, Police Department and other City departments.

COMMENTS (0703103) Total cost of this contract shall not exceed \$820,000.
DOCUMENT NAME 20091008fsts04 PURCHASES (1004-01)

Dave Heck reported that this agenda item represents the purchases of laptops for the Fire and Water Departments. Staff will also be purchasing microwave equipment for the Water Department. Funding for this equipment comes from various departments, including operational funds.

Councilmember Shekerjian reminded Councilmembers of the pivotal role that Information Technology plays in assisting staff to maintain service levels, especially during fiscally difficult times.

Motion by Councilmember Shekerjian for approval of Item 5B3. Second by Councilmember Woods. Motion passed on a roll call vote, 7-0.

4. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved a two-year Western States Contracting Alliance contracts with Dell and Hewlett Packard Company for the purchase of personal computer equipment and related devices, software and consulting services for the Information Technology Department.

COMMENTS (ADSP010-00000005 and ADSP010-00000010) Total cost of this contract shall not exceed \$1,400,000 for the two-year contract period.
DOCUMENT NAME 20091008fsts05 PURCHASING (1004-01)

This agenda item is for a City computer refresh project. In the past, 25% of computers were refreshed annually. Desk top virtualization is the new technology, which will diminish the need to purchase new computers. The funding for this agenda item comes out of the Information Technology budget.

Motion by Councilmember Shekerjian for approval of Item

5B4. Second by Councilmember Woods. Motion passed on a roll call vote, 7-0.

5. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved a one-year State of Arizona contract with Dell (formally ASAP Software Express, Inc.) for the purchase of desktop productivity, Microsoft office, and server operating system software for the Information Technology Department.

COMMENTS (AD050028-A3-010) Total cost of this contract shall not exceed \$1,250,000.

DOCUMENT NAME 20091008fsts07 PURCHASES (1004-01)

This contract is paid out of the CIP budget to purchase desktop software – Microsoft Office 2010 and SharePoint content management software.

Motion by Councilmember Shekerjian for approval of Item 5B5. Second by Councilmember Woods. Motion passed on a roll call vote, 7-0.

6. Approved **Contract 2009-203**, a one-year sole source contract with four, one year renewal options to Corona Software Inc., dba Corona Solutions for the purchase of a patrol deployment management software system for the Police Department to include site license, training, data processing, application setup, IT program implementation, and first year support.

COMMENTS Sole Source (Contract 10-060) Total amount of the contract shall not exceed \$75,200 during the initial one year term.

DOCUMENT NAME 20091008fsts09 PURCHASES (1004-01)

7. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved a one-year renewal of a contract with the Advocacy Group for federal lobbyist and information services.

COMMENTS (T08-021-01) Total amount not to exceed \$105,600.

DOCUMENT NAME 20091008fsta10 PURCHASES (1004-01)

No discussion.

Motion by Councilmember Mitchell for approval of Item 5B7. Second by Councilmember Arredondo. Motion passed on a roll call vote, 6-1 with Mayor Hallman dissenting.

8. Awarded **Contract 2009-204**, a construction manager at risk (CMAR) design phase contract with Achen-Gardner Engineering, LLC for phase II rehabilitation of the Southern Avenue interceptor. This is a bond-funded project on the approved CIP project list.

COMMENTS Total cost for the CMAR design contract is \$89,985.80.
DOCUMENT NAME 20091008PWDR01 WASTEWATER MANAGEMENT (0812-01)
PROJECT NO. 3200585

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

- *1. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Introduced and held the first public hearing for a Code Text Amendment for the ZONING AND DEVELOPMENT CODE. The second public hearing is scheduled for October 22, 2009.

COMMENTS Request for ZONING AND DEVELOPMENT CODE AMENDMENTS (PL090008) (City of Tempe Development Services Department, applicant) consisting of changes within the Code for process improvements, clarifications and responses to changing uses and trends for Abatements; APAC Committee repeal; Hearing Officer duties; revised regulations on Accessory Buildings; New Provisions for Guest Quarters; Small Animals; Card Rooms; Recycling Centers; Commercial/Restaurant uses in Industrial Districts; Outdoor Retailing; Service Entrance and Exits; Outdoor Dining Parking; Freeway Signs; Development Plan Review Criteria and Time Limitations; Use Permit and Variance Time Limitations; Notice of Appeals; Extension Requests; Revocations; and definitions for Card Room, Columbarium, Donation Bins, Livestock, Poultry, Recycling Centers, Reverse Vending Machines, Small Animal and Smoking Establishment. The request includes the following:

DOCUMENT NAME ZOA09001 (Ordinance No. 2009.15) – Code Text Amendment for the Zoning and Development Code within Sections 1-304, 1-305, 1-306, 3-102, 3-202, 3-302, 3-401, 3-404, 3-410, 3-411, 3-417, 3-418, 3-503, 4-406, 4-603, 4-902, 4-903, 6-306, 6-308, 6-309, 6-310, 6-802, 6-901, 6-902, 7-103, 7-104, 7-105, 7-108, 7-113, 7-117, 7-119, 7-120, and 7-121.
2009100809dsrl01 ZONING & DEVELOPMENT CODE (0414-01, -03, -04, -06, -07) Ordinance No. 2009.15

Chris Anaradian stated that the code language revisions seek to introduce more clarity, certainty and consistency in the Tempe City Code as well as the Zoning and Development Code.

Currently outdoor dining within the downtown has been successful. Staff is working towards being more flexible with

outdoor dining guidelines for strip centers throughout Tempe.

Guest quarter provisions have also been clarified in both codes, so that customers are better served when their property meets certain development criteria guidelines.

- *2. Introduced and held the first public hearing for a Code Text Amendment for the TEMPE CITY CODE. The second public hearing is scheduled for October 22, 2009.

COMMENTS Request for TEMPE CITY CODE AMENDMENTS (PL090008) (City of Tempe Development Services Department, applicant) consisting of amendments to Chapter 6 of the Tempe City Code, relating to animals and fowl and amendments to Chapter 21 of the Tempe City Code, relating to nuisances and property enhancement. The request includes the following:

ZOA09001 (Ordinance No. 2009.38) – Code Text Amendment for the Tempe City Code Chapter 6, Section 6-3, and Chapter 21, Sections 21-42, 21-43, and 21-53.

DOCUMENT NAME 20091008dsrl02 TCC CH 6 – ANIMALS AND FOWL (0503-06) & TCC CH 21 – NUISANCES AND PROPERTY ENHANCEMENT (0503-21) Ordinance No. 2009.38

- *3. Introduced and held the first public hearing to amend Chapter 2, Article V, Division 12, of the Tempe City Code, relating to Tempe Citizens' Panel for Review of Police Complaints and Use of Force by amending Section 2-288 relating to Powers and Duties. The second public hearing is set for October 22, 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, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb".

DOCUMENT NAME 20090820pdsam01 TCC CH 2 – CITY CODE ADMINISTRATION (0503-02) Ordinance No. 2009.37

D. Ordinances and Items for Second Hearing/Final Adoption

E. Resolutions

1. Approved RESOLUTION NO. 2009.106 authorizing the Mayor to execute a Development Agreement with Michael Monti's Restaurants and Catering, Inc., the operator of Monti's La Casa Vieja.

COMMENTS N/A

DOCUMENT NAME 20090917cdcm01 SW QUADRANT DOWNTOWN TEMPE

(040E-02-04) Resolution No. 2009.106

2. Approved RESOLUTION NO. 2009.104 authorizing the Mayor to execute an easement encroachment permit and indemnification agreement to Arizona Public Services Company (APS) for the Tempe/USACE (United States Army Core of Engineers) multi-use path along the south bank of the Salt River west of McClintock Drive.

COMMENTS APS has requested the encroachment permit and indemnification agreement for multi-use path improvements to be constructed below their existing 230kV power lines and across their easement.

DOCUMENT NAME 20091008PWWS02 EASEMENTS (0904-01) Resolution 2009.104

3. Approved RESOLUTION NO. 2009.108 authorizing the Mayor to execute a Development Agreement with Hammes Company Sports Development, Inc., or its affiliate (“Developer”).

COMMENTS N/A

DOCUMENT NAME Culver’s COMMUNITY DEVELOPMENT/REDEV. ADMIN. (0403-01) Resolution No. 2009.108

4. Approved RESOLUTION NO. 2009.101 authorizing the Mayor to execute a First Amendment to Development and Disposition Agreement (and documents referenced therein) with Red's Moviola LLC, more commonly known as the Valley Art Theater.

COMMENTS N/A

DOCUMENT NAME 20091008cdcm01 SW QUADRANT DOWNTOWN TEMPE (0403-02-04) Resolution No. 2009.101

5. Approved RESOLUTION NO. 2009.109 authorizing the Mayor to execute an Intergovernmental Agreement between the City of Tempe and Salt River Pima-Maricopa Indian Community (“SRPMIC”) for the disbursement of a portion of its gaming proceeds for services which benefit the public.

COMMENTS Total amount of the grant is \$335,000.

DOCUMENT NAME 20091008graw01 STATE LEGISLATURE (0107-06) Resolution No. 2009.109

6. Approved RESOLUTION NO. 2009.111 authorizing the Mayor to execute a funding agreement between the City of Tempe and Arizona State University-Indian Legal Program (“ASU-ILP”) to disburse SRPMIC gaming proceeds.

COMMENTS N/A

DOCUMENT NAME 20091002graw02 STATE LEGISLATURE (0107-06) Resolution No. 2009.111

7. Approved RESOLUTION NO. 2009.110 authorizing the Mayor to execute a Development Agreement with The Mill Avenue Farmers Market, LLC.

COMMENTS	N/A
DOCUMENT NAME	Farmers Market COMMUNITY DEVELOPMENT ADMIN. (0406) Resolution No. 2009.110

6. PUBLIC APPEARANCES

Eleanor Holguin voiced her frustration with being harassed and disrespected by Mayor Hallman. Ms. Holguin stated that she will be watching Mayor Hallman and will speak publicly about future disrespectful behaviors. She stated that the Republican rumor mill has him vying for higher office, possibly Maricopa County Attorney and if he truly wanted to be the Chief Law Enforcement Officer for Maricopa County, he should do the right thing and root out corruption in the City Police Department, if he has aspirations for his political career.

Ms. Holguin then urged City leadership to conduct a full and impartial investigation of the Tempe Police Chief Tom Ryff. She contended that after an audio tape and complaint of allegations of misconduct were delivered to City Manager Meyer, a bogus investigation was used to cover up the allegations.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Vice Mayor Ellis announced that the APS Fantasy of Light Parade is scheduled Friday, November 27, 6:00 PM.

Councilmember Arredondo commented on the positive feedback he got as a result of the bike riders being able to check their bicycles at security during the Oktoberfest events.

Councilmember Shekerjian commended staff on the Walk your Children to School Day turn out.

Meeting adjourned at 8:36 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 October 8, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2009.



Minutes City Council Issue Review Session October 8, 2009

Minutes of the Tempe City Council Issue Review Session held on Thursday, October 8, 2009, 6:00 p.m., in the City Council Chambers, Tempe City Hall, and 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Councilmember P. Ben Arredondo
Councilmember Joel Navarro
Councilmember Corey D. Woods

Vice Mayor Shana Ellis
Councilmember Mark W. Mitchell
Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 6:35 p.m.

Call to the Audience

Robert Mings voiced his support of ASU on-site early voting.

Carol Burke and Vin Risenburg voiced their frustration with the long waiting lines to vote early at the Tempe Public Library and supported an ASU Early Voting Site.

2009 Insight Bowl and Block Party

DISCUSSION – Presenter: Travis Dray, John Junker, Fiesta Bowl Representative

Travis Dray introduced John Junker and explained that the purpose of this presentation was to discuss the revised event layout and perimeters for the upcoming 2009 Insight Bowl Block Party event. Mr. Junker also introduced Alan Yunt who thanked the Mayor and Council for their support of Insight bowl festivities. Mr. Yunt also acknowledged Rich Ripley and Anthony Aguilar who play pivotal roles in the planning and facilitation of the Insight Bowl festivities.

Mr. Junker stated that the event footprint is smaller than previous years with a focus of enhancing downtown, south of the light rail line. The reasonable entry price of this event makes it an affordable entertainment option. Event tickets for Tempe resident are \$5 each; non-residents pay \$15 in advance of the event. Tempe Beach Park will not be part of the block party event; however it will be utilized for pep rally activity.

Mr. Junker spoke favorably about the future prospects of Insight Bowl team selections. Winner payouts have been substantially increased, which will attract higher caliber teams. Councilmember Arredondo commended Insight Bowl representatives for their financial ingenuity and support of this community event. Mr. Junker commended the board of directors and employees from Insight Enterprises for their continued support of this event.

CONSENSUS

No consensus. Information only.

ASU On-Site Early Voting Proposal

DISCUSSION – Presenter: Jan Hort, Jordan Jacobson, Sarah Aagard and Rudi O'Keefe-Zelman

Jan Hort explained that in the past, the City of Tempe has partnered with ASU to conduct voter outreach and registration. Now ASU is proposing to set up an early voting site located at University Drive and College Avenue. All expenses would be paid for by ASU. Jan Hort then introduced Jordan Jacobson, Sarah Aagard and Rudi O'Keefe-Zelman who gave the remainder of this presentation. The City Clerk's Office asked Council for direction in pursuing this proposal.

This proposal is being made by the Undergraduate Student Government (USG), which is a non-partisan governing body. This voting location would serve the entire community and has the advantage of being conveniently located along the transit path. Dedicated parking spaces would be on the first level of the parking garage directly adjacent to the polling location; parking validation would be available. If approved, ASU intends to aggressively promote this voting location and offer free transportation. Ballots would only be handled by County trained employees and would be secured each night.

Councilmember Arredondo was assured that the parking signage would be clearly visible and accessible to the public. Vice-Mayor Ellis asked if there will be signage alerting the public of this early polling location. USG assured Council that there will be signage. Councilmember Woods commended ASU for covering the expenses associated with this endeavor. Councilmember Navarro commented that this idea should encourage student civic involvement.

Mayor Hallman questioned whether it was appropriate to allow an entity such as ASU to be approved as an Early Voting Site simply because ASU is willing to pay the expenses associated with this activity. If that is considered appropriate, then why not allow the Kiwanis Club, Motorola, etc., the ability to host polling sites for their various constituencies as well. USG reassured Mayor Hallman that the ASU Early Voting location would be non-partisan and benefit the community. Mayor Hallman pointed out that ASU is predicting that there will only be 300 parking validations or community members that use the ASU Early Voting site, which does not appear to be cost effective. Because of this, Mayor Hallman requested that ASU officials disclose the advertising budget, all of the advertising materials and the intended population ASU intends to direct its marketing efforts towards. The target population for advertising will affect voter turn out. Mayor Hallman reiterated that Tempe elections are non-partisan.

Mayor Hallman acknowledged that ASU is a quasi government agency and commented that the larger question is how the Council addresses future requests from other organizations that wish to host Early Voting sites. Councilmember Arredondo voiced his support due to the fact that ASU is an educational institution.

Ms. Hort stated that the Tempe Public Library will remain an Early Voting site for the City Spring elections. The City Council has previously approved a budget for the Clerk's Office to staff this voting site. Due to budget cuts, many districts have eliminated early voting sites for non-City elections. The County has eliminated the Tempe Library for non-City elections. Mayor Hallman suggested that a contract be prepared that stipulates ASU's financial commitment to this activity.

CONSENSUS

Continue to work with the ASU toward an agreement and an early voting site on campus for the Spring 2010 elections through the County and Department of Justice to place on the Formal Council at the appropriate time. Return to Council following the spring elections with an evaluation.

Community Use of Schools Playground

DISCUSSION – Presenter: Mark Richwine

Mark Richwine stated that staff has met with the superintendents of Tempe school districts to discuss the desired community use of school playgrounds, past practices by each agency and the circumstances surrounding the District securing the school grounds.

At the conclusion of the meeting, the District requested that staff submit a proposal for their consideration regarding the community use of school grounds. The District's primary concerns that they would like the City to address with its proposal include:

1. Scheduled use: The District lacks sufficient resources to manage the scheduling and associated maintenance clean-up for permitted and organized use.
2. Liability for permitted and causal usage for non-District (community) uses.
3. Casual use vs. organized activities: The District is concerned over organized activities and their impacts on school resources. Typically, these uses were activities not scheduled by either the District or the City.

CONSENSUS

Staff was asked to address the concerns expressed by the District for community use of school playgrounds

- Sufficient resources – scheduling & maintenance
- Liability of non-District use
- Casual use vs. organized use

Information Technology Update – Formal Agenda Items 5B3, 5B4 & 5B5

DISCUSSION – None.

CONSENSUS

Continue to formal meeting.

Zoning and Development Code Amendments Update

DISCUSSION – None.

CONSENSUS

Continue to formal meeting.

Formal Council Agenda Items

None.

Future Agenda Items

Councilmember Shekerjian suggested that Council consider a procedural change to automatically remove agenda items over \$1 million for staff explanation and for separate consideration.

Mayor's Announcements/Manager's Announcements

Mayor Hallman acknowledged the YMCA Tempe Youth Leadership class in the audience.

Meeting adjourned at 7:35 p.m.



Minutes Special Budget Meeting October 8, 2009

Minutes of the Special Council Meeting of October 8, 2009, held at 3:00 pm in the Tempe Transportation Center, Don Cassano Community Room, 200 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Councilmember Ben Arredondo
Councilmember Joel Navarro
Councilmember Corey Woods

Vice-Mayor Shana Ellis
Councilmember Mark Mitchell
Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order and commended staff for their diligence in working through the upcoming budgetary challenges for the 2010/2011 fiscal year.

Charlie Meyer stated that staff is in the process of looking at the 2010/2011 fiscal year budget options. Staff has been working on the budgetary review process and is seeking feedback from Councilmembers regarding policy issues relating to budget challenges.

Cecelia Robles stated that the City of Tempe is facing a \$12.4 million deficit. On February 19, 2009 the City Council approved a balanced budget through 2013, given the revenue/deficit projections at that time. Since that time, the following contributing factors have lead to the current budget shortfall:

- One-time use of \$6 million to defer position eliminations and fund voluntary separation packages
- Foregone agency reductions \$1.1 million (TCVB, TCC & DTC)
- Escalation of benefits
- Base budget items (e.g. CIP Operating impacts)
- COPS Grant loss (\$0.7 million)
- Vehicle replacement (\$0.3 million one time)
- Early departure savings (\$2 million one time)
- Salary growth \$0.9 million
- Taxes down \$3.5 million
- State shares revenues down \$1.5 million
- Reduction in department revenues (fines, permit fees, etc)
- Interest earnings reduction \$0.4 million

Assumptions – Salary freezes from 2009 through 2012.

Not under consideration – pay reductions and changes to benefits in MOU's; changes to OPEB policy

Ms. Robles and Mr. Meyer agreed that counting on budgetary savings as a result of vacant staff positions and attrition is not an ideal way to balance budgets. Currently there are 51 vacant positions, aside from Police sworn positions. There are 12 people in the priority placement program. If Council were to eliminate 39 positions (leaving 12 positions for the priority placement personnel), it would result in a cost savings of \$2.7 million. Mr. Meyer stated that although there is a hiring freeze, management is looking at moving personnel around the City to serve in various capacities where needed.

Health care cost containment is another way of helping to solve the budget deficit by requiring employees to pay more for health care. Councilmembers were asked to reconsider the personnel reinstatements that took place during the 2009/2010 budget discussions. This would result in \$3.2 million in recurring costs. Examining citywide services and their costs is another suggested element of budget review.

Mayor Hallman commented that it might be wise to consider adding \$10 million to the existing \$12.4 million deficit amount so that if the economy gets worse, staff is prepared to handle that fiscal crisis.

Charlie Meyer stated that staff is primarily seeking policy guidance using a survey tool. After that information is compiled, then staff will prepare a synopsis and prepare a resolution authorizing staff to proceed with the Council recommendations.

Councilmembers were asked to rate parameters provided by staff for each budget balancing strategy based on questions outlined. A consolidation of the results of those rating will be provided to Council as soon as compiled. These are to provide a starting point for staff to research and report back to Council.

Meeting adjourned at 4:55 p.m.

Jan Hort
City Clerk



Minutes City Council's Transportation Committee September 22, 2009

Minutes of the meeting of the City Council's Transportation Committee held on Tuesday, September 22, 2009, 3:00 p.m., in the 3rd Floor Conference Room, Tempe City Hall, 31 E. 5th Street, Tempe, Arizona.

Committee Members Present:

Vice Mayor Shana Ellis, Chair
Councilmember Ben Arredondo

City Staff Present:

Jan Hort, City Clerk
Oddvar Tveit, Environmental Qual Spec
Shauna Warner, Neighborhood Admin
Jyme Sue McLaren, Comm Dev
Sue Taaffe, Comm Rel
Shelley Hearn, Comm Rel
Shelly Seyler, Pub Wks
Greg Jordan, Transit Administrator

Glenn Kephart, Pub Wks
Carlos de Leon, Dep Public Wrks Mgr
Nancy Ryan, Comm Dev
Amanda Nelson, Comm Outreach Mktg Supvr
Joe Clements, Transit
Cathy Hallow, Pub Wks
Jerry Hart, Fin Svcs

Guests Present:

Jayson Matthews, Transportation Commission
Adam Perillo, Kimley-Horn
Gabriel Cabrera, ASU

Don Cassano, Transportation Commission
Michael Grandy, Kimley-Horn

Vice Mayor Shana Ellis called the meeting to order at 3:00 p.m. and everyone introduced themselves.

Agenda Item 1 – Public Appearances

None.

Agenda Item 2 – Rio Salado Low Flow Channel

Oddvar Tveit explained that the US Army Corps of Engineers worked in conjunction with the City of Phoenix and the City of Tempe to create a continuous low flow channel to the west of Priest Drive, directly adjacent to the Town Lake as part of a "Second Phase Habitat" Project. The Sunset Riverside Neighborhood Association has voiced concern over the continued release of storm water on the south riverbed of the Town Lake, which is creating wildlife habitats and increasing the amount of vegetation. Because of these outcomes, there is apprehension that the airlines will deviate from the riverbed flight path due to potential bird strikes, which will increase the noise in Tempe neighborhoods and pose safety hazards from low flying aircraft.

The Tempe Aviation Commission supports the Sunset Riverside Neighborhood Association and would like to see City staff begin a dialogue with Phoenix leadership so that noise concerns for Tempe neighborhoods are outlined and addressed. Nancy Ryan stated that staff meets biannually with Phoenix staff to discuss airport operation issues as they pertain to Tempe. With committee concurrence, staff would like to raise these issues at the next meeting. Committee members agreed that an appropriate approach would be staff to staff meetings.

Agenda Item 3 – First Street Alignment Study

Glenn Kephart stated that the study was included in capital improvement program (CIP) to evaluate the First Street and Ash intersection. Design and construction funds were not included in the CIP. Shelly Seyler introduced the consultant Michael Grandy who gave this presentation. Mr. Grandy stated that the purpose of this study is to look at ways to realign First Street to create improved access between downtown and the neighborhood to the west of downtown. Redesign constraints such as the railroad crossing, existing buildings and historic structures were cited.

Mr. Grandy outlined three redesign options for committee review. Currently the area of study does not meet existing city code design standards. The three options are 1) acquiring rights-of-way (R.O.W.) and relaxing city code roadway design standards; 2) shifting the road to the south and 3) installing traffic roundabouts. Roundabouts are being considered, but can pose confusion to drivers. These three options have flexibility with ultimately combining options. Option 1 and 2 increases time delays while option 3 decreases time delays and increases capacity. Costs are estimated as follows: Option 1 – R.O.W. \$350,000 to \$450,000, Construction \$1M – \$1.2M; Option 2 - R.O.W \$350,000 - \$450,000, Construction \$1M - \$1.2M; and Option 3 – R.O.W. \$750,000 - \$900,000, construction \$.9M - \$1.1M. These are factors that are taken into consideration when determining traffic flow/delay time spans. The installation of sidewalks is another pedestrian/disability access area of consideration.

These options have not yet been taken to the public for input/feedback, however a presentation has been made to the Transportation Commission. Commissioners gave feedback on the three options and the costs associated with each option. Option 1 received minimal support and Option 3 was perceived as best accessibility. However, the felt roundabouts were difficult for ADA, pedestrians and bicyclists. It was also noted that the short term benefits do not justify the costs.

The next step of this project is to recommend option #3, with option #2 as a second choice and then to prepare a final report. This project has not been included in the Capital Improvement budget. Public comment will not be sought until after funding has been earmarked for this project. Committee members suggested that staff move forward with the design report so that when funding becomes available in the future, staff is prepared to embark on a public input process for the project. In additional Committee members suggested providing an informational memo to Mayor and Council to share the results of the report.

Agenda Item 4 – Long Range Transit Fund Update

Carlos de Leon reported that the forecast for the Transit Fund indicates that the fund is not sustainable over the long term. Because of this, the Transportation Commission formed an ad hoc committee to study and recommend a financial balancing plan with the goal of creating a sustainable transit fund.

The two financial strategies identified are:

- Using approximately \$40 million in fund balance to partially retire debt principal, which reduces annual recurring operating expenses by \$1.3 million.
- Reducing a total of \$7.4 million in annual recurring operating expenses by phasing in major reductions over the following years:
 - \$1.2 million in the current fiscal year
 - \$5.4 million from the next three fiscal years (FY 10-11 to FY 12-13)
 - \$0.8 million beyond FY 13-14

The process will include categorizing major program elements, identify and documenting potential measures, evaluating potential measures across categories, and determining the combined financial impact of the preferred measure.

Staff is also aggressively looking at making modifications to the bus system schedule in order to compliment the above mentioned funding recommendations.

Agenda Item 5 – Transit Services Budget Balancing Program

Greg Jordan stated that \$7.4 million in cost savings or new revenue needs to be generated in order to bring the transit fund into balance by FY 2012-13. Major program elements funded by the Tempe transit tax were noted:

- Local bus services - \$9.6 million
- Orbit - \$8.1 million
- Light rail - \$7.5 million
- Fuel - \$4 million
- Dial-a-Ride - \$462,000
- Flash - \$112,418
- Express bus services - \$0 (100% regionally funded)

Operational improvements being looked at are:

- Route restructures
- Eliminate route/service redundancies
- Modify hours of operation
- Match service levels to demand
- Combine routes
- Maximize fare revenue intake

Staff will also be meeting with school officials to discuss the program impacts to their respective districts. Public comment is being sought and incorporated in to the final recommendations to Council. A series of public meetings is planned for September, October and November regarding changes in the bus system.

Councilmember Arredondo stated that charging for the Orbit system could send a wrong message to the community. He also noted that the Orbit route serves Friendship Village and is essential to allowing residents an affordable mobility option. He discouraged the notion of charging a fee for this community amenity. The same pertains to other routes as well. He requested that staff work with the Tempe Community Council regarding demographics of the population that routes serve.

Staff was commended for how inclusionary this process has been, particularly the public input aspect of this project.

Agenda Item 6 – Future Agenda Items

Transit Services Budget Balancing Program

Meeting adjourned at 4:03 p.m.

Prepared by: Kay Savard
Reviewed by: Carlos de Leon

Jan Hort
City Clerk



Minutes of the Joint Dinner Meeting of the Tempe City Council and the

**Minutes
Joint Dinner Meeting
Tempe City Council and
Tri District School Boards
October 5, 2009**

Downtown Tempe Community (DTC) held on Monday, October 5, 2009, at 6:00 p.m., Tempe Transportation Center, Don Cassano Room, 200 East fifth Street, Tempe, Arizona.

Tempe Councilmembers Present:

Mayor Hugh Hallman
Councilmember Ben Arredondo
Councilmember Joel Navarro
Councilmember Corey D. Woods

Vice Mayor Shana Ellis
Councilmember Mark W. Mitchell
Councilmember Onnie Shekerjian

Tempe Staff Present:

Jan Hort, City Clerk
Charlie Meyer, City Manager
Shauna Warner, Neighborhood Program Admin

Judy Morgan, Asst City Attorney
Jeff Kulaga, Assistant City Manager

Tri District School Board Representatives Present:

Rochelle Wells, Tempe Elementary
Bill Munch, Tempe Elementary
David Schauer, Kyrene School District
Steve Adolph, Tempe Union High
Ross Robb, Kyrene School District
Mary Lou Taylor, Tempe Union High
Sherri Connell, Tempe Elementary
Ellen Shamah, Kyrene School District

Robin Arredondo-Savage, Tempe Union High
Art Tate, Tempe Elementary
Jim Lemmon, Tempe Elementary
Janis Merrill, TUHD, TD#3, Kyrene
Karen Arredondo, Tempe Elementary
Zita Johnson, Tempe Union High
Michell Hirsch, Kyrene School District

Meeting convened at 6:21 p.m.

Agenda Item #1 – Welcome and Introductions

Mayor Hallman announced the presence of the Vice-Mayor and Councilmembers and asked attendees to introduce themselves.

Agenda Item #3 Status Report

City of Tempe – Mayor Hallman stated that City leadership is in the process of re-evaluating the City of Tempe's 2010/2011 fiscal year budget, which is facing a \$12 million shortfall. The state budgetary shortfall is \$1.5 billion, which may adversely impact monies currently allocated to municipalities. Although Tempe has been fortunate in avoiding employee layoffs to date, that may not be the case for the 2010/2011 budget.

Mayor Hallman left the meeting at 6:30 p.m.

Councilmember Shekerjian reported that 12 new businesses will be opening in the next two months. She also voiced optimism about the Market on Mill event that is held on Thursday evenings. This would be an ideal opportunity for schools to have musical performances and to exhibit photography work. Another new program is the community garden, which is another opportunity for school involvement and support.

Councilmember Navarro stated that even though the economy is struggling, it also presents an opportunity to streamline and refine processes.

Tempe Elementary School District – Karen Arredondo stated that 22 of the Tempe District 3 (TD#3) students have been labeled at performing plus or higher. There has been a heightened focus on achievement. Principals have been given resources to encourage scholastic enhancement and reduce pressure at administrative levels. The most recent successful school bond election facilitated the renovation of several schools. City officials were thanked for allowing school administrators to house buses on City property during those renovations. Educating school administrators on how to effectively deal with the flu epidemic is underway.

Dr. Tate stated that they are going out to bid for performance contracting in an effort to maximize solar/energy savings and to potentially qualify for stimulus funding.

Scales School qualifies for a new APS solar energy installation program that would result in a rebate to the school.

A TD#3 principal was honored with the Rodell Exemplary Award, which is noteworthy.

There is an upcoming GAP conference whereby 1100 people will be using the light rail system.

Kyrene School District – Ross Robb stated that 22 out of 25 schools are excelling. The remaining three schools are categorized as high performing institutions. There has been a mild decline in enrollment.

Budgetary problems exist. \$2.5 million of unrestricted funds were used for this year's budget. With those funds, administrators made some pre-payments to ease next year's budgetary projections. However, the 2010/2011 budget projections are bleak. Administrators are looking at a potential override election.

Mr. Robb thanked City leadership for hosting this event and their hard work during these challenging economic times. Fostering partnerships is one way to ease these burdens. Collectively utilizing/bidding for legal services, printing, homeless services and fuel procurement are some of the creative ways that partnering with the City is helping to stretch dollars.

Partnering is not just about money – it's about shared resources as well. Social service supplies and facilities are an essential element in maximizing how comprehensively the community is being served. The Kid Zone Program and police resources have also been part of this partnering effort and very much appreciated.

Tempe Union High School District – Mary Lou Taylor stated that this has been the roughest budget year ever, with a reduction of 6.3% in salary/benefits. Fortunately the bond override election gave Tempe Union an extra \$4 million in funding. The goal is to get 59% of expenditures directly into the classroom.

Student achievement remains the number one priority of administrators. Preparing students for their next phase of adult life is imperative. The district's 2010 graduating class has 38 National Merit Scholarship semi-finalists.

Tempe Union has partnered with South Mountain Community College (SMCC) on bio technology that allows Tempe Union students the ability to take dual credit classes at SMCC. Marcos de Niza (MDN) is partnering with the ASU WP Carey School of Business to create a business academy. The purpose of this program is to provide advanced opportunities for MDN students that are interested in becoming business majors at ASU. Special workshops, career exploration and dual credits will be a part of this new opportunity.

Zita Johnson praised City leadership on the free bus pass program and the ease of how to acquire those bus passes. That, combined with the Orbit transit system, is another amenity that is encouraging the use of public transit throughout the community.

Councilmember Mitchell thanked school officials for their participation and acknowledged the importance of these partnerships and the value that they bring Tempe.

Councilmember Navarro added that maximizing community involvement is the key to sparking creativity during these tough economic times.

Agenda Item #2 – Public Use of School Fields

Councilmember Arredondo stated that it is essential that children have access to school yards, especially during economic downturns. Parks and schools are safe places for children to recreate. Councilmember Arredondo encouraged school representatives to work with their respective superintendents to make school yards accessible for children to enjoy. Closing parks and schools should be avoided, as long as there is some type of oversight to ensure that safety is paramount. There are existing agreements that address the use of these facilities. It would be most appropriate for the City Manager to work with district superintendents so that facility usage can be maximized. Charlie Meyer commented that it might be appropriate for an umbrella agreement to be designed to address issues of access, lighting, liability, etc., and work with each individual district on amendments to that umbrella agreement so that it is tailored to meet the needs of each school, as well as the community.

Mr. Robb mentioned that the Multi-Gen Center has partnered with Laird School with very positive results. Another area that has garnered attention is the square footage of public parks and police patrol accessibility. Re-thinking how public facilities are designed so that police surveillance is not hindered is a new approach.

Vice-Mayor Ellis announced that the minutes will be publicly posted, once they have been finalized.

Meeting adjourned at 7:20 p.m.

Prepared by: Kay Savard

Reviewed by: Jan Hort

Minutes City Council's Technology, Economic & Community Development Committee September 11, 2009

Minutes of the meeting of the City Council's Technology, Economic & Community Development Committee held on Tuesday, September 11, 2009, at 10:00 a.m., in the 3rd Floor Conference Room, Tempe City Hall, 31 E. 5th Street, Tempe, Arizona.

Committee Members Present:

Councilmember Onnie Shekerjian, Chair
Councilmember Corey Woods

City Staff Present:

Jan Hort, City Clerk
Kris Baxter, Marketing Specialist
Chris Messer, Prin. Planner
Sheri Wakefield-Saenz, Econ Dev Administrator
Alex W. Smith, Technology Dev Spec
Jeff Kulaga, Dep City Mgr
Sheri Partridge, Comm Rel
Micah Miranda, Economic Dev

Dave Heck, Deputy IT Mgr
Lisa Collins, Deputy Dev Svcs Mgr
Chris Salomone, Community Dev Mgr
Shelley Hearn, Community Relations Mgr
Jyme Sue McLaren, Comm Dev
Bonnie Richardson, Comm Dev
Nikki Ripley, Comm Relations

Guests Present:

Barbara Khalsa, Rio Salado College
Dan Killoren, Tempe Historic Preservation Commission
Pete Wolf, The Wolf Co
Andrew Beruhl, Resustone Energy

Eric Suriano, UraSol Energy
Mona Chandra, RSP Architects
Casandra Brown, DTC
Evan Wolf, ASU

Councilmember Shekerjian called the meeting to order at 3: 06 p.m., and everyone introduced themselves.

Agenda Item 1 – Introductions

Councilmember Shekerjian asked attendees to introduce themselves.

Agenda Item 3 – Public Appearances

None.

Agenda Item 4 - Updated Work Plan

Councilmember Shekerjian emphasized the importance of flexibility in formulating city codes, especially because of the economic downturn. An example given was banners/signage to promote Tempe businesses. Chris Messer stated that he would add this concept to the formal work plan for this committee.

Agenda Item 5 - Scheduling the next Economic and Technology Forums

Meeting dates selected were:

April 21, 2010, 5:30 – 7:00 pm – Economic Forum (Don Cassano Room)

May 24, 2010, 5:30 – 7:00 pm – Technology Forum (Don Cassano Room)

Agenda Item 6 - Market on Mill Program

Cassandra Brown stated that this event is held every Thursday evening from 5 pm – 9 pm, at 7th Street/Mill Avenue in front of Mad Cap Theater. At the first event, there were approximately 25 vendors. Local business owners are also participating. On October 15, there will be a street closure to hold a grand opening event. Community Relations staff is working with event organizers to promote this weekly event. Councilmember Shekerjian suggested that Ms. Brown contact local schools to find out if they would like to incorporate student participation in these events via bands, art work, etc. Several neighborhood associations are also involved in marketing this event.

Agenda Item 7 - SB 1403 – Renewable Industries Legislation

Alex Smith stated the focus of this bill is to incentivize and attract renewable energy businesses/industry. To qualify for funding two unique features of this bill require that: 1) employers must cover 80% of healthcare for their employees; 2) 51% of job must be over the local median income. There is also a state income tax credit that is refundable up to 10% of the investment. A property tax reclassification is another featured incentive – 80% real property reduction.

Mr. Smith was asked to keep this as a standing agenda item for committee updates.

Agenda Item 8 - Solar Technology Trends

Eric Suriano gave this presentation. Mr. Suriano stated that public policy drives solar and wind power community support. ASU has installed solar technology on top of some of their parking garages. This presentation is to promote commercial/utility scale solar installation projects. The ASU project was funded by a third party.

Jeff Kulaga commented that retrofitting fixtures/pumps to reduce power consumption would go hand in hand with solar technology.

Councilmember Shekerjian asked what progress is being made for solar technology in terms of residential housing. Mr. Suriano responded that the roof top solar kits are not netting significant cost savings. Consumption tracker devices are expensive for residential and are more appropriate for commercial applications.

Agenda Item 9 – Community Gardens

Staff is in the conceptual stages of creating a community gardens market at the southwest corner of Rio Salado/Hardy Drive. This is a one acre site suitable for growing herbs and vegetables.

=====
Councilmember Woods joined the meeting at 11:00 a.m.
=====

Agenda Item 2 – Approval of Minutes: April 15, 2009 Technology Forum, May 27, 2009 Economic forum, June 12, 2009 & July 10, 2009 Committee meetings

Minutes were approved as presented.

Agenda Item 10 – Future Agenda Items

Renewable Industries Legislation Update

Meeting adjourned at 11:05 p.m.

Prepared by: Kay Savard
Reviewed by: Chris Messer

Jan Hort, City Clerk
City Clerk

**Minutes
Historical Museum Advisory Board
June 4, 2009**

Minutes of the Historical Museum Advisory Board held on June 4, 2009, 9:00 a.m., at the Tempe Public Library Board Room, 3500 S. Rural Road, Tempe, Arizona.

Board Present:

Gail Fisher, Chair
Dan Killoren
Robert McKinley
Lisa Roach, Vice Chair
Julie Symopoulos

Board Absent:

Jean Berry
Anne Chandler
Betty Enz
Frank Schmuck

City Staff Present:

Adrienne Richwine, Deputy Community Services Manager, Library and Cultural Services
Amy Douglass, Museum Administrator
Jerri Copenhaver, Administrative Assistant

Guests Present:

Victor Linoff

Meeting convened at 9:06 a.m.

Chair Gail Fisher called the meeting to order.

Agenda Item 1 – Consideration of Meeting Minutes for May 7, 2009

MOTION: Robert McKinley moved to approve the minutes of May 7, 2009.

SECOND: Lisa Roach

DECISION: Carried unanimously.

