



Minutes Formal City Council Meeting July 7, 2011

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

COUNCIL PRESENT:

Mayor Hugh Hallman	Vice Mayor Joel Navarro
Councilmember Robin Arredondo-Savage	Councilmember Shana Ellis
Councilmember Mark W. Mitchell (<i>via teleconference</i>)	Councilmember Onnie Shekerjian
Councilmember Corey D. Woods	

STAFF PRESENT:

Charlie Meyer, City Manager	Jeff Kulaga, Assistant City Manager
Andrew Ching, City Attorney	Brigitta M. Kuiper, City Clerk
Andy Goh, Deputy Public Works Director – Engineering	Renie Broderick, Human Resources Director
Don Hawkes, Deputy Public Works Director – Water Utilities	John Osgood, Deputy Public Works Dir. – Field Operations
Chris Anaradian, Community Development Director	Ken Jones, Finance and Technology Director
Tom Ryff, Police Chief	Various Department Heads or their representatives

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

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

A. Approval of Council Meeting Minutes

Motion by Vice Mayor Navarro to approve the following COUNCIL MEETING MINUTES; second by Councilmember Shekerjian. Motion passed unanimously on a voice vote 7-0.

1. [Formal Council Meeting - June 16, 2011](#)
2. [Issue Review Session - June 2, 2011 & June 16, 2011](#)
3. Executive Session - June 16, 2011
4. [Special Budget Meeting - June 16, 2011](#)
5. [Enterprise Zone Commission - June 16, 2011](#)
6. [Housing and Social Service Programs Council Committee - May 10, 2011](#)
7. [Transportation Council Committee - May 10, 2011](#)
8. [Technology, Economic & Community Development Council Committee - May 20, 2011](#)

B. Acceptance of Committee, Board & Commission Meeting Minutes

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

1. [Housing Trust Fund Advisory Board - February 14, 2011](#)
2. [Library Advisory Board - April 6, 2011](#)
3. [Committee for Youth, Families and Community Marketing Subcommittee - April 12, 2011](#)
4. [Tardeada Advisory Board - April 13, 2011](#)
5. [Neighborhood Advisory Commission - May 4, 2011](#)
6. [Municipal Arts Commission Public Art/Art in Private Development Subcommittee - May 4, 2011](#)
7. [Commission on Disability Concerns - May 5, 2011](#)
8. [Historical Museum Advisory Board - May 5, 2011](#)
9. [Aviation Commission - May 10, 2011](#)
10. [Municipal Arts Commission - May 11, 2011](#)
11. [Building Code Advisory Board - April 25, 2011 and May 11, 2011](#)
12. [Historic Preservation Commission - May 12, 2011](#)
13. [Municipal Arts Commission Grants Subcommittee - May 19, 2011](#)
14. [Development Review Commission - May 24, 2011](#)
15. [Hearing Officer - June 7, 2011](#)
16. [Special Events Task Force - June 14, 2011](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements – None.

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** items.

Motion by Councilmember Woods to approve the Agenda with the exception of items 5B6, 5B9, 5B11, 5B17, 5B20, 5E7, 5E8 and 5E11 which were removed for separate consideration; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- A1. [Approved a board and commission appointment.](#)

COMMENTS	N/A
DOCUMENT NAME	20110707ccb01 0102-01-00 BDS, COMMISSIONS, COMMITTEES ADM

Parks, Recreation & Golf Advisory Board

Alex Arredondo (Partial Term #1)
(Replace Christopher Dahm)

Appoint to a term expiring 12/31/11

- A2. [Approved the annual sole source software maintenance and support expenditure with TSC America, dba TATA American International for the City's business/privilege tax software system for the Finance and Technology Department.](#)

COMMENTS Total annual expenditure shall not exceed \$113,000.
DOCUMENT NAME 20110707fst05 PURCHASES (1004-01)

- *A3. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Taco Titan I LLC, dba Fuzzy's Taco Shop, 414 South Mill Avenue, #115.](#)

COMMENTS Randy D Nations is the Agent for this application.
DOCUMENT NAME 20110707fsap01 200152- LIQ LIC (0210-02)

- *A4. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Poppy's Place LLC, dba Poppy's Place, 825 West Baseline Road, #1.](#)

COMMENTS Lauren Kay Merrett is the Agent for this application.
DOCUMENT NAME 20110707fsap02 200207- LIQ LIC (0210-02)

- A5. [Approved funding for the 2011-2012 Arts Grant Awards to Tempe schools and non-profit organizations.](#)

COMMENTS Total amount of recommended grants funding is \$144,608 to be paid from the Capital Improvement Project Municipal Arts Fund. No general fund monies are used for this project.
DOCUMENT NAME 20110707cskb01-COMMUNITY SERVICES ADMIN (0707-01)

- A6. [Approved a final subdivision plat for Hampton Inn and Suites located at 1429 North Scottsdale Road.](#)

