



# Formal Meeting **2<sup>nd</sup>** *REVISED* Agenda

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## Tempe City Council April 7, 2005

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

1. INVOCATION - Councilmember Copple
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Hutson
  - A. Approval of Council Meeting Minutes
    1. Council Formal Meeting – March 3 & 24, 2005 [20050407clrkck01.pdf](#)  
[20050407clrkck02.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    2. Board of Adjustment – February 23, 2005 [20050407boa01.pdf](#)
    3. Community Special Events Task Force – March 15, 2005 [20050407csetf01.pdf](#)
    4. Double Butte Cemetery Advisory Committee – November 17, 2004  
[20050407dbc01.pdf](#)
    5. Enhanced Services Commission – February 16, 2005 [20050407esc01.pdf](#)
    6. Human Relations Commission – February 8, 2005 [20050407hrc01.pdf](#)
    7. Mayor's Youth Advisory Commission – March 1, 2005 [20050407myac01.pdf](#)
    8. Rio Salado Advisory Commission – February 22, 2005 [20050407rsc01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
  - A. Mayor's Announcements
    - Proclamation – Tempe Symphony Orchestra's 30<sup>th</sup> anniversary
    - NPRA National Aquatics Award Presentation
    - Communities in Schools – Photo Contest Winners
    - Joint Review Committee Appointments
  - 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

9. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of February 27, March 6, 13 & 20, 2005.

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

10. Request approval to authorize the Mayor to sign a Joint Defense Agreement among SROG cities to engage outside legal counsel for the Dos Rios lawsuit.

**DOCUMENT NAME:** [20050407cacc02.pdf](#) **WASTEWATER MANAGEMENT ADMIN (0812-01)**

11. Request approval of an Amended Final Subdivision Plat for two lots at DIABLO TECHNOLOGY PARK and a Horizontal Regime (Condominium Map) for five buildings at 2900 South Diablo Way.

**COMMENTS:** (CLH Wilshire 1, LLC, property owners) (CC050015) #SBD-2005.41 for an Amended Final Subdivision Plat consisting of two (2) lots and #SHR-2005.42 for a Horizontal Regime (Condominium Plat) for five (5) buildings on 27.33 net acres.

**DOCUMENT NAME:** [20050407dsd2k06.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*12. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Pei Wei Asian Diner, Inc., dba Pei Wei Asian Diner, 1825 E. Guadalupe Road.

**COMMENTS:** Russell G. Owens, Agent

**DOCUMENT NAME:** [20050407LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*13. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Newflower Market, Inc., dba Sunflower Market, 1706 E. Southern Avenue, #1706.

**COMMENTS:** Robert E. Millsap, Agent  
**DOCUMENT NAME:** [20050407LIQ2.pdf](#) LIQ LIC (0210-02)

- \*14. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Strategic Asset Acquisition, LLC, dba 56<sup>th</sup> Classic Car Spa, 9969 S. Priest Drive.

**COMMENTS:** Lauren Merrett, Agent  
**DOCUMENT NAME:** [20050407LIQ3.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

15. Request approval of a one-year contract renewal with Utility Vault/Oldcastle Precast, Inc., for the purchase of underground utility vaults for large water connections.

**COMMENTS:** Total amount shall not exceed \$45,000.  
**DOCUMENT NAME:** [20050407fst01.pdf](#) PURCHASES (1004-01) T03-035-01

16. Request approval of a one-year contract renewal with Horizon for sprinkler parts for the replacement and installation of underground watering systems.

**COMMENTS:** Total amount shall not exceed \$150,000.  
**DOCUMENT NAME:** [20050407fslq03.pdf](#) PURCHASES (1004-01) T02-077-01

17. Request approval of a one-year contract renewal with Metering Services, Inc., for water meter maintenance, installation and calibration.

**COMMENTS:** Total amount shall not to exceed \$210,000.  
**DOCUMENT NAME:** [20050407fst07.pdf](#) PURCHASES (1004-01) WD3-4640-1973

18. Request approval of a one-year contract renewal with Roto-Rooter Services for city-wide sewer drain maintenance and repair.