Agenda Item 2 – Communications

- **Dr. Amy Douglass** reported that Catherine “Biddy” Hayden and Marie Rice, both Tempe Historical Society life members, passed away in May.
- **Dr. Douglass** also announced that there would be a Boards and Commissions Orientation on June 30. She distributed information about the orientation and encouraged the Board to attend.
- **Chair Gail Fisher** reported that **Jay Mark** wrote an article about the museum’s renovation that was published in the Arizona Republic on May 8.

Agenda Item 3 – Museum Staff

Dr. Amy Douglass reported that two museum staff members have decided to take advantage of the *Voluntary Separation Incentive Program* that was being offered by the city.

- She said that **Ann Poulos**, Curator of Collections, is retiring on June 25 and **Richard Bauer**, Curator of Photographs and Archives, will be retiring in June 2010.
- **Dr. Douglass** indicated that because two staff members are leaving, the Curator of History position will not be eliminated, as originally planned.
- She said it has not been decided which curator position will be eliminated instead of the Curator of History, but that decision will determine whether or not the Curator of Collections position will be able to be filled in the near future.
- **Dr. Douglass** said there would be a retirement reception on June 25 for **Ms. Poulos**.
- The Board had a lengthy discussion about the decreased staffing at the museum. They decided to communicate their staffing concerns to the City Council. **Dan Killoren** volunteered to draft a letter to the Council, on behalf of the Board.

Agenda Item 4 – Renovation Project

Dr. Amy Douglass gave an update on the **museum renovation**.

- She said the demolition has been completed and the contractor has been working on the plumbing, electrical, and the foundation for the new façade.
- She said they will be pouring the concrete pad for the community room, lobby extension and entry court next.
- **Dr. Douglass** will work with the contractor to arrange a time for the Board to tour the construction site, once the actual construction begins.
- She indicated that there are photographs of the construction on the museum's website and there will also be a segment about the renovation on *Tempe 411* on the city's cable channel.

Agenda Item 5 – New Logo

Dr. Amy Douglass distributed packets showing options for a new museum logo.

- She said the logo was designed by **Gyroscope**, the firm that designed the museum's new exhibit hall, with input from the city's Community Relations staff.
- **Dr. Douglass** said the bridge was retained for continuity with the museum's old logo. The logo's color and lettering reflect elements that are being used in the new exhibit hall.
- She also explained that the logo is flexible for different applications.
- The packet showed two choices for the bridge; Mill Avenue and Ash Avenue. **Dr. Douglass** asked the Board for their preference.
- The Board discussed the logo options. Some indicated that they would like to see the lights added to the Ash Avenue Bridge. They also thought it would be a good idea for the **Tempe Historical Society** to update their logo to co-brand with the museum's logo.

MOTION: Lisa Roach moved to approve the [logo] package with option A, the Ash Avenue Bridge at water level, and to encourage the [Tempe Historical] Society to think about changing font and color to co-brand with the new museum logo.

- **DISCUSSION: Julie Syrmopoulos** asked if there is time to send this back to the graphic artists to see if the lights could be incorporated into the logo.

AMENDED MOTION: Lisa Roach amended her motion to [include] looking at the possibility of incorporating the historic lighting on option A, Ash Avenue Bridge with water, water level view to be used however.

SECOND: Julie Syrmopoulos

DECISION: Carried unanimously.

Agenda Item 6 – Reopening Event Planning

Dr. Amy Douglass said she, **Anne Chandler**, and **Mary Ann Kwilosz**, who is representing the **Tempe Historical Society**, met on May 19 to work on the framework for the opening events.

- She said there will be a Friday evening reception, a grand opening for the general public on Saturday, and a **Tempe Historical Society** barbeque on Sunday.
- **Dr. Douglass** said there will be different events that will target various audiences over the course of the week-long opening.

- She said volunteer recruitment would be targeted throughout the week.
- **Dr. Douglass** will show these concepts to the city's Community Relations staff, to get their input, before they are developed any further.
- **Dan Killoren** suggested planning a fundraising event, in conjunction with the opening.

Agenda Item 7 – Call for Nominations for Board Officers

MOTION: Chair Gail Fisher moved to nominate Lisa Roach for Chair and Dan Killoren for Vice Chair.

SECOND: Julie Symopolous

DECISION: Carried unanimously.

Agenda Item 8 – Board Standing Committee and Representative Reports

8A Petersen House Endowment Committee

There was no report.

8B Public Programs Representative

Lisa Roach said the **Public Programs Committee** would resume their meetings in the fall.

8C Policy, Procedures and Accessions Representative

There was no report.

8D Historic Preservation Representative

Dan Killoren reported on the **Historic Preservation Commission's (HPC)** recent activities.

- He said the City Council approved the historic district designation for the **Date Palm Manor** and historic designation for the **Elliott [Garbinski] House** at their meeting on May 28.
- **Mr. Killoren** said the **HPC** is putting together a proposal that will be sent to the City Council, asking them to support a bond-funded grant program to assist property owners in restoring historic properties.
- He said they are also working on a plaque program that would identify historic properties and districts.
- **Mr. Killoren** said the **HPC** would not meet in June.

8E Tempe Historical Society Representative

There was no report.

8F Diversity Awareness Representative

There was no report.

8G Oral History Representative

Robert McKinley reported that the **Oral History Committee** met on May 12.

- He said there are currently 233 names on list of potential oral history interviewees. Of those, 50 have been labeled as a high priority.
- **Mr. McKinley** said the committee members will concentrate on conducting the high priority interviews this summer.

Agenda Item 9 – Board Announcements

- **Lisa Roach** announced that the next public involvement workshops on the **Papago Park Master Plan** would be on June 15.
- **Dan Killoren** announced that the **Phoenix Museum of History** will close on June 30.
- **Chair Gail Fisher** announced that the **Friends of Tempe Center for the Arts 3rd Annual Gala** would be held on September 12.

Agenda Item 10 – Future Agenda Items

- Presentation about Tempe Public Library renovation
- Update on exhibit content

The Board's next meeting will be September 3, 2009.

Meeting adjourned at 10:27 a.m.

Prepared by: Jerri Copenhaver

A handwritten signature in cursive script that reads "Gail Fisher". The signature is written in black ink and is positioned above a horizontal line.

Gail Fisher
Chair, Tempe Historical Museum Advisory Board

**Minutes
Historical Museum Advisory Board
September 3, 2009**

Minutes of the Historical Museum Advisory Board held on September 3, 2009, 9:00 a.m., at the Tempe Public Library Board Room, 3500 S. Rural Road, Tempe, Arizona.

Board Present:

Lisa Roach, Chair
Anne Chandler
Betty Enz
Dan Killoren
Robert McKinley
Julie Symopoulos

Board Absent:

Jean Berry
Gail Fisher

City Staff Present:

Adrienne Richwine, Deputy Community Services Manager, Library and Cultural Services
Amy Douglass, Museum Administrator
Jerri Copenhaver, Administrative Assistant
Clay Workman, Library Operations Supervisor, Tempe Public Library

Guests Present:

Victor Linoff

Meeting convened at 9:04 a.m.

Chair Lisa Roach called the meeting to order.

Agenda Item 1 – Consideration of Meeting Minutes for June 4, 2009

MOTION: Betty Enz moved to approve the minutes of June 4, 2009.

SECOND: Robert McKinley

DECISION: Carried unanimously.

Agenda Item 2 – Communications

- **Dr. Amy Douglass** reported that Frank Schmuck has resigned from the Board. She said no new Board members have been appointed.
- She also said that there was a good article about the museum's renovation in *The Arizona Republic* on August 12.

Agenda Item 3 – Update on Library Renovation – Clay Workman

Clay Workman, Library Operations Supervisor, talked about his background at the library and gave a brief history of the library's renovation project.

- He explained that the library is remaining open during the renovation and said no services are being curtailed.
- **Mr. Workman** said the renovation project will be completed by July or August 2010.

- He gave a PowerPoint presentation that showed the highlights of the renovation, including: additional computers for public use; an expanded and enhanced youth library and teen area; one central service counter; and a new entrance on the northeast side of the library, near the museum.
- **Mr. Workman** said the lower level is currently under construction and the entire library is operating on the main floor. The lower level will be open by the end of the year.
- In response to a question, **Mr. Workman** indicated that the new northeast entrance would not be completed until May 2010, after the museum reopens.

Agenda Item 4 – Museum Staff Update

Dr. Amy Douglass gave an update on the **museum staff**.

- Due to the fact that **Ann Poulos**, Curator of Collections, retired in June, there is a curator position open. Recruitment for her position is ongoing.
- She said that current city policy requires an internal recruitment before any outside recruitment takes place.
- There is one internal candidate that meets the position's qualifications. That candidate will be interviewed.
- **Dr. Douglass** also reported that the Curator of History position will not be eliminated, due to **Ms. Poulos'** retirement.

Agenda Item 5 – Renovation Project

Dr. Amy Douglass reported on the progress of the museum **renovation**.

- She said the front façade should be complete by the end of September. This is making it easier to see the defined spaces of the community room, lobby and entry court.
- **Dr. Douglass** said the renovation of the building will be completed in November and exhibit installation will begin in December.
- The public opening is scheduled for Saturday, February 27, 2010. There will also be an invitation-only reception, the evening of Friday, February 26.
- **Dr. Douglass** said the staff is working very hard to keep pace with the project deadlines.
- She suggested that the Board take a tour of the construction site, in conjunction with the board meeting on October 1.
- **Chair Lisa Roach** and **Dan Killoren** asked to see the exhibit content and provide feedback.
- **Dr. Douglass** offered to email the documents containing the exhibit content to the Board. She said their comments need to be submitted by October 1.

Agenda Item 6 – Reopening Event Planning

Dr. Amy Douglass reported that, due to the museum staff's workload, other public arts staff are assisting with the **reopening event planning**.

- She said **Maja Switzer**, Arts Coordinator, is in charge of coordinating all the planning.
- There is a large committee consisting of other city staff, representatives from the Tempe Historical Society board, and **Julie Symopolous** from this board.
- **Dr. Douglass** said there was a very productive brainstorming meeting on September 1, which included members of the committee, museum staff and museum docents.
- The meeting generated several good ideas for the Friday evening reception and the opening event on Saturday.
- **Dr. Douglass** indicated that subcommittees have been formed to handle various aspects of the planning.

Agenda Item 7 – Board Standing Committee and Representative Reports

7A Petersen House Endowment Committee

There was no report.

7B Public Programs Representative

There was no report.

7C Policy, Procedures and Accessions Representative

Anne Chandler read the **Policy, Procedures and Accessions Committee** report.

- There are currently 16 provisional deposits. There was one loan and two new accessions.
- Over the summer, the collections volunteers were working on an inventory of the museum's three-dimensional collections.
- The goal was to record a location code for each artifact that would correspond with its record in The Museum System (TMS) software.

7D Historic Preservation Representative

Dan Killoren reported that he was unable to attend the **Historic Preservation Commission's (HPC)** meeting in August, but he read from the finished agenda.

- The design guidelines for the Roosevelt Addition Historic District were finalized.
- Money has been allocated for a plaque program that would identify historic properties and districts.
- **Mr. Killoren** said the City has allocated funds to update the survey of historic resources.

7E Tempe Historical Society Representative

Betty Enz reported that the **Tempe Historical Society's** lunch talks would resume this fall.

7F Diversity Awareness Representative

There was no report.

7G Oral History Representative

Robert McKinley reported that the **Oral History Committee** met on August 11.

- He said they are working on prioritizing the list of potential oral history interviewees.
- **Mr. McKinley** said some interviews and transcriptions were completed, over the summer.

Agenda Item 8 – Board Announcements

- **Lisa Roach** announced that the **Papago Park Regional Master Plan** website will be updated to show the final concepts.

Agenda Item 9 – Future Agenda Items

- Museum staffing
- Update on exhibit content
- Board goals
- Ideas for attracting volunteers, patrons and sponsors
- Fundraising ideas

The Board's next meeting will be October 1, 2009.

Meeting adjourned at 10:10 a.m.

Prepared by: Jerri Copenhaver



Lisa Roach
Chair, Tempe Historical Museum Advisory Board

Minutes Enhanced Services Commission July 8, 2009

Minutes of the Enhanced Services Commission held on July 8, 8:30 a.m., at the Rio Salado Operations Center, Tempe, Arizona.

Members Present:

Neil Calfee
Gary Cheek
Jerry Hart
Nancy Hormann
Randy Levin
Mark Richwine
Chris Salomone

City Staff Present:

Roger Hallsted
Diane Johnson
Michelle Konnath
Nancy Ryan

Members Absent:

Chris Anaradian
Kathy Berzins
Gordon Cresswell
Greg Loper

Meeting convened at 8:32 a.m.

Agenda Item 1 – Consideration of Meeting Minutes of June 10, 2009

Randy Levin asked if the commission members had an opportunity to review the minutes from June 10, 2009.

MOTION: Nancy Hormann moved to approve the minutes.

SECOND: Gary Cheek

DECISION: Minutes were unanimously approved.

Agenda Item 2 – Public Appearances

There were no public appearances.

Agenda Item 3 – TBP Event Fencing

Michelle Konnath, COT Special Events Supervisor, answered questions about event fencing at Tempe Beach Park and surrounding area. She reported fencing is required for two types of events, a gated event with an entry fee and an event serving alcohol. The City and State require a barrier when alcohol is served.

General discussion regarding the **TBP Event Fencing**, including:

- Randy stated he would like to see a seamless line between private and public sector when events occur at Hayden Ferry Lakeside. Michelle suggested using a low picket fence as a

barrier to give a better view of the lake instead of an 8 ft. chain link fence. If someone wanted to walk down by the lake and leave the fenced area a sign could be posted saying “no alcohol beyond this point.”

- Nancy Hormann reported that during the last two large events at the lake attendees were not allowed to re-enter the event. She stated re-entry would be better for economic development if people were allowed to walk around downtown Tempe and then come back to an event. Michelle suggested DTC sit down with the events staff to talk about how to present the re-entry ideas to promoters.
- Randy would like to see re-entry to events to help support retailers along the lake and allow food to be brought into a fenced event. Mark Richwine stated a lake retailer could have a licensed mobile cart outside the fenced area when a large event is occurring.

Agenda Item 4 – Boat Rental Concessions RFP

Nancy Ryan, Rio Salado Project Manager reported the Tempe Town Lake small craft concessionaire rental contract expires September 13, 2009 with all of their equipment being removed by October 14, 2009. Staff will be looking into whether to put out another RFP, retain a portion of the rentals i.e. kayaks, or go out for one or more vendors. Nancy stated different and creative watercrafts could draw new visitors to the lake.

Nancy said the current concessionaire does not allow fishing from their boats and staff feels there is potential for this activity. The boat rental concessionaire could be relocated to the Marina, have dual locations or mobile rental locations along the lake. Staff is looking for feedback from the ESC.

General discussion regarding the **Boat Rental Concessions RFP**, including:

- Randy asked if a water taxi/ferry on the lake is part of the small craft contract. Nancy said no, she believes it falls under the rights and responsibilities of the tour concessionaire’s contract which expires in couple of years.
- Randy recommends a shorter term contract with performance requirements.

Agenda Item 5 – Rio Salado Parkway

Nancy R. reported there is a transit study called the Tempe South Corridor Study which identifies a potential for a street car on Mill Avenue. The study will conclude this fall with a public meeting and Council action. If the proposal is accepted staff will evaluate the financial costs, ridership potential, and connections to it. The Rio Salado Parkway Corridor could be a connecting component if a street car on Mill Avenue is selected.

Nancy R. reported an Ad Hoc Committee has been formed to look at ways to reduce the transit operating budget for the next 5 to 7 years. Their decision could potentially result in moving forward with the street car proposal.

General discussion regarding the **Rio Salado Parkway**, including:

- Randy asked about the inconsistency of the transit easement along Rio Salado Parkway from Mill Avenue to the east end of the lake. He stated this easement affects the amount of development and less development affects the CFD. Nancy will work with JymeSue McLaren to bring an update of transportation planning and the transit easement information to the next ESC meeting.

Agenda Item 6 – Private Project Update

There was nothing new to report in private projects.

Agenda Item 7 – Public Project Update

- 1) Michelle reported special events are still going strong. Some of the upcoming events are the JDRF Walk to Cure Diabetes on October 31, American Heart Walk, and NAMI Walk which all have more than 5000 participants. Also coming to the lake are the Healing Fields (September 11-13) and a new event called Arizona Fall Frenzy (September 18-20).
- 2) Construction has started on Rio East Linear Park located on the south bank of the lake from Rural Road to the east dam.
- 3) Staff is in the process of updating the Rio Salado Management Plan.

General discussion regarding the **Public Projects Update**, including:

- Randy reported there is space on the HFL parking garage for a 16 ft. by 64 ft. banner to advertise events. The banner would need to follow the HFL sign package requirements.

The Committee's next meeting will be **October 14**.

Meeting adjourned at 9:36 a.m.

Prepared by: Diane Johnson
Reviewed by: Nancy Ryan

Nancy Ryan
Rio Salado Project Manager

Minutes City of Tempe Ad Hoc Transit Fund Committee August 6, 2009

Minutes of the City of Tempe Ad Hoc Transit Fund Committee held on Thursday, August 6, 2009, 9:00 a.m., at the Transportation Center Don Cassano Community Room, Tempe, Arizona.

(MEMBERS) Present:

Don Cassano, Ben Goren, Jayson Matthews, David Strang

(MEMBERS) Absent:

Steven Saiz

City Staff Present:

Tanya Chavez, Joe Clements, Dawn Coomer, Carlos de Leon, Shelley Hearn, Ken Jones, Greg Jordan, Gregg Kent, Glenn Kephart, Jyme Sue McLaren, RC Noderer, Bonnie Richardson, Cecilia Robles, Chris Salomone, Holly Stenner, Sue Taaffe, Robert Yabes, Shaun Yunt

Guests Present:

Judi Nelson

Jayson Matthews called the meeting to order at 9:07 a.m.

Agenda Item 1 – Public Appearances

There were no public appearances.

Agenda Item 2 – Review of Financial Forecast Assumptions

Carlos de Leon presented the following information:

- Joe Clements will be reviewing the financial spreadsheet alternative strategies per the Committees request from the last meeting.
- Two strategies were presented. The Committee agreed to focus on using the fund balance to pay down outstanding debt and reduce annual recurring operating expenses.
- Additional information was requested for alternative scenarios that will affect the outcome of the financial forecast.
- Currently there is no fund balance policy. Financial Services has provided a recommendation.
- The next step is to finalize the overall strategy and send information to Committees for further research.
- The Committees will report back to the Ad Hoc Committee, which will make recommendations to the Transportation Commission.

Joe Clements presented the Transit Operations Expenditures by Source and Long Range Forecast Model.

- The fund balance will become negative in FY 2014/2015 if Public Transportation Fund (PTF) is delayed.
- Need to make necessary expenditure reductions to bring fund balance back into the positive.
- Pay down debt service as much as possible.
- Transit Operations - Expenditures by source include: Bus Operations, Light Rail Operations, Debt Services, Salaries/Benefits and Other Operations.
- There has been a sales tax reduction this year which is expected to increase over the next few years.
- Early reimbursement of 19 million dollars for light rail will be received this year and next fiscal year. The reimbursement will be used to retire 30 million dollars of debt.
- Currently using fund balance and bonding for operating costs.

Agenda Item 3 – Proposed Fund Balance Policy and Revised Recommended Strategy

- Financial Services Department recommends a 25% fund balance based on total expenditures.
- Increase payoff from 30 million dollars to 40 million dollars using fund balance to partially retire debt.
- Reduce annual recurring operating expenses.
- Additional reductions in service or increase in sales tax is needed to maintain 25% fund balance.
- The revised recommended strategy would balance forecasted costs and provide an estimated fund balance of 10 million dollars.
- This strategy would change the annual debt payment from 8.3 million dollars to 6.6 million dollars.

Agenda Item 4 – Additional What If's

Delays in Regional Transit Life Cycle Funding

- Proposition 400 and Transit Life Cycle Program (TLCP) may cause a financial shortfall for bus services.
- Additional cuts in service or increased revenue will be needed.
- Reduce amount of debt payment and use fund balance to cover operating costs for services.

South Tempe Corridor Operating Costs

- Proposition 400 may cause a financial shortfall for light rail services.
- South Tempe Corridor operating costs estimated at 3 million dollars.
- Reduce expenditures greater and absorb operating costs for service.
- Fund balance would be further reduced to cover expenses.

Agenda Item 5 – Next Steps

- Determine impact in current and overall services after 9 million dollar reduction.
- Stabilize fund balance.
- Obtain input from Committees to discuss additional financial reductions.
- Determine impact of adding South Tempe Corridor to existing services.
- Present overall financial strategy and update to Transportation Commission.

Jayson Matthews adjourned the meeting at 10:14 a.m.

The Committee's next regular meeting will be held Friday, September 4, 2009 at 9:00 a.m. in the Don Cassano Community Room, 200 E. Fifth Street, Tempe, Arizona.

Prepared by:
Holly Stennerson

Reviewed by:

Carlos de Leon

Minutes City of Tempe Ad Hoc Transit Fund Committee September 4, 2009

Minutes of the City of Tempe Ad Hoc Transit Fund Committee held on Friday, September 4, 2009, 9:00 a.m., at the Transportation Center Don Cassano Community Room, Tempe, Arizona.

(MEMBERS) Present:

Don Cassano, Ben Goren, Jayson Matthews

(MEMBERS) Absent:

Steven Saiz, David Strang

City Staff Present:

Dawn Coomer, Carlos de Leon, Thomas Duensing, Jerry Hart, Shelley Hearn, Eric Iwersen, Ken Jones, Greg Jordan, Gregg Kent, Glenn Kephart, Jyme Sue McLaren, Elizabeth Mieth, Thomas Mikesell, Chris Salomone, Sue Taaffe, Elizabeth Thomas, Robert Yabes,

Guests Present:

Neil Calfee, Judi Nelson, Jack Pisano

Jayson Matthews called the meeting to order at 9:03 a.m.

Agenda Item 1 – Public Appearances

There were no public appearances.

Agenda Item 2 – Identification and Evaluation Process for Potential Cost Reduction/Revenue

Source Measures

Carlos de Leon presented the following information:

- Categorize Major Program Elements. This step involves subdividing the Transit Program into major groups or categories of like elements. The major program categories in the financial model include:
 - Transit Services, which include bus, light rail and dial-a-ride services.
 - Debt Service.
 - Other Operations, which consists of non-personnel expenses related to the following activities:
 - Transit Administration
 - Transportation Center Operations
 - Marketing and Community Outreach
 - Bus Stop Maintenance

- Landscape Maintenance
 - Planning and Project Review
 - Capital Projects, which are largely federally funded but require transit funds for initial matching funds and on-going operations and maintenance.
 - Employee Salaries/Benefits.
- Identifying and Documenting Potential Measures.
- Evaluating Potential Measures Across Categories.
 - Intent of Transit Funds
 - Impact to Community
 - Affect on Existing Services
- Determining the Combined Financial Impact of Preferred Measures.
 - \$1.2 million in the current fiscal year
 - \$5.4 million from the next three fiscal years (FY10-11 to FY12-13)

Carlos de Leon stated that the Ad-Hoc Committee is looking at the budget for the Transit Administration, Transportation Center Operations, Bus Stop Maintenance, Landscape Maintenance and Planning and Project Review. The Public Involvement and Marketing Committee are looking at the budget for the Marketing and Community Outreach.

Agenda Item 3 – Development of Evaluation Criteria

Ken Jones presented the following information on the City’s draft evaluation form:

- If need arises where the City would have to eliminate some programs this is intended to form some common terminology and formal communication of evaluating programs within the City to recommend to the Council.
- A starting point from where all the departments and Council to work with.

Commissioners Jayson Mathews, Don Cassano and Ben Goren do see some value in using the same criteria methods that other cities programs are being evaluated.

Agenda Item 4 – Accountability and Governance Committee Update

Greg Jordan presented the following information:

- ***Cost Reduction Strategies (A phased approach)***
Approximately \$7.4 million in cost savings or new revenue need to be generated in order to bring the transit fund into balance by 2017. This figure does not take into account the possible introduction of new services (e.g., south Tempe Orbit, south Tempe corridor). Suggested below is a chronological approach to orient the committee’s development of transit service priorities, cost reduction measures, and revenue generation strategies.
- **Phase 1 (FY 2010)** - Reduce current year operating costs by a minimum \$1.05 million
The options presented below represent the first draft of possible cost reductions and/or revenue generation possibilities for FY 2010. Additional information associated with each option is provided in Attachment 2.

Direct Measures

Option	Description	FY 2010 Amount
O-1	Baseline Model Update	\$340,000
O-2	Route 40 (Apache) & 13 (Buckeye) Combination	\$200,000
O-3	Orbit Weekend Frequency & Hours Reduction	\$168,000
O-4	Targeted trip reductions on local bus service	\$125,000

O-5	Eliminate route 76 (Miller) & Realign route 81 (McClintock)	\$20,000
O-6	Elimination of 5310 Grant Assistance	\$50,000
Sub-total		\$903,000
Percent of goal		87%

Contingent Measures*

O-7	Estimated savings from Veolia Performance Incentives	\$150,000
O-8	Extension of Liquid Natural Gas (LNG) tax credit	\$750,000
Cumulative Total		\$1,803,000
Percent of goal		173%

* Contingent measures are uncertain or rely on actions beyond the city's control.

- **Phase 2 (FY 2011 - FY 2013)** - Reduce annual operating costs by an additional \$5.6 million.
 - System-wide service/route restructuring: local, express, orbit, light rail
 - Explore strategies for raising revenue (increase ridership, advertising, naming rights, reduce light rail/bus fare evasion, other)
- **Phase 3 (FY 2014 - FY 2017)** - Reduce annual operating costs by an additional \$686,000.
 - System wide service/route restructuring: local, express, orbit, light rail
 - Evaluate additional adjustments necessary to introduce south Tempe corridor
- **Next Steps**
 - Finalize Phase 1 (FY 2009-10) cost reductions/revenue generation option
 - Develop Phase 2 (FY 2011-13) transit system restructuring
 - Provide performance analysis of modes and routes
 - Develop performance goals and priorities for operating hours, frequency, and coverage.
 - Develop concepts for providing city-wide transit services consistent with principles stated above while achieving budgetary goals.

Commissioner Ben Goren inquired what are some of the things that you anticipate that won't affect the public. Greg Jordan stated that the combinations of Route 40 and Route 13 .

Agenda Item 5 – Public Involvement and Marketing Committee Update

Amanda Nelson and Sue Taaffe presented the following information:

- Additional cost saving ideas for the Committee to consider.
 - Bike Program: \$7,500 - Reduce participation - \$2,500 savings
 - Clean Air Challenge: \$5,200 - Reduce incentive costs - \$2,600 savings
 - Youth Program Promotion: \$7,500 - Reduce costs to only include production of brochure - \$3,500 savings
 - Ad agency fees: \$45,000 - Terminate advertising agency contract and bring concepting, designing, placement and monitoring of advertisements in house - \$45,000 savings.
 - Tour de Tempe: \$20,000 - Reduce Tour de Tempe costs by charging for t-shirts - \$4,500 savings.
 - Youth Transit Pass Program: \$350,000 – Reduce subsidy of program - \$0 to \$350,000 savings

- Revenue generating ideas for the Committee to consider.
 - Advertising on exterior and interior of buses: Based on the contract that the city of Phoenix has with Clear Channel Outdoor, the following assumptions were made for revenue generation:
 - Minimum annual rate guarantee – assuming a reduced impression level in the Tempe market when compared to Phoenix and a 50% placement rate, the Tempe bus fleet (116 fixed route and flash) could potentially generate up to \$225,000 annually in paid advertising revenue.
 - Direct application of advertising to vehicles is the standard format thereby eliminating the need to purchase frames/hardware.
 - The 116 fleet vehicle number excludes 43 Orbit buses and eight Express buses due to the limited exterior space availability.
 - Advertising on bus shelters: Based on the contract that Arizona State University has with MSS Media, the following assumptions were made for revenue generation:
 - Minimum annual rate guarantee – assuming a similar impression level in the Tempe market when compared to ASU and a 50% placement rate, Tempe's bus shelter inventory of 240 shelters could potentially generate up to \$24,000 annually in paid advertising revenue.
 - Advertising contractors typically purchase any frames/hardware with no costs to the City.
 - Light Rail station advertising: Based on the contract that METRO has with CBS Advertising, the following assumptions were made for revenue generation:
 - This initial estimate is based on 50% placement rate of station wraps and station posters at Tempe's eight stations.
 - Estimated revenue generation for advertising at Tempe light rail stations is \$96,000 annually.
 - The fall, CBS will provide a rate card, which will allow a more accurate estimate projected advertising revenue.
 - Light Rail train wraps: Costs associated with train wraps have already been programmed into the operational cost of light rail. Each city receives the proportional dollar amount based on mileage in its city.

Commissioner Don Cassano inquired has Marketing considered allowing advertising in the brochures and maps. Sue Taaffe stated that it has not yet been considered but will be looked at.

Amanda Nelson stated that the Platinum pass is a county requirement and can't be dropped.

Commissioner Don Cassano inquired who makes the ultimate decision. Glenn Kephart stated that the Mayor and Council will make the decision.

Agenda Item 6 – Next Steps

- Development of Evaluation Criteria

Jayson Matthews adjourned the meeting at 10:00 a.m.

The Committee's next regular meeting will be held Friday, October 9, 2009 at 9:00 a.m. in the Don Cassano Community Room, 200 E. Fifth Street, Tempe, Arizona.

Prepared by:

Elizabeth Mieth

Reviewed by:

Carlos de Leon



**Minutes
Housing Trust Fund Advisory Board
August 10, 2009**

Minutes for Housing Trust Fund (HTF) Advisory Board held on Monday, August 10, 2009, 6:35p.m., in Hatton Hall, 34 East 7th Street Building B, Tempe, Arizona.

HTF Advisory Board Members Present:

Kolby Granville
Myra Jefferson
Kevin Kaesberg
Todd Marshall
Stanley Nicpon
Shane Graser

Council Members Present:

Corey Woods
Shana Ellis

City Staff Present:

Craig Hittie

Members of the Public Present:

Jayson Matthews
Allen Carlson
Tony Bradley
Alana Chavez

Board Member Todd Marshall called the meeting to order at 6:35p.m.

Agenda Item 1-Public Comment

None.

Agenda Item 2-Acceptance of July 30, 2009 minutes

Accepted 5-0

Agenda Item 3-Missions and Goals

The Board Members touched briefly on the missions and goals for the HTF. They proposed that the mission statement and the goals be specific to those that the HTF will serve. To be continued at the following HTF meeting.

Agenda 4-Who should the HTF serve

Todd Marshall opened discussion on who the HTF should serve?

- Serving the 80%-120% workforce housing group
- Discussed the lack of funding for the over 80% AGI group
- Craig Hittie would keep the HTF updated on any federal funds that may be available for this group.
- Discussed how many residents in Tempe can not live near their employer
- Discussed the need for affordable rental/assisted rental and ownership property in Tempe

Agenda Item 5-Educational Presentations

The Board Members discussed future educational presentations that could benefit the HTF.

- Contacting other Housing Authorities that have successful programs like Portland, Denver, Seattle, and Austin.
- Newtown presentation on their land trust programs
- Look for programs that offer incentives

Todd Marshall asked the Board Members if they can get together and research other State/City Housing Authorities.

Agenda 6-Future Agenda Items

- Research of other housing models
- Mission and goals continued
- Workforce housing/serve who continued
- Future Educational Presentations
- Public Comment
- Acceptance of August 10, 2009 minutes
- Discuss the availability of Hatton Hall as permanent meeting place

Meeting adjourned at 7:35 p.m.

Prepared by: Michael Cardenas

Reviewed by: Craig Hittie

Minutes City of Tempe Transportation Commission August 11, 2009

Minutes of the City of Tempe Transportation Commission held on Tuesday, August 11, 2009, 7:30 a.m., at the Transportation Center Don Cassano Community Room, Tempe, Arizona.

(MEMBERS) Present:

Don Cassano, Ben Goren, Marcellus Lisotta, Jayson Matthews, Gary Roberts, Peter Schelstraete, Augustus Shaw IV, Edward Smith, David Strang

(MEMBERS) Absent:

Bill Haas, Catherine Mayorga, Steven Saiz, Marco Valenzuela, Joan Westlake, Bryan Young

City Staff Present:

Darcie Bontems, Kent Clayton, Joe Clements, Dawn Coomer, Carlos de Leon, Cathy Hollow, Noah Johnson, Gregg Kent, Amanda Nelson, Kerby Rapp, Bonnie Richardson, Shelly Seyler, Sue Taaffe

Guests Present:

Michael Grandy (Kimbley-Horn), Bryan Patterson (Kimbley-Horn), Ken Perron (Tempe Resident)

Jayson Matthews called the meeting to order at 7:36 a.m.

Agenda Item 1 – Consideration of Meeting Minutes

Edward Smith made a motion to approve all minutes. David Strang seconded the motion. The following minutes were approved:

- Multi-Modal Planning and Project Review – April 8, 2009
- Transportation Commission - June 9, 2009
- Multi-Modal Planning and Project Review – June 10, 2009
- Ad hoc Transit Fund Committee – June 22, 2009
- Public Involvement and Marketing Committee – July 13, 2009

Agenda Item 2 – Public Appearances

There were no public appearances.

Agenda Item 3 – Photo Enforcement Update

Lieutenant Noah Johnson presented the following information:

- Lieutenant Rapp will be taking Lieutenant Johnson's place in traffic enforcement.
- Rural Road and Southern Avenue was the last intersection installed in November of 2008.
- Seven intersections have two approaches each with red light and speed enforcement.

- There are three midblock speed detection sites at 200 S. Rural Road, 500 S. Rural Road, and 600 S. Priest Drive.
- Two mobile vans are now being deployed without an operator.
- Photo enforcement trailers may replace vans in the future.
- The process for issuing traffic violations begins with Redflex reviewing photos and then forwarding them on to PD who then utilizes three civilian officers to review violations using side by side driver license comparison.
- There were some legal issues at the beginning of last year regarding civilian traffic enforcement, but those issues have since been resolved.
- In addressing public perception challenges, traffic enforcement has added additional speed limit notification signs, digital speed feedback signs, two photo enforcement warning signs leading up to mobile units, and traffic engineering is in the process of conducting speed limit surveys.
- More time is needed to determine the true impact of photo enforcement on accident reduction.

Commissioner Ben Goren expressed concern that speed limits throughout Tempe were inconsistent.

Lt. Noah Johnson explained that there is never a change of more than ten miles per hour from one speed limit zone to the next, and noted that the Traffic Bureau does not set the speed limits.

Commissioner Jayson Matthews suggested Traffic Engineering provide an overview as to how speed limits are determined.

Carlos de Leon added that five years ago Traffic Engineering along with the Transportation Commission conducted a review of speed limits throughout the city and as a result came up with options for changes that were later adopted by Council. The information can be made available at the next scheduled commission meeting.

Commissioner Peter Schelstraete asked how traffic violations are handled with out of state plates or company vehicles.

Lt. Noah Johnson stated that a gender match is typically used in place of the side by side drivers license comparison for out of state violators unless a criminal offense has been committed. Lt. Johnson also noted that nine out of ten times businesses will report employees who receive a notice of violation.

Agenda Item 4 – First Street Alignment Study

Shelly Seyler, Ryan Patterson (Kimley-Horn), and Michael Grandy (Kimley-Horn) presented the following information:

- Consultants from Kimley-Horn are assisting the city with analysis for the First Street Realignment.
- The study looks at feasible alternatives to realign First Street between Farmer and Ash to improve east and westbound continuity.
- The study area includes the south intersection of First Street and Farmer, north intersection of First Street and Farmer Avenue, First Street and Ash and Rio Salado Parkway and Ash.
- Three alternatives to the current alignment were presented.
- Option one is the curved linear option, which works to minimize angle points and also requires some realignment of Farmer Avenue. Option one will have right-of-way implications, but will allow continuous movement and left turns.
- Option two is similar to option one, but requires minimal curves and would shift the road south.
- Option three introduces two roundabouts and will have significantly higher right-of-way implications.
- Variations of all three options are possible.
- Next step is to come up with a recommended preferred option.

Commissioner Peter Schelstraete had questions regarding bicycle safety in a roundabout.

Michael stated bicyclists would have the option of acting as a motor vehicle and taking the lane or acting as a pedestrian and walking through the cross walk. Michael also added that bicycle lanes do not usually work correctly in a roundabout.

Jayson Matthews added a benefit to the roundabout is its traffic calming capabilities.

Agenda Item 5 – Ad hoc Transit Fund Committee Update

Joe Clements presented the following information:

- The Ad hoc Committee has identified a preferred overall financial strategy which involves using \$40 million in fund balance to partially retire debt principal and reducing a total of \$7.4 million in annual recurring operating expenses by phasing in major reductions over the current fiscal year and fiscal years 10-11 to 12-13.
- The preferred financial strategy would balance forecasted costs with revenue and provide an estimated fund balance of \$10 million.
- Additional information will be provided at future commission meetings.

Agenda Item 6 – Multi-Modal Planning and Project Review Update

Peter Schelstrete requested this agenda item be moved to the September Transportation Commission agenda.

Agenda Item 7 – Future Agenda Items

- Light Rail Ridership

Jayson Matthews adjourned the meeting at 9:10 a.m.

The Commission's next regular meeting will be held Tuesday, September 8, 2009 at 7:30 a.m. in the Don Cassano Community Room, 200 E. Fifth Street, Tempe, Arizona.

Prepared by:
Darcie Bontems

Reviewed by:

Carlos de Leon

Minutes City of Tempe Transportation Commission September 8, 2009

Minutes of the City of Tempe Transportation Commission held on Tuesday, September 8, 2009, 7:30 a.m., at the Transportation Center Don Cassano Community Room, Tempe, Arizona.

(MEMBERS) Present:

Don Cassano, Ben Goren, Marcellus Lisotta, Jayson Matthews, Gary Roberts, Peter Schelstraete, Edward Smith

(MEMBERS) Absent:

Bill Haas, Catherine Mayorga, Steven Saiz, Augustus Shaw IV, David Strang, Marco Valenzuela, Joan Westlake, Bryan Young

City Staff Present:

Darcie Bontems, Joe Clements, Dawn Coomer, Carlos de Leon, Cathy Hollow, Eric Iwersen, Dana Janofsky, Greg Jordan, Gregg Kent, Jyme Sue McLaren, Amanda Nelson, Bonnie Richardson, Shelly Seyler, Sue Taaffe

Guests Present:

None

Jayson Matthews called the meeting to order at 7:43 a.m.

Agenda Item 1 – Consideration of Meeting Minutes

No action taken.

Agenda Item 2 – Public Appearances

There were no public appearances.

Agenda Item 3 – Speed Limits

Shelly Seyler presented – No action taken

- Transportation staff reviewed existing speed limits across the city in 2004 as requested by City Council.
- Two alternatives were formulated as a result of the 2004 speed limit review.
- Alternative one proposed changes to speed limits along specific corridors where inconsistencies existed as well as along corridors where existing speed limits were no longer appropriate due to changes in design.
- Alternative 1A was formulated after receiving input from the Police Department which resulted in only slight changes to the first proposed alternative.