COMMENTS Request for HAMPTON INN & SUITES (PL100400) (William Spresser, VRE Holding II LLC and VRE Holding III LLC, property owner; Darin A. Sender, Sender Associates, Chtd., applicant) located at 1429 North Scottsdale Road in the R-4, Multi-Family Residential General and CSS, Commercial Shopping and Service Districts. The request includes the following:
SBD11006 – Final Subdivision Plat to consolidate seven parcels into two lots.
DOCUMENT NAME 20110707cdko02 PLANNED DEVELOPMENT (0406)

The following conditions of approval apply:

1. The Subdivision Plat for Hampton Inn and Suites for the +/- 5.01 acre property including the combination of existing parcels into two lots shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe Community Development Department on or before July 07, 2012 or prior to issuance of building permits, whichever comes first. Failure to record the plat on or before July 07, 2012, which is one (1) year from the date of City Council approval, shall make the City Council approval of the plat null and void.

2. Abandon existing public utility easements that are no longer needed within Lot 1 and Lot 2. Separately submit abandonment request to Public Works/Land Services Division and process abandonments through City Council.
3. Provide exclusive easements for public water and sewer lines within Lot 1 and Lot 2. Either have easements and agreements including cross drainage and cross access agreements "dedicated hereon" the Subdivision Plat or have easements and agreements separately reviewed by the Public Works Department, dedicated by separate instrument and recorded at the Maricopa County Recorder's Office.
4. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

A7. [Approved funding for the 2011-2012 Marianne Corder Neighborhood Grant Program to neighborhood and homeowners' associations.](#)

COMMENTS Total amount of recommended grants funding is \$89,141 to be paid for from the Capital Improvement Program budget.
DOCUMENT NAME 20110707crsw01 NEIGHBORHOOD ASSOC PROGRAM (0109-24)

B. Award of Bids/Contracts

B1. [Approved a one-year contract renewal with Crafc0, Inc. for the purchase of asphalt crack sealing compound to be used by the Public Works Department.](#)

COMMENTS Total cost of this contract will not exceed \$150,000 during the one year renewal period beginning August 24, 2011.
DOCUMENT NAME 20110707fsta08 PURCHASES (1004-01)

B2. [Approved one-year contract renewals with Highway Technologies, Inc. and Bob's Barricades for the rental of barricades and warning devices.](#)

COMMENTS The total cost of these contracts will not exceed \$100,000.
DOCUMENT NAME 20110707fsta04 PURCHASES (1004-01)

B3. [Approved a one-year contract renewal with Stanley Convergent Security Solution, Inc. for security system installation and maintenance overseen by the Public Works Department.](#)

COMMENTS The total cost of this contract will not exceed \$100,000 during the one-year renewal period beginning August 18, 2011.
DOCUMENT NAME 20110707fsta06 PURCHASES (1004-01)

B4. [Approved the utilization of the remaining six-months of a one-year National IPA contract sponsored by the City of Tucson with W.W. Grainger, Inc. for a catalog-wide agreement for the purchase of a wide variety of tools, motors, lamps, industrial supplies, equipment, etc. used by most City departments.](#)

COMMENTS The total value of this contract will not exceed \$150,000 during the six-month period ending December 31, 2011.
DOCUMENT NAME 20100707fsta10 PURCHASES (1004-01)

- B5. [Approved one-year contract renewals with Aquatic Consulting and Testing, Inc., Bio-Aquatic Testing, Inc., Xenco-Tranwest Analytical \(formally Columbia Analytical Services\), Legend Technical Services of Arizona, Inc., MWH Laboratories and Test America Inc. for potable water quality, wastewater, and soil testing services for the Public Works Department.](#)

COMMENTS Total combined cost of these contracts will not exceed \$350,000 during the one-year contract period.

DOCUMENT NAME 20110707fst05 PURCHASES (1004-01)

- B6. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) Request approval of a project contingency increase to fund construction change orders for phase II construction of a multi-use path along the Cross-cut Canal.

- B7. [Approved a one-year contract renewal with West Coast Arborists, Inc. for tree trimming services for the downtown trees as well as various City parks and facilities.](#)

COMMENTS Total cost of this contract will not exceed \$100,000.

DOCUMENT NAME 20110707fslg03 (PURCHASES 1004-01)

- B8. [Approved one-year contract renewals with Central Arizona Landscape Management, Natural State Landscaping LLC, Reyes and Sons Landscaping LLC, Somerset Landscape Maintenance, Inc., and Westquip LLC for as-needed, miscellaneous landscape maintenance services.](#)

COMMENTS Total costs of these contracts will not exceed \$100,000.

DOCUMENT NAME 20110707fslg02 PURCHASES (1004-01)

- B9. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) Request approval of a one-year contract renewal with Symetra Life Insurance Company for Stop Loss insurance overseen by the Human Resources Department.

- B10. [Approved an increase to the contract amount with Clearwater Engineering LLC for the maintenance of the water feature at the Tempe Center for the Arts.](#)

COMMENTS The value of the increase is \$10,000. If approved, the contract amount will increase from \$60,000 to \$70,000.