**COMMENTS:** Total amount shall not exceed \$45,000.  
**DOCUMENT NAME:** [20050407fslq08.pdf](#) PURCHASES (1004-01) T04-082-01

19. Request approval of a one-year contract renewal with East Valley Tribune/AZ Interactive for the quarterly printing of Community Service's *Leisure Opportunities* magazine.

**COMMENTS:** Total amount shall not exceed \$75,250.  
**DOCUMENT NAME:** [20050407fslq09.pdf](#) PURCHASES (1004-01) T04-074-01

20. Request to award a one-year contract with two (2) one-year renewal options to Chandler Ready Mix, Ft. McDowell Yavapai Materials, and Pioneer Landscaping Materials, Inc., for raw construction materials for landscaping, street construction and repairs, water line fill, and other uses.

**COMMENTS:** Subject to execution of the signed contract. Total cost for this contract shall not exceed \$150,000 during the initial contract period.

**DOCUMENT NAME:** [20050407fslq04.pdf](#) **PURCHASES (1004-01)** IFB #05-078

21. Request to award a one-year contract with two (2) one-year renewal options to Centerline Supply West for sign mounting brackets and U-channel posts for the Public Works Department.

**COMMENTS:** Subject to execution of final contract. Total cost for this contract shall not exceed \$45,000 during the initial contract period.

**DOCUMENT NAME:** [20050407fslq02.pdf](#) **PURCHASES (1004-01)** IFB #05-099

22. Request to award a one-year contract with two (2) one-year renewal options to Southwest Business Furnishings and to Total Office Interiors for remanufactured systems furniture, freestanding furniture and related support services.

**COMMENTS:** Subject to execution of final contract. Total cost for this contract shall not exceed \$200,000 during the initial contract period.

**DOCUMENT NAME:** [20050407fsts10.pdf](#) **PURCHASES (1004-01)** #05-090

23. Request to award a one-year contract with four (4) one-year renewal options to Marsh USA, Inc., for risk management consultation and insurance broker services.

**COMMENTS:** Subject to execution of final contract. Total cost for this contract shall not exceed \$89,000 during the initial contract period.

**DOCUMENT NAME:** [20050407fsts12.pdf](#) **PURCHASES (1004-01)** #05-109

24. Request approval to utilize a one-year City of Mesa contract with 3M for optically-controlled traffic control equipment for emergency vehicle traffic signal pre-emption.

**COMMENTS:** Total cost of this contract shall not exceed \$60,000 during the initial contract period.

**DOCUMENT NAME:** [20050407fslq05.pdf](#) **PURCHASES (1004-01)** #2003101

25. Request approval to utilize a one-year State of Arizona contract with Grainger for maintenance supplies and equipment.

**COMMENTS:** Total cost of this contract shall not exceed \$90,000 during the contract period.

**DOCUMENT NAME:** [20050407fslg06.pdf](#) **PURCHASES (1004-01) #AD020184**

26. Request approval to utilize a State of Arizona contract with Calence for the purchase of internet firewall filtering hardware and licenses.

**COMMENTS:** Total cost of this contract shall not exceed \$50,000.

**DOCUMENT NAME:** [20050407fst11.pdf](#) **PURCHASES (1004-01)**  
#AD000187-003-A6

27. Request approval to utilize a State of Arizona contract with Sagem Morpho to upgrade the existing automated fingerprint identification system.

**COMMENTS:** Upgrade will enable the Police Department to identify palm prints. Subject to execution of final contract. Total cost of this contract shall not exceed \$130,000 during the initial contract period.

**DOCUMENT NAME:** [20050407fsdl14.pdf](#) **PURCHASES (1004-01)**  
#AD000043-001

**28. DELETED**

29. Request approval of a construction contract with Specialized Services Company for on-call subsurface utility locating (vacuum excavating/potholing).