- A third alternative was also proposed which reduced speed limits across the city by creating an internal core area where speed limits would be established at 35 mph with speed limits outside the core established at 40 mph.
- A recommendation to move forward with alternative 1A was made and followed up with two public hearings before the changes were formally adopted into code.
- Speed limits within the City of Tempe are currently established through engineering studies and adopted into City Code by Council action.
- Local residential streets which are set at 25 mph fall under State Statutes.
- Engineering studies review several factors including prevailing vehicle speeds, physical features of roadway, traffic control characteristics, crash experience, roadside development, pedestrian and bicycle activity, traffic calming features, and signal timing progression.

Agenda Item 4 – Committee Structure and Procedures:

Carlos de Leon and Marcellus Lisotta presented – No action taken

- The Multi-modal Planning and Project Review Committee recently reviewed the Committee procedures and is proposing changes to the procedures.
- There was discussion on who can vote at committee meetings.
- Some Commissioners suggested removing the following verbiage from standard practices.
 - However, Commissioners must represent the majority of committee members.
- Not all commissioners are in agreement with removing the noted verbiage so Jayson Matthews requested the Commission work to come to a consensus.

***Agenda Item 5 – Fall Public Involvement**

Sue Taaffe presented – No action taken

- Originally the fall public input process included discussions regarding changes to the Orbit system only.
- Given the Transit Fund's financial forecast and the need to reduce annual operating costs, staff felt that it would be most effective for residents to comment on all the proposed changes, including arterial fixed route.
- Methods used to communicate the public meetings and online comment form include press releases, web site, Tempe 11, Tempe Today Waterbill, posters on the buses, targeted door hangers, Friendship Village and Multi-gen Centers notification, school district notification, and email blast to all neighborhood Charis.

Agenda Item 6 – Ridership Update

Greg Jordan presented – No action taken

- Light Rail ridership accounts for 26 percent of the overall Tempe Transit Systems ridership.
- Tempe Transit System is approaching 12 million boarding per year.

Agenda Item 7 – Ad Hoc Transit Fund Update

Jayson Matthews and Carlos de Leon presented – No action taken

- The September 4, 2008 agenda was included in the September Transportation Commission packet in an effort to keep the Commission fully briefed on the Ad Hoc Committee's progress.

- The Ad Hoc Transit Fund Committee is currently in the process of reviewing potential budget shortfalls.
- An identification and evaluation process will take place for potential cost reduction as well as for potential revenue source measures.
- The Ad Hoc Committee is looking at the development of evaluation criteria for all transit services.

Agenda Item 8 – Future Agenda Items

- Committee Structure & Procedures
- Update on Fall Public Involvement & System Changes

The meeting adjourned at 8:50 a.m.

The Commission's next regular meeting will be held Tuesday, October 13, 2009 at 7:30 a.m. in the Don Cassano Community Room, 200 E. Fifth Street, Tempe, Arizona.

Prepared by:
Darcie Bontems

Reviewed by:



**Minutes
City of Tempe Transportation Commission
Multi-modal Planning & Project Review Committee
August 12, 2009**

"Unratified A.R.S.§38-431.05"

Minutes of the city of Tempe Transportation Commission Multi-modal Planning & Project Review Committee held on Wednesday August 12, 2009 at 3:30 p.m. at the City of Tempe Transportation Center Office, Bus Conference Room, 200 E. 5th Street, Tempe, Arizona.

Members Present: Neils Koepke (bicycle advocate), Peter Schelstraete, Ben Goren, Rebecca Clark (TBAG), Marcellus Lisotta

Members Absent: Lucy Logan (former Bike Committee), Judi Nelson (ASU), Aaron Golub (TBAG), John Minett (former Bike Committee), Roy Hoyt (former Bike Committee), Steve Bass (former Bike Committee), Joan Westlake (former Commission), Bryan Young

Guests: none

City Staff Present: Dawn M. Coomer, Eric Iwersen

Agenda Item 1 – Consideration of Minutes – June 10, 2009

Minutes of the June 10, 2009 were approved

Agenda Item 2 – Public Appearances

No public appearances.

Agenda Item 3 –Written Goals & Purpose of the Committee

There was considerable discussion regarding the committee membership, goals and standard operating practices. Staff distributed copies of the City Council adopted portion of the city code that created the Transportation Commission, and the Commission adopted "Standard Practices of the Tempe Transportation Commission Concerning Committee Membership."

A motion was made to forward a complete list of current committee members to the full Transportation Commission, for clarification of member voting privileges. The motion also included a request to remove the last sentence from item 1) in the Transportation Commission standard practices document. The sentence reads: However, Commissioners must represent the majority of committee members. The motion passed with 4 in favor and 1 opposed.

The committee agreed to continue working towards a better definition and understanding of the goals and purpose of the committee.

Agenda Item 4 – Bicycle Accidents

Staff distributed 2008 bicycle and pedestrian accident data and it will be discussed at a future meeting.

Agenda Item 5 – Crosscut Cana Path Phase II Update

Deferred to future meeting

Agenda Item 6 – Tempe Canal Path, Rio Salado Southbank Path Updates

Deferred to a future meeting

Agenda Item 7 – Future Agenda Items

- Written Goals & Purpose of the Committee
- Pedestrian and bicycle accidents
- Speed bumps
- Bike laws
- Street closures
- Changing bus routes
- Update on College Ave Traffic Calming
- Update on Maple Ash Traffic Calming
- Update on Mitchell Park East/West Traffic Calming
- Bicycle Cellar

Agenda Item 8 Adjournment

Meeting adjourned at 5:00 p.m.

Prepared by: Eric Iwersen

Reviewed by: Dawn M. Coomer



Minutes
City of Tempe Transportation Commission
Multi-modal Planning & Project Review Committee
September 9, 2009

Minutes of the city of Tempe Transportation Commission Multi-modal Planning & Project Review Committee held on Wednesday September 9, 2009 at 3:30 p.m. at the City of Tempe Transportation Center Office, Bus Conference Room, 200 E. 5th Street, Tempe, Arizona.

Members Present: Neils Koepke (bicycle advocate), Peter Schelstraete, Ben Goren, Rebecca Clark (TBAG), Marcellus Lisotta, Steve Bass (former Transportation Commission)

Members Absent: Lucy Logan (former Bike Committee), Judi Nelson (ASU), Aaron Golub (TBAG), John Minett (former Bike Committee), Roy Hoyt (former Bike Committee), Westlake (former Commission), Bryan Young

Guests: none

City Staff Present: Dawn M. Coomer, Eric Iwersen

Agenda Item 1 – Consideration of Minutes – August 12, 2009

Minutes of the August 12, 2009 were approved

Agenda Item 2 – Public Appearances

No public appearances.

Agenda Item 3 –Written Goals & Purpose of the Committee

There was considerable discussion regarding the committee membership, goals and standard operating practices. Staff and commission discussed the topic at the September Transportation Commission meeting. The full commission was provided with a list of current committee members. The commission will review, at a later date, the possibility of changes to the “Standard Practices...” document and how voting and membership will be outlined. At the October committee meeting staff will provide the following:

- Committee member attendance record
- Adopted Tempe bike and transportation plans and policies
- Comprehensive Transportation Plan
- AASHTO design guidelines (especially as it relates to pathways on streets)

The committee will discuss previous advances and accomplishments and determine priorities for future meetings. The committee discussed the need to focus goals in the future. The committee also discussed comparing Tempe’s plans and policies with Portland, Oregon documents. It was noted that an orientation packet for new members would be helpful.

Agenda Item 4 – Pedestrian & Bicycle Accidents

Staff distributed 2008 bicycle and pedestrian accident data and the committee discussed. The committee requested staff to provide a document detailing all state and local bicycle and pedestrian laws. The committee would like to continue discussions about safe bicycle facilities, particularly regarding on-street pathways separated from traffic.

Agenda Item 5 – Speed Bumps

Deferred to future meeting

Agenda Item 6 – Street Closures

Deferred to a future meeting

Agenda Item 7 – Bus Route Changes

Staff announced that public meetings are being held regarding proposed transit service reductions in Tempe that are related to declining revenue and sales tax. Staff also informed the committee that at a future meeting they would discuss capital project reductions as part of the Transit Tax budget reductions.

Agenda Item 8 – Bicycle Cellar

Staff informed the committee that the indoor, secure bicycle parking facility with showers, lockers and bike maintenance is now fully operational. The project was funded with federal funds and is the first of its kind in the state.

Agenda Item 9 – Maple Ash & Mitchell Park East/West Traffic Calming

Staff provided the committee with an update of the project. 90% construction documents are being developed for all three neighborhoods. Construction is anticipated to begin in January 2010. Additional discussions with Maple Ash will happen for possible further traffic calming. The project test phase remains installed with no reported accidents and a general reduction of speeds and volumes adjacent to measures.

Agenda Item 10 – Future Agenda Items

It was suggested that future agendas list items in priority order since there is often insufficient time to fully address all agenda items.

- Written Goals & Purpose of the Committee
- Pedestrian and bicycle accidents (bike laws)
- Speed bumps
- Street closures
- Budget priorities (CIP reductions)
- College Ave Traffic Calming, with specific attention to the College/Southern intersection
- Western Canal & HAWK crossings
- Downstream Dam Bike/Ped bridge
- Process to review CIP priorities
- Bicycle access at the Tempe Community Center at Rural/Southern
- Bicycles and roundabouts

Agenda Item 8 Adjournment

Meeting adjourned at 5:00 p.m.

Prepared by: Eric Iwersen

Reviewed by: Dawn M. Coomer

**Minutes
City of Tempe Transportation Commission
Accountability and Governance Committee
August 18, 2009**

Minutes of the city of Tempe Transportation Commission Accountability and Governance Committee held on Tuesday August 18, 2009 at 4:00 p.m. at the City of Tempe Transportation Center Office, Bus Conference Room, 200 E. 5th Street, Tempe, Arizona.

Members Present: Don Cassano, William Haas, Jayson Matthews

Members Absent: Edward Smith, Joan Westlake

Guests: none

City Staff Present: Joe Clements, Dawn M. Coomer, Carlos de Leon, Jason Hartong, Elizabeth Mieth, RC Noderer

Agenda Item 1 – Public Appearances

No public appearances.

Agenda Item 2 – Transit Services Budget Reduction Options for Fiscal Year 2009-13

Staff developed and initial set of objectives in order to guide the budget balancing effort. Phase one starting in January 2010 is to reduce current year operating costs by a minimum \$1.05 million.

- Option 1: Baseline Model Update – Transit fund model update with incremental adjustments to assumptions including revenue miles, non-revenue miles, fuel efficiency ratios, fare revenue.
- Option 2: Route 40/Route 13 Combination – Combination of route 40 and 13 creates regional route serving Phoenix, Tempe and Mesa while reducing Tempe’s operating costs associated with service to Sky Harbor Airport.
- Option 3: Orbit Weekend Frequency & Hours Reduction – Reduce Orbit frequency on weekends from every 15 minutes to every 20 minutes. Reduce weekend operating hours from 6 am – 10 pm to 8 am – 10 pm.
- Option 4: Target trip reductions on local bus service.
Remove the following underperforming local bus trips:
 - Early Morning Trip Elimination – Trips eliminated on all local routes that start before 4:30 am (except route 72)
 - Late Night Trip Elimination – Trips eliminated that begin after 12:30 am.
 - Eliminate Early Morning Mall Diversions – Remove trips that enter the Mall properties before business and employment hours.
 - Route 77 – Remove 12 EB & 13 WB peak period weekday (reduces service on Baseline from 15 minutes to 30 minutes during peak periods.)
- Option 5: Eliminate route 76/Realign route 81 to serve Miller in Tempe – Route 76 carries the fewest passengers per unite of service within the city of Tempe. Removal of this route would be in conjunction with a small realignment of route 81 (McClintock/Hayden) to serve the Miller Rd. residential area.
- Option 6: Elimination of 5310 Grant Assistance Program – The Transit program has made \$50,000 in grant available to eligible non-profit organizations that provide transportation to disabled Tempe residents. Funding for the program is provided by the transit tax but became available as a result of the introduction of Proposition 400 dollars to fund to ADA dial-a-ride services in Tempe.

- Option 7: Veolia Transportation Contract Performance Incentives – Eliminate financial performance incentives beginning in FY 2010-11.
- Option 8: Extension of Liquid Natural Gas (LNG) tax credit – Present LNG tax credit that expires on December 31, 2009. The credit provides a revenue offset (\$.50/gallon) to the cost of using LNG. Congress is considering an extension of the credit in HR 1835 (*New Alternative Transportation to Give Americans Solutions Act of 2009*), but the likelihood of this provision being approved remains unclear at the present time.

Committee liked options 1 through 6 with less emphasis on option 6. Would like to put option 6 on the bottom of the list and have an alternative if not approved. Option 7 will be looked out during phase two. Committee likes option 8 if the credit is extended.

Agenda Item 3 – Next Steps

- Orbit analysis weekday peak period every 15 minutes and off peak every 30 minutes.
- Information on Tempe Center for Habilitation.
- List of businesses in Tempe that issue platinum passes to employees.
- System level analysis on Orbit routes.

Meeting adjourned at 5:10 p.m.

Prepared by:
Elizabeth Mieth

Reviewed by:

Carlos de Leon
Deputy PW Manager - Transportation

**Minutes
City of Tempe Transportation Commission
Accountability and Governance Committee
September 4, 2009**

Minutes of the city of Tempe Transportation Commission Accountability and Governance Committee held on Friday September 4, 2009 at 10:00 a.m. at the City of Tempe Transportation Center Office, Transportation Center Don Cassano Community Room, 200 E. 5th Street, Tempe, Arizona.

Members Present: Don Cassano, Jayson Matthews

Members Absent: William Haas, Edward Smith, Joan Westlake

Guests: none

City Staff Present: Dawn M. Coomer, Carlos de Leon, Greg Jordan, Elizabeth Mieth, RC Noderer, Shaun Yunt

Agenda Item 1 – Public Appearances

No public appearances.

Agenda Item 2 – Consideration of Meeting Minutes from August 6 & 18 Committee Meetings

Don Cassano made a motion to approve all minutes. Jayson Matthews seconded the motion. The following minutes were approved:

- Accountability and Governance Committee – August 6, 2009
- Accountability and Governance Committee – August 18, 2009

Agenda Item 3 – Transit Services Budget Reduction Options for Fiscal Year 2009-13

Greg Jordan presented the following information:

- ***Cost Reduction Strategies (A phased approach)***
Approximately \$7.4 million in cost savings or new revenue need to be generated in order to bring the transit fund into balance by 2017. This figure does not take into account the possible introduction of new services (e.g., south Tempe Orbit, south Tempe corridor). Suggested below is a chronological approach to orient the committee's development of transit service priorities, cost reduction measures, and revenue generation strategies.
- **Phase 1 (FY 2010)** - Reduce current year operating costs by a minimum \$1.05 million
The options presented below represent the first draft of possible cost reductions and/or revenue generation possibilities for FY 2010. Additional information associated with each option is provided in Attachment 2.

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O-5	Eliminate route 76 (Miller) & Realign route 81 (McClintock)	\$20,000
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Contingent Measures*

O-7	Estimated savings from Veolia Performance Incentives	\$150,000
O-8	Extension of Liquid Natural Gas (LNG) tax credit	\$750,000
Cumulative Total		\$1,803,000
Percent of goal		173%

* Contingent measures are uncertain or rely on actions beyond the city's control.

- **Phase 2 (FY 2011 - FY 2013)** - Reduce annual operating costs by an additional \$5.6 million.
 - System-wide service/route restructuring: local, express, orbit, light rail
 - Explore strategies for raising revenue (increase ridership, advertising, naming rights, reduce light rail/bus fare evasion, other)
- **Phase 3 (FY 2014 - FY 2017)** - Reduce annual operating costs by an additional \$686,000.
 - System wide service/route restructuring: local, express, orbit, light rail
 - Evaluate additional adjustments necessary to introduce south Tempe corridor
- **Next Steps**
 - Finalize Phase 1 (FY 2009-10) cost reductions/revenue generation option
 - Develop Phase 2 (FY 2011-13) transit system restructuring
 - Provide performance analysis of modes and routes
 - Develop performance goals and priorities for operating hours, frequency, and coverage.
 - Develop concepts for providing city-wide transit services consistent with principles stated above while achieving budgetary goals.

Commissioner Don Cassano inquired which one has the highest numbers. Greg Jordan stated that the Orbit is the bulk of the savings. The Route 77 savings is under \$100,000. Routes 62, 92, 30 and the Earth are all interconnected.

Commissioners Don Cassano and Jayson Matthews agree that Route 76 should be put on in FY10.

Commissioners Don Cassano and Jayson Matthews agree that we should move with all the recommendations for public input.

Agenda Item 4 – Next Steps

The Committee's next regular meeting will be held Friday, October 9, 2009 at 10:00 a.m. in the Don Cassano Community Room, 200 E. Fifth Street, Tempe, Arizona.

Meeting adjourned at 11:30 a.m.

Prepared by:
 Elizabeth Mieth

Reviewed by:

Carlos de Leon
Deputy PW Manager - Transportation

Minutes Neighborhood Advisory Commission September 2, 2009

Minutes of the Neighborhood Advisory Commission (NAC) held on September 2, 2009, 5:35 p.m. – 6:55 p.m., at City Hall, 31 E. 5th Street, 3rd Floor Conference Room, Tempe, Arizona.

(MEMBERS) Present: Tom Catlaw, Don Calender, Pete De Mott, Jimmye Dubuy, Andy Hall, Susan Knudson, Joe Pospicil, Lisa Roach, John Sanborn, Jeffrey Sheppard, Jason Short, William Wagner, Michael Wasko.

(MEMBERS) Excused Absences: Kevin Kaesberg, Joochul Kim, Ira King , Woody Wilson.

(MEMBERS) Unexcused Absences: Eric Anthony Aldrete

City Staff Present: Shauna Warner, Neighborhood Services Director; Elizabeth Thomas, Neighborhood Services Specialist, John Osgood, Deputy Public Works Manager – Field Operations, 480-350-8949, john_osgood@tempe.gov

Agenda Item 1 – Call to Order

Vice Chair Wasko called the meeting to order at 5:35 p.m.

Agenda Item 2 – Public Comment

Mark Lymer, a resident of the Mitchell Park West neighborhood read a prepared statement announcing he will be unable to accept his recent NAC appointment and noting some concerns he has about a neighbor and NAC member.

Agenda Item 3 – Consideration of Minutes: August 5, 2009

Commissioner Calender moved that the August 5, 2009 minutes be approved. Commissioner Wagner seconded the motion.

Agenda Item 4 – Solid Waste Ordinance Revisions

John Osgood, Deputy Public Works Manager – Field Operations, provided an overview of potential Solid Waste Code revisions, which he previously reviewed with the NAC Codes Committee. The purpose of the changes is to clarify and strengthen the code to make it more useful for residents, businesses and staff.

Some of the proposed changes to the Solid Waste Code include aligning it with the Nuisance Code's penalties for non-compliance and habitual offenders of notices of violation. The Solid Waste Code offenses include alley conditions and public rights of way, addressing overgrown vegetation from private property into public rights of way, strengthening recycling participation requirements, potential limits on uncontained/bulky item monthly pick up and introduction of a pilot green waste/compost program.

Next steps include presenting ideas to the Neighborhood Quality of Life Council Committee on September 10 and organization of a public process for residents to submit their input. John encouraged commission members to forward any ideas they have to his attention or through Shauna. He offered to come to a future meeting to share final language of the draft proposal when ready.

Agenda Item 5 – Committee Reports and Consideration of Minutes

A. Codes Committee – The Codes Committee met on August 18 at the Connections Café. Committee members were joined by John Osgood, Deputy Public Works Manager Field Operations and Judi Morgan, City Attorney’s Office. The next meeting will be held on Tuesday, September 15 at 4 p.m. at the Connections Café.

Committee members were encouraged to forward any ideas, concerns and suggestions regarding neighborhood or commercial code compliance and/or any issues specific to rental properties to Shauna. The individual lists can then be forwarded via email to all commission members prior to the next committee meeting with the agenda. Commissioner Dubuy, Chair of this committee, requested that members and guests come to the next committee meeting on September 15 prepared to discuss and assemble one unified list. This list will then be forwarded to code compliance management for review as requested.

Commissioner Calender made a motion to accept the August 18 Codes Committee minutes. Commissioner Roach seconded the motion. The motion passed unanimously.

B. Housing Committee – The Housing Committee met on August 31 also at the Connections Café. The meeting minutes were distributed for commissioner information and review. The variety of lending programs available was noted.

Commissioner Wagner made a motion to accept the August 31 Housing Committee minutes. Commissioner Calender seconded the motion. The motion passed unanimously.

C. Outreach Committee – The Outreach Committee met on August 24 at the Connections Café. As part of their follow up regarding the Friends of Neighborhood concept, they had a lengthy discussion with representatives from Tempe Community Council on the possibilities for creating a program here. Their short term goals include starting a program to assist elderly and disabled residents with yard upkeep concerns, long term goals may encompass a program addressing other home repairs such as plumbing and electrical needs for this population. Commissioner Wilson was given praise for his initial research on this matter and his detailed minutes preparation helping to explain the concept to others.

Prospective topics for the 2010 Neighborhood Workshop are continuing to be explored. The commission agreed to have a more in depth discussion regarding proposed workshop ideas and potential speakers at the October commission meeting when this item can be specifically noted on the agenda and Commissioner Wilson can be present to share his input.

Commissioner Dubuy made a motion to accept the August 24 Outreach Committee minutes. Commissioner Calender seconded the motion. The motion passed unanimously.

Agenda Item 6 – Council Committee Reports

None were provided due to little meeting activity over summer.

Agenda Item 7 – Agenda Items for October 7, 2009 Meeting or for future meetings

Mayor Hallman’s Hot Topics (via email); Committee Reports; 2010 Neighborhood Workshop and Awards; Friends of Tempe Neighborhoods draft plan review; Rental Sales Tax License Update; Solid Waste Code draft language revisions

Agenda Item 10 – Adjournment

Meeting was adjourned at 7:00 p.m.

Prepared by: Shauna Warner, Neighborhood Services Director
Elizabeth Thomas, Neighborhood Services Specialist



Minutes Tempe Aviation Commission September 8, 2009

Minutes of the Tempe Aviation Commission meeting held on September 8, 2009, 6:30 p.m., at the Public Works Conference Room, Garden Level, City Hall Complex, 31 E. Fifth Street, Tempe, Arizona.

(MEMBERS) Present:

Dick Collins
Sally Clements
Tara Ellman
Gloria Regensberg (Chair)
Barbara Sherman (On Phone)
Alyson Star
David Swanson (Vice Chair)
Connie Thompson (On Phone)
Duane Washkowiak

(MEMBERS) Absent:

Karyn Gitlis
Gary Goren (Excused)
William Justus (Excused)
Curtis Ritland (Excused)

City Staff Present:

Nancy Ryan, Project Manager
Oddvar Tveit, Environmental Quality Specialist

Citizens Present:

Kylie Clifford
Cynthia Burkhart

Meeting convened at 6:34 p.m.

Gloria called the meeting to order.

Agenda Item 1 – Public Appearances

Cynthia Burkhart expressed concerns over low flying aircraft over her home south of Elliot and west of Rural Roads, quite noticeable in the mornings and evenings when spending time outside. She had contacted Tempe staff to get information about who to call to voice her concerns, and asked the members about minimum flight altitudes for air traffic over her home. Staff commented that her home was located under the alignment for an RNAV instrument approach path coming in from the southwest over Gila Bend where the altitudes of incoming aircraft are determined by descent profiles towards the east from higher altitudes to intercept the final approach paths over the Salt River/ Town Lake area after turns are made north based on guidance given to pilots by PHX air traffic controllers. With support from members the chair recommended Cynthia to continue calling the City of Phoenix and also make her concerns known to the Tempe Mayor and Council.

Agenda Item 2 – Consideration of Meeting Minutes (August 16th, 2009)

Barbara suggested one edit on the last page of the minutes and moved to approve the minutes as amended. Duane seconded the motion. The amended minutes were approved by a unanimous vote.

Agenda Item 3 – Updates From Staff

Tour of WGA:

Two members of the Commission attended the tour. With reference to brochures provided to TAVCO members by the airport, staff reported that attendants were briefed on activities and future development plans including terminals on the west side of the airport and recent additions to business jet repair facilities at the Phoenix-Mesa Gateway Airport. Questions were asked about Allegiant Airlines operations at the airport.

Nancy Ryan presented the environmental restoration project and wildlife management in the Tempe section of the Salt River.

Rio Salado Environmental Restoration:

The program was initiated in 1990 by Phoenix, Tempe and the US Army Corps of Engineers to model diverse habitats and natural riparian corridors that used to exist in that area. An EIS was completed in 1998. Completion dates and the location and restoration areas with plantings were shown and explained, also improvements to paths on the south and north side at the west end of the Town Lake.

Wildlife Management:

The City has a contract with the USDA Services to monitor wildlife in the management area, and provide recommendations to the City about wildlife management including a risk assessment of wildlife to aviation. Observation stations and data on observed species in the management area were displayed. The bird counts had decreased with construction in the Rio Salado area and its wildlife management from about 16,000 in 2005/06 to about 9,500 in 2006/07 and about 2,600 in 2007/08. The tools used to manage the area were addressed; landscaping, trash pickup, weed abatement, egg/nest removal and flood control to discouraging insect habitats as well as efforts to prevent bird feeding in Town Lake areas. A safe-harbor agreement was implemented in 2008 not to penalize Tempe if endangered species move in to the management area.

Questions were asked about run-off control to the west of the Town Lake. Members expressed the need for addressing the area west of Priest Drive.

Follow up: Make a copy of the wildlife management plan accessible to the members for review.

Agenda Item 4 – Bird Strike and riparian river issues

Staff presented a copy of the new wildlife hazard management plan provided by the Phoenix Aviation Department. The members discussed establishing a group to examine the plan, but agreed that that might not be necessary after having heard that a low flow channel west of Priest Drive with Phoenix, added to the one made by US Army Corps in the Second Phase Habitat, could be beneficial to make storm water run-off in that area of the riverbed more efficient to prevent further expansion of vegetation. Run-off since the 2005 flood has been above levels originally anticipated. It was emphasized that the members could not directly address the strike hazard, but indirectly any increases in the hazard to aviation in Tempe wildlife management areas could result in more flights being diverted to Tempe neighborhoods.

The members discussed motion alternatives and amendments that were withdrawn before Duane moved to recommend the Mayor and Council; “to begin monthly discussions with City of Phoenix and Sky Harbor. The purpose is to mitigate issues with bird strikes and develop and enhance low flow channels for diversion of water from the west end of the dam to the west border of Tempe”. The motion was seconded by Dick. Barbara suggested to include; “low flow channels and other appropriate measures”, which was accepted by Duane and Dick. Tara suggested an amendment to remove the mentioning of “for diversion of water” from the motion. Barbara seconded the motion.

Connie left the meeting at 7:50 p.m.

The members voted 2 for 5 against and with 1 abstention against the amendment proposed by Tara. Sally suggested including January 2010 as a deadline in the recommendation. The motion to include this amendment was not seconded. Duane’s motion was accepted as proposed with the addition from Barbara by a unanimous vote.

The members proceeded by discussing how to convey the recommendation; if inclusion in the minutes was enough or a letter was needed. Dick moved to send the recommendation in a letter. Dave seconded the motion. Duane suggested the chair or one of the members present the recommendation to the Transportation Council Committee instead of in a letter to the Mayor and Council. The members voted to accept the motion with 5 for, 1 against and 2 members abstaining. Barbara moved to have the TAVCO Chair or a representative present the letter to the Transportation Council Committee. Dave seconded the motion. The motion passed by a unanimous vote.

Agenda Item 5 – Revised proposal for the Tempe history with Sky Harbor

A history account worked on some years ago by the Commission had been revised by staff upon suggestions from Barbara. Barbara expressed the importance of having input from other members and having it as a living document. How to verify that the history accounts are correct was discussed, and it was suggested to add an approval date by the Commission when periodic updates of the document were finalized.

Follow up: The members would review the draft with Barbara’s amendments and return at the next meeting to discuss any suggestions for changes or additions they might have.

Agenda Item 6 – Tempe monthly noise monitoring reports

Staff received questions and comments about graphs in the report showing distribution of nighttime- and daytime noise and also total noise measurements. Considering the time it takes for staff to process data that go onto the report, staff was recommended to reduce the content of the monthly report focusing on compliance and complaints, and address noise impact issues in quarterly or annual trend reports. Also include information in the utility bill on how to make complaints.

Follow up: Staff was asked to forward both the Tempe and the Phoenix monthly noise report for members to review and discuss at the next meeting.

Agenda Item 7 – Commissioners’ Business (topics for future discussion)

The following items were suggested:

- Continue the discussion of strategies and priorities
- Review the Commission’s charge and discuss whether the Commission should recommend that its scope be expanded beyond noise and related matters to include:
 - flight safety under the Sky Harbor flight paths in Tempe, and
 - public outreach to inform Tempe neighborhoods about its work.
- To discuss a reduction in agenda items for each meeting, and set up a system to get shorter/more efficient meetings

Agenda Item 8 – Schedule Next TAVCO Meeting

The next meeting was scheduled for October 13, 2009.

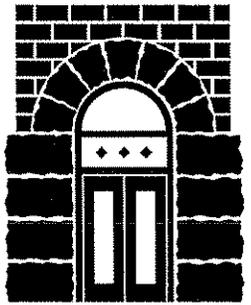
Agenda Item 8 – Adjournment

The meeting was adjourned at 8:45 p.m.

Prepared by: Oddvar Tveit

Reviewed by: Don Hawkes

Authorized Signature
Water Utilities Department Manager



TEMPE
PRESERVATION

HISTORIC PRESERVATION
COMMISSION

Anne Bilsborrow, Alternate
Elias Y. Esquer
Bob Gasser, Chair
Charlie Lee, Alternate
Dan Killoren
Kriste Melcher
Ann Patterson
Liz Wilson, Vice-Chair



HISTORIC PRESERVATION
OFFICE

Amy Douglass
Hunter Hansen
Joe Nucci
Mark C. Vinson



The City of Tempe is a
Certified Local Government,
in association with the United
States Department of the
Interior / National Park Service



Tempe Historic
Preservation Office
Community Development
Department
21 East 6th Street, Suite 208
P.O. Box 5002
Tempe, AZ 85280



480.350.8028
8579 FAX; 8913TDD



Tempe Historic Preservation Commission [Tempe HPC] MEETING MINUTES

Meeting Date: Thursday, September 10, 2009

Location: Hatton Hall
34 East Seventh Street

Commissioners
Present: Anne Bilsborrow
Elias Y. Esquer
Bob Gasser
Dan Killoren

Alternates
Present: Charlie Lee

Staff Present: Amy Douglass, Hunter Hansen, Matt Hess,
Joe Nucci, Mark Vinson

Public Present:

Call to Order: 6:00 PM, Bob Gasser, Chair

1. Call to Audience

- No public comments

2. Approval of HPC Minutes: 08/13/09 Tempe HPC meeting

MOTION: TO APPROVE THE 08/13/09 MINUTES WITH CORRECTION ON ATTENDEES [EE],
SECOND [DK] APPROVED: unanimous, [5-0]

3. Discuss and Consider Roosevelt Addition Historic District Preservation Guidelines

Commission evaluation of presentation of draft by Don Ryden, at August meeting

- Started discussion on draft format with HPC in August
- Staff will print, hand-deliver draft to neighbors in RAHD upon receiving from draft from Ryden
- Feedback is critical to get it back early to neighbors prior to neighborhood meeting 09/22/09
- Borden Homes / Tomlinson Estates is next in queue for Preservation Guidelines
- Consider creating Borden Homes / Tomlinson Estates PG's in-house with staff
- Tomlinson Estates = half area is flood irrigated, half is not
- Carlson Park = other plat to the north [part of University Heights Neighborhood Assoc.] should be considered. Ruling from SHPO would need to be requested to determine eligibility.
- Interim Sec. of Interior's Standards applies to each Historic District until PG's are created
- Concern for tone of Ryden's draft – final should not be combative or condescending
- Add note "HP Ordinance will address aspects of..." "ZDC will not be zoning official"

4. Discuss and Consider Tempe Pass-thru Grant to Convert Tempe MRA to MPDF

Commission direction on employing student intern

- Killoren followed up with Internship Coordinator at ASU, Nancy Dallett
- More affordable than hiring an outside, professional consultant
- Better to have Tempe contract with student for internship rather than go thru ASU

[cont.]

- 250 Tempe properties pre-1939 = prime candidates for HP consideration / designation [rare examples of once common type / architecture / building materials / etc.
- Funding potential = CDBG match
- At least \$17K for professional, \$10K = City + \$6K SHPO
- Q: Will a student intern produce quality work vs. a professional? A: If the right one hired, with proper instruction – yes.
- Q: Will this project use the new MPDF form and new info? A: Yes to both. Students go out and ground-truth thru site visits to increase accuracy.
- Discussed confidence in students; Public History students often very professional
- Consensus to review Nancy Dallett's list of recommended students, and set up interviews to match skill sets with scope of work

5. Discuss and Consider HPC Actions at Ad Hoc and Council Committees

- Gasser update on Papago Park Master Plan Committee Ad Hoc Committee – end of September first draft = lots of comments; ¾ people returning public through six public workshops
- Gasser update Neighborhood Parks Rehabilitation & Maintenance CC
- Esquer update Transportation CC
- Killoren update Technology, Economic & Community Development CC – Salomone offered to arrange meeting with the Mayor; GIBLET financing? New development fees? Consensus to invite Mayor and each Councilmember [support, openness, willingness, etc]
- Killoren update Mill & Lake District Working Committee
- NEED HPC REP FOR Education Partnerships CC
- NEED HPC REP FOR Quality of Life Working Committee
- Patterson update Sports, Recreation, Arts & Cultural Development CC
- Patterson update Community Sustainability Working Committee
- Wilson update Housing Council Committee

6. Discuss and Consider Chair / Staff Updates: - INFORMATION ONLY

- Staff update on City Manager, Department Manager ride-a-long summary
- Almost all Commissioners [except DK, AP] have participated in ride-a-longs
- City Manager genuinely interested in HP program, properties; asked good questions; consideration for \$100K bond election [2012?] likely
- HPC seeking long-term investments to take next step in evolution of program
- "Centennial Heritage Bond" tie-in concept for 2012 with Arizona Centennial

7. Current Events / Announcements / Future Agenda Items - INFORMATION ONLY

- Member Announcements
- Staff Announcements
- Next Meeting Date Thursday, 10/08/2009 6:00 p.m. Hatton Hall

Meeting adjourned at 7:24 PM

Minutes scheduled for Tempe HPC approval on 10/08/2009.

Bob Gasser, Chair

Rdevpub/HistoricPreservation/HPCmins091009.doc

HPCmins091009.doc filed City Clerk 10/09/09 Fillmore, Karen & posted to www.tempe.gov/historicpres

Draft issued for review comments to:

Review comments received from:

FREQUENTLY USED ABBREVIATIONS OR ACRONYMS

CDD – City of Tempe Community Development Department: Established February 15, 2005, by City Manager Will Manley the CDD consists of six divisions; Economic Development, Housing Services, Redevelopment, Neighborhood Enhancement, Rio Salado/Town Lake, and Special Projects, as well as the Community Design Studio / City Architect. The Tempe Historic Preservation Office is an agency of the Special Projects Division.

CLG – Certified Local Government: In 1980, Congress established a framework for local preservation programs through an amendment to the National Historic Preservation Act empowering Arizona cities and counties to become Certified Local Governments (CLGs). Once certified, these entities are eligible for specialized assistance and funds for developing their own local preservation programs and entitled to comment on NR and other SHPO activities within their boundaries. The City of Tempe became a CLG in 1995.

DDA – Development & Disposition Agreement: a redevelopment contract between the City and one or more developers or redevelopers specifying terms and conditions for construction or reconstruction.

DSD – City of Tempe Development Services Department: dealing with Building Safety, Land Use, Planning and Zoning

DRC – City of Tempe Development Review Commission: volunteer board advising Mayor and Council on matters related to the built environment and administration of General Plan 2030 and the Zoning and Development Code.

HPAC – Historic Preservation Advisory Committee: Arizona State Parks is governed by the State Parks Board and receives direction and oversight from several advisory committees and groups such as the Historic Preservation Advisory Committee.

IEBC – International Existing Building Code: adopted by Tempe City Council by Ordinance No. 2005.89 on December 1, 2005, as part of the code body promulgated by the International Code Council, provides means for preservation of existing Tempe building inventory through reasonable and feasible code processes.

IRS – Issue Review Session: informal Mayor and Council public meeting where members of the public may come forward and talk with City Council during the “Call to the Audience” prior to regular Council meetings.

PAD – Planned Area Development: site plan overlay to define development standards for a specific project.

SHPO – State Historic Preservation Office: a division of Arizona State Parks, responsible for the identification, evaluation, and protection of Arizona's prehistoric and historic cultural resources; established by the National Historic Preservation Act of 1966.

SRP-MIC – Salt River Pima-Maricopa Indian Community: created by Executive Order on June 14, 1879 by President Rutherford B. Hayes, the Salt River Pima-Maricopa Indian Community (SRPMIC) is located in Maricopa County, aside the boundaries of Mesa, Tempe, Scottsdale, Fountain Hills and metropolitan Phoenix.

Tempe HPC – Tempe Historic Preservation Commission: Created by Ordinance 95.35, adopted November 9, 1995. Members serve three year terms with the exception of the initial appointments; charged with administering the Tempe Historic Preservation Ordinance and Plan, as well as advising Mayor / Council on all matters related to historic preservation

Tempe HPF – Tempe Historic Preservation Foundation: A private nonprofit corporation established in 2005, Mission Statement 02.02.06 “The Tempe HPF advocates preserving Tempe’s at-risk historic properties and supporting worthy preservation projects through education, community participation, and fundraising.”

Tempe HPO – Tempe Historic Preservation Office: Responsible for the identification and conservation of Tempe’s prehistoric and historic cultural resources, the Office uses Federal, state, and city funding for the historic preservation program and assists owners of historic properties with grant applications, property maintenance, and preservation activities; provides staff support to the Tempe HPC.

THM – Tempe Historical Museum: Located at 809 E. Southern Avenue in Tempe, the Tempe Historical Museum is a center where the community comes together to celebrate Tempe's past and ponder the future. Permanent and changing exhibits, educational programs, and research projects generally focus on some aspect of Tempe's history within the context of state and national events.

TOD – Tempe Transportation Overlay District: placed to encourage appropriate land development and redevelopment consistent with and complementary to the community’s focused investment in transit, bicycle, and pedestrian infrastructure in certain geographic areas of the City; typically in association with the light rail.

ZDC – Zoning & Development Code: Adopted by Mayor and Council on January 20, 2005, effective February 22, 2005, the ZDC implements Tempe General Plan 2030 by encouraging creative development of the built environment in order to build a community that promotes the livability and uniqueness of Tempe; establishes zoning districts and development standards.



Minutes Mayor's Youth Advisory Commission September 15, 2009

Minutes of the Mayor's Youth Advisory Commission held on September 15, 2009, 7:00 p.m., at the Tempe, Public Library Board Room, 3500 S. Rural Road 2nd Floor, Tempe, Arizona.

MEMBERS Present: J'hnen Allsup, Francesca DiCesare, Maria Eller, Dirk Fenstermacher, Nicholas Gaitan, Jevin Hodge, Amber Houser, Leslie Klein, Enrico Lage, Alex Little, Preston Long, Lauren Milovich, Ben Moffat, Anjali Nair, David Reynolds, Katrina Rodrigues, Kristen Rund, Veekas Shrivastava, An Tran, and Kaylee Wong.