DOCUMENT NAME 20110707fslg11 PURCHASES (1004-01)

- B11. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) Request approval to utilize one-year State of Arizona contracts with Midway Chevrolet Isuzu, Courtesy Chevrolet, Larry Miller Toyota and Five Star Ford for the purchase of thirty-six vehicles to replace units, which are beyond their usable service life, for the Police, Public Works, Community Services and Finance & Technology departments.

- B12. [Awarded a 15-month lease contract for 120 used golf cars to Yamaha Motor Corporation, U.S.A., for use at Ken McDonald and Rolling Hills Golf Courses as requested by the Public Works Department. \(Contract #2011-103\)](#)

COMMENTS Total cost of this contract will not exceed \$144,000 over the 15-month lease.

DOCUMENT NAME 20110707fsmg13 PURCHASES (1004-01)

- B13. [Approved a three-year contract with four one-year renewal options to CHC Wellness for a wellness program to be offered to City employees, coordinated through the wellness committee, and overseen by the Human Resources Department. \(Contract #2011-92\)](#)

COMMENTS Total cost of this contract will not exceed \$750,000 during the initial three-year contract period beginning July 1, 2011.
DOCUMENT NAME 20110707fsta01 PURCHASES (1004-01)

- B14. [Awarded one-year contracts with four one-year renewal options to Simpson Norton Corp., Bill Luke Chrysler, Jeep & Dodge, Santan Honda Superstore of Chandler, Chapman Chevrolet Isuzu LLC, Valley Truck & Trailer and Alliance Refuse Trucks for the purchase of reconditioned or certified used vehicles and equipment managed by the Public Works Department. \(Contract #2011-93\)](#)

COMMENTS Total cost of these contracts will not exceed \$175,000 during the initial one-year contract period.
DOCUMENT NAME 20110707fsta09 PURCHASES (1004-01)

- B15. [Approved a professional services contract addendum with Malcolm Pirnie, Inc. for additional design services for the South Tempe Water Treatment Plant water quality improvements project. \(Contract #2009-148\)](#)

COMMENTS Total cost for this professional services contract addendum is \$129,421. The original contract amount of \$3,635,877 plus this addendum brings the contract amount to \$3,765,298.
DOCUMENT NAME 20110707pwr02 SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 3203211

- B16. [Awarded a professional services contract with HDR Engineering, Inc. for design of the Rio Salado multi-use path from Priest Drive to State Route 143. \(Contract #2011-94\)](#)

COMMENTS Total cost for this contract is \$70,081.
DOCUMENT NAME 20110707pwr05 RIO SALADO MASTER PLAN (0112-07-03) PROJECT NO. 6004131

- B17. [**THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request to award a one-year contract with four, one-year renewal options to Reliant Gases, LTD for the purchase of refrigerated liquid carbon dioxide used in the production of drinking water.](#)

- B18. [Awarded a professional services contract with T.Y. Lin International, Inc. for design of the Rio Salado shared-use pedestrian underpass under the Loop 202 freeway at the Loop 101 freeway. \(Contract #2011-96\)](#)

COMMENTS Total cost for this design contract is \$219,795.
DOCUMENT NAME 20110707pwr10 RIO SALADO MASTER PLAN (0112-07-03) PROJECT NO.6004311

- B19. [Approved the Community Use of School Facilities Agreement between Kyrene School District No. 28 and the City of Tempe for use of school facilities for the Kid Zone Enrichment Program through June 30, 2012. \(Contract #2011-97\)](#)

DOCUMENT NAME 20110707csnf01-Community Services Admin(0701-01)
RECOMMENDATION Total cost shall not exceed \$130,000.

- B20. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION. Request approval of a three-month contract renewal with Redflex Traffic Systems, Inc. for the continuation of the City's photo enforcement program.](#)

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

- *C1. Introduced and held the first public hearing to adopt an ordinance authorizing the granting of a Power Distribution Easement to Salt River Project Agricultural Improvement and Power District by the City of Tempe for electrical lines, equipment and appurtenances at Tempe Diablo Stadium. The second public hearing was scheduled for August 18, 2011.

COMMENTS The City of Tempe is currently conducting a capital improvement project for lighting upgrades at Tempe Diablo Stadium. This easement will accommodate the required, new transformer pad for the upgrades and service to the stadium.

DOCUMENT NAME 20110707pwko08 UTILITY EASEMENT GRANTED (0904-02)
ORDINANCE NO. 2011.25

- *C2. [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of a portion of an existing drainage easement on Lot 9 of Fountainhead Apartments Subdivision. The second public hearing was scheduled for August 18, 2011.](#)

COMMENTS This drainage easement is no longer required due to reconfiguration of onsite drainage for Fountainhead Corporate Park.

