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**Tempe City Council**  
**January 5, 2006**

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

1. INVOCATION - Councilmember Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Carter
  - A. Approval of Council Meeting Minutes
    1. Ad-hoc Long-range Budget & Finance Planning Committee – November 1 & 15, December 6, 2005 [20060105bfp01.pdf](#) [20060105bfp02.pdf](#) [20060105bfp03.pdf](#)
    2. Ad-hoc Rental Housing Task Force – October 25 & November 29, 2005  
[20060105rhtf01.pdf](#) [20060105rhtf02.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    3. Aviation Commission – November 8, 2005 [20060105tavco01.pdf](#)
    4. Community Special Events Task Force – December 6 & 20, 2005 [20060105setf01.pdf](#)  
[20060105setf02.pdf](#)
    5. Design Review Board – February 16, March 2 & 16, April 6 & 20, May 4, August 17, September 7, November 16 & December 7, 2005 [20060105drb01.pdf](#)  
[20060105drb02.pdf](#) [20060105drb04.pdf](#) [20060105drb06.pdf](#)  
[20060105drb08.pdf](#) [20060105drb09.pdf](#) [20060105drb10.pdf](#)  
[20060105drb11.pdf](#) [20060105drb12.pdf](#) [20060105drb13.pdf](#)
    6. Enhanced Services Commission – November 16, 2005 [20060105esc01.pdf](#)
    7. Hearing Officer – December 6, 2005 [20060105ho01.pdf](#)
    8. Historic Preservation Commission – November 10, 2005 [20060105hpc01.pdf](#)
    9. Human Relations Commission – November 8, 2005 [20060105hrc01.pdf](#)
    10. Municipal Arts Commission – November 9, 2005 [20060105mac01.pdf](#)
    11. Neighborhood Advisory Commission – November 2, 2005 [20060105nac01.pdf](#)
    12. Rio Salado Advisory Commission – September 13 & October 25, 2005  
[20060105rsc01.pdf](#) [20060105rsc02.pdf](#)
    13. Tempe Sports Authority – October 18, 2005 [20060105tsa01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
- 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

- 14. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of November 13, 20, & 27, and December 4 & 11, 2005.

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

- 15. Request approval of a Temporary Airspace, Tieback and Shoring Permit for the Centerpoint Condominium Project.

**COMMENTS:** The permit would allow the Centerpoint construction cranes to swing over a portion of Fire Station #6 parking area and allow soil nails to extend under a portion of the fire station property.

**DOCUMENT NAME:** [20060105cdcm1.pdf](#) **SOUTHEAST QUADRANT DOWNTOWN TEMPE (0403-02-06)**

- 16. Request approval of a Takeover Agreement with United Fire and Casualty Company for the Miller Road/Boardwalk Improvement District.

**DOCUMENT NAME:** [20060105PWDR07.pdf](#) **MILLER ROAD I.D. 179 (0805-79) PROJECT NO. 5101241**

- 17. Request approval of an amendment to the Intergovernmental Agreement between the City, the Arizona Sports and Tourism Authority, and Angels Baseball, L.P.

**COMMENTS:** Amendment sets forth the present value factor used in determining the

total amount due to the City from the Arizona Sports and Tourism Authority related to the renovations and improvements to Tempe Diablo Stadium.

**DOCUMENT NAME:** [20060105fstd01.pdf](#) **DIABLO STADIUM (0706-12)**

- 18.** Request to authorize the City Manager and/or his designee to enter into a 60-day exclusive negotiation period with Pier 202 LLC for the purchase of the City-owned property commonly referred to as Rio East.

**DOCUMENT NAME:** [20060105cddssw01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01)**

- \*19. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for India Bistro, LLC, dba India Bistro, 130 E. University Drive.

**COMMENTS:** Ragothman Raghava, Agent.

**DOCUMENT NAME:** [20060105LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*20. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor license for Olive Branch Mediterranean Family Restaurant, 3231 S. Mill Avenue.

**COMMENTS:** Hanna Sayegh, Agent.

**DOCUMENT NAME:** [20060105LIQ2.pdf](#) **LIQ LIC (0210-02)**

- \*21. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor license for El Paisano Mercado, LLC, dba El Paisano Mercado, 1035 E. Lemon Street.