MEMBERS Absent: Jeff Darge and Rafael Gutierrez.

City Staff Present: Kim Bauman and Peggy Goldberg

Guests Present: None

Meeting convened at 7:07p.m.

Veekas Shrivastava, 2008-09 Chair called the meeting to order.

Agenda Item 1– Minutes from September 1, 2009 Meeting

Nicholas Gaitan read the minutes from the September 1, 2009 meeting.

MOTION: Nicholas Gaitan motioned to approve the minutes.

SECOND: Enrico Lage seconded the motion.

DECISION: Minutes were approved.

Agenda Item 2 – Treasurer's Report

Jevin Hodge read the Treasurer's Report.

Agenda Item 3- Announcements

Jevin Hodge announced that he and Peggy Goldberg recently attended the Arizona League of Cities and Town Conference in Tucson. He carried in Tempe's flag in the opening session and attended the youth conference.

Agenda Item 4 – Officers Elections

- 1) Veekas Shrivastava provided a brief overview on the responsibilities of the MYAC officers and the election process.

2) Elections for the 2009-10 MYAC Officers were conducted with the following outcomes:

- Jevin Hodge, MYAC Chair
- Nicholas Gaitan, MYAC Vice Chair
- Kaylee Wong, Administrative Recorder
- Preston Long, Treasurer
- Enrico Lage, Youth Town Hall Chair
- Dirk Fenstermacher, Student Government Day Chair

Agenda Item 5- Future Agenda Items

- Student Government Day event brainstorming
- Community Service Project
- Future projects/goals

The Commission's next meeting will be **October 6, 2009**.

Meeting adjourned at 8:15 p.m.

Prepared by: Jevin Hodge

Reviewed by: Kim Bauman



Jevin Hodge, Chair
Mayor's Youth Advisory Commission

Minutes 2010 Census Complete Count Committee September 22, 2009

Minutes of the 2010 Census Complete Count Committee held on September 22, 2009, at 4:07 p.m., Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

(MEMBERS) Present: Neal Babcock, Don Cassano – Co-Chair, Dave Crowell, Beth Fiorenza, Kate Hanley, Catherine Mayorga, Stephanie Salazar and Edward Smith.

(MEMBERS) Absent: Omar Ahmed, Dave Summers, Arthur Tate, Ed Valenzuela – Co-Chair and Ed Wycoff.

City Staff Present: Arlene Palisoc, Nikki Ripley, and Shauna Warner

Agenda Item 1 – Welcome

Chair Cassano welcomed the group.

Agenda Item 2 – Approval of the September 8, 2009 Minutes

Beth Fiorenza moved that the September 8, 2009 minutes be approved with the addition of Dave Summers as present. Catherine Mayorga seconded the motion. The motion passed unanimously.

Agenda Item 3 – Communication & Outreach Plan and Micro-Purchasing Agreements

Nikki Ripley reviewed the plan. She stated that the updated plan was based on the Committee's comments that were submitted. The first tactic that she outlined was the objective to reach a mail-back response rate of 75 percent in Tempe for the 2010 U.S. Census. The second major point was when the Committee was ready to talk more about the Questionnaire Assistance Centers, Nikki stated that Al Macias with the Census could come back to talk more with the Committee about them.

Regarding the micropurchasing agreements, Nikki said that Tempe's micropurchase applications were approved for plastic clappers (for Parks and Rec and other events), water bottles (for Transit riders) and tote bags (for ASU students). The City is waiting to hear back on applications for bookmarks at the library, signs on trash trucks and banners for Mill Avenue and other locations.

Next window for micropurchase funds opens October 1 for the city or any of our partner organizations to apply. Committee members were encouraged to submit ideas for micropurchasing agreements.

The Committee was asked to list their potential outreach efforts in their areas of interest and bring that to the October 6 meeting.

The City received English and Spanish Census brochures from MAG and City staff will distribute the brochures in various city facilities. The brochures were made available to the Committees members to take back to their organizations.

The City will start releasing Census stories starting in the November issue of Tempe Today which is distributed in the City's water bill.

The Committee identified several target audiences for outreach efforts including:

- Renters
- Non-English speaking
- Students and Parents
- Homeless
- Minorities
- Disabled
- Seniors

Agenda Item 4 – Roles and Responsibilities of Committee Members

Committee members were asked to email Amber Wakeman their area(s) of interest (roles and responsibilities) they could assist the Committee with based upon the tactics included in the Communication and Outreach Plan.

Agenda Item 5 – Schedule next meeting

The next meeting will take place Tuesday, October 6 at 4:00 p.m. at Tempe City Hall. Meetings will be regularly scheduled at two week intervals on Tuesdays, same time and location.

Agenda Item 6 – Adjournment

Beth Fiorenza made a motion for adjournment. Catherine Mayorga seconded the motion. The motion passed unanimously. The meeting adjourned at 5:05 p.m.

Prepared by: Amber Wakeman, Government Relations Director

Minutes 2010 Census Complete Count Committee October 6, 2009

Minutes of the 2010 Census Complete Count Committee held on October 6, 2009, at 4:00 p.m., Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

(MEMBERS) Present: Neal Babcock, Don Cassano – Co-Chair, Dave Crowell, Kate Hanley, Catherine Mayorga, Stephanie Salazar, Edward Smith and Arthur Tate.

(MEMBERS) Absent: Omar Ahmed, Ed Valenzuela – Co-Chair, Beth Fiorenza, Dave Summers and Ed Wycoff.

City Staff Present: Alex Smith, Amber Wakeman, and Shauna Warner

Agenda Item 1 – Welcome

Co-Chair Cassano welcomed the group.

Agenda Item 2 – Approval of the September 22, 2009 Minutes

Edward Smith moved that the September 22, 2009 minutes be approved. Catherine Mayorga seconded the motion. The motion passed unanimously.

Agenda Item 3 – Update on City Communication Activities

Amber Wakeman provided an update to the Committee on the City's Census communication and outreach activities on behalf of Nikki Ripley. Amber stated that one idea the committee could consider is to identify through the MAG color maps a few geographic areas of Tempe that had the lowest response rates last time and contemplate doing a Saturday neighborhood outreach event in some parks of their area of choice. Al Macias from the Census could give more ideas on an event like this. Being realistic about the committee's time, probably no more than 1-2 of these events between January and late March.

Shauna Warner said that she would bring to the next meeting on October 20, neighborhood maps and overlay them with the last census response rate to show the committee what neighborhoods had a low response rate.

Agenda Item 4 – Follow up on Homework Items (Areas of Interest, Outreach Efforts and Micropurchasing Agreements)

Stephanie Salazar mentioned that there will be an ASU off campus housing fair November 4 and 5 from 10:00 a.m. – 3:00 p.m. at Hayden Library Lawn at ASU's Tempe campus and this could be a possible census outreach event. The committee thought this would be a great idea to get the word out about Census at ASU. Committee members could staff a census table and hand out materials and perhaps promotional items.

Dr. Tate asked about getting Census information out to the schools. He would need about 23,000 pieces. Nikki Ripley will follow up with Dr. Tate regarding this request.

Co-Chair Cassano mentioned that the committee needs to do outreach to the Somali Community as well as outreach to churches and mosques. Kate Hanley offered to lead this effort.

Edward Smith said that he would take the lead in census outreach efforts at Arizona Mills Mall.

Catherine Mayorga stated that she would make sure the Chamber website included the City's webpage on the Census. Also Co-Chair Cassano could present census information at the next Chamber Government Relations meeting.

Alex Smith said the committee should consider placing posters in businesses and apartment complexes.

The committee decided that a list of upcoming events should be emailed out so they could divide up volunteer opportunities. Amber Wakeman will email out a list immediately to the committee.

Agenda Item 5 – Next meeting October 20, 2009

The next meeting will take place Tuesday, October 20 at 4:00 p.m. at Tempe City Hall.

Agenda Item 6 – Adjournment

Catherine Mayorga made a motion for adjournment. Neal Babcock seconded the motion. The motion passed unanimously. The meeting adjourned at 4:37 p.m.

Prepared by: Amber Wakeman, Government Relations Director

Minutes
Advocacy and Communication Committee
Subcommittee of Tempe Municipal Arts Commission
Oct. 6, 2009

Minutes of the Advocacy and Communication Committee meeting at Noon. on Oct. 6, 2009, at the Vihel Center, 3340 S. Rural Road, Tempe, Ariz.

(MEMBERS) Present:

Frank Williams, Chair
Barbara Hanigsberg
Shirlee King

(MEMBERS) Absent:

Donna Goyette

Public Present:

Steve Martin, Managing Director, Childsplay

City Staff Present:

Mary Fowler, Management Assistant

Agenda Item – Call to Order

Frank Williams called the meeting to order at Noon.

Agenda Item – Arts & Culture referendum (November 2010)

Steve Martin presented information about the state's Arts and Culture referendum. Steve is dedicated to efforts to pass the referendum and is available to arts organizations as a resource. Steve has prepared a presentation for next week's Tempe Municipal Arts Commission. Mary will investigate the legal aspects of TMAC's involvement with this initiative.

Agenda Item – Previous topic updates

Shirlee announced that TMAC is being offered a free table at the Tempe Town Lake Turns 10 event on Dec. 12 at Tempe Town Lake. TMAC must staff the "booth" and provide a tablecloth and handouts. Mary will ask Cassandra Brown if MADCAP would like to join the TMAC booth.

Agenda Item – Other business

There was no other business.

Agenda Item – Adjourn

Meeting adjourned at 1:12 p.m. by Frank Williams.

Next meeting: 11:30 a.m., Nov. 3, Vihel Center

Prepared by: Mary Fowler

Reviewed by: Adrienne Richwine

Authorized Signature
Position/Title

Minutes Special Events Task Force Meeting October 6, 2009

**Minutes of the Special Events Task Force Meeting held on October 6, 2009
Tempe Public Library, 3500 S. Rural Rd., Board Room, Tempe, AZ 85282**

Meeting convened at 1:01p.m.

Michelle Konnath, Special Event Supervisor, called the meeting to order and gave opening remarks regarding process and procedure. She made a call to the audience asking if anyone not on the agenda wanted to address the committee. There was no response.

City Staff Present: Mike McComb (FD), Buck Rogers (PD), Kay Pence (PD), Allyson Roesch (PD), Fran Santos, (PD), Steve Such (Refuse), Steve Abrahamson (DS), Bob Albin (Parks), Julian Dresang (Trans), Jerry Judkins (Parks), Jared Wilson (Recreation), Chad Holmes (Recreation), Taylor Allen (Recreation), Jonni Wolfe (Recreation), Michelle Konnath (Recreation), Jodie Garth (Recreation).

Guests Present: Pete Colantoni (Monster), Richard Fujimoto (Boy Scouts), Matt Dahlgran (Boy Scouts), Harvey Beller (Running Masters), Sheri Hines (Walk to Save Animals), Michael Melley (Red Rock Co.), Paula Hilby (O'Connor House), Jeff Stotler (Southwest Beerfest), Chad Wilford (Fat Tuesday), Louis Gonzalez (Food City), Amy Hummell (Autism Speaks), Michelle Hargreaves (Childsplay-Bear Stage), Blanca Hidalgo (St. Margarets), Stephen Sparks (TCAA), Andrew Nees (ASU PAB), Jessica Schultz (AZ 3-Day), Lyn Cahill Ramiriez (COT-Pyle), Lisa Smith (ASU Block Party), Jay Johari (Vintage Bar & Grill), Tanya Chavez (Tour de Tempe), James Neal (Mill Ave. Farmers Market), David Rindone (TSCU Auto Event), Jessie Feller (Final Round), Ian Contijoh (Lantern Walk), Julie Kent (MPAK), Frieda Roben (Escalante Halloween), Kristin Olafs (Homecoming ASU), Douglas Johannson (ASU Block Party), Jim Grone (Veterans Day Parade), Pat Faur (AZ Historical Society Museum Open House)

I. Events for Final Review

A. There are no events for final review.

II. Events for Initial Review

A. Fall Art & Craft Boutique, Friday and Saturday, October 23 & 24, 2009 (Pyle Recreation Center, 655 E. Southern Ave.): Jonni Wolfe made a motion to approve this event. It was seconded by Jared Wilson. It was the consensus of the committee to approve the event.

- B. Tour de Tempe, Sunday, October 25, 2009 (Kiwanis Park and city streets): Jared Wilson made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Chad Holmes. It was the consensus of the committee to approve the event with the mentioned stipulation.
- C. Family Halloween Carnival, Friday, October 30, 2009 (Escalante Center, 2150 E. Orange St.): Buck Rogers made a motion to approve this event. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.
- D. Arizona Women's Forum Lunch, Thursday, October 8, 2009 (O'Connor House, 1230 N. College): Jared Wilson made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the mentioned stipulation.
- E. Contractor/City of Tempe Thank You Breakfast, Sunday, October 18, 2009 (O'Connor House, 1230 N. College): Jared Wilson made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the mentioned stipulation.
- F. Mudslng Party/Evening with Justice O'Connor at the O'Connor House, Sunday, October 18, 2009 (O'Connor House, 1230 N. College): Jared Wilson made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the mentioned stipulation.
- G. Donor Appreciation Reception, Tuesday, October 20, 2009 (O'Connor House, 1230 N. College): Jared Wilson made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the mentioned stipulation.
- H. O'Connor House Tour, Wednesday, October 21, 2009 (O'Connor House, 1230 N. College): Jared Wilson made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the mentioned stipulation.
- I. Fall Party, Saturday, October 24, 2009 (Final Round Bar, 5030 S. Mill Ave.): Jared Wilson made a motion to approve this event. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.
- J. Deals on Wheels, Saturday, October 24, 2009 (Tempe Schools Credit Union, 2800 S. Mill Ave.): Jared Wilson made a motion to approve this event. It was seconded by Buck Rogers. It was the consensus of the committee to approve the event.
- K. Soma Triathlon and Expo, Saturday and Sunday, October 24 & 25, 2009 (Tempe Beach Park, Town Lake and city streets): Chad Holmes made a motion to approve this event with the stipulation that all insurance requirements were met and all vendors were properly permitted. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the mentioned stipulations.
- L. Lantern Walk, Friday, October 30, 2009 (A-Mountain): Buck Rogers made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the above mention stipulation.

- M. ASU Homecoming Parade and Block Party, Saturday, October 31, 2009 (University Drive and Tyler Mall): Jared Wilson made a motion to approve this event with the stipulation that an updated site map was received and all vendors were properly permitted with City of Tempe Tax and License Dept. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.
- N. ASU Homecoming Concert, Wednesday, October 28, 2009 (Tempe Beach Park): Jared Wilson made a motion to approve this event with the following stipulations:
- a. The application is resubmitted by an approved signer from ASU.
 - b. The security company used is an approved, State of Arizona licensed company.
 - c. All vendors are properly permitted with City of Tempe Tax and License Dept.
 - d. An off-duty police agreement is submitted to the City of Tempe Police Dept.
- Jonni Wolfe seconded the motion. It was the consensus of the committee (one nay vote by Buck Rogers) to approve the event with the above mentioned stipulations.
- O. Mill Avenue Farmers Market, Sunday, October 25, 2009 (6th Street Park): Julian Dresang make a motion to approve this event with the following stipulations:
- a. An accurate site map is received
 - b. Insurance requirements are met
 - c. All vendors are properly permitted with City of Tempe Tax and License Dept.
 - d. Application and event fees are received.
- Jared Wilson seconded the motion. It was the consensus of the committee to approve the event with the above mentioned stipulations.
- P. Fat Tuesday Halloween '09, Saturday, October 31, 2009 (Fat Tuesday's, 680 S. Mill Ave.): Chad Holmes made a motion to approve this event. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.
- Q. Walk Now for Autism, Sunday, November 1, 2009 (Tempe Beach Park and 5k route): Chad Holmes made a motion to approve this event with the stipulation that the route was finalized and agreed upon by both parties. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.
- R. St. Margaret Fiesta, Sunday, November 1, 2009 (St. Margaret's Church, 2444 E. McArthur Dr.): Buck Rogers made a motion to approve this event. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.
- S. Copa Food City Soccer Tournament, Friday – Sunday, November 6 – 8, 2009 (Tempe Sports Complex): Jared Wilson made a motion to approve this event. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.
- T. Scout-O-Rama, Saturday, November 7, 2009 (Kiwanis Park): Chad Holmes made a motion to approve this event with the following stipulations:
- a. All vendors are properly permitted with City of Tempe Tax and License Dept.
 - b. A location for additional parking for attendees is confirmed.
 - c. Proper tent permits are secured.
 - d. EMT's are contracted for.
- It was seconded by Jared Wilson. It was the consensus of the committee to approve the event with the mentioned stipulations.
- U. A Race for Maggie's Place, Sunday, November 8, 2009 (Tempe Beach Park and walk route): Buck Rogers made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jared Wilson. It was the consensus of the committee to approve the event with the mentioned stipulation.

- V. Greenbuild 5K Race, Thursday, November 12, 2009 (Arts Park): Chad Holmes made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Buck Rogers. It was the consensus of the committee to approve the event with the mentioned stipulation.
- W. Arizona Breast Cancer 3-Day, Friday – Sunday, November 13 – 15, 2009 (Benedict Park and city sidewalks): Jonni Wolfe made a motion to approve this event with the stipulation that all vendors were properly permitted. It was seconded by Chad Holmes. It was the consensus of the committee to approve the event with the mentioned stipulation.
- X. Walk to Save Animals, Saturday, November 14, 2009 (Tempe Beach Park and walk route): Julian Dresang made a motion to approve this event with the stipulation that all insurance requirements were met and vendors are properly permitted. It was seconded by Buck Rogers. It was the consensus of the committee to approve the event with the mentioned stipulations.
- Y. Music (Market) on Mill, Thursdays, October 15, November 19, December 17, 2009 and January 21 and February 18, 2010, (7th Street at Madcap Theatre -730 S. Mill Ave): Chad Holmes made a motion to approve this event with the stipulation that all vendors are properly permitted. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event with the mentioned stipulation.
- Z. Veteran’s Day Parade, Wednesday, November 11, 2009 (Tempe Beach Park and Mill Ave.): Chad Holmes made a motion to approve this event with the stipulation that all insurance requirements were met. It was seconded by Jared Wilson. It was the consensus of the committee to approve the event with the mentioned stipulation.
- AA. House of Tricks, Sunday, November 8, 2009 (House of Tricks-114 E. 7th Street): Jonni Wolfe made a motion to approve this event. It was seconded by Chad Holmes. It was the consensus of the committee to approve the event.
- BB. Halloween at Vintage Bar and Grill, Saturday, October 31, 2009 (Vintage Bar & Grill-414 S. Mill Ave.): Taylor Allen made a motion to approve this event. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the event.

III. Events Pending Approval of Special Event Liquor License

- A. O’Connor House LLC for Mudslang Party, Sunday, October 18, 2009 (Arizona Historical Society Museum, 1300 N. College Ave.): Jared Wilson made a motion to approve this license request with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license with the mentioned stipulation.
- B. O’Connor House LLC for Donor Appreciation Reception, Tuesday, October 20, 2009 (O’Connor House, 1230 N. College Ave): Jared Wilson made a motion to approve this license request with the stipulation that all insurance requirements were met. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license with the mentioned stipulation.
- C. W. Steven Martin Police Toy Drive for Copa Food City Soccer Tournament, Friday – Sunday, November 6-8, 2009 (Tempe Sports Complex): Jared Wilson made a motion to approve this license request. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.

- D. Friends of the Tempe Public Library for House of Tricks, Sunday, November 8, 2009 (House of Tricks-114 E. 7th Street): Jared Wilson made a motion to approve this license request. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.
- E. Historical League, Inc, Wednesday, October 21, 2009 (Arizona Historical Society Museum, 1300 N. College Ave.): Chad Holmes made a motion to approve this license request. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.
- F. Sun Devil Swimming Association, Saturday, October 24, 2009 (Mona Plummer Aquatics Center, 323 E. 6th Street): Chad Holmes made a motion to table this license request. It was seconded by Buck Rogers. It was the consensus of the committee to table the request.
- G. Ira A. Fulton School of Engineering for ASU Homecoming, Saturday, October 31, 2009 (Tyler Mall): Jared Wilson made a motion to approve this license request with the stipulation that an updated site map was received and all vendors were properly permitted with City of Tempe Tax and License Dept. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.
- H. ASU College of Liberal Arts and Sciences for ASU Homecoming, Saturday, October 31, 2009 (Tyler Mall): Application withdrawn.
- I. ASU W.P. Carey School of Business for ASU Homecoming, Saturday, October 31, 2009 (Tyler Mall): Jared Wilson made a motion to approve this license request with the stipulation that an updated site map was received and all vendors were properly permitted with City of Tempe Tax and License Dept. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.
- J. ASU Public Events for ASU Homecoming, Saturday, October 31, 2009 (ASU Main Campus Mall): Jared Wilson made a motion to approve this license request with the stipulation that an updated site map was received and all vendors were properly permitted with City of Tempe Tax and License Dept. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.
- K. Childsplay, Inc. for fundraiser, Friday, November 6, 2009 (Tempe Center for the Arts, 700 W. Rio Salado Pkwy.): Jared Wilson made a motion to approve this license request. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.
- L. Tempe Community Action Agency for Southwest Beerfest, Saturday and Sunday, November 7 & 8, 2009 (Tempe Marketplace District, 2000 E. Rio Salado Pkwy): Buck Rogers made a motion to table this license request until a special event application can be submitted for the event. It was seconded by Chad Holmes. It was the consensus of the committee to table the event for the above mentioned reason.
- M. Downtown Tempe Foundation for City Circles Preview Party, Thursday, October 8, 2009 (Madcap Theatre, 730 S. Mill Ave.): Chad Holmes made a motion to approve this license request. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the license.

IV. Events Pending Approval of Extension of Premises

- A. Final Round for Fall Party, Saturday, October 24, 2009 (5030 S. Mill Ave.): Jared Wilson made a motion to approve this extension of premise. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the extension.
- B. Fat Tuesday for Halloween '09, Saturday, October 31, 2009 (680 S. Mill Ave.): Chad Holmes made a motion to approve this extension request. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the extension.
- C. Vintage Bar & Grill for Halloween, Saturday, October 31, 2009 (414 S. Mill Ave.): Taylor Allen made a motion to approve this extension request. It was seconded by Jonni Wolfe. It was the consensus of the committee to approve the extension.
- D. The Chuckbox, Saturdays, November 7 & 28, 2009 (202 E. University Dr.): Julian Dresang made a motion to approve this extension of premise request. It was seconded by Jared Wilson. It was the consensus of the committee to approve the extension.

V. Events for Post Review-Other

- A. Splash and Dash at Town Lake on Sept 24: No problems reported.
- B. Ballet Under the Stars at Arts Park on Sept 25: No problems reported.
- C. Biketown USA on 1st Ave. on Sept 26: No problems reported.
- D. Nathan's Triathlon on Sept 27: Will need to reconsider some traffic control details next year.
- E. Public Auction of Boats at Marina on Sept 29: No problems reported.
- F. Oktoberfest at Beach Park, Oct 2-4: No problems reported. A very large number of attendees on Saturday.
- G. Sol Devils Tailgate, College and Stadium Dr. on Oct 3: No problems reported.
- H. Sun Devil Charities Tailgate at 6th St. Park on Oct 3: No problems reported.
- I. NAMBA Boat Races at Kiwanis Park on Oct 3-4: No problems reported.

Meeting adjourned at 3:00 p.m.

The Committee's next meeting is October 20, 2009 at 1:00pm.

Prepared by: Jodie Garth

Reviewed by: Michelle Konnath

Michelle Konnath
City of Tempe
Special Event Supervisor



Minutes Committee for Youth, Families and Community September 8, 2009

Minutes of the Committee for Youth, Families and Community Minutes of the Committee for Youth, Families and Community held September 8, 2009 at the Tempe Public Library Connections Program Room, 3500 S. Rural Road, Tempe, Arizona.

MEMBERS Present:

Nejra Sumic, Community Bridges
Nori Cannell (representing Randy Lazar), Tempe Union High School District
Barb Fries, Tempe Elementary School District
Rae Godson, Tempe Resident
Joe Spracale, Tempe Impact Education Foundation
Rebecca Bond, Tempe Connections
Bobbie Cassano, Tempe Community Council
Lynette Stonefeld, Tempe/Kyrene Communities In Schools
Ilene Dode, Tempe Resident/EMPACT-SPC
Tanya Aleman, Chicanos Por La Causa, Inc.
Vic Cordts, Boys & Girls Club of the East Valley
Maria Holmes, Association for Supportive Childcare
Amanda Hamm, Kyrene School District
Celeste Plumlee, Tempe Resident

MEMBERS Absent:

Sandra McNally, EMPACT—SPC
Alan Anderson, Checkmate Chess Instruction/TIE Foundation
Colleen Byron, Arizona State University
Mark Wertsching, Maricopa County Juvenile Court & Probation
Luis Morales, Chicanos Por La Causa, Inc.

City Staff Present:

Kim Bauman, Community Services – Social Services
Tim Cox, Community Services - Social Services
Roni Alexander, Community Services – Social Services
Heather Penner, Police Department
Nancy Rodriguez, Municipal Court
Kathy Berzins, Community Services
Rick Rager, Municipal Court

Guests Present: None

Meeting convened at 4:05 p.m.

Agenda Item 1: Kathy Berzins called the meeting to order. Introductions were made.

Agenda Item 2: Minutes from August 11, 2009 Meeting

The minutes from August 11, 2009 were reviewed.

MOTION: Joe Spracale motioned to approve the minutes.

SECOND: Bobbie Cassano seconded the motion.

COMMITTEE CONSENSUS: Minutes were approved.

Agenda Item 3 – 2010 Arizona Youth Survey

Lynette Stonefeld, Communities in Schools provided information on the Arizona Youth Survey (AYS):

- 1) The survey is conducted by the Arizona Criminal Justice Commission and is administered to 8th, 10th, and 12th grade students. The survey provides information on the prevalence of key health risk behaviors.
- 2) Participating schools receive a summary report that is not available to outside entities except through the schools. The data is compiled at the county level for an overall state report.
- 3) The AYS data provides critical information for needs assessments, prevention planning, grant applications, and outcome evaluations.
- 4) Tempe schools did not have high participation in the 2008 survey. The request was made to school representatives on this committee to work with their schools to increase participation in the 2010 survey.

Agenda Item 4- Recent Tempe Articles on Underage Drinking

Kim Bauman, City of Tempe distributed four articles on underage drinking that appeared in newspapers within one week.

- 1) The articles highlighted underage drinking enforcement and prevention efforts by the Tempe Police Department and Arizona State University, as well as the issue of underage drinking among high school students.
- 2) These articles could reflect a heightened concern in our community about underage drinking and its consequences.
- 3) Discussion occurred among committee members about the articles and the suggestion was made to contact the Warner Wrangler reporter who wrote the article on underage drinking amongst high school students. Lynette Stonefeld notified the committee that she had already contacted him.

Agenda Item 5- Keg Registration Ordinance Update

Heather Penner, City of Tempe, Kim Bauman, City of Tempe and Lynette Stonefeld, Communities in Schools provided the following update:

- 1) Kegs are very common at parties where there is underage drinking. A keg registration ordinance requires a keg have an identification number and that identification number is recorded by the liquor store along with the purchaser's contact information and driver's license. If the keg is confiscated by the police at a party with underage drinking this enables the police to identify the purchaser of the keg and hold them accountable for supplying alcohol to underage persons.

- 2) A conference call on keg registration was facilitated by Pima Prevention Partnership on August 19th and consisted of representatives from communities who are exploring keg registration.
- 3) There was discussion during the conference call as to whether individual cities and towns could implement a keg registration ordinance in Arizona. The Tucson City Attorney's opinion is that a city cannot adopt ordinances or regulations that conflict with the provision of Title 4 and that the licensing and regulation of the liquor trade falls exclusively under the state statutes.
- 4) It was recommended that City's seek their local legal counsel's opinion if they are considering a mandatory, local keg registration ordinance.
- 5) Arizona is one of only 20 states that does not have keg registration ordinance. An effort in 2007 to pass a keg registration law at the state level was not successful.
- 6) There is concern that without a state law, or at a minimum a regional effort, businesses in cities that pass a keg registration ordinance may be adversely impacted as individuals may simply go to nearby cities without an ordinance to purchase the keg(s).
- 7) There is a hope that individual cities will be able to establish a keg registration ordinance and over time the support will grow for a state-wide ordinance similar to what occurred with the tobacco ordinance.
- 8) A voluntary keg registration is being explored by Tucson and so far they have met little resistance from merchants.
- 9) The keg registration subcommittee plans to continue to move forward and explore the feasibility of an ordinance.

Agenda Item 6- Subcommittee Updates

Bobbie Cassano, Tempe Community Council provided the following update:

- 1) There is still a need for participants on the three subcommittees. A sign-up sheet was distributed to members.
- 2) The Marketing Subcommittee met today and is responsible for implementing the youth logo, t-shirt, and video contests. The following was determined:
 - The logo selected in the first contest will become the symbol of the coalition and its efforts to reduce underage drinking and substance abuse in Tempe.
 - The logo contest will be open to youth in grades 6th through 12th who reside in Tempe and/or go to school in Tempe. The deadline to submit logos will be December 1, 2009.
 - The marketing subcommittee will screen all submittals to ensure they meet the contest criteria and the final logo will be selected by youth judges.

Agenda Item 7 – Committee Chair & Vice Chair

Lynette Stonefeld, Communities in Schools provided the following update:

- 1) Descriptions of the Chair and Vice Chair positions have been distributed to members. Responsibilities include convening meetings and acting as a spokesperson for the committee.
- 2) We have received interest from one community member and are looking for one more member before finalizing the Chair and Vice Chair positions.

Agenda Item 8 – Communities for Kids Update

Lynette Stonefeld, Communities in Schools announced the “Don’t Wait to Educate” series will be held at Nevitt, Aguilar, and Wood Elementary Schools and at Compadre High School. These free classes for parents of children age zero to five are provided in English and Spanish. Free child care is provided and attendees receive a certificate from Mayor Hallman upon completion of the series.

Agenda Item 9 – Teen Resource Center

Lynette Stonefeld, Communities in Schools provided the following update:

- 1) The Teen Resource Center has experienced phenomenal community support and is the first school based resource center specifically for teens.
- 2) The Center is staffed by volunteers and is currently open on the Evans/Compadre campus Tuesdays and Thursdays 1 p.m. to 4 p.m.
- 3) The Center is for middle and high school students. Students are only asked to submit their first name and the school they attend. They may enter the center through an outside door rather than go through the school administration offices.
- 4) The Center receives weekly Buffalo Exchange donations and also donations from school and community organization drives.

Agenda Item 10 – Other Grant and Program Updates

- 1) **Lynette Stonefeld, Communities in Schools** announced that through the City’s Magellan grant each high school in Tempe will be the recipient of the NPLB University Workshop “What Do You Really Know About Teens and Alcohol?” The workshop is for parents, and other adults. Teens may also attend.

Agenda Item 11 – Announcements

- 1) **Vic Cordts, Boys and Girls Clubs of the East Valley** announced the City’s Peer Leaders funded under the Magellan Prevention Grant are partnering with the Tempe Boys & Girls Club this Saturday on its Day For Kids. The event will be held between 10 a.m. and 2 p.m. and celebrates family time.

Agenda Item 12– Future Agenda Items

- Committee Chair & Vice Chair
- Please contact Kim Bauman for future agenda items.

The committee’s next meeting will be on **October 13, 2009 at 4:00 p.m.**

Meeting adjourned at 5:00 p.m.

Prepared by: Kim Bauman

Staff Summary Report



Council Meeting Date: 10/22/09 **Agenda Item Number:** _____

SUBJECT: This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for 7-Eleven #25078C, 1405 North Scottsdale Rd.

DOCUMENT NAME: 20091022LIQ02 LIQ LIC (0210-02)

COMMENTS: Vaneet Sapra is the Agent for this application.

PREPARED BY: Ana Perez, Financial Services Technician II (x8651)

REVIEWED BY: Jerry Hart, Financial Services Manager (x8505)
Bruce L. Smith, License & Collection Supervisor (x8509)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends that Council approve this application because the applicant and location have met all city and county liquor licensing criteria.

ADDITIONAL INFO: Tempe city code requires that the Tempe Police Department conduct a background investigation on all liquor license applicants. Additionally, the city code requires that business locations be inspected by Fire Prevention, Building Safety and the County Health Department to ensure the establishment meets minimum city and county code licensing criteria. The Development Services Department has determined that a use permit is not required at this time. The premise has been posted for a 20-day period, per Arizona Revised Statute. No public opposition has been received regarding this liquor license application.

State statute requires municipalities to make one of three recommendations to the Arizona Department of Liquor Licenses and Control (AZ DOL):

1. Approval
2. Denial (this results in a public hearing set by the AZ DOL)
3. No recommendation (this may result in a public hearing set by the AZ DOL)

Staff Summary Report



Council Meeting Date: 10/22/09

Agenda Item Number: _____

SUBJECT: This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Moirbia LLC., dba Robbie Fox's, 640 S. Mill Avenue #B2-105.

DOCUMENT NAME: 20091022LIQ01 **LIQ LIC (0210-02)**

SUPPORTING DOCS: NO

COMMENTS: Dominic Joseph Jones is the Agent for this application.

PREPARED BY: Ana Perez, Financial Services Technician II (x8651)

REVIEWED BY: Jerry Hart, Financial Services Manager (x8505)
Bruce L. Smith, License & Collection Supervisor (x8509)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends that Council approve this application because the applicant and location have met all city and county liquor licensing criteria.

ADDITIONAL INFO: Tempe city code requires that the Tempe Police Department conduct a background investigation on all liquor license applicants. Additionally, the city code requires that business locations be inspected by Fire Prevention, Building Safety and the County Health Department to ensure the establishment meets minimum city and county code licensing criteria. The Development Services Department has determined that a use permit is not required at this time. The premise has been posted for a 20-day period, per Arizona Revised Statute. No public opposition has been received regarding this liquor license application.

State statute requires municipalities to make one of three recommendations to the Arizona Department of Liquor Licenses and Control (AZ DOL):

1. Approval
2. Denial (this results in a public hearing set by the AZ DOL)
3. No recommendation (this may result in a public hearing set by the AZ DOL)

Staff Summary Report



Council Meeting Date: 10/22/09

Agenda Item Number: _____

SUBJECT: This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Carniceria El Portal LLC dba Carniceria El Portal, 1533 East Apache Boulevard.

DOCUMENT NAME: 20091008LIQ03 LIQ LIC (0210-02)

COMMENTS: Mayra Pavon De Ruiz is the Agent for this application.

PREPARED BY: Ana Perez, Financial Services Technician II (x8651)

REVIEWED BY: Jerry Hart, Financial Services Manager (x8505)
Bruce L. Smith, License & Collection Supervisor (x8509)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends that Council approve this application because the applicant and location have met all city and county liquor licensing criteria.

ADDITIONAL INFO: Tempe city code requires that the Tempe Police Department conduct a background investigation on all liquor license applicants. Additionally, the city code requires that business locations be inspected by Fire Prevention, Building Safety and the County Health Department to ensure the establishment meets minimum city and county code licensing criteria. The Development Services Department has determined that a use permit is not required at this time. The premise has been posted for a 20-day period, per Arizona Revised Statute. A protest letter has been received and is attached.

State statute requires municipalities to make one of three recommendations to the Arizona Department of Liquor Licenses and Control (AZ DOL):

1. Approval
2. Denial (this results in a public hearing set by the AZ DOL)
3. No recommendation (this may result in a public hearing set by the AZ DOL)

8/15/09

Dear Mayor Hallman & Members
of the City Council:

RECEIVED

AUG 18 2009

CITY OF TEMPE

Carniceria el Portal
1533 E. Apache Blvd
Tempe, AZ 85281

The store listed above is applying for a liquor license
(they already sell beer) & we are totally opposed to it
& here's why:

There is already the "Liquor Express" store (1605 E. Apache Blvd)
just 10-15 ft East of there which already sells hard
liquor (& beer); plus another place East of there
(1639 E. Apache Blvd) is also applying for a liquor license!
This is, by far, way too many alcohol establishments
in such a small, concentrated area, which means
there will be much more intoxicated people hanging
out on both the SE & SW corners of Apache Blvd / Elm St.,
bothering & uttering crude & nasty remarks to
passersby. (it has already happened in the past &
gets worse when the weather cools down.) Another
concern is that the more places that sell alcohol,
the greater the chances of DUI's & fatal accidents.
We are, therefore, requesting that the license be
denied. Thank you.

yours sincerely,
L & P Morgan
Tempe, AZ

Staff Summary Report



Council Meeting Date: 10/22/2009

Agenda Item Number: _____

SUBJECT: Request approval of job order no. 3 with Hunter Contracting Co. for expansion of the chlorine generation system at the South Tempe Water Treatment Plant. This is a bond-funded project on the approved CIP project list.

DOCUMENT NAME: 20091022PWDR01 SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 3209351

COMMENTS: Total amount of job order no. 3 is \$474,117.61 and the amount of the project contingency is \$25,000.

PREPARED BY: Donna Rygiel, Engineering Contracts Administrator (x8520)

REVIEWED BY: Don Hawkes, Water Utilities Manager (x2660)
Andy Goh, Deputy PW Manager/City Engineer (x8896)

LEGAL REVIEW BY: Judi Morgan, Assistant City Attorney (x8227)

DEPARTMENT REVIEW BY: Glenn Kephart, Public Works Manager (x8205)

FISCAL NOTE: Sufficient funds are available in Project No. 3209351 in the Water Utilities Department Capital Improvement Fund.

RECOMMENDATION: Award job order no. 3 and approve a project contingency.

ADDITIONAL INFO: The South Tempe Water Treatment Plant uses an on-site system to generate chlorine for disinfection. The addition of two new chlorine generating cells to the existing system will reduce system run time during high demand production periods. This will reduce electrical costs during high peak times of the day. The new brine tank will provide redundancy to the single existing brine tank increasing the reliability of the system. The scope of work for this job order includes installation of two new chlorine generating cells and one new 60-ton brine tank.

The project contingency has been established at \$25,000, which is approximately five percent (5%) of the job order amount, to cover possible unforeseen conditions during construction.

Staff has reviewed the proposal from Hunter Contracting Co. and found it to be in order. Hunter is one of three contractors previously selected through a qualifications based process consistent with A.R.S. § 34-601 through 611, for job order horizontal construction, and water and wastewater treatment plant improvement services.

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

JOB ORDER NO. 3 TO HUNTER CONTRACTING CO.
THROUGH EXISTING CONTRACT NO. C2008-251

**SOUTH TEMPE WATER TREATMENT PLANT
CHLORINE GENERATION SYSTEM EXPANSION**

PROJECT NO. 3209351

This **JOB ORDER NO. 3** is entered into on this 22nd day of October, 2009, by and between the **City of Tempe**, an Arizona municipal corporation (“City”) and **Hunter Contracting Co.**, an Arizona corporation (“JOC”), through the existing Contract made and entered into by and between the parties on December 11, 2008, (Contract No. C2008-251).

