

**REVISED**

## Formal Meeting Agenda



### Tempe City Council January 6, 2005

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

1. INVOCATION - Councilmember Arredondo
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Hutson
  - A. Approval of Council Meeting Minutes
    1. Council Executive Session – December 9, 2004
    2. Formal Council Meeting – December 9 & 16, 2004 [20050106clrkck01.pdf](#)  
[20050106clrkck02.pdf](#)
    3. Council Technology Advancement, Tourism & Redevelopment Committee – November 8, 2004 [20050106edcm01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Apache Blvd. Project Area Committee – November 8, 2004 [20050106apac01.pdf](#)
    5. Aviation Commission – August 10, September 14, & October 12, 2004  
[20050106tavco01.pdf](#) [20050106tavco02.pdf](#) [20050106tavco03.pdf](#)
    6. Board of Adjustment – November 22, 2004 [20050106boa01.pdf](#)
    7. Building Code Advisory Board – November 16, 2004 [20050106bcab01.pdf](#)
    8. Community Special Events Task Force – December 7 & 21, 2004  
[20050106setf01.pdf](#) [20050106setf02.pdf](#)
    9. Enhanced Services Commission – November 17, 2004 [20050106esc01.pdf](#)
    10. Golf Committee - October 6, 2004 [20050106csmr01.pdf](#)
    11. Hearing Officer – December 7 & 21, 2004 [20050106ho01.pdf](#) [20050106ho02.pdf](#)
    12. Historic Preservation Commission – November 4, 2004 [20050106hpc01.pdf](#)
    13. Historical Museum Advisory Board – September 2 & November 4, 2004  
[20050106hmab01.pdf](#) [20050106hmab02.pdf](#)
    14. Library Advisory Board – October 4, 2004 [20050106lab01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Arizona Video Festival Awards
- Arizona Library Association Award – Nicholas Escalante
- Sister Cities – New Zealand Teacher Exchange
- Board and Commission Appointments [20050106boards.pdf](#)

##### 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.

##### A. Miscellaneous Items

15. Request approval of the Report of Claims Paid to be Filed for Audit for the week of December 5, 2004.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

16. Request approval of a construction contract with W.L. Emshoff in the amount of \$83,761; an addendum to a contract with Huitt-Zollars for post-design services in the amount of \$13,804; and an \$8,000 contingency for the Rural Road Drainage Improvements.

**COMMENTS:** Subject to execution of the final written contract and final written addendum.

**DOCUMENT NAME:** [20050106PWMG02.pdf](#) **STORM DRAIN UPGRADING – CONSTRUCTION (0808-06) PROJECT NO. 5401261**

17. Request approval of an addendum to a professional services contract with Michel Wilson Kelly Architects for the North Tempe Multi-Generational Center.

**COMMENTS:** Total amount of the addendum shall not exceed \$76,108, subject to the execution of the final written addendum.

**DOCUMENT NAME:** [20050106PWTG04.pdf](#) **COMMUNITY SERVICES ADMINISTRATION (0701-01) PROJECT NO. 6300291**

18. Request approval of annual on-call professional services contract extensions with Speedie and Associates, Ricker Atkinson McBee and Associates, and Western Technologies, Inc., for materials testing.

**COMMENTS:** Total amount of the contract extensions shall not exceed \$250,000, subject to the execution of the final written extensions.

**DOCUMENT NAME:** [20050106PWDR05.pdf](#) **ENGINEERING ADMINISTRATION (0803)**

- 19.** Request approval of a license agreement between Salt River Project and City of Tempe for use of the SRP Grand Canal as a public multi-use path.

**DOCUMENT NAME:** [20050106pwei01.pdf](#) **BICYCLES (1102)**

20. Request approval of a 2<sup>nd</sup> Amended Condominium Plat by WARNER PROFESSIONAL PLAZA for three buildings at 430 West Warner Road.

**COMMENTS:** (Scott Sjolseth, property owner) #SHR-2005.03 (CC040097) Amended Condominium Plat for three (3) buildings on 3.20 net acres.