DOCUMENT NAME 20110707pwko07 ABANDONMENT (0901) ORDINANCE NO. 2011.23

- *C3. [Introduced and held the first public hearing to adopt an ordinance for a Code Text Amendment for Community Gardens. The second public hearing was scheduled for August 18, 2011.](#)

COMMENTS Request for COMMUNITY GARDENS (PL110176) (Community Development Dept., applicant) consisting of Zoning and Development Code amendments for a new section on the use of community gardens within the commercial, industrial and residential districts, including a City Code amendment for an alternative processing fee. The request includes the following:
ZOA11001 (ORDINANCE NO. 2011.20) – Code Text Amendment for Sections 3-102, 3-202, 7-104 and a new Section 3-427 for Community Gardens.

DOCUMENT NAME 20110707cdf01 ZONING AND DEVELOPMENT CODE (0414)
ORDINANCE NO. 2011.20

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. [Held the second and final public hearing and adopted ORDINANCE NO. 2011.22 abandoning existing public right-of-way over a portion of the prior Terrace Road alignment, east of Rural Road and south of University Drive.](#)

COMMENTS The City reserved roadway and utility easements when it conveyed certain property along Rural and Terrace Roads to ASU pursuant to an Intergovernmental Agreement dated September 16, 2004 (C2004-188). The original conveyance facilitated construction of the light rail project, and was part of an exchange of property by the City and ASU. The property has been re-platted and ASU has asked the City to abandon the public right-of-way. The utility easements within the prior roadway alignment will remain in place per the recorded Quit Claim Deed.

DOCUMENT NAME 20110707pwko02 ABANDONMENT (0901) ORDINANCE NO. 2011.22

- *D2. [Held the second and final public hearing and adopted **ORDINANCE NO. 2011.09** authorizing the granting of a telecommunication easement \("Easement Agreement"\) to Qwest Communications by the City of Tempe for communications equipment at 1110 W First Street. \(Contract #2011-74\)](#)

COMMENTS Qwest Communications has requested an easement for access to existing telecommunication equipment installed on City property. Facilities were located in an existing PUE at date of installation. The original PUE has been abandoned.

DOCUMENT NAME 20110707pwko06 UTILITY EASEMENT GRANTED (0904-02) ORDINANCE NO. 2011.09

- *D3. [Held the second and final public hearing and adopted **ORDINANCE NO. 2011.21**, a code text amendment for the Temporary Sign Program.](#)

COMMENTS Request for TEMPORARY SIGN PROGRAM (PL100056) (Community Development Dept., applicant) consisting of Zoning and Development Code amendments for an extension of temporary sign allowances and temporary banners to advertise vacant commercial space. The request includes the following: ZOA11002 (ORDINANCE NO. 2011.21) – Code Text Amendment for Sections 4-903(M), Lead-In Sign; 4-903(P), For Sale, Lease or Rent Sign; 4-903(R), Special Event Sign; and Section 4-906, Leasing Banner Sign.

DOCUMENT NAME 20110707cdri02 ZONING & DEVELOPMENT CODE (0414) ORDINANCE NO. 2011.21

- *D4. [Held the second and final public hearing and adopted **ORDINANCE NO. 2011.24** authorizing the granting of a utility easement \("Easement Agreement"\) to Arizona Public Service Company by the City of Tempe for electrical lines and appurtenances at 601 South Farmer Avenue. \(Contract #2011-99\)](#)

COMMENTS Arizona Public Service Company has requested an easement for installation of electrical lines and equipment necessary to provide service to Phase 1 of the Farmer Arts development.

DOCUMENT NAME 20110707pwko07 UTILITY EASEMENT GRANTED (0904-02). ORDINANCE NO. 2011.24.

- *D5. [Held the second and final public hearing and adopted **ORDINANCE NO. 2011.17**, a Zoning Map Amendment and Planned Area Development Overlay and adopted **RESOLUTION NO. 2011.25**, a General Plan Amendment for Hampton Inn and Suites located at 1429 North Scottsdale Road.](#)

COMMENTS

Request for HAMPTON INN & SUITES (PL100400) (William Spresser, VRE Holding II LLC and VRE Holding III LLC, property owner; Darin A. Sender, Sender Associates, Chtd., applicant) consisting of a four story 117 guest room hotel of +/-75,960 sf. area on +/-2.25 acres to the south of an existing two story 116 guest room and two work-force housing unit hotel of +/-63,262 sf. on +/-2.76 acres. The entire site of +/-5.01 acres is located at 1429 North Scottsdale Road in the R-4, Multi-Family Residential General and CSS, Commercial Shopping and Service Districts. The request includes the following:

GEP11001 – (Resolution No. 2011.25) General Plan Land Use Map Amendment from Residential to Mixed-Use.

ZON11002 – (Ordinance No. 2011.17) Zoning Map Amendment from CSS, Commercial Shopping and Service District and R-4, Multi-Family Residential General District to MU-3, Mixed-Use, Medium-High Density District.

PAD11002 – (Ordinance No. 2011.17) Planned Area Development Overlay to modify development standard for building height from 50 feet to 55 feet and establish development standards for building lot coverage, minimum landscape area and front, side and rear yard building setbacks.