**COMMENTS:** Steven Ausi, Agent.

**DOCUMENT NAME:** [20060105LIQ3.pdf](#) **LIQ LIC (0210-02)**

- \*22. This is a public hearing to recommend the approval of a Series 7 Beer and Wine Bar Liquor license for Kolby's Corner Pocket Billiards, 1301 E. University Drive, Suite 112.

**COMMENTS:** Ishaya Youkhana, Agent.

**DOCUMENT NAME:** [20060105LIQ4.pdf](#) **LIQ LIC (0210-02)**

- \*23. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor license for Wong's Place Restaurant, 1825 E. Baseline Road, #2.

**COMMENTS:** Henry Ma, Agent.

**DOCUMENT NAME:** [20060105LIQ5.pdf](#) **LIQ LIC (0210-02)**

- \*24. This is a public hearing to recommend the **denial** of a Teen Dance Hall application for Arizona Beach Club, 430 N. Scottsdale Road.

**COMMENTS:** Greg D'Angelo, Agent.  
**DOCUMENT NAME:** [20060105STAX6.pdf](#) LIQ LIC (0210-02)

**B. Award of Bids/Contracts**

25. Request to award a one-year contract with two (2) one-year renewal options to Chapman Chevrolet for Police and Fire patrol vehicles.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$489,867 during the initial contract period.

**DOCUMENT NAME:** [20060105fsdl01.pdf](#) **PURCHASES (1004-01)**  
RFP#06-096

26. Request to award a sole source contract to Pearpoint for the purchase of a closed circuit TV truck for the Water Utilities Department.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$122,000. CCTV truck will be used by the Water Utilities Department for the inspection of sewers, irrigation and water pipes.

**DOCUMENT NAME:** [20060105fst04.pdf](#) **PURCHASES (1004-01) #06-134**

27. Request to award a one-year contract with two (2) one-year renewal options to T.A. Caid Industries, Inc., for modular traffic poles.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$100,000 during the initial contract period.

**DOCUMENT NAME:** [20060105fslg06.pdf](#) **PURCHASES (1004-01) IFB# 06-089**

28. Request to award a one-year, limited source contract to Visible Systems for computer programming and software maintenance services for the Municipal Court.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$186,563 during the contract period.

**DOCUMENT NAME:** [20060105fsdl08.pdf](#) **PURCHASES (1004-01) #06-127**

29. Request to award one-year contracts with two (2) one-year renewal options to Arizona Water Works Supply and Hughes Supply, Inc., for water plumbing parts and supplies.

**COMMENTS:** For the Water Utilities Department Subject to execution of final written contract. Total cost for these contracts shall not exceed \$200,000 during the contract period.

**DOCUMENT NAME:** [20060105fst12.pdf](#) **PURCHASES (1004-01) #06-062**

30. Request to award a three-year contract with two (2) one year renewal options to Card Meter Systems, Inc., for public printing and photocopy services.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$85,000 during the initial contract period.

**DOCUMENT NAME:** [20060105fst13.pdf](#) **PURCHASES (1004-01) RFP#06-043**

31. Request award of a construction contract, plus a \$100,000 contingency, to C-Investments, Inc., dba R.K. Sanders, for sidewalk improvements at Mill and Southern Avenues.

**COMMENTS:** Subject to execution of the final written contract in the amount of \$564,328.

**DOCUMENT NAME:** [20060105PWMG01.pdf](#) **SIDEWALK UPGRADING-MAINT-CONSTRUCTION PROJECT NO. 6800151**

32. Request award of a Construction Manager at Risk Design Phase service agreement to PCL Civil Constructors, Inc., for the Martinez Water Treatment Plant expansion and membrane conversion project.

**COMMENTS:** Subject to execution of the final written contract for an amount not to exceed \$415,839.

**DOCUMENT NAME:** [20060105PWTG02.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

33. Request award of a Job Order construction contract, plus a \$25,497 change order contingency, to Sun Eagle Corporation for bridge repairs and maintenance.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$254,969. PROJECT NO. 5401881

**DOCUMENT NAME:** [20060105PWMG03.pdf](#) **BRIDGES (0801)**

34. Request approval of a professional services contract with Stantec Consulting, Inc., for preparation of the irrigation program evaluation project.