**DOCUMENT NAME:** [20050106dsrl10.pdf](#) **PLANNED DEVELOPMENT (0406)**

21. Request approval of an Amended Final Subdivision Plat by J.B. PLACE for two lots at 6515 South Rural Road.

**COMMENTS:** (John Bebbling, property owner) #SBD-2005.12 for an Amended Final Subdivision Plat consisting of two (2) lots on 1.57 net acres.

**DOCUMENT NAME:** [20050106dsd2k12.pdf](#) **PLANNED DEVELOPMENT (0406)**

22. Request approval of a Final Plan of Development for Phase 2 by QUIKTRIP FACILITY SUPPORT OFFICE at 1545 North Scottsdale Road.

**COMMENTS:** (Theodore and Beverly Razook, property owners) #SFP-2005.05 Final Plan of Development for Phase 2, an 8,500 s.f. warehouse/office building.

**DOCUMENT NAME:** [20050106dsd2k09.pdf](#) **PLANNED DEVELOPMENT (0406)**

23. Request approval of an Amended Final Subdivision Plat by TRI-CITY TRANSMISSION at 2005 East Rio Salado Parkway.

**COMMENTS:** (Pecos 108, LLC, Roberta Barrett, property owner) #SBD-2004.89 Amended Final Subdivision Plat consisting of one (1) lot on 0.90 net acres.

**DOCUMENT NAME:** [20050106dsd2k05.pdf](#) **PLANNED DEVELOPMENT (0406)**

24. Request approval of a one-year contract renewal with Trucks West of Phoenix, Inc., for 8 refuse trucks.

**COMMENTS:** Total amount shall not exceed \$1,600,000.

**DOCUMENT NAME:** [20050106fsdl01.pdf](#) **PURCHASES (1004-01)** T03-032-01

25. Request approval of a one-year contract renewal with Arizona Control Specialists for energy management systems.

**COMMENTS:** Total amount shall not exceed \$150,000.

**DOCUMENT NAME:** [20050106fslq04.pdf](#) **PURCHASES (1004-01)** T04-054-01

26. Request approval of a one-year contract renewal with Hughes Supply Company for leak detection services.

**COMMENTS:** Total amount shall not exceed \$33,476.

**DOCUMENT NAME:** [20050106fst05.pdf](#) **PURCHASES (1004-01)** T04-032-01

27. Request approval of a six-month contract renewal with Salt River Project & Transmission for Town Lake Operation and Maintenance.

**COMMENTS:** Total amount shall not exceed \$200,000.

**DOCUMENT NAME:** [20050106fst06.pdf](#) **PURCHASES (1004-01)** T98-048-02

28. Request approval of a one-year contract renewal with Motorola for the communications and mobile data terminal system.

**COMMENTS:** Total amount shall not exceed \$200,000.

**DOCUMENT NAME:** [20050106fst07.pdf](#) **PURCHASES (1004-01)** T01-082-01

29. Request approval of a one-year contract renewal with The Groundskeeper for Water Utilities Department landscape maintenance.

**COMMENTS:** Total amount shall not exceed \$55,000.

**DOCUMENT NAME:** [20050106fst08.pdf](#) **PURCHASES (1004-01)** T03-090-01

30. Request approval to utilize a one-year City of Phoenix contract (P03-011) with Motorola, Inc., for 800MHz digital radio subscriber equipment.

**COMMENTS:** Total cost of this contract shall not exceed \$400,000 during the initial contract period.

**DOCUMENT NAME:** [20050106fst03.pdf](#) **PURCHASES (1004-01)**

- \*31. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for BBRJM, LLC, dba Sonoma Rotisserie & More, at 1285 W. Elliot Road.

COMMENTS: Randy Ringleb, Agent

DOCUMENT NAME: [20050106LIQ2.pdf](#) LIQ LIC (0210-02)

- \*32. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Ghost Runner, LLC, dba Stateside Grill, at 502 S. College Avenue, #103.