**COMMENTS:** Subject to execution of the final written contract. Total amount shall not exceed \$150,000.

**DOCUMENT NAME:** [20050407PWMG02.pdf](#) **UNDERGROUND UTILITIES (0810)** PROJECT NO. 5400752

30. Request approval of a one-year sole source contract with the American Water Works Association Research Foundation (AWWARF) for scientific research into improving drinking water quality and enhancing water treatment process.

**COMMENTS:** Subject to execution of final contract. Total cost for this contract shall not exceed \$33,982 during the contract period.

**DOCUMENT NAME:** [20050407fst13.pdf](#) **PURCHASES (1004-01) #05-133**

31. Request approval of an addendum to a professional services contract with RNL Design for additional design services of the East Valley Bus Operation and Maintenance Facility project.

**COMMENTS:** Subject to the execution of the final written addendum in an amount not to exceed \$264,803.

**DOCUMENT NAME:** [20050407PWTG07.pdf](#) **TRANSPORTATION PLANNING (1101-01)** PROJECT NO. 6000561

32. Request approval of a professional services contract with Brown and Caldwell for the

Southern Avenue Interceptor (SAI) Condition Assessment Study.

**COMMENTS:** Subject to execution of the final written contract Total amount not to exceed \$128,873.

**DOCUMENT NAME:** [20050407PWTG09.pdf](#) **WASTEWATER MANAGEMENT (0812-01)** PROJECT NO. 3200582

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

- \*33. This is the **introduction and first public hearing** for an ordinance granting an access easement to the Flood Control District of Maricopa County (FCDMC) at the second Mill Avenue bridge and south bank of Town Lake. **The second public hearing is set for April 21, 2005.**

**DOCUMENT NAME:** [20050407PWMG05.pdf](#) **EASEMENT (0904-02)**  
ORDINANCE NO. 2005.16

- \*34. This is the **introduction and first public hearing** for an ordinance executing a Quit Claim Deed and relinquishing certain rights-of-way along Lemon Street at 1037 South Rural Road. **The second public hearing is set for April 21, 2005.**

**DOCUMENT NAME:** [20050407PWMG08.pdf](#) **REAL PROPERTY**  
**DISPOSITION (0902-21-01)** ORDINANCE NO. 2005.23

**\*35. ITEM CONTINUED AT APPLICANT'S REQUEST.**

This is the **introduction and first public hearing** for COSMO for a Zoning Map Amendment and a Preliminary Planned Area Development Overlay at 234 West University Drive.

D. Ordinances and Items for Second Hearing/Final Adoption

- \*36. This is the **second public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 3 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC.

**DOCUMENT NAME:** [20050407dsca01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)** ORDINANCE NO. 2005.14.

- \*37. This is the **second public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 6 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC.

**DOCUMENT NAME:** [20050407dsca02.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)** ORDINANCE NO. 2005.15.

- \*38. This is the **second public hearing** to amend Chapter 2, Article III, of the Tempe City Code, relating to the establishment of the Community Development Department; amending Section 2-134 relating to the Development Services Department; and repealing Section 2-135 relating to the Economic Development Department.

**DOCUMENT NAME:** [20050407cacc01.pdf](#) TCC CH 2 - CITY CODE  
ADMINISTRATION (0503-02) ORDINANCE NO. 2005.18

- \*39. This is the **second public hearing** for an ordinance abandoning a public utility easement and portions of a non-vehicular access easement at the Park Lane development site, 2323 W. University Drive.

**DOCUMENT NAME:** [20050407PWMG03.pdf](#) ABANDONMENT (0904-02)  
ORDINANCE NO. 2005.09

- \*40. This is the **second public hearing** for an ordinance abandoning portions of a waterline easement at 1305 W 23<sup>rd</sup> Street.

**DOCUMENT NAME:** [20050407PWMG04.pdf](#) ABANDONMENT (0904-02)  
ORDINANCE NO. 2005.10

- \*41. This is the **second public hearing** for an ordinance granting an Irrigation Easement to Salt River Project (SRP) for an irrigation pipe relocation for the Millstone development at 330 S. Farmer Avenue and 305 S. Wilson Street.