DOCUMENT NAME

20110707cdkko01 PLANNED DEVELOPMENT (0406) Ordinance No. 2011.17 Resolution No. 2011.25

The following conditions of approval apply:

GEP11001 and ZON11002:

1. A building permit shall be obtained on or before July 7, 2013 or the General Plan 2030 Land Use Map designation and the zoning districting of the property may revert to that in place at the time of application, subject to a public hearing.
2. The property owner shall sign a waiver of rights and remedies form. By signing the form, the Owner voluntarily waives any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than August 08, 2011, or the General Plan Land Use Map Amendment, Zoning Map Amendment and Planned Area Development Overlay approvals shall be null and void.

PAD11002:

3. The Planned Area Development Overlay document for Hampton Inn and Suites (including Lot 1 and Lot 2) shall be put into proper engineered format with appropriate signature blanks, acknowledged by the property owner and filed with the City of Tempe's Community Development Department prior to issuance of building permits.
4. The Planned Area Development Overlay approval is based on conformance to preliminary drawing exhibits submitted for the requests for a Zoning Map Amendment and Planned Area Development Overlay except where amended by conditions of approval indicated below and by governing Code and Ordinance Standards. The preliminary exhibits, dated 4/21/2011 except where noted, include the following: Architectural Site Plan, sheet A1-1, First, Second, Third & Fourth Floor Plans, sheets A2-1, A2-2 and A2-3, Architectural Elevations, sheet A3-1, Schematic Building Section, sheet A3-2, and Conceptual Landscape Plan, sheet L1 dated 4/20/2011.

5. The maximum building height shall be as follows. Provide maximum 59'-0" height for three vaulted roof architectural features as identified through center of Lot 1 building above lobby and elevators and at SW and NE building corners at the stair towers. The maximum building height for Lot 1 otherwise shall not exceed 55'-0". The maximum building height for Lot 2 is maintained at 50'-0" following the standard height established for the Mixed-Use, Medium-High Density District.
6. Building step-back above 30'-0" height shall be waived along common property line between Lot 1 and Lot 2. The 1:1 building step-back is maintained on the north, south and east site perimeters where adjacent or separated by an alley from multi-family residential districts following the standard step-back provision for the Mixed-Use, Medium-High Density District.
7. The minimum building setbacks as established for buildings on Lot 1 and Lot 2 shall be as follows. Front yard setback is 0'-0". Side yard setback at common property line between Lot 1 and Lot 2 is 9'-0". Side yard setback at perimeter property line of development is 34'-0". Rear yard setback at perimeter property line of development is 90'-0". The step-back planes are established at the side and rear perimeter setbacks described above. Additionally, for buildings of minimum 50'-0" height, a 64'-0" perimeter side yard and 120'-0" perimeter rear yard setback to the face of these tall structures shall apply.
8. The maximum building lot coverage is established individually for Lot 1 and Lot 2 at twenty-two percent (22%).
9. The minimum landscape lot coverage is established individually for Lot 1 and Lot 2 at twenty-two percent (22%).
10. Site density, parking setback, parking ratios and parking quantity as required by the Zoning and Development Code shall be maintained individually for Lot 1 and Lot 2.

E. Resolutions

- E1. [Adopted RESOLUTION NO. 2011.59 authorizing the Mayor to sign the Fifth Amendment to the Intergovernmental Agreement between the Maricopa County Library District and the City of Tempe for participation in the Reciprocal Borrowing Program through June 30, 2012. \(Contract #2001-136E\)](#)

COMMENTS

The City of Tempe received \$193,749 in revenue for FY 2007/2008, \$196,000 for FY 2008/2009, \$185,874 for FY 2009/2010, and approximately \$180,000 FY 2010/2011 for its participation in this program at the reimbursement rate of \$28.50 per net non-resident borrower card issued. It is estimated that the City will receive approximately \$180,000 in revenue for FY 2011/2012 at the reimbursement rate of \$28.50 for the one-year term of the Amendment.

DOCUMENT NAME

20110707cskb02 LIBRARY ADMIN (0704-01) RESOLUTION NO. 2011.59

- *E2. [Held a public hearing and adopted RESOLUTION NO. 2011.57 revising City of Tempe Housing Authority's Annual Plan for Fiscal Year 2011-2012. \(Contract #2011-98\)](#)

COMMENTS N/A
DOCUMENT NAME 20110707cdlc01 HOUSING ASSISTANCE PLAN (0408-14)
RESOLUTION NO. 2011.57

- E3. [Adopted RESOLUTION NO. 2011.63 authorizing the Mayor to execute the Grant Agreement between the Arizona Criminal Justice Commission and the City of Tempe for the provision of CARE 7 victim assistance services. \(Contract #2011-100\)](#)

COMMENTS The Arizona Criminal Justice Commission (ACJC) has awarded to the City of Tempe \$21,000.00 in state grant funds through June 30, 2012. The required match of \$21,000.00 is met through existing staff.
DOCUMENT NAME 20110707cskb01COMMUNITY SERVICES ADMIN (0701-01)
RESOLUTION NO. 2011.63