COMMENTS: Kishore Joseph, Agent

DOCUMENT NAME: [20050106LIQ3.pdf](#) LIQ LIC (0210-02)

- \*33. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Smart and Final Stores Corp., dba Smart and Final, at 1737 E. Broadway Road.

COMMENTS: Joseph Cipollini, Agent

DOCUMENT NAME: [20050106LIQ4.pdf](#) LIQ LIC (0210-02)

- \*34. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Tilted Kilt of Arizona, LLC, dba Tilted Kilt, 600 W. Warner Drive.

COMMENTS: H. J. Lewkowitz, Agent

DOCUMENT NAME: [20050106LIQ1.pdf](#) LIQ LIC (0210-02)

- \*35. This is a public hearing to recommend the approval of a Series 7 Beer and Wine Bar Liquor License for T & C Restaurant Enterprises, Inc., dba Brewskis Bar and Grill, 5235 S. Kyrene Rd., #104.

COMMENTS: Thomas Ryan, Agent

DOCUMENT NAME: [20050106LIQ5.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

- 36.** Request to award a one-year contract with four (4) one-year renewal options to T.A. Caid for modular traffic signal poles.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed **\$1,800,000** during the initial contract period.

DOCUMENT NAME: [20050106fslg09.pdf](#) PURCHASES (1004-01) IFB #05-073

- 36a.** *Request award of a professional services contract with DLR Group for design services for the Diablo Stadium Complex Improvements.*

COMMENTS: *Subject to execution of the final written contract. Total cost of the contract shall not exceed the amount of \$1.4M.*

DOCUMENT NAME: [20050106PWDR06.pdf](#) DIABLO STADIUM (0706-12)

**PROJECT NO. 6301781**

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

- \*37. This is an **introduction and first public hearing** for GRAHAM CENTRAL STATION for review of an existing use permit for a bar/night club with live entertainment at 7850 South Priest Drive. **The second public hearing is set for January 20, 2005.**

**COMMENTS:** #SGF-2005.01 (CC040096) for review of an existing use permit for a bar/night club with live entertainment. The following approval is requested from the City of Tempe:

Use Permit:

For a review of compliance with conditions of approval for a bar/night club with live entertainment in the PCC-2 district.

**DOCUMENT NAME:** [20050106dsrl08.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*38. This is an **introduction and first public hearing** for SKIP & JAN'S SPORTS BAR, INC., for review of an existing use permit for a bar at 7700 South Priest Drive. **The second public hearing is set for January 20, 2005.**

**COMMENTS:** #SGF-2005.02 (CC040094) for review of an existing use permit for a bar, located at 7700 South Priest Drive. The following approval is requested from the City of Tempe:

Use Permit:

For a review of compliance with conditions of approval for a bar in the PCC-2 district.

**DOCUMENT NAME:** [20050106dsrl07.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*39. This is the **introduction and first public hearing** for INFINITY CENTER for an Amended General and Final Plan of Development, for an office development at 7505 South McClintock Drive. **The second public hearing is set for January 20, 2005.**

**COMMENTS:** (Linnox LLC, property owner) #SGF-2004.88 (CC040088) for an Amended General Plan of Development for Capistrano Village, consisting of 54,732 s.f. on 8.54 net acres and a Final Plan of Development for Phase II, consisting of 13,169 s.f. office for Building 'C' only on 2.62 net acres.

**DOCUMENT NAME:** [20050106dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j \*40. This is the **Introduction and first public hearing** for HOME DEPOT for an Amended General and Final Plan of Development, including use permits and variances, at 1330 West Baseline Road. **The second public hearing is set for January 20, 2005.**

**COMMENTS:** (Angelo Gaspare, property owner) #SPD-2004.79 for An Amended General and Final Plan of Development for Home Depot consisting of 142,344 s.f. on 10.45 net acres, including the following:

Use Permits:

1. Allow a 114,668 s.f. home improvement store with a 27,676 s.f. garden center in the PCC-1 Zoning District.
2. Allow two (2) outdoor display areas in front of the Home Depot (east of pick-up canopy 728 s.f. and west of pick-up canopy 1,131 s.f.) and one (1) outdoor display area in front of the garden center 1,548 s.f.).
3. Allow an 8,600 s.f. seasonal sales area in the parking lot to be used 6 to 7 times per year, 30 days in duration with exception of the period between Thanksgiving and Christmas.