SECTION 1 – JOB ORDER PRICE AND WORK LOCATION: JOC shall furnish any and all plant, materials, labor, construction equipment, services and transportation (all applicable taxes included) required for performing all work for the construction of South Tempe Water Treatment Plant Chlorine Generation System Expansion, (Project No. 3209351) (“Project”) for the sum of Four Hundred Seventy Four Thousand One Hundred Seventeen and 61/100 Dollars (\$474,117.61), as detailed in the Proposal (Exhibit “A”) attached hereto and incorporated herein by this reference, and to completely and totally construct the same and install the materials therein for the Project, in a good and workmanlike and substantial manner and to the satisfaction of City or its properly authorized agents and strictly pursuant to and in conformity with the Specifications and Plans for the Project and other documents that may be requested by City through its Engineer or other properly authorized agents, as provided herein. The full street or physical address of the construction work location (“Work Location”) is 6600 South Price Road, Tempe, Arizona. JOC shall list the Work Location in any subcontract related to this job order at any level and each subcontractor shall likewise include the Work Location in any of its subcontracts.

SECTION 2 – REQUIRED SUBMITTALS: JOC shall submit the completed forms

referenced in the Forms Appendix (Exhibit "B") attached hereto to City for approval prior to receipt of a Notice to Proceed issued by City for the Project.

SECTION 3 – AMENDMENT: City of Tempe Contract No. C2008-251, as amended on May 28, 2009, the terms and conditions contained therein, and all exhibits attached to the Contract and to this Job Order No. 3, are by reference incorporated into this Job Order No. 3. All provisions of the underlying Contract where not inconsistent with this Job Order No. 3 shall remain binding on the parties.

SECTION 4 – CONTRACT TERM: Work shall start as soon as practicable, and in no case later than seven (7) calendar days after the Notice to Proceed is issued by City, and shall be completed within three hundred sixty five (365) calendar days thereafter.

[SIGNATURE PAGE TO FOLLOW]

South Tempe Water Treatment Plant Chlorine Generation System Expansion
Project No. 3209351

DATED this _____ day of _____, 2009.

CITY OF TEMPE, ARIZONA

By: _____
Mayor

By: _____
Public Works Manager

ATTEST:

Recommended by:

City Clerk

Deputy PW Manager/City Engineer

APPROVED AS TO FORM:

City Attorney

JOC warrants that the person who is signing this Job Order on behalf of the JOC is authorized to do so and to execute all other documents necessary to carry out the terms of this Job Order.

HUNTER CONTRACTING CO.

By: _____
Name

Its: _____
Title

Federal I.D. No./Social Security No.

Certified to be a true and exact copy.

Karen M. Fillmore
Records Specialist

EXHIBIT B

FORMS APPENDIX

The following forms shall be completed and submitted with each Job Order.

LIST OF SUBCONTRACTORS SB-1

STATUTORY PERFORMANCE BOND PB-1

STATUTORY PAYMENT BOND PB-3

STATUTORY PERFORMANCE BOND
PURSUANT TO TITLE 34,
CHAPTER 6, OF THE ARIZONA REVISED STATUTES
(Penalty of this bond must be 100% of the Contract amount)

KNOW ALL MEN BY THESE PRESENTS:

That _____ (“Principal”) and _____,
a corporation organized and existing under the laws of the State of _____, with
its principal office in the City of _____ (“Surety”), are held and firmly bound
unto _____ (“Obligee”) in the amount of _____ Dollars
(\$_____), for the payment whereof, the said Principal and Surety bind themselves,
and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by
these presents.

WHEREAS, the Principal has entered into a certain written Contract with the
Obligee, dated the 22nd day of October, 2009, to complete Project No. 3209351, which Contract
is hereby referred to and made a part hereof as fully and to the same extent as if copied at length
herein.

NOW, THEREFORE, the condition of this obligation is such, that if the said
Principal shall faithfully perform and fulfill all the undertakings, covenants, terms, conditions
and agreements of said Contract during the original term of said Contract and any extension
thereof, with or without notice to the Surety, and during the life of any guaranty required under
the Contract, and shall also perform and fulfill all the undertakings, covenants, terms, conditions,
and agreements of any and all duly authorized modifications of said Contract that may hereafter
be made, notice of which modifications to the Surety being hereby waived; then the above
obligation shall be void, otherwise to remain in full force and effect.

Provided, however, that this bond is executed pursuant to the provisions of Title 34, Chapter 6, of the Arizona Revised Statutes, and all liabilities on this bond shall be determined in accordance with the provisions of said Title and Chapter, to the extent as if it were copied at length herein.

The prevailing party in a suit on this bond shall recover as part of the judgment reasonable attorney fees that may be fixed by the Court. The performance under this bond is limited to the construction to be performed under this Contract and does not include any design services, preconstruction services, finance services, maintenance services, operations services or any other related services included in the Contract.

DATED this ____ day of _____, 2009.

PRINCIPAL SEAL

BY: _____

**

SURETY SEAL

BY: _____

AGENCY ADDRESS

** Surety hereby acknowledges they are licensed to do business in the State of Arizona **

STATUTORY PAYMENT BOND
PURSUANT TO TITLE 34,
CHAPTER 6, OF THE ARIZONA REVISED STATUTES
(Penalty of this bond must be 100% of the Contract amount)

KNOW ALL MEN BY THESE PRESENTS:

That _____ (“Principal”) and _____,
a corporation organized and existing under the laws of the State of _____,
with its principal office in the City of _____ (“Surety”), as held and firmly
bound unto _____ (“Obligee”) in the amount of _____
Dollars (\$_____), for the payment whereof, the said Principal and Surety bind
themselves, and their heirs, administrators, executors, successors and assigns, jointly and
severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written Contract with the
Obligee, dated the 22nd day of October, 2009, to complete Project No. 3209351, which Contract
is hereby referred to and made a part hereof as fully and to the same extent as if copied at length
herein.

NOW, THEREFORE, the condition of this obligation is such, that if the said
Principal shall promptly pay all monies due to all persons supplying labor or materials to the
Principal or the Principal’s Subcontractors in the prosecution of the construction provided for the
Contract, then this obligation shall be void, otherwise to remain in full force and effect;

Provided, however, that this bond is executed pursuant to Title 34, Chapter 6,
Arizona Revised Statutes, and all liabilities on this bond shall be determined in accordance with
the provisions, conditions and limitations of said Title and Chapter to the same extent as if it
were copied at length in this Contract.

The prevailing party in a suit on this bond shall recover as a part of the judgment
reasonable attorney fees that may be fixed by the Court.

DATED this _____ day of _____, 2009.

PRINCIPAL SEAL

BY: _____

**

SURETY SEAL

BY: _____

AGENCY ADDRESS

** Surety hereby acknowledges they are licensed to do business in the State of Arizona **

**CITY OF TEMPE
TEMPE, ARIZONA
DEPARTMENT OF PUBLIC WORKS**

**JOC CONTRACTOR'S AFFIDAVIT
REGARDING
SETTLEMENT OF CLAIMS**

_____, Arizona

Date _____

**SOUTH TEMPE WATER TREATMENT PLANT CHLORINE GENERATION SYSTEM EXPANSION
PROJECT NO. 3209351**

To the City of Tempe, Arizona

This is to certify that all lawful claims for materials, rental of equipment and labor used in connection with the construction of the above Project, whether by subcontractor or claimant in person, have been duly discharged or will be discharged after receipt of the final payment from the City of Tempe for the above Project.

The undersigned, for the consideration of \$ _____, as set out in the final pay estimate, as full and complete payment under the terms of the Contract, hereby waives and relinquishes any and all further claims or right of lien under, in connection with, or as a result of the above described project against the City of Tempe. The undersigned further agrees to defend, indemnify and save harmless the City of Tempe against any and all liens, claims of liens, suits, actions, damages, charges and expenses whatsoever, which said City may suffer arising out of the failure of the undersigned to pay for all labor performances, materials, and/or equipment furnished for the performance of said installation.

Signed and dated at _____ this _____ day of _____, 2009.

Job Order Contractor

By: _____

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was subscribed and sworn to before me this ____ day of _____, 2009.

Notary Public

[Notary Seal]

EXHIBIT A



Hunter Contracting Co. A CORPORATION

September 10, 2009

Phil Brown
Public Works Engineering Division
31 E. Fifth Street
Tempe, AZ 85281

Subject: Guaranteed Maximum Price (GMP) – South Tempe WTP Chlorine Generation
JOC Services - Miscellaneous Horizontal Construction and Minor Water & Wastewater Treatment Plant Improvements

Dear Mr. Brown:

On behalf of Hunter Contracting Co. I would like to say "Thank you" again for the opportunity to work with the City of Tempe. This submittal is part of the Miscellaneous Horizontal Construction and Minor Water & Wastewater Treatment Plant Improvements Job Order Contract.

The accompanying information presents the GMP for the improvements to the Chlorine Generation System at the South Tempe Water Treatment Plant. This GMP is based on all available information, including the 100% Plans.

Included for your review are breakouts of Equipment, Material, Labor, and Subcontractor costs. There is also an accompanying Statement of Assumptions and Clarifications for your consideration.

Once more, thank you for time and consideration. I will be available at your convenience to discuss the details of this GMP, and to address additional questions that you may have.

Sincerely,

Keli Dobberstein
Pre-construction Manager
Hunter Contracting Co.

CITY OF TEMPE
 SOUTH TEMPE WTP
 SODIUM HYPOCHLORITE CELLS AND BRINE TANK INSTALLATION
 Project No. 3209341

GMP

DESCRIPTION	AMOUNT
PRICE OF SUBCONTRACTORS	\$54,708.50
PRICE OF SUB CONSULTANTS	\$14,865.00
GENERAL CONDITIONS	\$16,265.04
PRECONSTRUCTION COSTS	\$3,400.56
CONSTRUCTION COSTS	\$318,945.84
SUBTOTAL	\$408,184.94
OVERHEAD AND PROFIT	1.079
TOTAL	\$440,431.55
INSURANCE (0.90%)	\$4,267.06
BONDS (0.58%)	\$2,749.88
SALES TAX (5.625%)	\$26,669.12
COMBINED TOTAL	\$474,117.61
JOCS ALLOWANCE	\$ 3,000.00

RM

*This price includes markup

Electric Subcontractor is K+F Electric
 Wilson Engineers is the Sub-Consultant

RM

Cost Breakdown Structure (CBS) Register

HUNTER CONTRACTING COMPANY

09-I-023-A--Industrial Start-up File for Hard Bidding Rev 1

CBS Position Code	Description	Forecast (T/O) Qua.	Unit of Measu.	Unit Cost	Total Cost (Forecast)
JOB	JOB				
	PRIME BOND	1.00	Lump..		\$0.00
	PRICE % ADD-ON	1.00	Lump..		\$0.00
	JOB FINANCING	1.00	Lump..		\$0.00
	INDIRECT COST ESCALATION	1.00	Lump..		\$0.00
	DIRECT COST ESCALATION	1.00	Lump..		\$0.00
	INDIRECT COST ADD-ON	1.00	Lump..		\$0.00
	JOB MANAGEMENT & EQUIPMENT	1.00	Lump..	\$0.00	\$0.00
	GENERAL EXPENSE	1.00	Lump..	\$0.00	\$0.00
	DIRECT COST ADD-ON	1.00	Lump..		\$0.00
1	SUBCONTRACTORS	1.00	LS	\$54,708.50	\$54,708.50
1.1	electrical subcontractor	1.00	LS	\$54,708.50	\$54,708.50
2	SUBCONSULTANTS	1.00	LS	\$14,865.00	\$14,865.00
2.1	engineering design phase	1.00	LS	\$9,735.00	\$9,735.00
2.2	engineering construction phase	1.00	LS	\$5,130.00	\$5,130.00
3	GENERAL CONDITIONS	1.00	LS	\$16,265.04	\$16,265.04
3.1	supervision	1.00	LS	\$5,971.20	\$5,971.20
3.2	project engineer	3.00	WK	\$2,378.40	\$7,135.20
3.3	sanitary facilities	1.00	LS	\$125.00	\$125.00
3.4	dumpster	1.00	LS	\$275.00	\$275.00
3.5	mob	1.00	LS	\$1,727.36	\$1,727.36
3.6	safety	1.00	LS	\$781.28	\$781.28
3.7	material testing	1.00	LS	\$250.00	\$250.00
4	PRECONSTRUCTION	1.00	LS	\$3,400.56	\$3,400.56
4.1	hunter preconstruction	1.00	LS	\$3,400.56	\$3,400.56
5	CONSTRUCTION COSTS	1.00	LS	\$318,945.84	\$318,945.84
5.1	excavate and backfill electrical trenches	25.00	LF	\$100.52	\$2,512.96
5.2	concrete	35.00	CY	\$1,190.89	\$41,681.08
5.2.1	tank slab	41.00	CY	\$984.24	\$40,354.00
5.2.2	bollards	3.00	EA	\$200.08	\$600.23
5.2.3	light pole bases	2.00	EA	\$363.42	\$726.84
5.3	mechanical	1.00	LS	\$34,962.60	\$34,962.60
5.3.1	install 60 ton storage tank & accessories	1.00	EA	\$6,143.00	\$6,143.00
5.3.2	install process piping and equipment	1.00	LS	\$28,819.60	\$28,819.60
5.4	equipment purchase	1.00	LS	\$236,500.00	\$236,500.00
5.4.1	purchase severn trent equipment package	1.00	LS	\$236,500.00	\$236,500.00
5.5	system startup	1.00	WK	\$3,289.20	\$3,289.20
					\$408,184.94



ClorTec®

Severn Trent Water Purification, Inc.
2660 Columbia St.
Torrance, CA 90503
Telephone: 310-618-9700

System Upgrade Proposal

Date: September 10, 2009
Customer Name: Hunter Contracting Co.
Project Name: South Tempe Water Treatment Plant
Project Location: Tempe, AZ
RFQ Reference: --
Proposal No: B5-2279-2

Attn: K. Dobberstein

On behalf of Severn Trent Water Purification Inc. we are pleased to present our proposal for the South Tempe Water Treatment Plant upgrade project. Severn Trent Water Purification, Inc. – ClorTec® technology has been effectively implemented worldwide and we are excited for the opportunity to quote on your requirements for this upgrade project.

We have enclosed a detailed proposal for your review and evaluation that has been prepared per your bid request. Please feel free to contact our local regional sales manager, service manager or myself should you have any questions.

Best Regards,

Joseph Ho
Sales Engineer
Tel: (310) 531-7269
Fax (310) 618-1384
jho@severntrentservices.com

cc: Bill Kelly
Western Regional Sales Manager
Cell (408) 309-1549
bkelly@severntrentservices.com

cc: Dennis Gamache
Western Environmental Equipment Co.
Cell (602) 799-9357
Office (480) 607-2884
dgamache@weeci.com

AMB

Scope of Supply

Severn Trent is proposing to upgrade the existing on-site sodium hypochlorite generation equipment at South Tempe Water Treatment Plant to convert the existing **Two 2250 ppd on-site Hypochlorite generation equipment** to **Two CTD-3000**, making the system capable of producing 3000 lbs per day of chlorine equivalent, with 100% redundancy. The scope of supply consists of:

Items Provided as Loose Assemblies:

Two each	750 PPD [340.2 kg/day] DSA titanium electrodes with temp/level controls, DC Copper connection points and safety covers, assembled in a clear acrylic housing, and supplied with cell straps.
----------	--

Items Provided As Loose Items:

One lot	Modification kits to all four existing generator racks (two sets of CT-750, and two sets of CT-1500) to incorporate the additional safety feature, including ball valves with built-in limit switch, rupture disk, ISRB, and the associated fittings.
One lot	Modification kits to the existing two CT-750 generator racks for matching the production capacity expansion, including the water flowmeters and fittings.
Two sets	New rectifier cable and lugs.
One each	60 ton [54430 kg] FRP bulk brine maker/ storage tank with stainless steel salt pneumatic salt fill line, dust-bag, ladder and safety cage, level control, Smart Bob level sensor with FRP protective sun shield over the salt level measuring device at the top of the tank, manway, quartz rocks, fittings, and drain. (12'-0"Dia x 15'-0"H) [3.66 Dia x 4.57m H].
One each	Signal splitter box in NEMA 4X enclosure (to split the signals of the additional brine tank to the two existing generator control panels).
One each	Maintenance Kit

Spare Parts:

One lot	Spare fuses for control panel.
One each	Spare rupture disk
One each	Spare level and temperature switch assembly for the electrolytic cell.

Optional:

One Lot	Qty 8 - FRP support assemblies for customer supplied protective bird netting (supplied loose and mounted at the top of the brine tank)
---------	--

PVB

Technical Services

Engineering & Documentation

- Two (2) hard copy and one (1) electronic set of Shop Drawing & Product Data submittals.

Field Service

- Two (2) days pre-installation consulting service.
- Two (2) days to inspect the installation (installation to be done by others)..
- Five (5) eight-hour man-days to perform the programming update to the existing control panels and HMI screens, start up and training.
- The above services must be provided by a STWP, ClorTec® factory trained technician or a factory authorized third party. Failure to comply will void the warranty. A list of such authorized third parties is available upon request.
- The above services is based on two (2) trips, should additional trips be required due to circumstances out of ClorTec® control, such as uninstalled equipment, lack of power, lack of water etc., a cost adder will apply.

Installation Services

- This proposal is for the supply of the above assemblies and loose items and field services only and does not include installation of the supplied items .

Price

Item No.	Qty.	Description	Total Price US\$
1	One Each	Assemblies and loose items for upgrading the existing system for production expansion and brine storage expansion, with scope of supply as listed in the above scope section.	Included
2	One Lot	Engineering & Documentation	Included
3	One Lot	Field services, with scope of services listed in the above technical service section.	Included
4	One Lot	Freight: F.O.B Factory, freight paid by Severn Trent (exclusive of taxes)	Included
Total:			\$ 236,500.00
Optional Pricing			
A	One Each	Extended warranty for three additional years beyond the normal warranty period as per the warranty rider set on page 7 of this proposal	\$ 15,200.00
B	One Lot	Qty 8 - FRP net support assemblies (for customer supplied protective bird netting)	\$ 3,000.00

PUB

Technical Clarifications

1. Inlet water and salt must meet the requirements stated in the standard operating conditions listed below for proper electrode operation and efficiency.
2. Customer to provide water service size, temperature, water quality, and pressure information.
3. The two existing 15 ton water chillers are based on maximum inlet water temperature is 90°F. If the inlet water temperature is higher than 90°F, these two water chillers must be upsized.
4. Customer to provide seismic zone / requirements for tanks and mounting.
5. Customer to provide accurate building dimensions.
6. Customer to provide the design details of the protective bird netting. The optional FRP support assemblies are not designed to guarantee the mounting of the netting system at the top of the brine tank as STWP have not reviewed the design of the netting system.
7. Complete assemblies are defined as "factory pre-assembled." Otherwise, all system components reflected in the above scope will be supplied as loose items and will be assembled and **INSTALLED** in the field by the party performing the installation in accordance with ClorTec® recommendations. This includes all stands, backboards, skids, enclosures, panels, etc. and any associated devices or equipment.
8. Please refer to the P&ID submitted with this proposal to verify the scope of supply on this proposal.

Exclusions

1. Sales and all other taxes.
2. Permits, Licenses and fees.
3. Any installation service of the provided assemblies and loose items shown in the above scope of supplies into the existing equipment.
4. Civil, Structural, Architectural and Design work of any kind.
5. Setting and mounting of the provided equipment for the provided equipment.
6. Plumbing of hydrogen dilution venting.
7. Plumbing of the interconnecting piping, pipe supports, valves and fittings between the provided equipment
8. Electrical power to provided equipment or any other equipment
9. Conduits and wiring between provided equipment.
10. Underground electrical conduits & piping to any equipment.
11. Disconnects to any equipment.
12. All testing and system verifications other than STWP ClorTec standards.
13. Painting or special finishes other than manufacturers standard.
14. Any consumables or chemicals required for start-up and operation.
15. Roof penetrations.
16. Wall corings.
17. All items **not** specifically listed in the Scope of Supply above.

Commercial Conditions

1. Payment terms: Net 30 days.
2. This proposal shall remain valid for thirty days, after which it may be subject to price changes, unless extended in writing by STWP.
3. Delivery: F.O.B Factory, freight paid by Severn Trent (exclusive of taxes).
4. Delay of equipment delivery imposed by Owner or Contractor beyond the mutually agreed written delivery date per the STWP acknowledgement letter of receipt of Purchase Order will constitute acceptance of title by Owner/Contractor and payment for equipment invoiced in accordance with the terms of payment of this Proposal. NOTE: STWP will store equipment at our risk for ninety (90) days. Cost of storage for an extended period will be negotiated at that time.
5. Above field services for the described equipment shall be performed within three weeks of shipping. Delay of these services beyond three weeks of the shipping date will be subject to increased costs in accordance with current published inflation rates as well as for remobilization costs.
6. The STWP proposal B5-2279-2 must be incorporated as a part of any agreement if awarded this project. In case of conflict between the proposal and the specifications and terms and conditions the STWP proposal shall take precedence unless otherwise negotiated.
7. Scheduled delivery of equipment: 8 weeks ARO.
8. A standard Severn Trent liability and workers compensation insurance policy is in effect for this project. No other coverage will be allowed for without additional compensation for the cost of policy riders, adders, etc. and the approval of Severn Trent management.

PUB

Warranty Rider

Severn Trent Water Purification, Inc., a Severn Trent Services Inc. company (henceforth referred to as STWP) provides this Warranty Rider in conjunction with STWP's Standard Terms & Conditions of Sale. This Warranty Rider supplements and modifies the duration of the warranty period as set forth in Article 7 of the STWP's Standard Terms & Conditions of Sale. The following warranty periods shall apply specifically and only to the provided equipment. STWP warrants the provided equipment against defects in materials and workmanship for the time period listed below under normal use and service of which its products were designed as defined by the ClorTec Standard Operating Conditions delineated hereinbefore. At its option, STWP will repair, provide replacement or refurbish components.

Domestic Installations (within ClorTec's U.S.A & Canadian Service Network)

Equipment Warranty

The provided items are warranted for a period of 24 months after the date of acceptance. This warranty covers the items provided with this proposal only, and under normal use and service only (as defined by the ClorTec Standard Operating Conditions delineated hereinbefore).

This Warranty Rider additionally supplements and modifies as to clarify exclusions to Article 7 of the STWP's Standard Terms & Conditions of Sale.

Exclusions

This warranty does not cover:

- Consumable maintenance items including pH, chlorine & chemical probes, reagents or buffers, hydrogen sensor modules, and filter cartridges.
- "Acts of God" or unavoidable natural disasters including but not limited to floods, storms, lightning, etc.
- Theft, vandalism, or other damaging acts.
- Intentional or accidental abuse, misuse, or neglect.
- Failures or repairs resulting from the negligence to perform preventative maintenance.
- Damages or defects in the product which were caused by initial start-up, repairs or attempted repairs performed by anyone other than an STWP authorized service provider.
- Normal wear and tear.
- Customer in default of any payment obligations to STWP.
- Abuse by abnormal system conditions including but not limited to temperature, chemical, or debris.
- Goods that have been improperly stored by owner or its representatives prior to installation and start-up.
- Equipment/programming which has been revised or altered by others.
- Labor for removal and reinstallation of warranty parts.

Standard Terms and Conditions of Sale

1. APPLICABLE TERMS

The sale of goods and related services (if any) hereunder (collectively, the "Product(s)") is limited to and made expressly conditional on Buyer's acceptance of these terms and conditions of sale, which shall control over any inconsistent or additional terms or conditions proposed or issued by Buyer or Seller. Seller expressly objects to any additional or different terms contained in any order, acknowledgement, proposal or other communication, written or otherwise. Buyer's acceptance of delivery or the full or partial payment of the purchase price hereunder, shall constitute Buyer's acceptance of all the terms and conditions stated herein, notwithstanding any other inconsistent terms and conditions, prior dealings or usage of trade.

2. PRICES AND PAYMENT TERMS

All prices and payments shall be in U.S. currency. Buyer shall pay the full purchase price as set forth on the face of this document or that certain document to which these terms are attached ("Seller's Documentation"). Invoices for the sale of the Products will be issued upon shipment, or where the purchase price is to be paid in progress payments, invoices will be issued pursuant to the payment schedule set forth in Seller's Documentation. Payment terms are Net Thirty (30) Days from date of invoice. No discounts shall apply unless otherwise agreed in writing. Payment of retention, if any, shall be made no later than 30 days from Product Acceptance pursuant to the terms hereof. Any payments delayed beyond thirty (30) days from the specified due date shall be assessed interest on the unpaid balance at the rate of the lower of one and one-half (1-1/2%) percent per month or the maximum rate permitted by applicable law. Seller reserves the right, among other remedies, to suspend further deliveries in the event Buyer fails to pay for any one shipment when payment becomes due. All orders are subject to credit approval. Should Buyer's financial condition become unsatisfactory to Seller, Seller shall have the right, at its option, to payment in advance, to cash payment upon delivery or to satisfactory security. Unless specifically noted otherwise in Seller's Documentation, prices are exclusive of any and all sales, use, excise, add valorem, property or other taxes due or applicable to this transaction. Buyer shall pay directly or reimburse Seller immediately upon demand for any and all such taxes.

Buyer hereby irrevocably grants Seller a security interest in the Products until such time as Buyer makes full payment of the purchase price. Buyer agrees, if requested, to execute a financing statement as may be necessary to perfect and maintain such security interest including the execution and delivery to Seller of a UCC-1 financing statement.

3. DELIVERY AND RISK OF LOSS

DELIVERY DATES: Delivery dates set forth in Seller's Documentation are approximate and Seller will make all reasonable efforts to meet same. Timely delivery is subject to prompt receipt from Buyer of accurate and complete technical and shipping information. Seller reserves the right to make partial shipments, invoices for which shall be due and payable in accordance with the payment terms specified in the Article above.

SHIPMENT: Unless otherwise modified by Seller's Documentation, shipping terms are F.O.B. Seller's facility. All Products shall be shipped to the location specified by Buyer. Buyer must provide Seller with specific written instructions as to Buyer's preferred method of shipment or common carrier. In the absence of such instructions from Buyer, method of shipment shall be at Seller's discretion. All shipping, handling and insurance costs are to be paid by Buyer. Buyer is liable for compliance with all laws and regulations governing the unloading, storage, handling and use of all Products.

TITLE AND RISK OF LOSS: Whether or not installation services are performed by Seller, title and risk of loss shall pass to Buyer at the time that the Products are placed with a common carrier for shipment to the location designated by Buyer. Claims for damages, loss or delay in transit should be made immediately by Buyer directly to the carrier. In the event Buyer requests a postponement of delivery beyond the date specified in Seller's Documentation, Seller may invoice the Buyer and title and risk of loss shall pass to Buyer at such time as Products are made available for shipment, but in no event earlier than the delivery date originally specified in Seller's Documentation. If delivery is postponed by Buyer beyond the delivery date specified in Seller's Documentation, Seller shall endeavor but shall not have the obligation to secure a storage location at Buyer's expense based upon terms and conditions agreeable to the parties.

Products must be stored in accordance with the storage instructions that may be a part of Seller's instructions for Products installation, maintenance and care. In the absence of specific instructions, Products must be stored prior to their installation in an enclosed space affording protection from weather, dust and physical damage and providing appropriate temperature, humidity and ventilation conditions to prevent deterioration. Buyer's failure to follow Seller's storage instructions may cause damage to the Products and will void the warranties provided hereunder. Seller shall have the right to inspect Products stored by Buyer prior to installation. If Products are stored by Buyer for a period of 90 days or more, Buyer shall reimburse Seller for all reasonable costs of inspection.

4. PRODUCT ACCEPTANCE

Buyer has the right to inspect Products at Seller's facility prior to shipment provided that advance written arrangements are made by Buyer and are confirmed in writing by Seller. Any and all costs associated with inspection and testing requested by Buyer at Seller's facility will be paid by Buyer.

Buyer shall inspect the Products upon delivery. Unless Products are subject to an Acceptance Test as specified below, the Buyer's failure to inspect the Products and give written notice to Seller of any alleged defects or non-conformity within ten (10) days after tender of delivery shall constitute Buyer's irrevocable acceptance of the Products delivered.

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If Seller's Documentation provides that the Products are subject to specific acceptance testing (the "Acceptance Test") in order to verify Product performance in accordance with agreed specifications, the Products shall be deemed fully accepted when they have satisfied the requirements of the Acceptance Test. If Buyer is responsible for conducting the Acceptance Test, the Acceptance Test shall be conducted as soon as practicable, but in no event later than 90 days after delivery, failing which the Products will be deemed to be automatically accepted without conducting the Acceptance Test.

Notwithstanding any right conferred upon the Buyer to inspect or test the Products prior to acceptance, any use or alteration of the Products by Buyer, its agents, employees or licensees, for any purpose after delivery thereof, shall constitute Buyer's irrevocable acceptance of the Products. Accordingly, in the event of any discovery by Buyer of a non-conformity or defect following such acceptance of the Products, Buyer's sole recourse is a warranty claim pursuant to the warranty provisions stated herein.

To the extent that Seller's scope of supply includes supervising the installation of the Products, Seller shall not be responsible for the means and methods selected for such installation, nor for the manner in which such installation services are performed, including the efficiency, adequacy and safety of same. Any recommendations or advice provided by Seller are an accommodation and Seller makes no warranty, express or implied, with respect to such assistance.

5. INSTALLATION AND/OR START UP SERVICES

If Seller's scope of supply includes installation supervision and/or start up services, Buyer will confirm to Seller at least two (2) weeks prior to the date Seller's personnel will be required on site to perform such services that Buyer has fully completed all work necessary for such installation and/or start up services in accordance with Seller's instructions. In the event that the completion of such services is delayed by Buyer for any reason not the fault of Seller following Seller's arrival on site, Buyer shall pay for any additional costs resulting from the delay.

To the extent that Seller's scope of supply includes supervising the installation of the Products, Seller shall not be responsible for the means and methods selected for such installation, nor for the manner in which such installation services are performed, including efficiency, adequacy and safety of same. Any recommendations or advice provided by Seller are an accommodation and Seller makes no warranty, express or implied, with respect to such assistance.

6. CANCELLATION

Unless otherwise provided in Seller's Documentation, if Buyer cancels or partially cancels an order, Buyer shall promptly pay Seller for all work performed on account of the Products prior to cancellation and for any other costs incurred by Seller as a result of such cancellation, less the cost of any items that, in Seller's judgment, can be restocked, which shall be subject to a 10% restocking fee. In addition, Buyer shall promptly pay Seller as liquidated damages and not as a penalty an amount equal to 10% of the difference between the contract price hereunder and the amounts due pursuant to the preceding sentence.

7. WARRANTY

Subject to the conditions stated below, Seller warrants the Products against defects in materials and workmanship for a period of eighteen (18) months from the date in which title has passed to Buyer or twelve (12) months from the date of installation of the Products, whichever occurs first. Seller shall, at its option, repair or replace any Products or components thereof that prove upon examination to the satisfaction of Seller to be defective. Any alteration, disassembly, storage or use of the Products not in accordance with Seller's instructions shall void the warranty. Buyer assumes full responsibility in the event Buyer uses the Products in combination with other goods or in any manner not stated in Buyer's specifications provided prior to sale. All costs associated with removing the Products from service and re-installing same following examination, repair or replacement are to be borne by Buyer. Seller may, in its sole discretion, require that the Products be shipped to Seller's facility for examination, repair or replacement. All transportation costs to and from Seller's facility, if required, are to be prepaid by Buyer.

If so stated in Seller's Documentation, the Products or designated components thereof are covered only by the warranty extended by the original manufacturer and not by the terms of Seller's warranty as specified above. In the event of a warranty issue regarding such Products or components thereof, Buyer should contact the original manufacturer directly. Seller, at Buyer's request, will act as an agent between Buyer and the original manufacturer to resolve warranty issues. If Seller acts as an agent for such purpose, Buyer must return the Products, or the appropriate components, to the designated manufacturer's facility, shipping charges prepaid. Buyer's sole remedy is the original manufacturer's warranty. SELLER MAKES NO WARRANTY, EXPRESS OR IMPLIED, INCLUDING A WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WITH RESPECT TO SUCH PRODUCTS OR COMPONENTS.

THE WARRANTIES SET FORTH HEREIN, IF ANY, ARE MADE EXPRESSLY IN LIEU OF OTHER WARRANTIES, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, AND ANY IMPLIED WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, EVEN IF THAT PURPOSE IS KNOWN TO SELLER, IS HEREBY EXPRESSLY EXCLUDED.

SELLER'S LIABILITY AND BUYER'S EXCLUSIVE REMEDY FOR ANY FAILURE BY SELLER TO SUPPLY PRODUCTS THAT MEET THE FOREGOING WARRANTY IS EXPRESSLY LIMITED TO, AT SELLER'S OPTION, THE REPAIR OR REPLACEMENT OF THE NON-CONFORMING PRODUCTS. IN NO EVENT SHALL SELLER BE LIABLE FOR SPECIAL, PUNITIVE, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING BUT NOT LIMITED TO, LOSS OF USE, INCOME, PROFIT, CAPITAL OR BUSINESS OPPORTUNITY EVEN IF SELLER HAS BEEN ADVISED OF SUCH POSSIBLE INCOME, PROFIT, CAPITAL, OR BUSINESS OPPORTUNITY.

8. INDEMNIFICATION

Buyer and Seller shall each defend, indemnify and hold the other harmless from and on account of all bodily injury and property damage claims asserted by third parties as a result of the other's negligent acts or omissions. To the extent that both Buyer and Seller are determined by a finder of fact to be negligent and the negligence of both is a proximate cause of a claim by a third party against either Buyer or Seller, then in

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such event, Buyer and Seller shall each be responsible for a portion of the liability, including costs and expenses, attributable to its comparative share of the total negligence.

Seller agrees to indemnify and hold harmless Buyer against any third party claim alleging that the Products infringe upon a valid and enforceable United States patent, provided Buyer gives Seller written notice immediately when such claim is asserted, directly or indirectly. Notwithstanding the foregoing, Seller shall have no liability to Buyer if any patent infringement or claim thereof is based upon or arises out of (a) compliance with designs, plans or specifications furnished by or on behalf of Buyer; (b) use of the Products in a manner for which the Products were neither designed nor contemplated; or (c) the claimed infringement of any patent in which the Buyer or any affiliate or subsidiary of Buyer has any direct or indirect interest by license or otherwise.

9. INSURANCE

Seller agrees to maintain the following levels of insurance coverage:

- a. Commercial General Liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate. The Commercial General Liability insurance shall include coverage for bodily injury, property damage, products/completed operations and contractual liability;
- b. Automobile Liability Insurance with a combined single limit of \$1,000,000; and
- c. Workers' Compensation insurance in compliance statutory limits and Employer's Liability insurance with a limit of \$1,000,000

Buyer agrees to maintain Commercial General Liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, including contractual liability.

Buyer and Seller each agree to provide thirty (30) days prior written notice of the cancellation of any policy hereunder.

10. LIMITATION OF LIABILITY

In the event that any claim arising under this contract is covered under Seller's insurance policies, Seller shall not be responsible for any claim, loss, damage or liability beyond the policy limits and conditions of the insurance contractually required of the Seller hereunder. With respect to any other cause of action and/or claim arising hereunder, Seller's total liability shall not exceed the purchase price payable hereunder. In no event shall Seller be liable, either directly or as indemnitor of Buyer, for any special, punitive, indirect or consequential damages, including but not limited to damages for loss of use, loss of income or loss of profit.

All of Buyer's claims or actions of any description whatsoever against the Seller shall be brought not later than one (1) year after the occurrence of the event upon which each such claim or action is based.

11. FORCE MAJEURE

Seller shall not be liable for any delay in performance or for nonperformance of any obligation hereunder if, and to the extent that, Seller is unable to perform because of the occurrence of any event of Force Majeure as defined below. All additional costs of performance incurred by Seller as a result of a Force Majeure event shall be borne by the Buyer. Force Majeure herein shall mean any act, event or condition to the extent that it materially and adversely affects Seller's ability to perform its obligations in accordance with the terms hereof if such act, event or condition is beyond Seller's reasonable control and is not the result of Seller's willful neglect, error, omission or failure to exercise reasonable due diligence. Force Majeure acts, events or conditions shall include, but not be limited to: (a) an act of God, landslide, earthquake, fire, flood, hurricane, explosion, bombing, war, act of terrorism, blockade, riot or similar occurrence; (b) a change in applicable law, including a change in regulations resulting in Seller's increased cost of compliance; (c) strikes, lockouts, work stoppages or labor disputes affecting Seller or any subcontractor of Seller; (d) the inability to obtain or delays in obtaining permits or other private or governmental approvals; or (e) the failure of any governmental agency or private utility to provide and maintain utilities required by Seller in order to perform its obligations hereunder. In such event, Seller shall be required to resume performance upon termination of the Force Majeure event and shall have reasonable additional time for performance. In addition, as a consequence of a Force Majeure event, Seller shall have the right to cancel the order and to apportion its Products among its customers in a manner as Seller may deem equitable without incurring any liability to the Buyer.

12. DEFAULT AND TERMINATION

The substantial failure of either party to comply with the terms of this contract shall constitute default hereunder. Upon default by one party, the other party shall provide written notice clearly specifying the nature of the default. The defaulting party shall have thirty (30) days to cure the default. If the default is capable of being cured within thirty (30) days and is not cured within thirty (30) days, this contract may be terminated. In the case of default that cannot be cured within thirty (30) days, this contract shall not be terminated so long as the defaulting party has given written notice of extension to the other party and the defaulting party has commenced and is diligently pursuing a cure. In the event of any termination, Seller shall be paid for Products delivered and services rendered (including Products specifically manufactured/assembled for the client that have yet to be supplied) through the date of termination. For purposes of this contract, the failure of Buyer to pay Seller in accordance with the payment terms hereunder shall be considered a substantial default for which no cure period beyond 30 days shall be allowed. In the event of the Buyer's default, Seller may, in addition to the right to terminate set forth in this paragraph, elect to suspend work until the default has been cured. No delay or omission on the part of the Seller in exercising any right or remedy hereunder shall constitute a waiver of any such right or remedy on any future occasion.

13. INTELLECTUAL PROPERTY

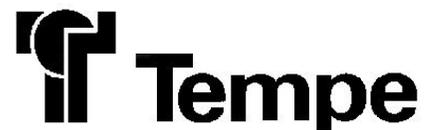
All devices, equipment, designs (including drawings, plans and specifications), estimates, prices, notes, electronic data and other documents or information prepared or disclosed by Seller in connection with the Products sold hereunder shall remain Seller's exclusive property. Buyer shall not disclose any such material to third parties without Seller's prior written consent.

Seller will retain sole ownership of all discoveries, improvements, inventions, patents, trademarks, copyrights, know-how, trade secrets, or other intellectual property rights associated in any way with the Products. The parties specifically agree that all improvements, inventions, discoveries and copyright in works of authorship, including those in formative stages, made by either party hereto (either alone or jointly with others) improving upon or related to the Products shall from the time of conception or, in the case of works of authorship, from the time of creation, be the property of Seller.

14. MISCELLANEOUS PROVISIONS

These terms and conditions constitute the entire contract of sale and purchase between Buyer and Seller and supersede all prior or contemporaneous communications, representations, understandings or agreements, whether written or oral, unless such document states that it intends to modify this contract and is signed by both parties. No modification of this contract (including changes in scope, specifications, price or delivery schedule) shall be of any force or effect unless made pursuant to a writing signed by both parties. No course of dealing or performance or usage of trade may be used to modify this contract. The failure on the part of either party to enforce its rights as to any provisions herein shall not be construed as a waiver of its rights to enforce such provisions in the future. Should any provision of this contract for any reason be declared invalid or void, such declaration will not affect the remaining provisions of this contract, which shall remain in full force and effect. Buyer may not assign or permit any other transfer of this contract without Seller's prior written consent. This contract is entered into solely between, and may be enforced only by, the Buyer and Seller, and this contract shall not be deemed to create any rights in third parties, including customers of the Buyer, or to create any obligations to any such third parties. These terms and conditions shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

Staff Summary Report



Council Meeting Date:

10/22/2009

Agenda Item Number: _____

SUBJECT: Request approval to utilize U.S. Communities contracts with Gametime Division of Playcore-Wisconsin, Inc. and Landscape Structure, Inc. for the purchase of park and playground equipment, surfacing, site furnishings and related commodities and services for use by the Parks and Recreation Department as part of the Parks renovation program. This is a bond funded project on the approved Capital Improvement Program (CIP) project list.