**COMMENTS:** Subject to execution of the final written contract for an amount not to exceed \$88,784.

**DOCUMENT NAME:** [20060105PWTG04.pdf](#) **WATER MANAGEMENT ADMIN. (8012-01) PROJECT NO. 3202093**

35. Request approval of a professional services contract with INCA Engineers, Inc., for the University Drive pedestrian improvements.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$74,496.

**DOCUMENT NAME:** [20060105PWTG05.pdf](#) **TRANSPORTATION (1100) PROJECT NO. 6001921**

36. Request approval of a \$360,000 increase to the existing contract with Southwest Microsurfacing, LLC, for 2005-2007 local street renovation slurry seal.

**COMMENTS:** Increasing contract amount from \$1,357,167 to \$1,717,167.

**DOCUMENT NAME:** [20060105PWDR06.pdf](#) STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5400742

37. Request to approve an emergency procurement of lime slurry from Basic Chemical Solutions for the Water Utilities Department.

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

**DOCUMENT NAME:** [20060105fst11.pdf](#) PURCHASES (1004-01) #06-131

38. Request approval of a one-year contract renewal with Salt River Landfill for sludge disposal.

**COMMENTS:** Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20060105fslq07.pdf](#) PURCHASES (1004-01) #T98-018-03

39. Request approval of a one-year contract renewal with Coyote Tire for tire recapping services.

**COMMENTS:** Total amount not to exceed \$100,000 during the contract period.

**DOCUMENT NAME:** [20060105fsdl10.pdf](#) PURCHASES (1004-01) #T03-067-01

40. Request approval to utilize a one-year State of Arizona contract with Five Star Ford for three staff vehicles for the Tempe Police Department.

**COMMENTS:** Total cost of this contract shall not exceed \$59,191 during the initial contract period. #AD040004-005-A1

**DOCUMENT NAME:** [20060105fsdl03.pdf](#) PURCHASES (1004-01)

41. Request approval to utilize a one-year State of Arizona contract with Larry Miller Toyota for one staff vehicle for the Tempe Police Department.

**COMMENTS:** Total cost of this contract shall not exceed \$21,086 during the initial contract period. #AD040001-005-A2

**DOCUMENT NAME:** [20060105fsdl02.pdf](#) PURCHASES (1004-01)

42. Request approval to utilize a one-year contract with Ikon Office Solutions for the lease and installation of multifunctional digital copiers/printers on an as-needed basis.

**COMMENTS:** Total cost for this contract shall not exceed \$280,000 during the initial contract period.

**DOCUMENT NAME:** [20060105fst05.pdf](#) **PURCHASES (1004-01) #05PB027**

43. Request approval to utilize a one-year State of Arizona contract with Courtesy Chevrolet for public safety staff vehicles.

**COMMENTS:** Total cost of the contract shall not exceed \$81,962 during the initial contract period. Vehicles include two staff vehicles for Police and Information Technology and one pick-up truck for the Fire Department.

**DOCUMENT NAME:** [20060105fsdl09.pdf](#) **PURCHASES (1004-01) #AD040004-002-A2**

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

- \*44. This is the **introduction and first public hearing** for a Planned Area Development Overlay and a use permit to allow tandem parking in the R-3 Multi-family Residential Limited and MU-4 Mixed-Use, High Density Districts for FARMER AVENUE LOFTS at 400 South Farmer Avenue. **The second public hearing is set for January 19, 2006.**

**COMMENTS:** (Pat Logue, Tempe Ancala Group LLC, property owner / Clare H. Abel, Burch & Cracchiolo, P.A., applicant) (CC050098) **#SPD-2005.110** for a Planned Area Development Overlay on R-3 Multi-family Residential Limited and MU-4 Mixed-Use, High Density Districts, for 18 new townhomes (6 two-bedroom Live/Work units and 12 two-bedroom plus den residences) of approximately 41,000 square feet of building area on 1.5 acres, including the following:

Use permit

1. To allow tandem parking

**DOCUMENT NAME:** [20060105dsdk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- D. Ordinances and Items for Second Hearing/Final Adoption

- \*45. This is the **second public hearing** for ordinances authorizing text amendments within the Zoning and Development Code for board/commission consolidation and creation of the Development Review Commission.