- E4. [Adopted RESOLUTION NO. 2011.58 authorizing the adjustment of the Malt Beverage Permit fee policy for the Community Services Department. Department program and service fees can only be changed by Council authorization as presented by staff recommendation.](#)

COMMENTS Staff performed an analysis of other east valley cities that charged fees for malt beverage permits. The results of this analysis demonstrate that the average fee for permits is \$20 for residents and \$22 for non-residents. The results suggest that the current fees for malt beverage permits could be increased and remain competitive with other surrounding cities. Permits will continue to be issued through the Community Services Department.
DOCUMENT NAME 20110707cssw01 MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2011.58

- E5. [Adopted RESOLUTION NO. 2011.64 authorizing the Mayor to execute an Addendum to the Development Agreement \(C2004-128\) with ZarCalRes Tempe, LLC \(Zaremba\), Centerpoint Land, LLC and the City. \(Contract #2004-128C\)](#)

COMMENTS This Addendum will authorize additional signage for Phases I and II of the Project.
DOCUMENT NAME 20110707cdaws01 SOUTHEAST QUADRANT DOWNTOWN TEMPE (0403-02-06) RESOLUTION NO. 2011.64

- E6. [Adopted RESOLUTION NO. 2011.61, a Memorandum of Understanding \(MOU\) between Maricopa County and the Tempe Police Department to accept funding from the Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program. \(Contract #2011-101\)](#)

COMMENTS The award amount is \$84,698
DOCUMENT NAME 20110707pdmk01 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2011.61

- E7. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION. Request approval to adopt a resolution authorizing the Mayor to execute a Rehabilitation and License Agreement with Rio Salado Foundation, an Arizona nonprofit corporation for the partial rehabilitation of the Hayden Flour Mill.](#)

- E8. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request approval to adopt a resolution authorizing and providing for the issuance and the sale of not to exceed \$19,000,000 principal amount of City of Tempe Performing Arts Center Excise Tax Revenue Refunding Obligations, Series 2011A, and approving related actions and documents.
- E9. Adopted RESOLUTION NO. 2011.68 extending the termination date of the Memorandum of Understanding between the City of Tempe and the Tempe Supervisors' Association (TSA) from June 30, 2011 to September 30, 2011.
- COMMENTS** Resolution No. 2011.68 extends the termination date of the Memorandum of Understanding.
- DOCUMENT NAME** 20110707hrrb01 TEMPE SUPERVISORS. ASSOCIATION – MEET AND CONFER (0303-08-05) RESOLUTION NO. 2011.68
- E10. Adopted RESOLUTION NO. 2011.66 amending the schedule of fees and charges for commercial refuse collection pursuant to Tempe City Code, Chapter 28, Solid Waste.
- COMMENTS** The adjustment to the commercial solid waste fees will bring consistency to the rate structure by more clearly reflecting fees for each unit of service.
- DOCUMENT NAME** (20110707fsjh02) MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2011.66
- E11. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request approval to adopt a resolution supporting the selection of the University of Phoenix Stadium in Glendale, Arizona, as the site of Super Bowl XLIX.

AGENDA ITEM(S) REMOVED FOR SEPARATE CONSIDERATION:

- B6. Approved a project contingency increase to fund construction change orders for phase II construction of a multi-use path along the Cross-cut Canal.
- COMMENTS** Total cost for this project contingency increase is \$300,000. This will bring the original project contingency amount of \$137,000 to \$437,000.
- DOCUMENT NAME** 20110707pwdr06 TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6002441

Councilmember Shekerjian requested that this item be removed for separate consideration because it is an increase in contingency funding. Staff was asked to explain this project and its funding source. Andy Goh, Deputy Public Works Director – Engineering, stated that additional funding is necessary due to the cost of handling rock materials. Funding comes from the Transit Fund, in conjunction with additional federal funding. Federal funding resulted in a cost savings, which assists in funding this project.

Motion by Councilmember Shekerjian to approve agenda item 5B6; second by Councilmember Ellis. Motion passed on a roll call vote 7-0.

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- B9. Approved a one-year contract renewal with Symetra Life Insurance Company for Stop Loss insurance overseen by the Human Resources Department.

COMMENTS Total cost of this contract will not exceed \$1,528,152 during the one-year contract period.
DOCUMENT NAME 20110707fsta07 PURCHASES (1004-01)

Councilmember Shekerjian requested that this item be removed for separate consideration because it exceeds \$1,000,000. Staff was asked to explain this contract and its funding source. Renie Broderick, Human Resources Director, stated that Symetra Life Insurance is the City's carrier for stop loss insurance which covers medical claims that exceed \$250,000. This contract is funded from the City's health fund which is comprised of employee contributions and contributions from the City. There is a possibility that this contract will be renegotiated, which could result in decreased costs.