Variances:

1. Reduce the required street side yard building setback along Darrow Drive adjacent to the garden center, from 50 feet to 5 feet for approximately 92 feet and from 50 feet to 10 feet for approximately 60 feet for the outdoor garden center.
2. Reduce the required 15 foot landscaped setback along the rear property line as follows: 5 feet to 14 feet for 175 feet of the western portion of the rear property line and 11 feet for approximately 456 feet of the eastern portion of the rear property line.
3. Reduce the required landscape setback along the east property line from 15 feet to 12 feet for approximately 120 feet.
4. Reduce the required landscape setback along Darrow Drive from 15 feet to 5 feet for approximately 92 feet and from 15 feet to 10 feet for approximately 60 feet.
5. Increase the maximum allowable building coverage in the PCC-1 Zoning District from 25% to 28.5%.
6. Waive the screen wall requirement for loading bay doors at the pick-up canopy, garden center, and at the loading dock facing a public street.

DOCUMENT NAME: [20050106dsd2k06.pdf](#) PLANNED DEVELOPMENT (0406)

- \*41. This is the **introduction and first public hearing** for an ordinance adopting the new Zoning and Development Code and amending various sections of the Tempe City Code. **The second public hearing is set for January 20, 2005.**

DOCUMENT NAME: [20050106dsrl00.pdf](#) CITY CODE (0503) ORDINANCE NO. 2004.42

- \*42. This is the **introduction and first public hearing** to approve an ordinance repealing current Zoning Ordinance No. 808 and adopting the new City of Tempe Zoning and Development Code. **The second public hearing is set for January 20, 2005.**

DOCUMENT NAME: [20050106dsrl01.pdf](#) ZONING AND DEVELOPMENT CODE (0414) ORDINANCE NO. 2003.36

D. Ordinances and Items for Second Hearing/Final Adoption

- \*43. This is the **second public hearing** for an ordinance granting an easement to Salt River Project (SRP) for electrical power and appurtenances for Tempe Skate Park at 8403 S.



Hardy Drive.

**DOCUMENT NAME:** [20050106PWMG01.pdf](#) **GRANT OF EASEMENTS (0904-02)**  
**ORDINANCE NO.** 2004.53

- q-j \*44. This is the **second public hearing** for a General Plan 2030 Projected Land Use Map amendment, a zoning change and a General and Final Plan of Development for Warner Village at 1342 West Warner Road.

**COMMENTS:** (Warner and Priest Equity Investors LLC, property owner), for the following:

**#GEP-2004.05 Resolution 2004.88** for a General Plan 2030 Projected Land Use Map amendment from Industrial to Commercial land use designation for 10.81 net acres on Lot 1 of Warner Crossing;

**#ZON-2004.11 Ordinance No. 808.2004.12** for a zoning change from I-1, Light Industrial and I-2, General Industrial to PCC-1, Planned Commercial Center on 10.81 net acres;

**#SGF-2004.63** for a General and Final Plan of Development for Warner Village consisting of 171,000 s.f. on 10.81 net acres. Phase I consists of 16,000 s.f. of general office, 16,000 s.f. of medical office, 12,200 s.f. of retail, 6,000 s.f. of bank, 12,800 s.f. of restaurant for a total of 63,000 s.f. on 6.81 net acres, Phase II consists of a 108,000 s.f. 152 room hotel with ancillary office and restaurant uses on 4.0 net acres including the following:

Use Permits:

1. Use permit for a shared parking model for the project;
2. Use Permit for an outdoor dining patio(s) for Retail Pad 1;
3. Use Permit for an outdoor dining patio(s) for Retail Shops A;
4. Use Permit for an outdoor dining patio(s) for Retail Shops B.