DOCUMENT NAME: 20091022fslg01 PURCHASES (1004-01)

COMMENTS: (040376.14 and 040377.09) Total cost of these contracts shall not exceed \$150,000.

PREPARED BY: Lisa Goodman, CPPB, Procurement Officer, 480-350-8533

REVIEWED BY: Michael Greene, CPM, Central Services Administrator, 480-350-8516
Mark Richwine, Parks and Recreation Manager, 480-350-5325

LEGAL REVIEW BY: David Park, Assistant City Attorney, 480-350-8907

DEPARTMENT REVIEW BY: Jerry Hart, CPA, Financial Services Manager, 480-350-8505

FISCAL NOTE: Sufficient funds have been appropriated in 6307 and 6399729-7511 (Parks Capital Improvement Fund) for the anticipated expenditures in the current fiscal year.

RECOMMENDATION: Approve the utilization of the contracts.

ADDITIONAL INFO: Background Information

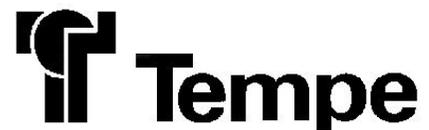
Mecklenburg County, a political subdivision of the State of North Carolina, in cooperation with the U.S. Communities Purchasing & Finance Agency, competitively solicited and awarded contracts for park and playground equipment, surfacing, site furnishings and related commodities and services. The solicitation has cooperative use language which allows other municipalities and agencies to participate in the contract.

Method for Product Selection

Both Gametime & Landscape Structures are long time suppliers and vendors of quality equipment used in Tempe park playgrounds. The renovation of various City parks will require the purchase of considerable playground equipment from both vendors for at least four parks in the coming year. The use of these contracts will allow the City to purchase equipment from these vendors in a timely manner at competitively bid pricing.

Staff recommends approval to utilize the U.S. Communities contracts with Gametime Division of Playcore-Wisconsin, Inc. and Landscape Structure, Inc. for the purchase of park and playground equipment, surfacing, site furnishings and related commodities and services that meet Tempe's requirements and are offered at a competitive price.

Staff Summary Report



Council Meeting Date:

10/22/2009

Agenda Item Number: _____

SUBJECT: Request approval of a one-year renewal of a contract with Aquatic Consulting and Testing for water quality sampling, testing, aquatic weed control and insect monitoring services at Tempe Town Lake and Indian Bend Wash Habitat for the Water Utilities and Community Development Departments.

DOCUMENT NAME: 20091022fst02 PURCHASES (1004-01)

COMMENTS: (WUD09-043-01) Total cost of this contract shall not exceed \$350,000 during the contract period.

PREPARED BY: Ted Stallings, CPPB, Procurement Officer, 480-350-8617

REVIEWED BY: Michael Greene, CPM, Central Services Administrator, 480-350-8516
Don Hawkes, Water Utilities Manager, 480-350-2660
Chris Salomone, Community Development Manager, 480-350-8294

LEGAL REVIEW BY: David Park, Assistant City Attorney, 480-350-8907

DEPARTMENT REVIEW BY: Jerry Hart, CPA, Financial Services Manager, 480-350-8505

FISCAL NOTE: Sufficient funds have been appropriated in cost center 5012 (Community Facilities District Fund) for the anticipated expenditures in the current fiscal year.

RECOMMENDATION: Approve the renewal of the contract.

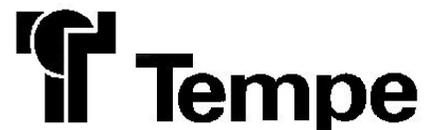
ADDITIONAL INFO: Background Information

The purpose of this contract is to provide water quality sampling, testing, aquatic weed control, and insect monitoring services at Tempe Town Lake and Indian Bend Wash Habitat.

Contractor Performance

Aquatic Consulting and Testing has delivered satisfactory service over the past year, warranting this second annual renewal of a possible five year term. Aquatic Consulting and Testing has 1) complied with contract requirements, 2) timely in delivery of services, and 3) submits timely and accurate invoicing reflecting appropriate contract rates. There is no cost increase associated with this renewal.

Staff Summary Report



Council Meeting Date:

10/22/2009

Agenda Item Number: _____

SUBJECT: Request approval to utilize a one-year State of Arizona contract with Brown Evans Distributing Company for vehicle lubricants utilized for vehicle maintenance by the Public Works and Fire Departments.

DOCUMENT NAME: 20091022fsta05 PURCHASES (1004-01)

COMMENTS: (SCC070001) Total cost of this contract shall not exceed \$75,000.

PREPARED BY: Tony Allen, Procurement Officer, 480-350-8548

REVIEWED BY: Michael Greene, CPM, Central Services Administrator, 480-350-8516
Glenn Kephart, Public Works Manager, 480-350-8205
Jay Taylor, Fleet Director, 480-350-8344
Tim Love, Fleet Analyst, 480-350-8088
Cliff Jones, Fire Chief, 480-858-7201
Alan Shrock, Senior Fire Mechanic, 480-858-7245

LEGAL REVIEW BY: Dave Park, Assistant City Attorney, 480-350-8907

DEPARTMENT REVIEW BY: Jerry Hart, CPA, Financial Services Manager, 480-350-8505

FISCAL NOTE: Sufficient funds have been appropriated in General Fund cost centers 2363-6342 and 3262-6342 for the anticipated expenditure in the current fiscal year.

RECOMMENDATION: Approve the utilization of the contract.

ADDITIONAL INFO: Background Information

The State of Arizona solicited and awarded a contract for vehicle lubricants. The contract contains cooperative language allowing its use by other governmental agencies. Staff is requesting approval to utilize this contract for the purchase of vehicle lubricants. The contracted products meet the specifications of the City and are offered at competitive pricing.

DIVISION 12. TEMPE CITIZENS' PANEL FOR REVIEW
OF POLICE COMPLAINTS AND USE OF FORCE

Sec. 2-285. Established; composition.

(a) There is hereby established a Tempe citizens' panel for review of police complaints and use of force ("panel") to be composed of fifteen (15) citizen members and four (4) police department members consisting of two (2) sergeants and two (2) line level officers, who shall serve for a two (2) year term. The police department members shall be selected by the chief.

(b) When functioning as a review sub-panel as described in § 2-288, each sub-panel shall consist of six (6) citizen members and two (2) police department members consisting of one sergeant and one line level officer. The citizen members of each sub-panel shall be selected by the city manager. The police department members of each sub-panel shall be selected by the chief.

(c) The chief shall appoint an assistant chief to serve as the non-voting chairperson/facilitator of the panel and each sub-panel.

(d) This panel shall act in an advisory capacity to the chief of police and the city manager.

(e) The fifteen (15) citizen members of the panel shall be selected from residents of the city. The mayor will make three (3) selections and each council member will make two (2) selections.

(f) The term of office of citizen members shall be for three (3) years and shall commence on the first day of January of each year and end on the 31st day of December, three (3) years thereafter, except for the initial citizen members of the panel. Such terms shall be staggered so that the term of no more than five (5) citizen members shall conclude in any given year.

(g) Citizen members of the panel may not serve more than two (2) complete consecutive terms. Any citizen member vacancies shall be filled for the remainder of the unexpired term in the same manner as such citizen member received original appointment.

(h) The city manager may for cause remove any citizen member of the panel.

(i) Prospective citizen panel members may not serve if any of the following apply:

- (1) Have been arrested by the Tempe police department within the last five (5) years;

- (2) Have any felony convictions;
- (3) Are related directly to a Tempe police department employee;
- (4) Are a current or former Tempe police department employee;
- (5) Are a former employee of any other police agency within five (5) years of their police employment; or
- (6) Are an adversary party, a representative of an adversary party, or have any financial litigation or claim against the city relating to the police department or any individual in the police department.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.01, 01-24-08; Ord. No. 2008.68, 11-20-08)

Sec. 2-286. Repealed.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.01, 01-24-08)

Sec. 2-287. Repealed.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.68, 11-20-08)

Sec. 2-288. Powers and duties.

(a) The Tempe citizens' panel for review of police complaints and use of force shall have the following powers and duties:

- (1) To review such rules and regulations as it deems necessary for its government and for the faithful performance of its duties; and
- (2) To provide six (6) members of the panel for each sub-panel. A total of six (6) members of the sub-panel (officers and citizens) shall constitute a sub-panel quorum. The affirmative vote of five (5) members of each sub-panel shall be required for passage of any matter before the panel.

(b) The sub-panel shall have the following powers and duties:

- (1) To review all police shootings and any police incidents wherein direct physical force by the police results in serious injury or death. Serious injury is defined as ~~an injury that requires the subject be admitted into a hospital~~ **physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.**
- (2) To review the findings of the police department's investigation of unsustained, unfounded or exonerated citizen complaints, when that citizen requests a review of the police department's findings. A request for review must be made within thirty (30) days from the date the citizen is notified of the findings of the police department's investigation; and
- (3) To review any police department incident, at the request of the chief of police.

(c) After a review of the record, each review panel shall make one of the following findings in a written report to the chief of police:

- (1) Agree with the findings of the police department investigation;
- (2) Disagree with the findings of the police department investigation;
- (3) Advise the chief of police that further investigation is warranted; or
- (4) Upon a review of a use of police force incident, the review panel shall make a further finding whether the use of police force was within police department policy.

(d) The panel may make recommendations to the chief of police concerning training programs, revisions of policies or procedures, commendable actions, preventive or corrective measures (except for employee discipline) as it relates to the sub-panel findings of the incident being reviewed.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.68, 11-20-08)

Secs. 2-289—2-294. Reserved.

ORDINANCE NO. 2009.37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 12, OF THE TEMPE CITY CODE, RELATING TO TEMPE CITIZENS' PANEL FOR REVIEW OF POLICE COMPLAINTS AND USE OF FORCE BY AMENDING SECTION 2-288 RELATING TO POWERS AND DUTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 2-288 of the Tempe City Code is hereby amended to read as follows:

Sec. 2-288. Powers and duties.

(a) The Tempe citizens' panel for review of police complaints and use of force shall have the following powers and duties:

- (1) To review such rules and regulations as it deems necessary for its government and for the faithful performance of its duties; and
- (2) To provide six (6) members of the panel for each sub-panel. A total of six (6) members of the sub-panel (officers and citizens) shall constitute a sub-panel quorum. The affirmative vote of five (5) members of each sub-panel shall be required for passage of any matter before the panel.

(b) The sub-panel shall have the following powers and duties:

- (1) To review all police shootings and any police incidents wherein direct physical force by the police results in serious injury or death. Serious injury is defined as ~~an injury that requires the subject be admitted into a hospital~~ PHYSICAL INJURY THAT CREATES A REASONABLE RISK OF DEATH, OR THAT CAUSES SERIOUS AND PERMANENT DISFIGUREMENT, SERIOUS IMPAIRMENT OF HEALTH OR LOSS OR PROTRACTED IMPAIRMENT OF THE FUNCTION OF ANY BODILY ORGAN OR LIMB;
- (2) To review the findings of the police department's investigation of unsustained, unfounded or exonerated citizen complaints, when that citizen requests a review of the police department's findings. A request for review must be made within thirty (30) days from the date the citizen is notified of the findings of the police department's investigation; and

(3) To review any police department incident, at the request of the chief of police.

(c) After a review of the record, each review panel shall make one of the following findings in a written report to the chief of police:

(1) Agree with the findings of the police department investigation;

(2) Disagree with the findings of the police department investigation;

(3) Advise the chief of police that further investigation is warranted; or

(4) Upon a review of a use of police force incident, the review panel shall make a further finding whether the use of police force was within police department policy.

(d) The panel may make recommendations to the chief of police concerning training programs, revisions of policies or procedures, commendable actions, preventive or corrective measures (except for employee discipline) as it relates to the sub-panel findings of the incident being reviewed.

Section 2. Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2009.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Staff Summary Report REVISED



City Council Meeting Date: 10/22/09

Agenda Item Number: 5D2

SUBJECT: This is the second public hearing for a Code Text Amendment for the ZONING AND DEVELOPMENT CODE.

DOCUMENT NAME: 20091022dsrl01 **ZONING & DEVELOPMENT CODE (0414-01, -03, -04, -06, -07)**
Ordinance No. 2009.15

COMMENTS: Request for **ZONING AND DEVELOPMENT CODE AMENDMENTS (PL090008)** (City of Tempe Development Services Department, applicant) consisting of changes within the Code for process improvements, clarifications and responses to changing uses and trends for Abatements; APAC Committee repeal; Hearing Officer duties; revised regulations on Accessory Buildings; New Provisions for Guest Quarters; Small Animals; Card Rooms; Recycling Centers; Commercial/Restaurant uses in Industrial Districts; Outdoor Retailing; Service Entrance and Exits; Outdoor Dining Parking; Development Plan Review Criteria and Time Limitations; Use Permit and Variance Time Limitations; Notice of Appeals; Extension Requests; Revocations; and definitions for Card Room, Columbarium, Donation Bins, Livestock, Poultry, Recycling Centers, Reverse Vending Machines, Small Animals and Smoking Establishment. The request includes the following:

ZOA09001 (Ordinance No. 2009.15) – Code Text Amendment for the Zoning and Development Code within Sections 1-304, 1-305, 1-306, 3-102, 3-202, 3-302, 3-401, 3-404, 3-410, 3-411, 3-417, 3-418, 3-503, 4-406, 4-603, 6-306, 6-308, 6-309, 6-310, 6-802, 6-901, 6-902, 7-103, 7-104, 7-105, 7-108, 7-113, 7-117, 7-119, 7-120, and 7-121.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (480-350-8814)

CITIZEN COMMISSION REVIEW: **Development Review Commission – Approval (7-0 vote) on Aug. 25, 2009, and Approval on Sep. 22, 2009 for Guest Quarters and Freeway Signs**

DEPARTMENT REVIEW BY: Chris Anaradian, Development Services Manager (480-858-2204)

FISCAL NOTE: N/A

RECOMMENDATION: **Staff – Approval**

ADDITIONAL INFO: The Development Review Commission (DRC) took separate action on the item at the September 22nd hearing, including Guest Quarters approved with modifications (5-1 vote) with a dissenter proposing for a minimum 12,000 sf. lot size for guest quarters. The Neighborhood Advisory Commission reviewed the proposed modifications and recommended acceptance of the DRC recommendation for Guest Quarters (7-3 vote, 2 abstained) and Freeways Signs (10-2 vote) on October 7, 2009.

NOTE: Revised report deleted references to Freeway Signs within the report and Ordinance No. 2009.15 (Sections 4-902 & 4-903) Section 13 and Section 17.

PAGES:

1. List of Attachments
- 2-6. Comments / Reason for Approval
7. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

- 1-23. Ordinance No. 2009.15
24. Accessory Building applications 2005-2009
25. City of Tempe Map of Neighborhood & Homeowner Associations
26. Neighborhood Advisory Commission letter

COMMENTS

This request includes a variety of code text amendments within the Zoning and Development Code. The amendments consist of process improvements for residential and construction entitlement customers, clarifications to current interpretations of the code and responses to changing uses and trends as a result of the City's approval and decision-making process.

PUBLIC INPUT

The majority of the proposed changes to the Zoning and Development Code are a result of staff working with our Tempe customers and addressing matters that arise periodically. Those responses are generally described in the section topics below. On March 10, 2009, Development Review Commission held a study session in which staff provided a summary of potential code text amendments.

Staff also provided the same topics to the Neighborhood Advisory Commission on April 1, 2009, as initial feedback from our broad-based community representatives. A follow up meeting was provided to the Neighborhood Advisory Commission on August 5, 2009 with draft ordinance language (excluding guest quarters/freeway signs). The Commission recommended unanimous support for the proposed changes to the Zoning and Development Code. In response to public comments, additional regulations are included that would limit the amount of pot-bellied pigs and the overall amount of small animals on a lot.

On August 25, 2009, Development Review Commission requested revisions to the provisions for guest quarters that would permit the use in other Zoning Districts based on a minimum lot size. During meetings with a representative from the North Tempe Neighborhoods Association, comments focused on guest quarters concerning assurance that the buildings are not rented and have limitations from utilizing the alleys as the primary access to the guest quarters. Specific regulations were included in the initial guest quarters provisions to address these concerns.

DEVELOPMENT REVIEW COMMISSION HEARING (SEPT. 22, 2009)

At the Development Review Commission hearing for proposed code text amendments on Guest Quarters and Freeway Signs, the Commission reviewed the consideration of guest quarters on certain sized lots. The Commission reviewed a map provided by staff identifying Tempe's minimum 10,000 sf. residential lots (approx. 6,800), min. 12,000 sf. lots (approx. 4,000), and min. 15,000 sf. lots (approx. 2,300). The Commission recommended the following changes based on staff's initial proposal:

MODIFIED THE FOLLOWING:

Changed the minimum lot size permitted for guest quarters from 10,000 to 15,000 square feet.

Added the words "at or above grade" for determining 50% of the main building's gross floor area.

DELETED THE FOLLOWING PROPOSED STANDARDS FOR GUEST QUARTERS:

- No separate *access way* shall be created from an existing alley for the purpose of a *guest quarters*;
- No cooking provisions shall be made for the connection of a range, cooktop or oven, including but not limited to gas or 220v electric service, except in the AG district;

The Commission, with a vote of 5-1, recommended approval of the proposal with these modifications. The one dissenting vote recommended a minimum lot size of 12,000 sf. to allow guest quarters.

CODE TEXT AMENDMENTS

Below is a list of code text amendments and their related section of the Zoning and Development Code. Attachments 1-24, Ordinance No. 2009.15 is the ordinance language using legislative format of strikeouts for removed code language and capitalized/underlined for new language.

Commercial Abatements; (Section 1-201 and 6-310)

This is a code amendment process improvement to grant abatement authority on commercial properties to the Hearing Officer. This is necessary when commercial properties have not responded to a citation for nuisances such as weeds and debris found on a property. Currently the Hearing Officer has the powers to grant an approval, continuance or denial for residential property abatement, which results in the clean up of a site and a lien assessed on the property, based on the provisions in Tempe City Code, Chapter 21. This change in procedure will provide an efficient process to bring properties into compliance when the normal notice of violation is not effective.

APAC Committee repeal; (Section 1-304)

This is a code amendment clean up item, removing language relating to the Apache Boulevard Project Area Committee. This Committee held their final meeting in December of 2008 completing the obligations for the group of volunteer residents and business owners as a formal committee within the community.

Hearing Officer and Board of Adjustment duties; (Section 1-305 and 1-306)

This is a code amendment clean up item, for rental housing code appeals. The Hearing Officer duties were modified in a past amendment within the Tempe City Code for housing code appeal procedures. The modification was omitted during processing and is now being corrected through this amendment process.

New Uses with Definitions; (Section 3-202 and 3-302)

This is a code amendment change proposed for new uses within the Commercial and Industrial use chart of permitted uses. Based on recent trends the following is a list of proposed uses to be identified within the Code:

Card Room: A "Card Room" is defined as a card game, or poker game for example, held where individuals compete against one another without "the house" collecting. Staff is recommending as a permitted use, but requiring approval of a security plan that is conducted by the Police Department.

Recycling Centers (small/large): Recycling centers were a previously defined use in Zoning Ordinance No. 808: allowed in industrial districts with a use permit; and permitted in heavy industrial districts. Staff is proposing a definition that would clarify the difference between a large and smaller recycling. A small recycling center is proposed to define uses such as donation bins, recycling bins, reverse vending machines, not exceeding 500 s.f. in area. This would permit the smaller and limited drop off locations found in commercial centers. Large recycling centers that have more intensive collection of recyclables typically found at heavy industrial sites would not be permitted in commercial districts. A use permit would be required for large recycling centers in the GID, General Industrial District.

Commercial uses in the Industrial District. This is an amendment change that would allow commercial uses in the LID, Light Industrial District with a use permit. Light Industrial Districts consist of less than 0.2% of the Tempe's land base. A proposed clarification identifies in the use chart that all other commercial uses within industrial districts would be permitted subject to a use permit. A clarification is also proposed which allows retail uses up to 15% of the primary industrial uses "building area" as determined for calculating the allowance.

Accessory Buildings; (Section 3-401)

This is a code amendment change proposed for accessory buildings that would provide a set of standard requirements to allow an accessory building on a residential lot as a permitted use. An accessory building in the Zoning and Development Code is defined as a detached structure or building in excess of 8'-0" in height and/or over 200 square feet in area. Currently accessory buildings are required to meet the required height and building setbacks of the zoning district and receive a use permit, which requires a public hearing process. Staff has compiled information on accessory building applications since 2005 (*See Attachment 25, Accessory Building data*). A more efficient process is proposed, providing consistent standards similar to approvals that have been granted in the past. Below is a comparison chart of past regulations for accessory buildings prior to 2005, the current code regulations, and the proposed amendments:

ACCESSORY BUILDING REGULATIONS

	Past Ord. 808 version	Current Code	PROPOSED
Defined	All detached buildings are Accessory Buildings	If detached & over 200 s.f. or over 8'-0" in height, then Accessory Building	If detached & over 200 s.f. or over 8'-0" in height, then Accessory Building
Setbacks	If over 8'-0" in height, then 7'-0" setback from property lines, except street side comply w/ setback (10-20')	Meet District setbacks (Typ. 5' side, 10-20' street side, and 15' rear) + alley reduction	(New) 3'-0" setback on sides and rear yard, with additional 1'-0" setback for every additional foot over 9', not to exceed 15' (max. 9' setback) + alley reduction
Height	Max. height 15'	Max. height 30' or to the height of the residence, whichever is less	(New) Max. height 15', Use Permit Standard for 16 to 30' height
Use	Permitted	Use Permit required	(New) Permitted
Lot Coverage	Lot coverage, max. allowed in the District (40%);	Lot coverage, max. allowed in the District (typ. 45%)	Lot coverage, max. allowed in the District (typ. 45%)
	No more than 25% coverage between the rear of the building and the rear property line	--	--
	Locate in the rear half of the lot; and	--	--

Proposed Setback for Accessory Buildings

The new proposed setback would provide relief for accessory buildings lower in height (min. 3' setback) and greater setbacks for taller buildings (max. 9' setback). Buildings requiring a greater setback than what is required for the primary building could request a use permit standard for the same setback. Illustrations are provided in the proposed ordinance regulations.

Proposed Height for Accessory Buildings

Currently accessory buildings are allowed to be a maximum 30 feet in height or the height of the existing residence, which ever is less. This change would allow a maximum height up to 15 feet and require a use permit standard for any height above 15 feet, up to 30 feet max. This provision is consistent with past approvals averaging 14 feet in total height (See Attachment 25).

NOTE: Homeowner Associations (HOA) may govern the location and design of visible structures on a property. Approximately less than 25% of all Tempe neighborhoods are in an HOA. In neighborhoods located south of the US 60, about 40% are within a regulated association. The HOA approval process does not override zoning regulations, but may be an additional step towards the decision of a resident's request. (See Attachment 27 for a map of Homeowner Associations in Tempe)

Guest Quarters in Residential; (Section 3-411)

This is a code amendment change proposed to allow guest quarters back into the AG, Agricultural District and other Districts with minimum sized lots. Guest quarters, as defined in the code, cannot be rented or leased separately from the primary building.

The Development Review Commission requested additional revisions about guest quarters in other zoned areas based on a minimum lot size. Each residential zoning classification in the City of Tempe is designated by minimum lot size requirements ranging from 4,000 to 43,560 square feet in size.

The attached ordinance would amend the Zoning and Development Code to allow guest quarters, as defined in this ordinance, on a minimum 15,000 square foot lot, as recommended by the Development Review Commission. This change would allow properties that are larger than the minimum lot size of the zoning classification to have guest quarters. As an example, an R1-6 District which requires a minimum 6,000 square foot lot could have a property that qualifies for a guest quarters if the lot was a minimum of 15,000 square feet. The proposed amendment could allow approximately 2,300 properties such use. Additional criteria are proposed for guest quarters that would limit some of the characteristics found within an independently rented space. The key component would require the owner to sign and record a covenant on the property restricting the guest quarters from being rented. This would place future owners of the property on notice of the limitations for the guest quarters.

Other cities that currently allow guest quarters with specific criteria in residential districts include Mesa, Gilbert, Chandler, Scottsdale with minimum lots sizes, and Phoenix with specific large lot districts with minimum lot sizes. Tempe is comprised of approx. 38,000 residential lots. The guest quarters proposal could allow up to 6% of residential homes such use, having a minimum 15,000 sf. lot.

Small Animals; (Section 3-404 and 7-120)

This is a code amendment change proposed to address the provisions regulating small animals and remove separation requirements found in the City Code, Chapter 6 relating to the keeping of chickens and other poultry. A new subsection in the Zoning and Development Code Section 3-404, Agricultural Uses, would define "small animals" as an exception to being considered agriculture and permitted on properties with single-family dwellings. The nuisance provisions, including noise and odor, would address any potential issues that may arise as a result of having these types of animals. This section does not apply to dogs and cats currently regulated under Tempe City Code, Chapter 6, and would still prohibit roosters and peafowl (peacocks) in areas other than the AG district.

Outdoor Retailing; (Section 3-417 and 3-418)

This is a code amendment clarification and change proposed for sections on outdoor retailing, which are intended to redefine the various types of outdoor uses and their specific review procedures. The outdoor retailing categories are Permanent Outdoor Retail Display, Temporary Outdoor Retail Display, Temporary Outdoor Vending, Outdoor Retail of Seasonal Merchandise, and Vending Machines. Each category has specific regulations and procedures that outline the requirements necessary for a business to receive approval for such request. The proposed changes would repeal Section 3-418, Outdoor Retail Display and consolidate provisions within Section 3-417, Outdoor Retailing. One significant change in this section is adopting the policy for allowance of "seasonal merchandise" through an administrative review. This would permit seasonal merchandise, not typically offered in an establishment, on a daily basis including pumpkin patches, holiday tree lots and other exclusive events occurring once in a calendar year.

Legal Non-Conforming Developments; (Section 3-503)

This is a code amendment change proposed for legal non-conforming developments. This change would add language for non-conforming signs. An exception is proposed which acknowledges City Councils ability to relocate a non-conforming existing sign as part of an authorized Development Agreement.

Service Entrance and Exits; (Section 4-406)

This is a code amendment clarification for security vision panels. The wire glass vision panel is no longer an accepted alternative under the Building Code regulations. A proposed alternative to be identified is the fire-rated glazing in a rated door.

Outdoor Dining Parking; (Table 4-603E)

This is a code amendment change proposed within outdoor parking ratio requirements for bars, restaurants and retail uses. An outdoor parking ratio is proposed for bars consistent with a restaurant use (1 space per 150 s.f.). A revision is provided to all outdoor parking ratios allowing a limited amount of outdoor space without requiring additional parking. An exception of the first 300 square feet patio would accommodate an area of at least four tables and chairs.

Freeway Signs; (Section 4-902 and 4-903J) – SECTION REMOVED**Development Plan Review Criteria; (Section 6-306)**

This is a code amendment change proposed to revise the approval criteria determined for a development plan. The amendment eliminates standards already required by our Codes and reduces some duplication of design criteria. The proposed changes are intended to improve the review process by providing applicants a concise outline of our community's objective.

Time Limitations for Development Plan Review, Use Permit and Variance; (Section 6-306, 6-308, 6-309)

This is a code amendment clarification for approval time limitations. Consistent language for development plan review, use permits and variance approvals are needed to provide a more accurate timing for building permit submittal. The proposed language will provide approval for up to 1 year for submittal of a building application, consistent with past conditions of approval on projects.

Notice of Abatements, Appeals and Revocations; (Section 6-310, 6-802 and 6-902)

This is a code amendment clarification for noticing and hearing procedures for abatements, appeals and revocation of a permit/approval. The proposed amendment will provide clarification and cross references to appropriate procedures for conducting and noticing the meetings or public hearings.

Extension Requests; (Section 6-901)

This is a code amendment change proposed for extension requests. Currently the code states that an application for an extension must be submitted 45 calendar days prior to the expiration. The intent of the submittal time frame was to provide adequate time to process a request before the approval expired. The City's permit software gives staff the ability to immediately address a potential expiration once an application is filed, eliminating the extended length of time needed to address an extension request.

Other Definitions:

The following is a list of new proposed definitions for new uses in the Zoning and Development Code: *"Card room / poker room"* *"Columbarium"* *"Donation Bin"* *"Livestock"* *"Poultry"* *"Recycling Centers"* *"Reverse Vending Machine"* *"Small animal"* *"Smoking establishment"* and a modified definition for *"Tobacco retailer"*.

REASONS FOR APPROVAL:

1. The proposed code text amendments will provide clarity in administering the Zoning and Development Code.
2. Addresses recent trends that have been processed through the City Council, boards and commission decision bodies.
3. Provides processing relief to our single-family properties, while ensuring certainty in our standards.
4. The proposed code text amendments are consistent with the directions provided.
5. The overall changes are consistent with the goals and objectives outlined in the General Plan and other guiding policies.

HISTORY & FACTS:

- March 10, 2009 Development Review Commission held a study session in which staff provided a summary list of potential code amendment topics for future consideration.
- April 1, 2009 Neighborhood Advisory Commission held a public meeting in which staff provided a summary list of potential code amendment topics for future consideration.
- July 14, 2009 Development Review Commission held a study session reviewing a draft of proposed amendments for comments and direction.
- August 5, 2009 Neighborhood Advisory Commission unanimously recommended approval of the proposed Zoning and Development Code amendments for this request (included Guest Quarters in the AG district, but not on minimum sized lots or freeway signs).
- August 11, 2009 Development Review Commission continued Code Text Amendment request to the August 25, 2009 hearing date.
- August 25, 2009 Development Review Commission recommended approval of the first Code Text Amendment with some minor clarifying modifications to various sections. Commission had also recommended to staff to considering other properties for guest quarters in addition to the AG district based on a certain sized lot. In response staff will follow up at a future hearing with additional research as a separate request.
- September 22, 2009 Development Review Commission recommended approval with modifications a Code Text Amendment within the Zoning and Development Code for changes within Guest Quarters on certain sized lots and Freeway Signs. Modification included increasing the minimum lot size to allow a guest quarters from initial recommendation of 10,000 sf. to 15,000 sf. in lot size; clarify main residence building area to be at or above grade; eliminated criteria that would restrict access from a public alley for guest quarters; and eliminated criteria that would restrict kitchen facilities such as range, oven, stove requiring 220 outlet or gas line, except in the AG district.
- October 7, 2009 Neighborhood Advisory Commission recommended approval on the Development Review Commission modifications for Guest Quarters and Freeway Signs.
- October 8, 2009 City Council introduced and held the first public hearing for this request.
- October 22, 2009 City Council second public hearing for this request (potential action).

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment

ORDINANCE NO. 2009.15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 1 – INTRODUCTION, SECTIONS 1-304, 1-305, 1-306; PART 3 – LAND USE, SECTIONS 3-102, 3-202, 3-302, 3-401, 3-404, 3-410, 3-411, 3-417, 3-418, 3-503; PART 4 – DEVELOPMENT STANDARDS, SECTIONS 4-406, 4-603, 4-902, 4-903; PART 6 – APPLICATIONS AND REVIEW PROCEDURES, SECTIONS 6-306, 6-308, 6-309, 6-310, 6-802, 6-901, 6-902; AND PART 7 – DEFINITIONS, SECTIONS 7-103, 7-104, 7-105, 7-108, 7-113, 7-117, 7-119, 7-120, 7-121.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Section 1-304 (C) of the Zoning and Development Code, pertaining to the Apache Boulevard Project Area Committee, is hereby repealed:

~~C. Apache Boulevard Project Area Committee.~~

- ~~1. **Creation and Purpose.** The Apache Boulevard Project Area Committee is created to guide the development within the Apache Boulevard Redevelopment Area, which encourages reinvestment in the Apache Boulevard area in order to build a more desirable neighborhood in which people will enjoy living and working, enhance the positive aspects of this area and promote desirable reuse of the land.~~
- ~~2. **Duties and Powers.** For the purpose of this Code, the Apache Boulevard Project Area Committee shall have the powers to:

 - ~~a. Review development proposals within the Apache Boulevard Redevelopment Area;~~
 - ~~b. Review use permits and variances within the Apache Boulevard Redevelopment Area;~~
 - ~~c. The Committee will review applications prior to a public meeting of the Design Review Board and a public hearing of the Hearing Officer, Board of Adjustment, and Planning and Zoning Commission or City Council meeting; and~~
 - ~~d. Any recommendation by the Apache Boulevard Project Area Committee relative to such application will be forwarded to the appropriate decision-making body as a part of the staff report regarding the request.~~~~
- ~~3. **Organization.** The Apache Boulevard Project Area Committee shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.~~

~~Reference — See Resolution No. 97.75, Apache Boulevard Redevelopment Plan~~

SECTION 2. That Section 1-305 (B) of the Zoning and Development Code, pertaining to Hearing Officer powers, is hereby amended to read as follows:

B. Hearing Officer – Duties and Powers. The Hearing Officer shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Hearing Officer shall hold a public hearing OR PUBLIC MEETING to review and approve, continue, deny, approve with conditions, OR TO THE EXTENT APPLICABLE, ENTER THE APPROPRIATE ORDER, the following:

1. Use permit applications pursuant to Section 6-308;
2. Variance applications pursuant to Section 6-309; AND
- ~~3. Rental housing code appeals pursuant to Chapter 21 of the Tempe City Code; and~~
- ~~2.3.~~ Abatements pursuant to Chapter 21 of the Tempe City Code and Section 6-310.

The Hearing Officer may in connection with any application, impose conditions deemed necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6, Conditions of Approval. Violation of any Hearing Officer condition shall be a violation of this Code.

SECTION 3. That Section 1-306 (B) of the Zoning and Development Code, pertaining to Board of Adjustment powers, is hereby amended to read as follows:

B. Board of Adjustment – Duties and Powers. The Board of Adjustment shall have the duty to carry out the provisions and intent of this Code.

1. The Board of Adjustment shall hold a public hearing OR PUBLIC MEETING to review and approve, continue, deny, approve with conditions, OR TO THE EXTENT APPLICABLE, ENTER THE APPROPRIATE ORDER, the following:
 - a. Variance applications pursuant to Section 6-309;
 - b. Appeals from decisions made by the Hearing Officer, pertaining to variances AND ABATEMENTS; and
 - c. Appeals from any decision made by the Zoning Administrator.
2. The Board of Adjustment shall not:
 - a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this Code; or
 - b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

3. The Board of Adjustment may, in connection with any application, impose conditions as the Board deems necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6, Conditions of Approval. Violation of any Board of Adjustment condition shall be a violation of this Code.

State law reference – A.R.S. 9-462.06(H) Board of Adjustment

SECTION 4. That a portion of Table 3-102 in Section 3-102 of the Zoning and Development Code, pertaining to accessory buildings, guest quarters and small animals, is hereby amended to read as follows:

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)				
Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Accessory Buildings [Section 3-401]	U(S) <u>S</u>	U(S) <u>S</u>	S	S
Small Animals: Aviaries, Chickens, Rabbits, or similar [TCC §§6-3] [Section 3-404]				
For farming (AG only)	S	N	N	N
Maximum 5 each, excluding roosters and peafowl	S	S	N <u>S</u>	N
Guest Quarters [Section 3-411]	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>
Attached	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
Detached	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>

SECTION 5. That a portion of Table 3-202A and 3-202B of Section 3-202 of the Zoning and Development Code, pertaining to commercial uses, is hereby amended to read as follows:

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)						
Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
CARD ROOM (A) [SEE SECTION 6-313]	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>RECYCLING CENTERS</u>						
<u>LARGE</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>SMALL</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales [See Appendix M.]	N	P	P	P	P	P
Convenience Store (a)	N	P	P	P	P	P
with Gas/fuel sales (a)	N	U	U	U	U	U
<u>Outdoor retail display [Section 3-418]</u>	<u>N</u>	<u>U(S)</u>	<u>S</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Outdoor retailing [Section 3-417]	N	U(S)	<u>S</u> <u>U(S)</u>	U(S)	U(S)	U(S)

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)

Uses	Districts				
	MU-1	MU-2	MU-3	MU-4	MU-Ed
CARD ROOM (A) [SEE SECTION 6-313]	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>RECYCLING CENTERS</u>					
<u>LARGE</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>SMALL</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales [See Appendix M.]	P	P	P	P	P
Convenience Store (a)	P	P	P	P	U
with Gas/fuel sales (a)	N	N	N	N	U

SECTION 6. That a portion of Table 3-302A of the Zoning and Development Code Section 3-302, pertaining to industrial uses, is hereby amended to read as follows:

Table 3-302A Permitted Land Uses (LID, GID, HID)

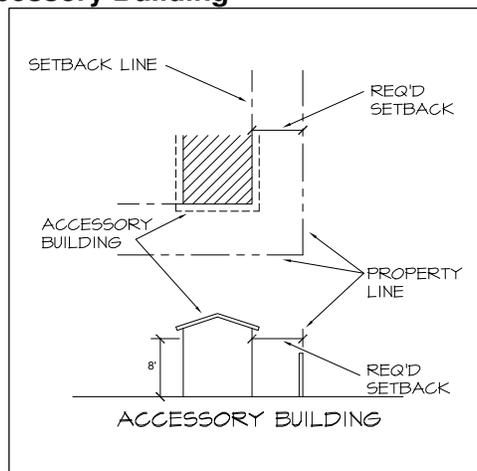
Uses	Districts		
	LID	GID	HID
<u>RECYCLING CENTERS</u>			
<u>LARGE</u>	<u>N</u>	<u>U</u>	<u>P</u>
<u>SMALL</u>	<u>P</u>	<u>P</u>	<u>P</u>
Commercial Uses – AND ALL OTHER USES UNDER TABLE 3-202A “PERMITTED LAND USES”, UNLESS OTHERWISE SPECIFIED IN THIS TABLE allowed in the commercial and mixed-use districts (except outdoor display and residential unless otherwise noted) [Section 3-202]	<u>U</u> N	U	U
Retail uses – directly related to the primary industrial use may be permitted, provided they do not TO exceed 15% of the TOTAL BUILDING AREA’S primary industrial use.	<u>P</u> N	P	P
Retail AND RESTAURANT Uses – AND ALL OTHER USES UNDER TABLE 3-202, “PERMITTED LAND USES”, UNLESS OTHERWISE SPECIFIED IN THIS TABLE allowed in the commercial and mixed-use districts (except outdoor display) [Section 3-202]	<u>U</u> N	U	U

SECTION 7. That Section 3-401 (C) and (D) of the Zoning and Development Code, pertaining to accessory buildings and structures, is hereby amended to read as follows:

- C. Accessory Building.** Buildings that exceed two hundred (200) s.f. in area or eight (8) feet in height are *accessory buildings* (e.g., freestanding garages, large sheds, workshops, etc.). ~~Such buildings shall not be used for sleeping or living purposes, shall not have cooking facilities, are limited to the height of the existing residence, and must meet the setbacks for the district. SUCH BUILDINGS ARE PERMITTED IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS, SUBJECT TO THE FOLLOWING:~~

1. ~~Use Permit. A use permit is required for accessory buildings in the AG and all Single-Family Residential Districts. ACCESSORY BUILDINGS SHALL NOT BE USED AS A DWELLING, EXCEPT WHERE PERMITTED AS GUEST QUARTERS.~~
2. ~~Setback Reduction.~~
 - a. ACCESSORY BUILDINGS SHALL NOT BE LOCATED IN THE REQUIRED FRONT YARD AND STREET SIDE YARD BUILDING SETBACKS. SUCH BUILDINGS SHALL BE SETBACK AT LEAST THREE (3) FEET FROM ALL SIDE AND REAR PROPERTY LINES. AN ADDITIONAL ONE (1) FOOT SETBACK IS REQUIRED FOR EVERY ADDITIONAL FOOT IN HEIGHT ABOVE NINE (9) FEET, UP TO FIFTEEN (15) FEET IN HEIGHT. THIS REQUIREMENT MAY BE REDUCED TO THE MINIMUM SETBACK STANDARDS REQUIRED IN THE DISTRICT, SUBJECT TO APPROVAL OF A USE PERMIT STANDARD, PURSUANT TO SECTION 6-308;
 - b. ACCESSORY BUILDINGS IN THE AG DISTRICT SHALL COMPLY WITH THE SETBACK STANDARDS REQUIRED IN THE DISTRICT;
 - c. ~~The rear yard setback for an accessory building may be reduced when adjacent to a dedicated public alley. Setback requirements shall be measured from the midpoint of the alley. WHEN ADJACENT TO A DEDICATED PUBLIC ALLEY, THE SIDE AND REAR YARD SETBACKS FOR AN ACCESSORY BUILDING SHALL BE MEASURED FROM THE MIDPOINT OF THE ALLEY; AND~~
 - d. ACCESSORY BUILDINGS SHALL COMPLY WITH REQUIRED SEPARATION FOR APPLICABLE BUILDING CODES.

Figure 3-401 C1. Accessory Building



3. HEIGHT.
 - A. THE MAXIMUM ALLOWED BUILDING HEIGHT SHALL BE FIFTEEN (15) FEET. ADDITIONAL HEIGHT MAY BE PERMITTED UP TO THE MAXIMUM HEIGHT ALLOWED IN THE DISTRICT, SUBJECT TO APPROVAL OF A USE PERMIT STANDARD, PURSUANT TO SECTION 6-308; AND
 - B. IN THE AG DISTRICT, ACCESSORY BUILDINGS MAY BE ERECTED TO THE MAXIMUM ALLOWED HEIGHT IN THE DISTRICT.

FIGURE 3-401 C2. ACCESSORY BUILDING ENVELOPE EXAMPLE

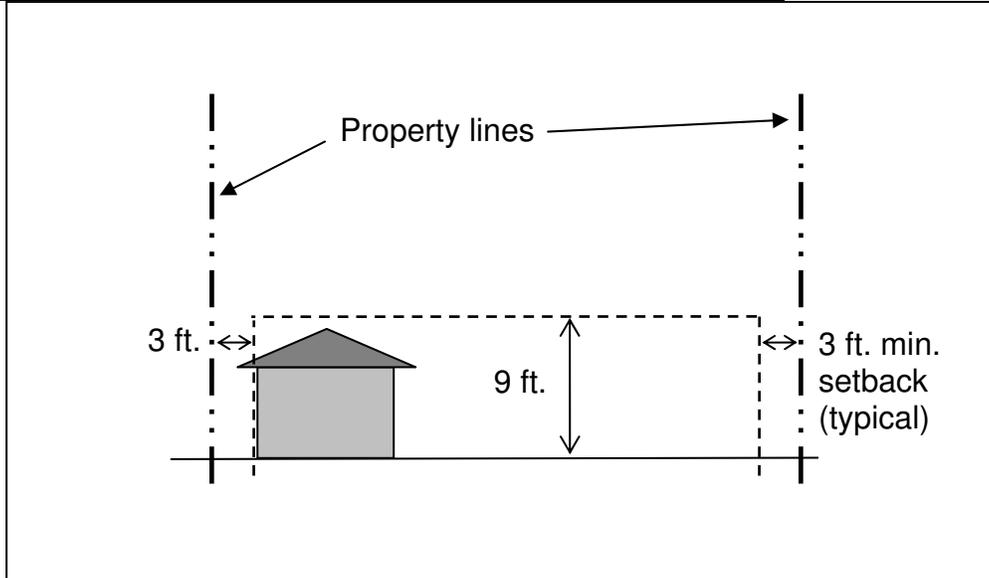
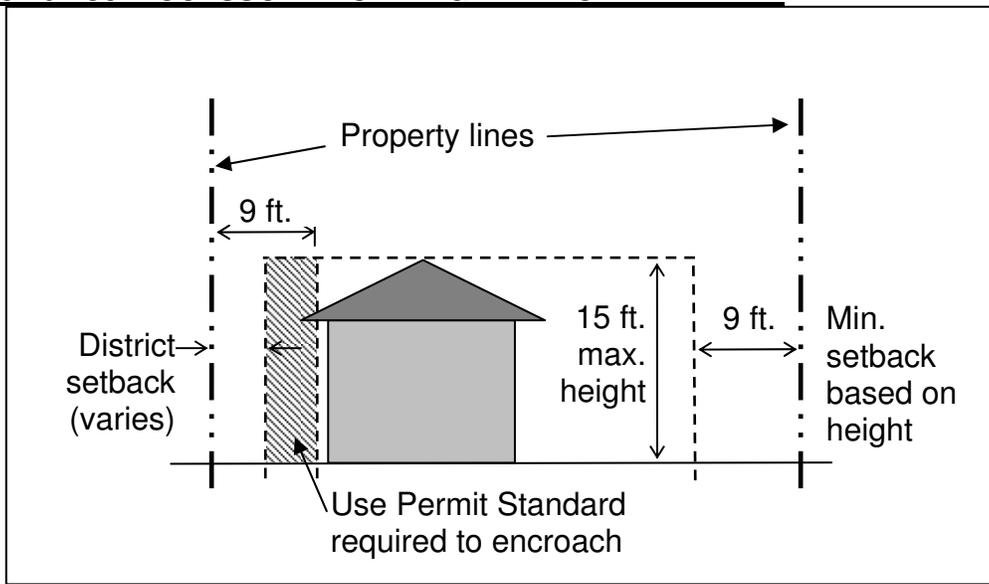


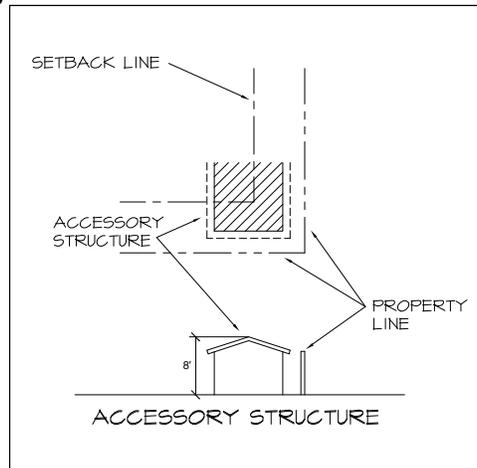
FIGURE 3-401 C3. ACCESSORY BUILDING ENVELOPE EXAMPLE



4. AREA. LOT COVERAGE, AS DEFINED IN THIS CODE, FOR ACCESSORY BUILDINGS SHALL BE INCLUDED IN THE OVERALL MAXIMUM ALLOWED IN THE DISTRICT.

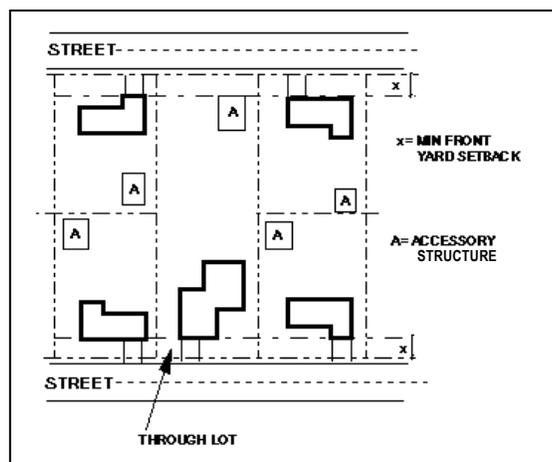
- D. **Accessory Structure.** ~~An Accessory structures (e.g., ramadas, small sheds) shall be located no closer to the front *property line* than the front *yard building setback*, be limited ARE STRUCTURES THAT ARE to a maximum OF two hundred (200) s.f. in area and shall be equal to or less than eight (8) feet in height. A *structure* that exceeds the maximum ~~THIS BUILDING~~ area or height shall be considered an *accessory building* for the purpose of this Code. An *accessory structure* may encroach into the rear, side, and street side *yard setbacks*, provided that required separation for fire protection is provided and the following standards are met: SUCH STRUCTURES ARE SUBJECT TO THE FOLLOWING STANDARDS:~~

Figure 3-401 D1. Accessory Structure



1. On a *lot* in the AG district, an *accessory structure* shall not be located closer than ~~twenty (20) feet from rear and side *property lines*~~; ACCESSORY STRUCTURES SHALL NOT BE LOCATED IN THE REQUIRED FRONT YARD BUILDING SETBACK. AN ACCESSORY STRUCTURE MAY BE LOCATED IN THE REQUIRED REAR, SIDE, AND STREET SIDE YARD SETBACKS PROVIDED THAT REQUIRED SEPARATION FOR APPLICABLE BUILDING CODES IS PROVIDED.
2. On a *through lot*, an *accessory structure* shall not be located closer to the rear *property line* than the distance required for THE front *yard building setback*; and

Figure 3-401 D2. Through Lot



3. ~~On a residential lot in the AG district, a shelter for the keeping of animals or fowl may be erected to the maximum height allowable for the main building in that district.~~ LOT COVERAGE, AS DEFINED IN THIS CODE, FOR ACCESSORY STRUCTURES SHALL BE INCLUDED IN THE OVERALL MAXIMUM ALLOWED IN THE DISTRICT.

SECTION 8. That Section 3-404(l) of the Zoning and Development Code, relating to agricultural uses, is hereby amended to read as follows:

I. **SMALL ANIMALS.** A NUMBER OF SMALL ANIMALS SHALL NOT BE CONSIDERED AS AN AGRICULTURAL USE AND ARE PERMITTED IN ALL RESIDENTIAL DISTRICTS WHICH HAVE A SINGLE-FAMILY DWELLING, SUBJECT TO THE FOLLOWING:

1. NO MORE THAN FIVE (5) SMALL ANIMALS COLLECTIVELY ARE ALLOWED ON AN INDIVIDUAL LOT;
2. NO MORE THAN TWO (2) POT-BELLIED PIGS ARE ALLOWED ON AN INDIVIDUAL LOT AND SHALL BE COUNTED IN THE TOTAL ALLOTMENT FOR SMALL ANIMALS;
3. THE KEEPING OF ROOSTERS OR PEAFOWL IS PROHIBITED, EXCEPT IN THE AG DISTRICT; AND
4. IT SHALL BE UNLAWFUL TO KEEP SMALL ANIMALS IN A MANNER THAT CONSTITUTES A NUISANCE.

SECTION 9. That Section 3-410, Boarding Room, within the Zoning and Development Code hereby amends the section title to read “room addition” as found throughout this Code, and the related section hereby amended to read as follows:

Section 3-410 Boarding Room ADDITION.

A ~~boarding room, or sleeping room~~ OR BOARDING ROOM for rent in a single-family residence, shall provide occupancy for not more than two (2) persons, ~~and shall have no provision for cooking facilities.~~ All points of ingress or egress ACCESS to such room shall be located PROVIDED INTERNALLY through the main residence of which such room is an integral part; this excludes doors opening to patios or balconies that are part of the main residence.

SECTION 10. That Section 3-411 of the Zoning and Development Code, relating to guest quarters, is hereby amended to read as follows:

Section 3-411 Guest Quarters

A. **APPLICABILITY.** GUEST QUARTERS ARE PERMITTED IN SINGLE-FAMILY RESIDENTIAL DISTRICTS HAVING A MINIMUM LOT SIZE OF 15,000 SQUARE FEET, SUBJECT TO THE FOLLOWING STANDARDS:

1. ONLY ONE GUEST QUARTERS IS PERMITTED ON A SINGLE LOT;

2. THE GROSS FLOOR AREA SHALL BE NO GREATER THAN FIFTY (50) PERCENT OF THE MAIN BUILDING'S GROSS FLOOR AREA AT OR ABOVE GRADE;
3. AN ATTACHED BUILDING SHALL COMPLY WITH THE DEVELOPMENT STANDARDS SET FORTH IN TABLE 4-202A;
4. GUEST QUARTERS DETACHED FROM THE MAIN BUILDING SHALL COMPLY WITH THE ACCESSORY BUILDING STANDARDS SET FORTH IN SECTION 3-401;
5. THERE SHALL BE NO SEPARATE METERING FOR UTILITY SERVICES AND NO SEPARATE MAILING ADDRESS; AND
6. PRIOR TO ISSUANCE OF A BUILDING PERMIT, A REAL COVENANT SHALL BE RECORDED WITH THE LAND RESTRICTING THE USE OF THE GUEST QUARTERS FROM BEING RENTED OR LEASED. THE CITY OF TEMPE SHALL BE PARTIES TO SUCH COVENANT AND SHALL BE BINDING TO ALL SUBSEQUENT OWNERS.

SECTION 11. That Section 3-417 of the Zoning and Development Code, outdoor retailing, is hereby amended to read as follows:

Section 3-417 Outdoor Retailing

A. Purpose. To allow sales ~~OR DISPLAY~~ of merchandise ~~for a limited and temporary time without use of a permanent structure~~ ON THE EXTERIOR OF A BUILDING.

B. Applicability. Outdoor retailing is allowed subject to a ~~use permit~~ and the following regulations:

1. ~~Must be on the site specified by the use permit and outside of the public right-of-way;~~
2. ~~Must have property owner's written authorization;~~
3. ~~Outdoor retailing shall not occupy required parking areas, pedestrian paths, landscaped areas, or vehicular driveways (including fire lanes);~~
4. ~~Any outdoor retailing must allow for a minimum six (6) foot wide pedestrian path across any building frontage and to and from all building entrances and exits;~~
5. ~~The applicant must be in compliance with all regulations related to such permit and all applicable codes and laws~~
6. ~~Sound amplification may not be used for sales demonstrations; and~~
7. ~~Outdoor retailing signage size and location shall be established by the use permit.~~

B. PERMANENT OUTDOOR RETAIL DISPLAY

1. **APPLICABILITY.** PERMANENT OUTDOOR RETAIL DISPLAY IS A PERMANENT OUTDOOR SALES COMPONENT WHICH IS AN INTEGRAL PART OF A BUSINESS, INCLUDING BUT NOT LIMITED TO, GARDEN CENTERS AND AUTO, BOAT, AND RV DEALERSHIP DISPLAY LOTS.

2. **GENERAL REGULATIONS.**
 - A. MUST BE SHOWN AS PART OF A DEVELOPMENT PLAN REVIEW WITH ALL APPLICABLE SITE IMPROVEMENTS.
 - B. IF ADDED TO AN EXISTING SITE. THE USE SHALL OBTAIN DEVELOPMENT PLAN REVIEW APPROVAL WITH ALL APPLICABLE SITE IMPROVEMENTS.
 - C. SHALL COMPLY WITH PARKING RATIOS PER TABLE 4-603E.

C. TEMPORARY OUTDOOR RETAIL DISPLAY

1. **APPLICABILITY.** TEMPORARY OUTDOOR RETAIL DISPLAY ALLOWS A BUSINESS OR TENANT TO DISPLAY AN INCIDENTAL AMOUNT OF MERCHANDISE SOLD WITHIN THE BUSINESS, IN PROXIMITY TO THE EXTERIOR OF A BUILDING. OUTDOOR DISPLAY IS SUBJECT TO THE FOLLOWING:

2. **GENERAL REGULATIONS**
 - A. PERMITTED SUBJECT TO A USE PERMIT IN THE COMMERCIAL (EXCEPT R/O), MIXED-USE, AND INDUSTRIAL DISTRICTS. SUCH DISPLAY IS PERMITTED IN THE CC DISTRICT WITHOUT A USE PERMIT;
 - B. MERCHANDISE MUST BE ASSOCIATED WITH AN ESTABLISHED BUSINESS AND SHALL BE THE SAME AS THAT SOLD INSIDE THE STORE;
 - C. DISPLAYS SHALL NOT OCCUPY THE MINIMUM REQUIRED PARKING AREAS, LANDSCAPED AREAS, OR VEHICULAR DRIVEWAYS (INCLUDING FIRE LANES);
 - D. IN THE CC DISTRICT, DISPLAYS SHALL BE LOCATED WITHIN THREE (3) FEET OF THE BUSINESS SPACE;
 - E. ANY DISPLAY MUST ALLOW FOR A MINIMUM FOUR (4) FOOT WIDE PEDESTRIAN PATHWAY ACROSS THE BUILDING FRONTAGE AND TO ALL BUILDING ENTRANCES AND EXITS. ON PUBLIC SIDEWALKS A MINIMUM SIX (6) FOOT WIDE PATHWAY CLEARANCE SHALL BE PROVIDED. AN ENCROACHMENT PERMIT SHALL BE REQUIRED WHEN PLACED IN THE PUBLIC RIGHT-OF-WAY, AS DETERMINED BY THE PUBLIC WORKS MANAGER OR DESIGNEE;
 - F. DISPLAYS ARE LIMITED TO THE NORMAL HOURS OF OPERATION OF THE BUSINESS, UNLESS OTHERWISE AUTHORIZED BY CONDITION;
 - H. SOUND AMPLIFICATION SHALL NOT BE USED FOR SALES DEMONSTRATIONS; AND

I. OUTDOOR DISPLAY SIGNAGE SHALL NOT EXCEED A TOTAL OF THREE (3) SQUARE FEET.

D. TEMPORARY OUTDOOR VENDING

1. APPLICABILITY. TEMPORARY OUTDOOR VENDING REFERS TO SALE OF MERCHANDISE OR SERVICE NOT WITHIN A BUILDING OR A PERMANENT STRUCTURE ON A SITE. TEMPORARY OUTDOOR VENDING INCLUDES FOOD CARTS, GRILLS AND GENERAL MERCHANDISE OFFERED FOR PURCHASE IN ANY RETAIL ESTABLISHMENT, ON A DAILY BASIS, THROUGHOUT THE CALENDAR YEAR AND LIMITED PERSONAL SERVICES SUCH AS A SHOE POLISHING AND RE-OCCURRING OUTDOOR EVENTS SUCH AS FARMERS MARKETS.

2. GENERAL REGULATIONS

A. PERMITTED SUBJECT TO A USE PERMIT;

B. MUST BE LOCATED ON THE SPECIFIED LOT IDENTIFIED BY THE USE PERMIT AND NOT IN THE PUBLIC RIGHT OF WAY, UNLESS AUTHORIZED WITH AN ENCROACHMENT PERMIT, SUBJECT TO APPROVAL BY PUBLIC WORKS MANAGER OR DESIGNEE;

C. SHALL NOT OCCUPY THE MINIMUM REQUIRED PARKING AREAS, LANDSCAPE AREAS, OR VEHICULAR DRIVEWAYS (INCLUDING FIRE LANES).

D. MUST ALLOW FOR A MINIMUM FOUR (4) FOOT WIDE PEDESTRIAN PATH ACROSS ANY BUILDING FRONTAGE AND TO AND FROM ALL BUILDING ENTRANCES AND EXITS. ON PUBLIC SIDEWALKS A MINIMUM SIX (6) FOOT WIDE PATHWAY CLEARANCE SHALL BE PROVIDED;

E. SOUND AMPLIFICATION MAY NOT BE USED FOR SALES DEMONSTRATIONS;

F. THE ALLOWABLE SIGNAGE, SIZE AND LOCATION OF THE BUSINESS, AND STORAGE OF EQUIPMENT/MATERIALS, SHALL BE ESTABLISHED THROUGH THE USE PERMIT; AND

G. SHALL NOT INCLUDE THE SALE OF THE FOLLOWING COMMODITIES OR PROVIDE THE FOLLOWING SERVICES ON THE PREMISES; VEHICLE SALES WHICH HAVE MORE THAN THREE (3) VEHICLES ON DISPLAY, VEHICLE WASHING OR DETAILING, OR MOTOR VEHICLE REPAIR.

E. OUTDOOR RETAIL OF SEASONAL MERCHANDISE

1. APPLICABILITY. THE OUTDOOR RETAIL ALLOWED UNDER THE PROVISION OF SEASONAL MERCHANDISE INCLUDES ITEMS THAT ARE NOT TYPICALLY OFFERED FOR PURCHASE IN ANY RETAIL ESTABLISHMENT, ON A DAILY BASIS, THROUGHOUT THE CALENDAR YEAR. THESE ITEMS INCLUDE PUMPKIN PATCHES, TREE LOTS AND PARAPHERNALIA ASSOCIATED WITH A SPORT'S CHAMPIONSHIP OR EXCLUSIVE EVENT.

2. GENERAL REGULATIONS

A. REQUIRES AN ADMINISTRATIVE REVIEW PROCESS PRIOR TO COMMENCEMENT OF USE;

- B. MUST BE LOCATED ON THE SITE SPECIFIED BY A SITE PLAN AND NOT IN THE PUBLIC RIGHT OF WAY, UNLESS AUTHORIZED WITH AN ENCROACHMENT PERMIT, SUBJECT TO APPROVAL BY THE PUBLIC WORKS MANAGER OR DESIGNEE;
- C. SHALL NOT OCCUPY MINIMUM REQUIRED PARKING AREAS, PEDESTRIAN PATHWAYS, LANDSCAPE AREAS, OR VEHICULAR DRIVEWAYS (INCLUDING FIRE LANES), EXCEPT AS GRANTED WITH AN ADMINISTRATIVE APPROVAL;
- D. SOUND AMPLIFICATION SHALL NOT BE USED FOR SALES DEMONSTRATIONS; AND
- E. THE ALLOWABLE SIGNAGE, SIZE AND LOCATION OF THE BUSINESS AND STORAGE OF EQUIPMENT/MATERIALS, SHALL ESTABLISHED BY THE ADMINISTRATIVE REVIEW.

F. VENDING MACHINES

1. APPLICABILITY. VENDING MACHINES REFER TO AUTOMATED OR SELF SERVICE DISPENSERS OF MERCHANDISE LOCATED ON THE EXTERIOR OF A BUILDING, INCLUDING BUT NOT LIMITED TO SODA, CANDY, OTHER RETAIL DISPENSED ITEMS AND REVERSE VENDING MACHINES.

2. GENERAL REGULATIONS

- A. REQUIRES DEVELOPMENT PLAN REVIEW PRIOR TO INSTALLATION;
- B. PROPANE GAS CAGES THAT HAVE AN EXISTING FIRE PERMIT ISSUED PRIOR TO OCTOBER 8, 2009 DO NOT REQUIRE A SEPARATE DEVELOPMENT PLAN REVIEW;
- C. SHALL PROVIDE A MINIMUM FOUR (4) FOOT WIDE PEDESTRIAN PATHWAY ACROSS ANY BUILDING FRONTAGE AND TO ALL BUILDING ENTRANCES AND EXITS; AND
- D. SHALL BE SCREENED FROM STREET VIEW OR PROVIDE AN ARCHITECTURALLY COMPATIBLE DESIGN. WATER, ICE, AND PROPANE GAS VENDING ARE NOT REQUIRED TO BE SCREENED.

SECTION 12. That Section 3-418 of the Zoning and Development Code, outdoor retail display, is hereby repealed.

Section 3-418 — ~~Outdoor Retail Display. (REPEALED)~~

- ~~**A. Purpose.** The purpose of this section is to allow a business or tenant to display an incidental amount of merchandise adjacent to the exterior of a *building*.~~
- ~~**B. Applicability.** Outdoor displays are allowed, subject to the following regulations:~~
 - ~~1. Displays in city right of way are subject to an encroachment permit or lease;~~
 - ~~2. Displays shall not occupy required *parking areas, pedestrian paths, landscaped areas, or vehicular driveways (including fire lanes);*~~

3. ~~Displays shall be located within three (3) feet of the business space;~~
4. ~~Any display must allow for a minimum six (6) foot wide pedestrian path across the *building* frontage and to and from all *building* entrances and exits;~~
5. ~~Displays are limited to the normal hours of operation, unless otherwise authorized by condition;~~
6. ~~Solid display *structures* are limited to four (4) feet in height and total display area shall not obscure more than twenty five percent (25%) of window area;~~
7. ~~Display merchandise shall be the same as that sold inside the store;~~
8. ~~Sound amplification may not be used for sales demonstrations;~~
9. ~~Outdoor *retail* display signage shall not exceed a total of three (3) square feet; and~~
10. ~~Sale or transaction of display items shall be made inside the place of business.~~

SECTION 13. That Section 3-503 of the Zoning and Development Code, pertaining to legal non-conforming developments, is hereby amended to read as follows:

Section 3-503 Legal Non-Conforming Development.

All *developments* may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code.

SECTION 14. That Section 4-406 of the Zoning and Development Code, pertaining to employee service entrances and exits, is hereby amended to read as follows:

Section 4-406 Employee Service Entrances and Exits.

Employee service exit and entrance doors shall be equipped with a security vision panel. A vision panel is a maximum three (3) inch wide, by minimum twenty-three (23) inch tall high density, impact resistance acrylic or laminated glass window. The vision panel shall be located on the door with the lowest edge of the panel not more than forty-three (43) inches and the highest edge of the panel not less than sixty-six (66) inches from the bottom edge of the door. This requirement shall comply with current applicable building codes. ~~Wire glass vision panel is acceptable when required.~~ FIRE-RATED GLAZING MAY BE USED WHEN INSTALLED IN A RATED DOOR. This section applies to new doors for remodels or additions, and new *buildings* designed for commercial, office/industrial or institutional uses, and do not apply to exterior doors installed to provide access to *building* utilities only. Multi-Family uses also require doors to be equipped with a security vision panel when not openED directly to a *dwelling* unit. The Development Services Manager, or designee, may approve other types of vision panels providing equal security.

SECTION 15. That a portion of Table 4-603E of the Zoning and Development Code, pertaining to off-street parking for outdoor use, is hereby amended to read as follows:

Table 4-603E: Ratios for Off-Street Parking

Use	Vehicle Parking Minimums	Bicycle Parking Minimums	Bicycle Commute Area
Club			
Bar/tavern/nightclub/teen night club	1 space per 50 sf	1 per 1,000 sf	1 per 500 sf
Lodge/club or similar	1 space per 125 sf	1 per 2,000 sf	1 per 2,000 sf
<u>OUTDOOR</u> <u>(NO PARKING FIRST 300 SF: PER TENANT SPACE)</u>	<u>1 SPACE PER 150 SF</u>	<u>1 PER 2,000 SF</u>	<u>1 PER 2,000 SF</u>
Restaurant			
Indoor	1 space per 75 sf	1 per 1,000 sf	1 per 500 sf
Outdoor <u>(NO PARKING FIRST 300 SF: PER TENANT SPACE)</u>	1 space per 150 sf, or 1 space per 4 <u>seats/chairs if no patio wall</u>	1 per 2,000 sf, or 1 per 50 <u>seats/chairs if no patio wall</u>	1 per 2,000 sf, or 1 <u>per 50 seats/chairs if no patio wall</u>
Take out only (no tables/chairs)	1 space per 300 sf	1 per 10,000 sf, 2 min	1 per 7,500 sf, 4 min
Retail			
Indoor	1 space per 300 sf	1 per 10,000 sf, 2 min	1 per 7,500 sf, 4 min
Outdoor <u>(NO PARKING FIRST 300 SF: PER TENANT SPACE)</u>	1 space per 500 sf	1 per 5,000 sf	1 per 5,000 sf
Convenience store/gas	1 space per 300 sf	1 per 2,000 sf	1 per 1,000 sf
Furniture sales	First 10,000 sf @ 1 space per 500 sf + 1 space per 5,000 sf remaining	1 per 5,000 sf	1 per 5,000 sf

SECTION 16. That Section 4-902(B), within the Zoning and Development Code pertaining to off-premise signs, is hereby amended to read as follows:

B. Prohibited Signs. Prohibited *signs* include:

1. Non-public *signs* in public right-of-way or on public property;
2. *Signs* mounted on a *building roof*;
3. *Signs* that are mounted, attached, or painted on *trailers*, boats or vehicles when used as additional signage on or near the business premises; and similar *signs*. Business vehicles displaying signage or advertising shall be parked in an assigned *parking* space which is not immediately adjacent to a *street* frontage;
4. *Signs* having intermittent or flashing illumination, animated or moving parts, or that emit sound except as allowed under Section 4-903(N) (Menu Board) and Section 4-903(U) (Marquee Sign);
5. Freestanding changeable copy *signs*, except as allowed under Section 4-903(N) (Menu Board), Section 4-903(Q) (Service Station Sign), and Section 4-903(U) (Marquee Sign);

6. Banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, inflatable *signs*, except as otherwise provided in Section 4-903(R) (Special Events Sign), Section 4-903(C) (Boutique Directional Sign) and approved *banner signs* installed pursuant to the city's banner program;
7. *Signs* imitating official traffic control *signs*, or any *sign* or device obscuring such *signs* or devices;
8. *Signs* mounted on, or applied to trees, utility poles, rocks, or city owned property;
9. *Signs* placed on private property without the property owner's written approval;
10. *Off-site signs* and *portable signs*, except as permitted in Sections 4-903(C) (Boutique Directional Sign), Section 4-903(M) (Lead-In Sign), Section 4-903(O) (Political Sign), or Section 4-903(S) (Subdivision/Apartment Community Advertising Sign); and
11. Business identification/*advertising signs* in single-family zoning districts.

SECTION 17. That Section 4-903(J), within the Zoning and Development Code pertaining to freeway signs, is hereby amended to read as follows:

J. Freeway Sign. Freeway *sign* requirements are as follows:

1. Freestanding.
 - a. Any *lot* with more than one thousand (1,000) feet of lineal frontage adjacent to a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;
 - b. One (1) *freestanding sign* per freeway frontage;
 - c. Maximum height, including any supporting *structures*, shall be thirty-five (35) feet, and maximum *sign* area shall be one hundred twenty (120) square feet;
 - d. *Sign* must be located within three hundred (300) feet of freeway right-of-way;
 - e. May identify a center or *building*, and a maximum of four (4) tenants; and
 - f. A *sign* permit is required.
2. Building Mounted.
 - a. Any *building*, except residential, located within three hundred (300) feet of a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;

- b. The maximum total area for *building mounted* freeway signs on the premises may be equal to two (2) square feet of sign area for every lineal foot of *building* frontage adjacent to the freeway. Allocation of the total sign area to individual tenants shall be determined through a comprehensive sign package, approved through development plan review; and
- c. A sign permit is required.

SECTION 18. That Section 6-306 (D) and (E) of the Zoning and Development Code, regarding development plan review, is hereby amended to read as follows:

D. Approval Criteria. *Development plan* approval SHALL BE BASED ON CONSIDERATION OF ~~requires conformance with the following standards and criteria:~~

- ~~1. The placement of buildings reinforces and provides variety in the street wall, maximizes natural surveillance and visibility of pedestrian areas (building entrances, pathways, parking areas, etc.), enhances the character of the surrounding area, facilitates pedestrian access and circulation and mitigates heat gain and retention through:

 - ~~a. Shade for energy conservation and comfort as an integral part of the design;~~
 - ~~b. Materials shall be of superior quality and compatible with the surroundings;~~
 - ~~c. Buildings and landscape elements have proper scale with the site and surroundings;~~
 - ~~d. Large building masses are divided into smaller components that create a human scale as viewed from the sidewalk;~~
 - ~~e. Buildings have a clear base and top, as identified by ground floor elements, roof forms, and detailing;~~
 - ~~f. Building facades have architectural detail and contain windows at the ground level to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility;~~
 - ~~g. Special treatment of doors, windows, doorways and walkways (proportionality, scale, materials, rhythm, etc.) contributes to attractive public spaces;~~
 - ~~h. On-site utilities are placed underground;~~
 - ~~i. Clear and well lighted walkways connect building entrances to one another and to adjacent sidewalks;~~
 - ~~j. Accessibility is provided in conformance with the Americans With Disabilities Act (ADA);~~
 - ~~k. Plans take into account pleasant and convenient access to multi-modal transportation options, and support the potential for transit patronage;~~~~

- ~~l. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. Traffic impacts are minimized, in conformance with city transportation policies, plans, and design criteria;~~
- ~~m. Safe and orderly circulation separates pedestrian and bicycles from vehicular traffic. Projects should be consistent with the Tempe Pedestrian and Bicycle Facility Guidelines, contained the Comprehensive Transportation Plan;~~
- ~~n. Plans appropriately integrate crime prevention principles such as territoriality, natural surveillance, access control, activity support, and *maintenance*;~~
- ~~o. Landscaping accents and separates *parking, buildings, driveways* and pedestrian walkways;~~
- ~~p. *Signs* must have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the *building* or site on which they are located. The decision-making body shall consider the following:

 - ~~1. *Sign* copy shall provide contrast with its background;~~
 - ~~2. *Sign* area and copy shall be proportional to the size of the *building* element on which it is located; and~~
 - ~~3. *Signs* for complexes or centers shall utilize materials which are complementary to the *building* and to the other *signs* on the premises.~~~~
- ~~q. Lighting is compatible with the proposed *building(s)* and adjoining *buildings* and uses, and does not create negative effects.~~

1. PLACEMENT, FORM, AND ARTICULATION OF BUILDINGS AND STRUCTURES PROVIDE VARIETY IN THE STREETScape;
2. BUILDING DESIGN AND ORIENTATION, TOGETHER WITH LANDSCAPE, COMBINE TO MITIGATE HEAT GAIN/RETENTION WHILE PROVIDING SHADE FOR ENERGY CONSERVATION AND HUMAN COMFORT;
3. MATERIALS ARE OF A SUPERIOR QUALITY, PROVIDING DETAIL APPROPRIATE WITH THEIR LOCATION AND FUNCTION WHILE COMPLEMENTING THE SURROUNDINGS;
4. BUILDINGS, STRUCTURES, AND LANDSCAPE ELEMENTS ARE APPROPRIATELY SCALED, RELATIVE TO THE SITE AND SURROUNDINGS;
5. LARGE BUILDING MASSES ARE SUFFICIENTLY ARTICULATED SO AS TO RELIEVE MONOTONY AND CREATE A SENSE OF MOVEMENT, RESULTING IN A WELL-DEFINED BASE AND TOP, FEATURING AN ENHANCED PEDESTRIAN EXPERIENCE AT AND NEAR STREET LEVEL;

6. BUILDING FACADES PROVIDE ARCHITECTURAL DETAIL AND INTEREST OVERALL WITH VISIBILITY AT STREET LEVEL (IN PARTICULAR, SPECIAL TREATMENT OF WINDOWS, ENTRIES AND WALKWAYS WITH PARTICULAR ATTENTION TO PROPORTIONALITY, SCALE, MATERIALS, RHYTHM, ETC.) WHILE RESPONDING TO VARYING CLIMATIC AND CONTEXTUAL CONDITIONS.
7. PLANS TAKE INTO ACCOUNT PLEASANT AND CONVENIENT ACCESS TO MULTI-MODAL TRANSPORTATION OPTIONS AND SUPPORT THE POTENTIAL FOR TRANSIT PATRONAGE;
8. VEHICULAR CIRCULATION IS DESIGNED TO MINIMIZE CONFLICTS WITH PEDESTRIAN ACCESS AND CIRCULATION, AND WITH SURROUNDING RESIDENTIAL USES;
9. PLANS APPROPRIATELY INTEGRATE *CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN* PRINCIPLES SUCH AS TERRITORIALITY, NATURAL SURVEILLANCE, ACCESS CONTROL, ACTIVITY SUPPORT, AND MAINTENANCE;
10. LANDSCAPE ACCENTS AND PROVIDES DELINEATION FROM *PARKING, BUILDINGS, DRIVEWAYS AND PATHWAYS*;
11. ~~Signs must~~ have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the *building* or site on which they are located; AND
 - ~~a. Sign copy shall provide contrast with its background;~~
 - ~~b. Sign area and copy shall be proportional to the size of the *building* element on which it is located; and~~
 - ~~c. Signs for complexes or centers shall utilize materials which are complementary to the *building* and to the other *signs* on the premises.~~
12. LIGHTING IS COMPATIBLE WITH THE PROPOSED *BUILDING(S)* AND ADJOINING *BUILDINGS* AND USES, AND DOES NOT CREATE NEGATIVE EFFECTS.

- E. Time Limitations.** *Development plan* approval shall be void if the *development* is not commenced or if AN APPLICATION FOR a building permit has not been ~~obtained~~ SUBMITTED, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. THE PERIOD OF APPROVAL IS EXTENDED UPON THE TIME REVIEW LIMITATIONS SET FORTH FOR BUILDING PERMIT APPLICATIONS, PURSUANT TO TEMPE BUILDING SAFETY ADMINISTRATIVE CODE, SECTION 8-104.15. AN EXPIRATION OF THE BUILDING PERMIT APPLICATION WILL RESULT IN EXPIRATION OF THE *DEVELOPMENT PLAN*.

SECTION 19. That Section 6-308 (K) of the Zoning and Development Code, pertaining to use permit time limitations, is hereby amended to read as follows:

- K. Use Permit Time Limitation.** *Use permits* APPROVALS shall be void if the use is not commenced OR IF AN APPLICATION FOR A BUILDING PERMIT HAS NOT BEEN SUBMITTED, WHICHEVER IS APPLICABLE, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body. THE PERIOD OF APPROVAL IS EXTENDED UPON THE TIME REVIEW LIMITATIONS SET FORTH FOR BUILDING PERMIT APPLICATIONS, PURSUANT TO TEMPE BUILDING SAFETY ADMINISTRATIVE CODE, SECTION 8-104.15. AN EXPIRATION OF THE BUILDING PERMIT APPLICATION WILL RESULT IN EXPIRATION OF THE USE PERMIT.

SECTION 20. That Section 6-309 (F) of the Zoning and Development Code, pertaining to variance time limitations, is hereby amended to read as follows:

- F. Variance Time Limitations.** *Variance* APPROVALS shall be void if the use is not commenced or if AN APPLICATION FOR a building permit has not been obtained SUBMITTED, whichever is applicable, within twelve (12) months of such granting or within the time stipulated by the decision-making body. ~~The time period for a variance may be extended in conformance with Section 6-901, and shall only be renewed upon approval of a new variance application.~~ THE PERIOD OF APPROVAL IS EXTENDED UPON THE TIME REVIEW LIMITATIONS SET FORTH FOR BUILDING PERMIT APPLICATIONS, PURSUANT TO TEMPE BUILDING SAFETY ADMINISTRATIVE CODE, SECTION 8-104.15. AN EXPIRATION OF THE BUILDING PERMIT APPLICATION WILL RESULT IN EXPIRATION OF THE VARIANCE.

SECTION 21. That Section 6-310 of the Zoning and Development Code, pertaining to notices for an abatement, is hereby amended to read as follows:

Section 6-310 Abatement.

- A. Purpose.** Abatements shall remove code violations from property.
- B. Applicability.** Refer to Tempe City Code, Chapter 21, ARTICLE III.
- C. Procedure.** Abatements are processed through the Hearing Officer during a public hearing MEETING. APPEALS FROM THE HEARING OFFICER SHALL BE with an appeal being heard by the Board of Adjustment, AND then appealed to the Superior Court.

SECTION 22. That Section 6-802 (A) of the Zoning and Development Code, pertaining to notices for an appeal, is hereby amended to read as follows:

- A. Public NOTICE/Hearing.** Such appeals shall be NOTICED AND heard using the same procedures as the original public meeting/~~public hearing,~~ PURSUANT TO PART 6, CHAPTER 4, PUBLIC NOTICE AND STAFF REPORTS AND ~~procedures in Part 6, Chapter 5, PUBLIC MEETINGS AND PUBLIC HEARINGS.~~

SECTION 23. That Section 6-901 (A) of the Zoning and Development Code, pertaining to extension requests, is hereby amended to read as follows:

- A. Request for Extension.** If an extension is desired, the holder of the approval or permit must file an application for an extension ~~no later than forty-five (45) calendar days~~ prior to expiration of the approval or permit.

SECTION 24. That Section 6-902 (A) of the Zoning and Development Code, pertaining to revocation procedures, is hereby amended to read as follows:

- A. Procedure and Criteria.** Following reasonable notice to the permit/approval holder an administrative hearing shall be held to consider all relevant information, conditions, and concerns related to the permit. The permit/approval holder will be given a reasonable opportunity to resolve all related issues. If the permit/approval holder cannot comply with conditions of the permit/approval or otherwise remains in violation of this Code after thirty (30) days, or sooner when the violations constitute an immediate public health, safety and general welfare concern, the Zoning Administrator shall schedule the item on the next regularly scheduled agenda of the original decision-making body, as may be appropriate, at which time revocation of the permit/approval may be considered. NOTICE OF A REVOCATION SHALL BE PROVIDED IN THE SAME MANNER AS THE ORIGINAL MEETING OR HEARING, AS AMENDED WITHIN SECTIONS 6-403 AND 6-404, NOTICES FOR PUBLIC MEETINGS AND HEARINGS. A permit/approval may be revoked if it is determined that:

1. Development which has occurred does not comply with the standards set forth in this Code or any special conditions imposed upon the permit/approval;
2. The permit/approval was approved based on materially incorrect or incomplete information; or
3. A change has occurred to city regulations, the General Plan or applicable law, prior to the *development* obtaining a vested right or status as a legal nonconforming use that makes the approved *development* unlawful or not permitted.

SECTION 25. That Section 7-103, within the Zoning and Development Code pertaining to the definition of attached building, is hereby added to read as follows:

BUILDING, ATTACHED MEANS A BUILDING WITH AN INTERNALLY ACCESSIBLE CONNECTION THROUGH AN ENCLOSED AIR CONDITIONED SPACE, OR A BUILDING WITH AN INTEGRAL ROOF STRUCTURE WHICH UTILIZES THE MAIN BUILDINGS WALL TO ENCLOSE THE SPACE OF THE ATTACHED BUILDING.

SECTION 26. That Section 7-104 of the Zoning and Development Code, pertaining to definitions for card room and columbarium, is hereby amended to read as follows:

Section 7-104 “C” Definitions.

CARD ROOM / POKER ROOM MEANS A FUNCTION THAT EXCLUSIVELY OFFERS CARD GAMES FOR PLAY BY THE PUBLIC. THE PLAYERS COMPETE AGAINST EACH OTHER, INSTEAD OF AGAINST "THE HOUSE", FOR MONETARY VALUE.

COLUMBARIUM MEANS A VAULT OR OTHER STRUCTURE WITH RECESSES IN

THE WALLS TO RECEIVE THE ASHES OF THE DEAD, AND SHALL BE CONSIDERED A PERMITTED ACCESSORY USE FOR CEMETERIES, MAUSOLEUMS OR A PLACE OF WORSHIP.

SECTION 27. That Section 7-105 of the Zoning and Development Code, pertaining to definitions for donation bin, is hereby amended to read as follows:

Section 7-105“D” Definitions.

DONATION BIN MEANS A LARGE CONTAINER FOR PEOPLE TO DROP OFF USED CLOTHING AND HOUSEHOLD GOODS FOR CHARITABLE PURPOSES.

SECTION 28. That Section 7-108, within the Zoning and Development Code pertaining to the definition of guest quarters, is amended to read as follows:

Guest quarters means an attached or detached building used to house guests of the occupants of the main building, which is not rented or leased independently from the main building. GUEST QUARTERS ARE DEFINED AS HAVING SPACE FOR A ROOM OR SLEEPING ROOM AND A BATHROOM WITH SHOWER/TUB, TOILET AND SINK, WHICH DOES NOT PROVIDE INGRESS OR EGRESS INTERNALLY THROUGH THE MAIN RESIDENCE.

SECTION 29. That Section 7-113 of the Zoning and Development Code, pertaining to definitions for livestock, is hereby amended to read as follows:

Section 7-113“L” Definitions.

LIVESTOCK MEANS CATTLE, HORSES, EMUS, LLAMAS, OSTRICHES, SHEEP, GOATS, OR SIMILAR ANIMALS, EXCEPT FOR SWINE.

SECTION 30. That Section 7-117 of the Zoning and Development Code, pertaining to definitions for poultry, is hereby amended to read as follows:

Section 7-117“P” Definitions.

POULTRY MEANS CHICKENS, DUCKS, GEESE, TURKEYS, GUINEA FOWL, OR OTHER DOMESTIC FOWL.

SECTION 31. That Section 7-119 of the Zoning and Development Code, pertaining to definitions for recycling centers and reverse vending machines, is hereby amended to read as follows:

Section 7-119“R” Definitions.

RECYCLING CENTERS MEANS A PLACE FOR THE FOLLOWING DEVICES, INCLUDING BUT NOT LIMITED TO, MOBILE RECYCLING UNITS, REVERSE VENDING MACHINES, AND DONATION BINS, FOR DROP-OFF OR DEPOSIT OF RECYCLABLE MATERIALS SUCH AS GLASS, METAL, PAPER PRODUCTS AND OTHER MATERIALS AS DETERMINED BY THE ZONING ADMINISTRATOR. SMALL RECYCLING CENTERS ARE DEFINED AS HAVING AN AREA OF FIVE HUNDRED (500) SQUARE FEET OR LESS. LARGE RECYCLING CENTERS ARE FACILITIES OVER FIVE HUNDRED (500) SQUARE FEET OR INCLUDE MACHINERY FOR PROCESSING MATERIALS.

REVERSE VENDING MACHINE MEANS A MECHANICAL DEVICE THAT ACCEPTS ONE OR MORE TYPES OF EMPTY BEVERAGE CONTAINERS, INCLUDING ALUMINUM CANS, GLASS AND PLASTIC BOTTLES AND CARTONS, AND ISSUES A CASH REFUND OR A REDEEMABLE CREDIT SLIP WITH A VALUE NOT LESS THAN THE CONTAINER'S REDEMPTION VALUE. SEE ALSO RECYCLING CENTERS.

SECTION 32. That Section 7-120 of the Zoning and Development Code, pertaining to definitions for small animal and smoking establishment, is hereby amended to read as follows:

Section 7-120 "S" Definitions.

SMALL ANIMAL MEANS POULTRY AS DEFINED HEREIN, POT-BELLIED PIGS, RABBITS, OR OTHER SIMILAR SMALL ANIMALS.

SMOKING ESTABLISHMENT MEANS ANY BUSINESS OR LOCATION THAT IS DEDICATED, IN WHOLE OR IN PART, TO THE USE OF TOBACCO OR OTHER SUBSTANCES EMITTING SMOKE, INCLUDING BUT NOT LIMITED TO ESTABLISHMENTS ALSO REFERRED AS CIGAR BARS OR LOUNGES, HOOKAH BARS OR LOUNGES, AND TOBACCO CLUBS OR BARS.

SECTION 33. That Section 7-121 of the Zoning and Development Code, pertaining to definitions for tobacco retailer, is hereby amended to read as follows:

Section 7-121 "T" Definitions.

Tobacco retailer means any person or business who primarily sells or offers for sale, tobacco, tobacco products, or tobacco paraphernalia, or who distributes samples of tobacco products or paraphernalia. These businesses include but are not limited to, ~~smoke shops,~~ tobacco shops, cigars and pipe retailer, cigarette retailer, and ~~hookah~~ SMOKING ESTABLISHMENTS lounges.

SECTION 34. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ACCESSORY BUILDING(S)

Since July 21, 2009

<u>Year</u>	<u>Zoning</u>	<u>Total #'s</u>	<u>Avg S.F.</u>	<u>Avg Ht</u>
2005	R1-6	7	870 s.f.	13'
	R1-7	1	400 s.f.	15'
	R1-10	1	400 s.f.	11'
	R1-15	3	410 s.f.	13'
	AG	2	640 s.f.	13'
Totals		14	544 s.f.	13'
2006	R1-6	5	690 s.f.	12'
	R1-7	2	336 s.f.	13'
	R1-10	0	----	----
	R1-15	0	----	----
	AG	6	1,434 s.f.	16'
Totals		13	820 s.f.	14'
2007	R1-6	13	782 s.f.	13'
	R1-7	0	----	----
	R1-10	1	550 s.f.	13'
	R1-15	0	----	----
	AG	3	1,060 s.f.	16'
Totals		17	790 s.f.	14'
2008	R1-6	8	450 s.f.	10'
	R1-7	2	600 s.f.	13'
	R1-10	1	500 s.f.	10'
	R1-15	2	350 s.f.	13'
	AG	6	1,207 s.f.	15'
Totals		19	620 s.f.	12'
2009	R1-6	7	515 s.f.	12'
	R1-7	2	438 s.f.	13'
	R1-10	0	----	----
	R1-15	1	1,000 s.f.	15'
	AG	4	771 s.f.	14'
Totals		14	681 s.f.	14'

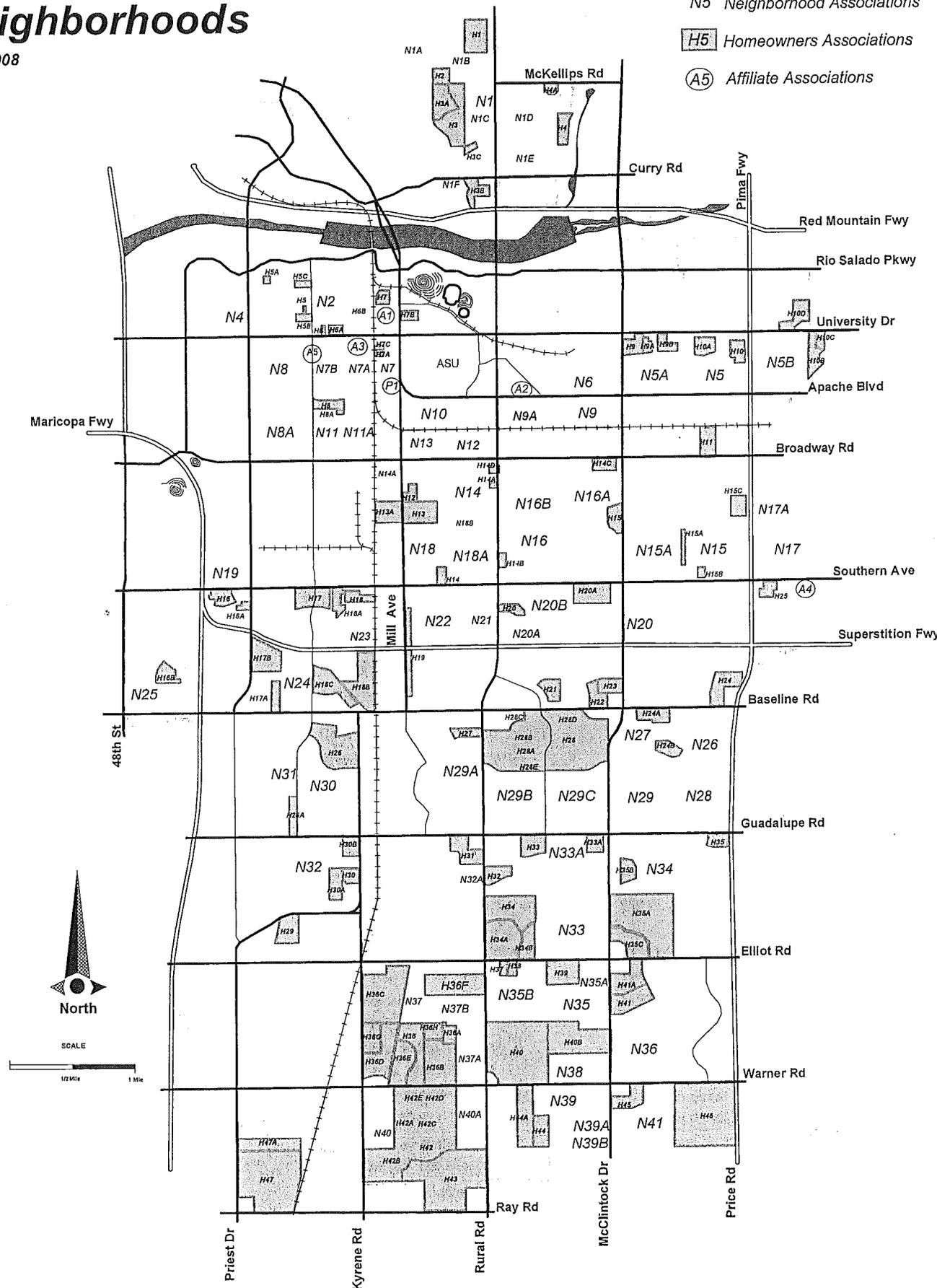
Tempe Neighborhoods

May 2008

N5 Neighborhood Associations

H5 Homeowners Associations

(A5) Affiliate Associations



Memorandum

City of Tempe



Date: August 6, 2009

To: Development Review Commission
Ryan Levesque, Senior Planner

From: Shauna Warner, Neighborhood Services Director

Subject: Proposed Zoning and Development Code Amendments

At the August 5, 2009 meeting of the Neighborhood Advisory Commission (NAC), a 21-member commission advising Mayor and Council on issues effecting neighborhoods, Commissioners reviewed Ordinance No. 2009.15, which includes proposed Zoning and Development Code amendments.

At the meeting, members unanimously passed a motion to support the amendments to the Zoning and Development Code.

Staff Summary Report



City Council Meeting Date: 10/22/09

Agenda Item Number: ____

SUBJECT: This is the second public hearing to amend Chapter 6, Section 6-3, of the Tempe City Code, relating to poultry and Chapter 21, of the Tempe City Code, relating to nuisances and property enhancement.

DOCUMENT NAME: 20091022dsr102 **TCC CH 6 – ANIMALS AND FOWL (0503-06) & TCC CH 21 – NUISANCES AND PROPERTY ENHANCEMENT (0503-21)** Ordinance No. 2009.38

COMMENTS: **TEMPE CITY CODE AMENDMENTS (PL090008)** (City of Tempe Development Services Department, applicant) This ordinance amends Chapter 6 of the Tempe City Code, eliminating separation requirements relating to poultry; and amends Chapter 21 of the Tempe City Code, changing the authorized Manager to Development Services and modifying abatements from “lien” to “assessment”. The request includes the following:

ZOA09001 (Ordinance No. 2009.38) – Code Text Amendment for the Tempe City Code Chapter 6, Section 6-3, and Chapter 21, Sections 21-42, 21-43, and 21-53.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (480-350-8814)

DEPARTMENT REVIEW BY: Chris Anaradian, Development Services Manager (480-858-2204)

FISCAL NOTE: N/A

RECOMMENDATION: **Staff – Approval**

ADDITIONAL INFO: **This item is related to the agenda item for ZONING AND DEVELOPMENT CODE AMENDMENTS (Ordinance No. 2009.15).** This item, if approved, will eliminate the separation requirements in the City Code which currently conflict with the intended allowances for up to five “small animals” within the Zoning and Development Code. This approval will provide more certainty and clarity for residents who seek to exercise their abilities to keep poultry as regulated under the Zoning and Development Code.

- PAGES:**
1. List of Attachments
 2. Comments / History & Facts
- ATTACHMENTS:**
- 1-5. Ordinance No. 2009.38

COMMENTS:

This is a change proposed to address the provisions regulating small animals and remove separation requirements found in the City Code, Chapter 6, relating to the keeping of chickens and other poultry. A new subsection in the Zoning and Development Code Section 3-404, will define "small animals" allowing up to five small animals on a property with a single-family dwelling. Poultry would be defined in this category. The nuisance provisions, including noise and odor, would address any potential issues that may arise as a result of having these types of animals. As a result of this proposed change, Section 6-3, Poultry is recommended for repeal, relocating the definition of poultry and the nuisance language found in this section to the Zoning and Development Code.

Changes are also proposed in the Tempe City Code, Chapter 21, Nuisances and Property Enhancement, that will clarify the past City Council direction to combine the Neighborhood Enhancement staff with the Commercial Code staff into one unified group under the Development Services Department. Changes in this chapter will correct the authority now residing with the Development Services Manager or designee. The other clarifying change in this chapter will revise the wording found in City Code for processing abatements as an assessment, matching the language found under the authorization of Arizona Revised Statutes.

CONDITIONS OF APPROVAL:

None

HISTORY & FACTS:

- March 10, 2009 Development Review Commission held a study session in which staff provided a summary list of potential code amendment topics for future consideration.
- April 1, 2009 Neighborhood Advisory Commission held a public meeting in which staff provided a summary list of potential code amendment topics for future consideration.
- July 14, 2009 Development Review Commission held a study session reviewing a draft of proposed amendments for comments and direction.
- August 5, 2009 Neighborhood Advisory Commission unanimously recommended approval of the proposed Zoning and Development Code amendments related to this request.
- August 25, 2009 Development Review Commission recommended approval of the Zoning and Development Code amendments related to this request.
- October 8, 2009 City Council held the introduction and first public hearing for this request.

ORDINANCE NO. 2009.38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 6 OF THE TEMPE CITY CODE, RELATING TO ANIMALS AND FOWL BY REPEALING SECTION 6-3; AND AMENDING CHAPTER 21 OF THE TEMPE CITY CODE, RELATING TO NUISANCES AND PROPERTY ENHANCEMENT BY AMENDING SECTIONS 21-42, 21-43 AND 21-53.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Chapter 6, title heading of the Tempe City Code, is hereby amended to read as follows:

Chapter 6 ANIMALS AND FOWL

SECTION 2. That Section 6-3 of the Tempe City Code is hereby repealed as follows:

~~Sec. 6-3. Poultry.~~

~~(a) For the purposes of this section, the term "poultry" shall mean chickens, ducks, geese, turkeys, guinea fowl or other domestic fowl.~~

~~(b) It shall be unlawful to keep poultry in a manner that constitutes a nuisance.~~

~~(c) Poultry shall not be kept within a distance of forty (40) feet from the residence or sleeping quarters of any person other than the owner of such poultry.~~

~~(d) Poultry shall not be cooped or confined in any building within seventy five (75) feet from the residence or sleeping quarters of any person other than the owner of such poultry.~~

SECTION 3. That Chapter 21, Nuisances and Property Enhancement, of the Tempe City Code, is hereby amended throughout by replacing the words "community development" with the words "development services", for the purposes of clarifying the authorized city department manager/designee.

SECTION 4. That Section 21-42 of the Tempe City Code is hereby amended to read as follows:

Sec. 21-42. Remedies and penalties.

(a) *Cumulative remedies.* The remedies herein are cumulative when there are separate violations and the city may proceed under one or more of such remedies when there is more than one violation. Remedies and penalties will be pursued by the city in conformance with the rules and regulations adopted pursuant to this chapter.

(b) *Civil sanction.* Any person who causes, permits, facilitates or aids or abets any violation of any provision of this chapter or who fails to perform any act or duty required by this chapter is subject to a civil sanction as enumerated in the fine schedule adopted by the city council. In no circumstances shall the fine be less than the current fine schedule and total fines shall not exceed two thousand dollars (\$2,000) per day for each property. In addition to the amount of the fine imposed, there is imposed a default penalty in the amount of fifty dollars (\$50) should the defendant fail to appear and answer for a violation of this chapter within the time period stated on the citation or fails to appear at the time and place set by the court for a matter arising under this chapter.

(c) *Criminal misdemeanor.* Notwithstanding the provisions of subsection (b) above, any person who causes, permits, facilitates or aids or abets any violation of any provision of this chapter or who fails to perform any act or duty required by this chapter is guilty of a class 1 misdemeanor. The city prosecutor is authorized to file a criminal misdemeanor complaint in the Tempe Municipal Court for violation of this chapter. The rental agent or property manager may avoid criminal liability by forwarding a copy of the notice to comply to the owner if it is sent by certified mail/return receipt requested within two (2) days of receiving the notice to comply.

(d) *Separate offenses.* Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter exists, shall constitute a separate violation or offense.

(e) *Property owner.* For the purpose of enforcement of this chapter, the owner of record, as recorded by the Maricopa County Recorder's office, of the property upon which the violation exists, shall be presumed to be a person having lawful control over the property. If more than one person shall be recorded as the owner of the property, said persons shall be jointly and severally presumed to be persons having lawful control over the property. This presumption shall not prevent enforcement of the provisions of article II against any person specified in subsection (b) or (c) of this section.

(f) *Abatement.* In addition to any other sanction or penalty authorized under subsection (b) or (c) of this section, the designated hearing officer may issue an order directing the owner, occupant, rental agent, property manager or responsible person to abate the violation or authorize the city to abate the condition giving rise to the violation. The costs of such abatement shall be the responsibility of the owner of the property where the violation occurred and may be collected as a ~~lien~~ AN ASSESSMENT against the property found to be in violation.

SECTION 5. That Section 21-43 of the Tempe City Code is hereby amended to read as follows:

Sec. 21-43. Notice to comply.

(a) *Notification.* If the city finds a violation of this chapter, in the first instance, in any given twelve (12) month period, the city shall notify the responsible person through the issuance of a notice to comply.

(b) *Contents of notification.* A notice to comply issued pursuant to this code shall include:

- (1) Identification of the property in violation;
- (2) Statement of violation in sufficient detail to allow the owner, occupant, rental agent, property manager or responsible person to identify and correct the problem;
- (3) Compliance date which shall be a reasonable time period as determined by the inspector or adopted by resolution of the city council;
- (4) Name and phone number of the inspector;
- (5) Criminal and civil penalties for failing to correct the violation; and
- (6) City authority to abate the violation should the owner neglect, fail or refuse to correct the violation within thirty (30) days and to assess ~~a lien against~~ the property for the cost of abatement.

(c) *Service of notice.* The notice to comply may be served and shall be deemed proper and complete by any of the following methods:

- (1) Delivered in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or to the person responsible for the violation;
- (2) Posted on or about the entrance of the premises where the violation occurred;
- (3) By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail.
- (4) Serving the owner, occupant, agent, manager or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.

(d) *Additional notice; notice not required.* Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.

(e) *Notification-habitual offender.* Complaints on properties owned by habitual offenders will proceed through an expedited process. The expedited process applies to any person who meets the definition of habitual offender, whether or not the person has been convicted under § 21-4(b). Habitual offenders are not entitled to a time period to cure infractions or other written or formal notice of violations. Upon discovering that a property is owned by a habitual offender, the code inspector may:

- (1) Initiate court or abatement action without providing written or formal notice to the responsible party;
- (2) Issue a formal notice of violation or civil infraction citation, including notification that the responsible party has been deemed a habitual offender; or
- (3) Initiate abatement action or criminal proceedings against the responsible party.

SECTION 6. That Section 21-53 of the Tempe City Code is hereby amended to read as follows:

Sec. 21-53. Abatement.

(a) *Hearing Officer authorized.* When a person is served with a notice to abate in accordance with A.R.S. § 9-499 to comply with the provisions of this code concerning matters within the scope of A.R.S. § 9-499 and neglects, fails or refuses to abate a violation for more than thirty (30) days from the effective date of the notice, the designated hearing officer shall hold an administrative hearing pursuant to the notice regarding whether an order should be entered authorizing the community development manager or designee to abate any condition that constitutes a violation. The hearing officer, after the hearing (or time for hearing should the person fail to appear) shall enter such rulings and orders which it determines to be appropriate including an order authorizing the city to abate the condition, including the authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

(b) *Appeals.* Any person aggrieved by a decision of the designated hearing officer may appeal to the city's board of adjustment.

(c) *Statement of abatement expenses.* The ~~community development~~ DEVELOPMENT SERVICES manager or designee, when so directed by the designated hearing officer to abate a violation of this code, shall prepare a verified statement and account of all expenses incurred by the city and file such verified statement and account with the designated hearing officer. The verified statement and account shall include the actual cost of such removal or abatement together with an administration charge as set by the city council by motion or resolution (Appendix A) with the cost of recording ~~liens~~ AN ASSESSMENT and releases thereof.

(d) *Collection of abatement expenses.* The person against whom the abatement order is issued shall have 15 days from the date of delivery or mailing of the statement of abatement expenses to pay. If the person fails to pay within the specified time period, the city manager or his designee shall prepare a duplicate copy of the statement and account as a notice of ~~lien~~ ASSESSMENT and record one copy with the office of the Maricopa County Recorder and within ten (10) days thereafter serve the remaining copy of such notice of ~~lien~~ ASSESSMENT upon the owner of the property ~~liened~~ ASSESSED in accordance with A.R.S. § 9-499. The recorded ~~lien~~ ASSESSMENT shall bear interest at the legal rate for judgments in the State of Arizona from the date that the ~~lien~~ ASSESSMENT was recorded until it is paid in full. The ~~lien~~ ASSESSMENT may be paid as provided in A.R.S. § 9-499(E).

(e) *Exemption.* The provisions of this section shall not apply to violations of article I, § 21-4 of this chapter.

SECTION 7. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Staff Summary Report



Council Meeting Date: 10/22/2009

Agenda Item Number: _____

SUBJECT: Request approval to receive and expend grant funding from the U.S. Department of Justice, Community Oriented Policing Services (COPS) Technology 2009 Grant Program to fund a portion of the technical infrastructure expansion of the digital radio system.

DOCUMENT NAME: 20091022pdsam01 **POLICE DEPARTMENT ADMINISTRATION**
Resolution No. 2009.112

SUPPORTING DOCS: No

COMMENTS: The grant will assist in funding radio channel expansion equipment, accessories, shipping and warranty/support as part of the radio interoperability project CIP. The grant totals \$275,000.

PREPARED BY: Shelly A. Macdonald, Management Assistant II **EXT. 8820**

REVIEWED BY: Paul Bentley, Fiscal & Research Administrator **EXT. 6204**

LEGAL REVIEW BY: Bill Amato, Police Legal Advisor **EXT. 8610**

DEPARTMENT APPROVAL: Tom Ryff, Chief of Police **EXT. 8214**

FISCAL NOTE: There are no city budgetary obligations.

RECOMMENDATION: The Police Department recommends approval of the attached resolution to receive and expend grant funding.

ADDITIONAL INFO: N/A

RESOLUTION NO. 2009.112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, TO RECEIVE AND EXPEND GRANT FUNDING FROM U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES (COPS) AND AUTHORIZING THE CHIEF OF POLICE OR HIS DESIGNEE TO ACT AS AGENT OF THE CITY OF TEMPE FOR ALL NEGOTIATIONS AND NECESSARY INSTRUMENTS.

WHEREAS, the City of Tempe, at the recommendation of the Police Department, will receive and expend grant funding from the U.S. Department of Justice, Community Oriented Policing Services (COPS); and

WHEREAS, this project is for the benefit of all citizens of Tempe; and

WHEREAS, the project is compatible with the laws of the United States of America, Arizona and the City of Tempe.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, HEREBY:

1. Grants approval of the request to receive and expend grant funding from the U.S. Department of Justice, Community Oriented Policing Services (COPS), in the amount of \$275,000; and
2. Gives authority to the Tempe Chief of Police or his designee, to act as agent of the City of Tempe to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, billing statements, and any other necessary or desirable instruments in connection with such funding.

PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2009.

Hugh Hallman, MAYOR

ATTEST:

Jan Hort, City Clerk

APPROVED AS TO FORM:

Andrew Ching, City Attorney

Staff Summary Report



Council Meeting Date: 10/22/2009

Agenda Item Number: _____

SUBJECT: Request approval to receive and expend grant funding from the Arizona Department of Homeland Security.

DOCUMENT NAME: 20091022pdsam02 **POLICE DEPARTMENT ADMINISTRATION**
Resolution 2009.113

SUPPORTING DOCS: No

COMMENTS: This is a 2009 Urban Area Security Initiative (UASI) homeland security grant. The award totals \$278,000.

PREPARED BY: Shelly A. Macdonald, Management Assistant II **EXT. 8820**

REVIEWED BY: Paul Bentley, Fiscal & Research Administrator **EXT. 6204**

LEGAL REVIEW BY: Bill Amato, Police Legal Advisor **EXT. 8610**

DEPARTMENT APPROVAL: Tom Ryff, Chief of Police **EXT. 8214**

FISCAL NOTE: There are no city budgetary obligations.

RECOMMENDATION: The Police Department recommends approval of the resolution to receive and expend grant funding from the Arizona Department of Homeland Security.

ADDITIONAL INFO: The following is what the grant will fund:

- Sustainment dollars for the Terrorism Liaison Officer program - \$4,000.
- Dollars to purchase equipment to enhance the Bomb Squad IED Response Enhancement - \$114,000.
- Dollars to purchase equipment to enhance Rapid Response Team capabilities - \$160,000.

The Rapid Response Team is designated to respond anywhere in the State with tactical, bomb squad and negotiator components.

RESOLUTION NO. 2009.113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, TO RECEIVE AND EXPEND GRANT FUNDING FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY AND AUTHORIZING THE CHIEF OF POLICE OR HIS DESIGNEE TO ACT AS AGENT OF THE CITY OF TEMPE FOR ALL NEGOTIATIONS AND NECESSARY INSTRUMENTS.

WHEREAS, the City of Tempe, at the recommendation of the Police Department, will receive and expend grant funding from the Arizona Department of Homeland Security; and

WHEREAS, the project would fund equipment and training to improve public safety; and

WHEREAS, this project is for the benefit of all citizens of Tempe; and

WHEREAS, the project is compatible with the laws of the United States of America, Arizona and the City of Tempe.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, HEREBY:

1. Grants approval of the request to receive and expend grant funding from the Arizona Department of Homeland Security in the amount of \$278,000; and
2. Gives authority to the Tempe Chief of Police or his designee, to act as agent of the City of Tempe to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, billing statements, and any other necessary or desirable instruments in connection with such funding.

PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2009.

Hugh Hallman, MAYOR

ATTEST:

Jan Hort, City Clerk

APPROVED AS TO FORM:

Andrew Ching, City Attorney

Staff Summary Report



Council Meeting Date: 10/22/09

Agenda Item Number: _____

SUBJECT: Request approval of a resolution approving the sixth amendment to the intergovernmental agreement with the City of Phoenix for the purchase of public transit services during fiscal year 2009-10.

DOCUMENT NAME: 20091022pwgj01 PHOENIX TRANSIT (1106-02)

COMMENTS: (Contract #C2004-242e) Cost to Tempe is \$32,701 less fare revenue collected.

PREPARED BY: Greg Jordan, Transit Administrator, 858-2094

REVIEWED BY: Carlos de Leon, Deputy Public Works Manager, 350-8527
Glenn Kephart, Public Works Manager, 350-8205

LEGAL REVIEW: Teresa Voss, Assistant City Attorney, 350-8814

FISCAL NOTE: Funding for this service provided in cost center 3914, account code 6644.

RECOMMENDATION: Approve Resolution No. 2009.115.

ADDITIONAL INFO: Amendment #6 authorizes Tempe to reimburse the City of Phoenix for transit service provided on route 44 (44th Street/Tatum) from July 1, 2009 until July 26, 2009.

With the introduction of light rail in 2008, several Phoenix operated Tempe bus routes were realigned or eliminated leaving only route 44 (Tatum/44th Street) which operated in Tempe along University Dr. After a spring 2009 public involvement process, the route 44 was approved for elimination in Tempe, although it continues to operate in Phoenix. Because the route 44 connects with light rail at the Washington and Priest light rail station as well as routes 30 (University) and 40 (Apache), both Tempe and Phoenix residents can continue to make trips between greater downtown Tempe and the 44th Street and Tatum corridors in Phoenix. Also, the route 44 duplicated bus services on University Dr. provided by route 30 and 40.

The removal of route 44 ends Tempe's purchase of higher cost transit service provided by the City of Phoenix. All Tempe bus service is now operated either by Tempe itself or Valley Metro/RPTA at fully allocated rates that are 26 percent lower than those charged by Phoenix.

RESOLUTION NO. 2009.115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SIXTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR PURCHASE OF PUBLIC TRANSIT SERVICES.

WHEREAS, on or about January 3, 2005, the City of Tempe and the City of Phoenix did enter into Agreement No. 114318 (City of Tempe Agreement No. C2004-242) (hereinafter referred to as the "Principal Agreement") pursuant to which PHOENIX provides transit service to TEMPE; and,

WHEREAS, pursuant to the Intergovernmental Agreement, the parties may agree to compensation for additional work as set forth in a revised Exhibit A; and,

WHEREAS, the Principal Agreement needs to be further amended to extend the Agreement's term to July 26, 2009; and,

WHEREAS, the Principle Agreement needs to be further amended to increase the compensation provisions of said Agreement for the extended term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

That the Mayor is authorized to sign the sixth amendment to the Intergovernmental Agreement between the City of Tempe and the City of Phoenix for the purchase of public transit services.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2009.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

AMENDMENT NO. 6

TO

AGREEMENT NO. 114318

(City of Tempe Agreement No. C2004-242)

THIS AMENDMENT NO. 6 TO AGREEMENT NO. 114318 is made and entered into this ___ day of _____, 2009, by and between the City of Phoenix, a municipal corporation duly organized and existing under the laws of the state of Arizona (hereinafter referred to as “PHOENIX”), and the City of Tempe, a municipal corporation duly organized and existing under the laws of the state of Arizona (hereinafter referred to as “TEMPE”).

WHEREAS, on or about January 3, 2005, the parties did enter into Agreement No. 114318 (City of Tempe Agreement No. C2004-242) (hereinafter referred to as the “Principal Agreement”) pursuant to which PHOENIX provides transit service to TEMPE; and,

WHEREAS, Section I of the Principal Agreement sets forth the services to be provided by Phoenix and Exhibit “A” sets forth the compensation provisions of said Agreement for fiscal year 2004-2005; and,

WHEREAS, several amendments occurred to the agreement over its duration; and,

WHEREAS, Section I of the Principal Agreement, as amended, sets forth the services to be provided by PHOENIX and Exhibit “A” to the Principal Agreement sets forth the compensation provisions of said Agreement; and,

WHEREAS, the Principal Agreement needs to be further amended to increase the compensation provisions of said Agreement for fiscal year 2009-2010; NOW, THEREFORE,

IT IS HEREBY AGREED, by and between the parties, as follows:

SECTION 1. Section 2 of the Agreement is amended to extend the Agreement’s

term to July 26, 2009.

SECTION 2. That the portion of Exhibit “A” to the Principal Agreement, as amended, setting forth the compensation provisions for each fiscal year, be, and the same is hereby, amended to read in its entirety in accordance with the new Exhibit “A” compensation provisions attached hereto and by this reference incorporated herein. The new Exhibit “A” compensation provisions sets forth the compensation for FY 2009-10.

SECTION 3. The effective date of the amendments set forth herein shall be July 1, 2009.

SECTION 4. All of the rest, residue and remainder of the Principal Agreement not hereinbefore specifically amended by Section 1,2, and 3 hereof, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 6 to Agreement No. 114318 (City of Tempe Agreement No. C2004-242) on the day and year first above written.

CITY OF PHOENIX, a municipal corporation
FRANK FAIRBANKS, City Manager

By: _____
Debbie Cotton
Public Transit Director

ATTEST:

City Clerk - PHOENIX

APPROVED AS TO FORM:

Acting City Attorney - PHOENIX

APPROVED BY PHOENIX CITY COUNCIL BY FORMAL ACTION ON MAY 20, 2009.

CITY OF TEMPE, ARIZONA
A Municipal Corporation

By: _____
Hugh Hallman, Mayor

ATTEST:

City Clerk - TEMPE

APPROVED AS TO FORM:

City Attorney - TEMPE

APPROVED BY TEMPE CITY COUNCIL BY FORMAL ACTION ON _____.

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of Section 11-952(D), Arizona Revised Statutes, each of the undersigned attorneys acknowledge: (1) that they have reviewed the above Amendment on behalf of their respective clients; and, (2) that, as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

Attorney for PHOENIX

Attorney for TEMPE

Exhibit "A"
(2009 - 2010)
(Amended September, 2009)

For the period of July 1, 2009 through July 26, 2009 and for all services described in Exhibit "A" of Amendment No. 6 to this Agreement, TEMPE shall pay PHOENIX as follows:

- A. A service cost estimated to be THIRTY-TWO THOUSAND SEVEN HUNDRED ONE DOLLARS (\$32,701.00). Revenue collected in Tempe shall serve as a credit to offset costs. The actual fee includes the service cost net of estimated revenue and does not include the cost of regional services.
- B. For the purpose of this Amendment, the following estimates are provided:
 - (1) Estimated Mileage: 4,293 miles.
 - (2) Fully allocated cost per revenue mile for Phoenix Transit System –
 Estimated cost per mile (Veolia) \$ 7.62
 Estimated farebox revenue \$ 10,389
- C. The addition of Regional Public Transportation Authority (RPTA) funded transit service may modify some existing routes but will not supplant any existing transit service with RPTA funded service.

Cost and payment estimates are:

<u>Item</u>	<u>Amount</u>
Amount due Phoenix	\$32,701
Less estimated Revenues Collected Within TEMPE Municipal Boundaries	(\$ 10,389)
Net due Phoenix	<u>\$ 22,312</u>

- D. The payment shall occur on or before July 1, 2009.
 Late payments shall be subject to a 12% annual charge computed on a monthly basis.
- E. PHOENIX will do a financial reconciliation of this Agreement after June 30, 2010. This includes cost adjustments due to the actual cost of fuel versus estimated fuel costs as well as other factors. Thereafter, the parties will make a final adjustment of the sum.

Exhibit “A”, page 2

**CITY OF TEMPE
PURCHASE OF TRANSIT SERVICE
CONTRACT ESTIMATE
FISCAL YEAR 2009-10**

Revised for Cancellation of Route 44 effective July 26, 2009

Route	Service Provider	Miles Per Day	Service Days	Annual Miles	Rate Per Mile	Annual Cost	Estimated Revenue	Net Cost
44	Veolia	187.3	18	3,371	\$7.6174	\$25,681	\$(8,159)	\$17,523
Total Weekday		187.3		3,371		\$25,681	\$(8,159)	\$17,523
44	Veolia	115.2	3	346	\$7.6174	\$2,633	\$(836)	\$1,796
Total Saturday		115.2		346		\$2,633	\$(836)	\$1,796
44	Veolia	115.2	5	576	\$7.6174	\$4,388	\$(1,394)	\$2,994
Total Sunday/Hol		115.2		576		\$4,388	\$(1,394)	\$2,994
Total		417.7		4,293		\$32,701	\$(10,389)	\$22,312