**DOCUMENT NAME:** [20050407PWMG06.pdf](#) EASEMENTS (0904-02)  
ORDINANCE NO. 2005.13

- q-j \*42. This is the **second public hearing** for a site plan for the VILLAGIO AT TEMPE including three (3) variances at 2401 East Rio Salado Parkway.

**COMMENTS:** (D.R. Horton, property owners) (CC050006) #SIP-2005.27 for a Site Plan consisting of 252 two-bedroom (1,936 s.f. each) and 124 three-bedroom (2,149 s.f. each), townhomes and 366 triplex units, models "A", "B", and "C" (4,986 s.f. for each triplex) for a total of 742 residential units on 45.46 net acres, including the following:

Variances:

1. Waive the requirement for courtyard separation between buildings.
2. Waive the requirement of recreational vehicle parking spaces (RV's).
3. Reduce the minimum required bicycle parking spaces from 371 to 30 spaces.

**DOCUMENT NAME:** [20050407dsd2k04.pdf](#) PLANNED DEVELOPMENT (0406)

- \*43. This is the **second public hearing** for a Zoning Map Amendment, a Horizontal Regime (Condominium Map) and a Planned Area Development Overlay for DORSEY PLACE at 1275 East University Drive.

**COMMENTS:** (William Bannister, property owner) (CC040080), consisting of a four-story mixed-used building including residential and office/retail space on 1.95 net acres, including the following:

**#ZON-2005.01, Ordinance No. 2005.04** for a zoning map amendment from R-4, Multi-Family Residential General, to MU-4, Mixed-Use Commercial and Residential on 1.95 gross acres, pursuant to Section 2-106 of the Zoning & Development Code.

**#SPD-2005.11** for a Planned Area Development Overlay with 91 residential condominium units and 7,000 s.f. of office/retail condominium space.

**#SHR-2005.28** for a Horizontal Regime (Condominium Map) consisting of 91 residential condominium units and 7 office/retail condominium units

**DOCUMENT NAME:** [20050407dsd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*44. This is the **second public hearing** for a Zoning Map Amendment, Planned Area Development Overlay and a Horizontal Regime (Condominium Map) for TEMPE PLACE at 5454 South Beck Avenue.

**COMMENTS:** (Reliance Trust Co., property owner) (CC040109) consisting of four mixed-use buildings, each four-stories tall, including residential and commercial space on 3.49 net acres, including the following:

**#ZON-2005.03 Ordinance No. 2005.06** for a zoning map amendment from GID, General Industrial District to MU-3, Mixed-Use Medium-High Density District.

**#SPD-2005.25** for a Planned Area Development Overlay with 75 residential condominium units and 4,479 s.f. of condominium office/retail space.

**#SHR-2005.26** for a Horizontal Regime (Condominium Map) consisting of 75 residential condominium units and 22 office/retail condominium units.

**DOCUMENT NAME:** [20050407dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

#### E. Resolutions

45. Request approval of a resolution for the issuance and sale of City of Tempe, Arizona, Miller Road Improvement District No. 179 Improvement Bonds, not to exceed \$6 million principal amount.

**COMMENTS:** This resolution authorizes the Financial Services Manager to award the bonds to the winning bidder and to prescribe terms and provisions of the bonds; appoint a registrar, transfer and paying agent with respect to the bonds; approve the form of contract for such registrar, transfer and paying agent; approve a revised assessment diagram; make certain tax covenants; approve a continuing disclosure certificate; ratify all actions taken with respect to the preparation and dissemination of an offering statement; and authorize execution and circulation of the official statement.

**DOCUMENT NAME:** [20050407fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01) RESOLUTION NO. 2005.13**



**46. Request approval of a resolution authorizing the Mayor to execute an Intergovernmental Agreement providing for no incentives for retail development between the cities of Phoenix, Chandler and Tempe.**

**DOCUMENT NAME: [20050407casv01.pdf](#) ECONOMIC DEVELOPMENT  
PROGRAM (0111-03) RESOLUTION NO. 2005.15**

**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 APPEARANCE:**

- Jack Lowell, Tempe, re: proposed plan to encourage landlords/good rentals

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

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