Variances:

1. Reduce the required street side yard building setback along Priest Drive from 50 feet to 30 feet for retail pad #1.
2. Reduce the required side yard building setback along the east property line from 40 feet to 30 feet.
3. Reduce the required rear yard building setback along the north property line from 40 feet to 20 feet.
4. Reduce the required Southwest Overlay District street side yard landscape setback along Priest Drive from 25 feet to 20 feet.
5. Reduce the required Southwest Overlay District front yard landscape setback along Warner Road from 25 feet to 20 feet.

**DOCUMENT NAME:** [20050106dsdk04.pdf](#) **LAND USE GENERAL PLAN (0401-01)**

- q-j \*45. This is the **second public hearing** for an Amended General Plan of Development for University & McClintock Crossing Commercial Center and a Final Plan of Development for Auto Werks, including a use permit and variance, at 1775 East University Drive.

**COMMENTS:** (The Focus Group, LLC, David Church, property owner) **#SBD-**



**2004.84** for an Amended Subdivision Plat of Lot 4 into two (2) new lots on 1.42 net acres. **#SGF-2004.83** for an Amended General Plan of Development for University & McClintock Crossing consisting of 33,964 s.f. on 4.86 net acres and an Amended Final Plan of Development for Auto Werks Parcel 4, Phase 4, consisting of 21,598 s.f. on 1.42 net acres, including the following:

Use Permit:

Allow an automotive service use in the PCC-1, Planned Commercial Center Zoning District.

Variance:

Increase the maximum allowable lot coverage for Lot 4 from 25% to 31% in the PCC-1, Planned Commercial Center Zoning District.

**DOCUMENT NAME:** [20050106dsmh04.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

46. Request approval of a resolution accepting grant funding for DUI enforcement, education/awareness and equipment from the Oversight Council on DUI Abatement.

**DOCUMENT NAME:** [20050106pdsr01.pdf](#) **POLICE DEPARTMENT  
ADMINISTRATION (0606-02) RESOLUTION NO. 2005.01**

47. Request approval of a resolution authorizing the acquisition and/or condemnation of real property within the University/Hayden Butte Redevelopment Area 5.

**DOCUMENT NAME:** [20050106dsnc01.pdf](#) **RIO SALADO MASTER PLAN  
(0112-07-03) RESOLUTION NO. 2005.03**

48. Request approval of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement with Maricopa County for the City of Tempe to become a member of the Maricopa Home Consortium for the purpose of receiving allocations of Federal Home Funds for fiscal years 2006 through 2009.

**DOCUMENT NAME:** [20050106dslc01.pdf](#) **HOME PROGRAM (0207-18)  
Resolution No. 2005.04**

49. Request approval of a resolution supporting a new "Vision for Arizona" developed by the Center for the Future of Arizona.

**DOCUMENT NAME:** [20050106EDSS01.pdf](#) **ECONOMIC DEVELOPMENT  
PROGRAM (0111-03) Resolution No. 2005.05**

- \*50. This is a public hearing for approval of a resolution adopting a Major Amendment to the General Plan 2030 Projected Land Use Map.

**COMMENTS:** This amendment implements the General Plan 2030 ASU Growth Area element, enabling the University to rezone and develop property with a public hearing

process established in the zoning ordinance.

DOCUMENT NAME: [20050106dsdk11.pdf](#) PLANNED DEVELOPMENT (0401-01)  
RESOLUTION NO. 2004.62 GEP#2004.01

**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.

**SCHEDULED PUBLIC APPEARANCES**

- Dennis Rice, 2002 S. Sierra Vista Drive, Tempe, re: "Air Soft" guns
- Robert Rice, 2002 S. Sierra Vista Drive, Tempe, re: "Air Soft" guns

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

**Agendas are also available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)  
Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**