Motion by Councilmember Shekerjian to approve agenda item 5B9; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

B11. Approved the utilization of one-year State of Arizona contracts with Midway Chevrolet Isuzu, Courtesy Chevrolet, Larry Miller Toyota and Five Star Ford for the purchase of thirty-six vehicles to replace units, which are beyond their usable service life, for the Police, Public Works, Community Services and Finance & Technology departments.

COMMENTS The combined value of these contracts will not exceed \$1,300,000 during the fiscal year beginning July 1, 2011.
DOCUMENT NAME 20110707fsta12 PURCHASES (1004-01)

Councilmember Shekerjian requested that this item be removed for separate consideration because it exceeds \$1,000,000. Staff was asked to explain the age of the vehicles being replaced, the replacement evaluation process and how vehicles are disposed of. John Osgood, Deputy Public Works Director – Field Operations, explained that this contract authorizes the Public Works Department to move forward with its Fleet Division asset management vehicle replacement program. The service life of vehicles spans between three and eight years, depending upon the use and type of vehicle. Some disposed vehicles go to auction and other vehicles are incorporated into the City's motor pool program. Over the past two years, the City's fleet has been reduced by approximately 100 vehicles. The evaluation process consists of the number of miles/hours the vehicle is used, how many hours of mechanic time it takes to keep a vehicle operating, and capital outlay impacts. The funding source for this contract comes from several different funds – General Fund, Transportation Fund, Water/Wastewater Fund, and Operating Fund.

Councilmember Ellis noted that whenever possible, staff should consider purchasing alternative fuel vehicles.

Motion by Councilmember Shekerjian to approve agenda item 5B11; second by Vice Mayor Navarro. Motion passed on a roll call vote 7-0.

B17. Awarded a one-year contract with four, one-year renewal options to Reliant Gases, LTD for the purchase of refrigerated liquid carbon dioxide used in the production of drinking water. (**Contract #2011-95**)

COMMENTS Total cost of this contract will not exceed \$250,000 for the initial one-year contract term.
DOCUMENT NAME 20110707fsts14 (1004-01)

Councilmember Shekerjian noted that this item has the potential of exceeding \$1,000,000, if renewal options

are exercised. Staff was asked to explain this contract and its funding source. Don Hawkes, Deputy Public Works Director – Water Utilities, stated that this contract authorizes staff to purchase chemicals that will be used to enhance the coagulation process, which will enable the City to meet the disinfection byproduct rule of the Federal Safe Drinking Water Act. Utility user fees and rates fund this contract.

Mayor Hallman stated that water and sewer operations rely on user fees. Funding to meet federal obligations comes from user fees. User rates are driven by what it costs the City to produce water and collect/treat sewage. Operations are driven primarily by federal regulations. This year, 82% of capital costs are driven entirely by federal obligations.

Motion by Councilmember Shekerjian to approve agenda item 5B17; second by Councilmember Arredondo-Savage. Motion passed on a roll call vote 7-0.

B20. **CONTRACT NOT RENEWED** with Redflex Traffic Systems, Inc. for the continuation of the City's photo enforcement program.

COMMENTS Total cost of this contract shall not exceed \$200,000 during this three-month renewal period. All costs related to this contract are paid from violators' fines.

DOCUMENT NAME 2011707fsmg07 PURCHASES (1004-01)

Mayor Hallman stated that Tempe is currently in litigation with Redflex Traffic Systems, Inc. In light of the litigation, he proposed that the contract extension be for a one month renewal, instead of three months. The proposed renewal period extension would end on August 19, 2011.

Councilmember Ellis stated that she would be voting no because Redflex is suing Tempe over this contract. Councilmember Woods agreed and voiced philosophical concerns with the marketing that Reflex engages in.

Motion by Vice Mayor Navarro to approve agenda item 5B20 with the provision that the contract be extended for one month thru August 19, 2011; second by Councilmember Arredondo-Savage. Motion failed 3-4, with Councilmembers Ellis, Mitchell, Shekerjian and Woods voting no.

E7. Adopted **RESOLUTION NO. 2011.60** authorizing the Mayor to execute a Rehabilitation and License Agreement with Rio Salado Foundation, an Arizona nonprofit corporation for the partial rehabilitation of the Hayden Flour Mill. (**Contract #2011-102**)

COMMENTS If approved, the Rio Salado Foundation will landscape the street frontage of the flour mill and perform other exterior enhancements to the Mill building located at 119 South Mill Avenue.

DOCUMENT NAME 20110707cdcm01 COMMUNITY DEVELOPMENT/REDEVELOPMENT PROJECTS (0403-01) RESOLUTION NO. 2011.60

Mayor Hallman declared a conflict of interest on agenda item 5E7.

Chris Anaradian, Community Development Director, stated that work performed in the right-of-way requires an encroachment permit which is issued by the Engineering Division.

Motion by Councilmember Ellis to approve agenda item 5E7; second by Councilmember Woods. Motion passed 6-0-1, with Mayor Hallman abstaining.

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- E8. Adopted **RESOLUTION NO. 2011.65** authorizing and providing for the issuance and the sale of not to exceed \$19,000,000 principal amount of City of Tempe Performing Arts Center Excise Tax Revenue Refunding Obligations, Series 2011A, and approving related actions and documents.