**COMMENTS:** (City of Tempe, Applicant) (CC050102) **#ZOA-2005.23** for code text amendments for various sections throughout the Zoning and Development Code for the purpose of creating the Development Review Commission, a unified decision-making body. This action would combine the Planning and Zoning Commission, Design Review Board, and Redevelopment Review Commission, and modify powers of the Board of Adjustment. The request includes the following:

**Ordinance No. 2005.81** for code text amendments in Part 1 – Introduction, of the Zoning and Development Code

**Ordinance No. 2005.82** for code text amendments in Part 5 – Overlay Zoning Districts, of the Zoning and Development Code

**Ordinance No. 2005.83** for code text amendments in Part 6 – Applications and Review



Procedures, of the Zoning and Development Code

**Ordinance No. 2005.84** for code text amendments in Part 7 – Definitions, of the Zoning and Development Code

**DOCUMENT NAME:** [20060105dsrl02.pdf](#) **ZONING AND DEVELOPMENT CODE (0414-01) (0414-05) (0414-06) (0414-07)**

- \*46. This is the **second public hearing** for an ordinance amending various sections of the Tempe City Code to conform with the Zoning and Development Code regarding creation of the Development Review Commission.

**DOCUMENT NAME:** [20060105cacc01.pdf](#) **CITY CODE (0503) ORDINANCE. 2006.01**

- \*47. This is the **second public hearing** for a General Plan amendment, a zoning map amendment, and a Planned Area Development Overlay for UNIVERSITY OF ADVANCING TECHNOLOGY STUDENT HOUSING at 2625 West Baseline Road.

**COMMENTS:** (Dorado Capital Investments LLC, property owner) (CC050076) for an existing school to add a new 65,900 s.f. building for a student housing complex, consisting of 131 dwelling units, on 5.7 net acres, including the following:

**Resolution No. 2005.54 #GEP-2005.04** for a General Plan Amendment from a Projected Residential Density of None to Medium-High Density (up to 25 du/ac) on 5.7 acres;

**Ordinance No. 2005.74 #ZON-2005.18** for a Zoning Map Amendment from GID, General Industrial District and AG, Agricultural to MU-3, Mixed-Use Medium-High Density on 5.7 acres; and

**#SPD-2005.91** for a Planned Area Development Overlay for an existing school (48,251 s.f.) and a proposed student housing complex (65,900 s.f.), totaling 114,151 s.f. in building area.

**DOCUMENT NAME:** [20060105dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*48. This is the **second public hearing** for an ordinance authorizing the Mayor to execute a development and disposition agreement between the City of Tempe and Newtown Community Development Corporation/Habitat for Humanity.

**DOCUMENT NAME:** [20060105cdnc01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2005.97**

#### E. Resolutions

49. Request approval of a resolution authorizing application to Arizona State Parks for a Heritage Fund grant allowing City sponsorship and support of the restoration project by the owner of the D. J. Frankenberg House, a property listed on the City of Tempe Register.

**DOCUMENT NAME:** [20060105cacc02.pdf](#) **PARKS ADM (0706-01)**



RESOLUTION NO. 2006. 01

50. Request approval of a resolution authorizing the selection and exclusive negotiations with STH Enterprises, LLC, for the development and operation of a 19.16-acre Indoor Sports Facility and lease of city land at 1600 W. Rio Salado Parkway.

DOCUMENT NAME: [20060105fslq14.pdf](#) PURCHASES (1004-01)  
RESOLUTION NO. 2006.06

51. *Request approval of a resolution establishing polling places and districts for the March 14, 2006, primary election.*

DOCUMENT NAME: [20060105cckm01.pdf](#) PRIMARY ELECTION MARCH 14, 2006 (0506-30-01) RESOLUTION NO. 2006.08

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

- Dennis Skolnick, Tempe, re: "Why the Future Can't Hurt the Great Brick Way"

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

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.

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Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)