COMMENTS The Finance and Technology Department is looking to take advantage of the current low interest rate environment by refinancing certain maturities of the city's Performing Arts Center Excise Tax Revenue Obligations, Series 2004. The issuance of the Performing Arts Center Excise Tax Revenue Refunding Obligations would allow the city to realize approximate savings of \$738,000 in future debt service costs.

DOCUMENT NAME (20110707fsjh01) BOND SERVICE ADMINISTRATION (0203-01) RESOLUTION NO. 2011.65

Councilmember Shekerjian stated that agenda item 5E8 represents how staff has worked to save money. Staff was asked to explain the bond refinancing process. Ken Jones, Finance and Technology Director, stated that the City will refund the entire outstanding balance of the excise tax revenue obligation bonds from the initial construction of the Tempe Performing Arts Center (TPAC). This process will save the City \$738,000 in future debt services costs.

Motion by Councilmember Shekerjian to approve agenda item 5E8; second by Councilmember Woods. Motion passed on a roll call vote 7-0.

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- E11. **RESOLUTION NOT ADOPTED** to support the selection of the University of Phoenix Stadium in Glendale, Arizona, as the site of Super Bowl XLIX.

COMMENTS This resolution supports the selection of the University of Phoenix Stadium in Glendale, Arizona, as the site of Super Bowl XLIX, by offering public safety services at the site of practice facilities in Tempe.

DOCUMENT NAME 20110707caac01 SUPER BOWL – 2015 (0105-01-13) RESOLUTION NO. 2011.69.

Mayor Hallman explained that there is a charitable organization that is seeking to attract the 2015 Super Bowl XLIX to this region. Tempe has been asked to undertake the obligation to supply security to practice facilities (Sun Devil Stadium and the Cardinals Training facility) if the Super Bowl event is awarded to this region. Police Chief, Tom Ryff was asked to explain what the security obligations would entail.

In preparation for the last Super Bowl hosted in Arizona at Sun Devil Stadium, Chief Ryff stated that a regional task force was formed. Mutual aid and homeland security funding was received. Both security details were provided by private security firms. The National Football League (NFL) had staff available. There was very little impact upon Tempe Police employees. Strategic planning, covert operations, working as part of a joint terrorism task force and addressing regional security issues were the main impacts to the Tempe Police Department. This process had little impact on day to day police operations in Tempe.

Mayor Hallman noted that Tempe is part of a regional task force and has obligations to regional policing and security efforts, regardless of whether or not this resolution is adopted.

Chief Ryff stated that Tempe has received federal funding to purchase equipment, operations, material and training to provide regional assistance for major events. In kind services are provided for events such as the

Tempe Block Party; it is part of the mutual aid regional efforts.

Mayor Hallman asked Chief Ryff to estimate the financial impact to Tempe. Chief Ryff stated that in the past, the financial impact has been minimal. It is difficult to predict what will be asked of Tempe, in terms of security. Regardless, Tempe is obligated to provide protection and services for regional events.

Motion by Councilmember Arredondo-Savage to approve agenda item 5E11; motion died for lack of a second.

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Arredondo-Savage

- Commended staff on their performance and reaction to the severe dust storm
- Commended staff on the successful July 4, 2011 event

Councilmember Shekerjian

- Requested that staff provide a presentation on renegotiation of contract renewals during an upcoming Issue Review Session
- Requested a Council Summit be scheduled; Mayor Hallman suggested that this be discussed at the next Council Strategy Session
- Wished her colleagues a refreshing summer hiatus

Vice Mayor Navarro

- Commended staff and the Kiwanis Club for a successful July 4, 2011 event

Councilmember Woods

- Commended staff and the Kiwanis Club for a successful July 4, 2011 event; charitable donations raised

Councilmember Ellis

- Commended staff and the Kiwanis Club for a successful July 4, 2011 event; charitable donations raised
- August 8, 2011 – school starts again; drive cautiously in school zones

Mayor Hallman

- Commended staff on their responsiveness to the dust storm damage
- Federal funding is threatened because of the poor air quality in Arizona

7. PUBLIC APPEARANCES

A. Scheduled

1. Citizens concerns regarding policing – No one spoke.
2. Jack Drummond - Scooters in public buildings. Mr. Drummond was not in attendance.
3. Eleanor Holguin – Censorship. Ms. Holguin made the following comments:
 - Read definition of transparency
 - Has been speaking out against Police Chief Tom Ryff since 2009
 - Her residence has been placed on a 'hazardous status' list, and has since been removed from that list

- Website has been created in her name
- The public record is being censored

At the request of Mayor Hallman, City Attorney Andrew Ching asked Ms. Holguin to provide the City with a taped recording, in its entirety, of her discussions with Police representatives that she referred to.

B. Unscheduled - No one spoke.

The meeting adjourned at 8:58 p.m.

I, Brigitta M. Kuiper, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of July 7, 2011, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk