

Formal Meeting FINISHED Agenda



Tempe City Council May 3, 2007

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

1. INVOCATION - Vice Mayor Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Mitchell
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – April 19, 2007
 2. Council's Issue Review Session – April 19, 2007 [20070503clrkck03.pdf](#)
 3. Council's Formal Meeting – April 19, 2007 [20070503clrkck02.pdf](#)
 4. Council's Special Budget Meeting – April 12, 2007 [20070503clrkck01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 5. Committee for Youth, Families & Community – March 19, 2007 [20070503cyfc01.pdf](#)
 6. Community Special Events Task Force – April 24, 2007 [20070503setf01.pdf](#)
 7. Development Review Commission – March 13 & 27, 2007 [20070503drc01.pdf](#)
[20070503drc02.pdf](#)
 8. Hearing Officer – April 3, 2007 [20070503ho01.pdf](#)
 9. Historic Preservation Commission – March 8, 2007 [20070503hpc01.pdf](#)
 10. Human Relations Commission – March 13, 2007 [20070503hrc01.pdf](#)
 11. Mayor's Youth Advisory Commission – April 3, 2007 [20070503myac01.pdf](#)
 12. Tardeada Advisory Board – February 1, 2007 [20070503tab01.pdf](#)
 13. Tempe Sports Authority – March 6 & 14, 2007 [20070503tsa01.pdf](#)
[20070503tsa02.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - Law Day Presentation
 - Grad Night Presentation
 - Proclamation for Peace Officer Memorial Day

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 March 11, 18 & 25 and April 1 & 8, 2007.

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

APPROVED

15. Request approval of an agreement between the Greater Phoenix Economic Council (GPEC) and the City of Tempe for fiscal year 2007 – 2008.

COMMENTS: The City agrees to pay \$64,654 for services provided by GPEC, based on approximately \$.39 per capita based on a City population of 165,890.

DOCUMENT NAME: [20070503cddh01.pdf](#) **ECONOMIC DEVELOPMENT PROGRAM (0111-03)**

APPROVED

- *16. This is a public hearing to amend Appendix A of the Tempe City Code relating to sewer and water development fees. Final adoption of the resolution is scheduled for May 17, 2007.

COMMENTS: These proposed changes establish the sewer and water development fee rate structure with the effective date of September 1, 2007.

DOCUMENT NAME: [20070503fst01.pdf](#) **MISCELLANEOUS FEES (0210-05)**
Resolution No. 2007.24

HELD PUBLIC HEARING.

FINAL ADOPTION OF RESOLUTION SET FOR MAY 17, 2007.

17. This is an **appeal** of the June 21, 2006, Development Review Commission decision regarding sign package modifications for the POINTE OFFICE SUITES at 2221 West Baseline Road.

COMMENTS: **PL060550** The petitioner James Domaz of the Law Firm Cheifetz Iannitelli Marceolini, P.C., representing Annette Bau of 2233 West Baseline Road, Suite 103. The request includes the following:

DPA06002 – Appeal of a Design Review Board staff decision DRB06083 regarding sign package modifications.

DOCUMENT NAME: [20070503dsjt01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

APPEAL DENIED

18. Request approval of an Amended Subdivision Plat for MCARTHUR NO.1 at 2539 East Don Carlos Avenue.

COMMENTS: (PL070110) (Edward and Elia Perez, property owners; Matthew Kalatsky, applicant) located at 2539 East Don Carlos Avenue, in the R1-6, Single Family Residential District, including the following:

SBD07010 – Amended Subdivision Plat for one (1) lot into two (2) lots on 0.48 net acres.

DOCUMENT NAME: [20070503dsrl02.pdf](#) **PLANNED DEVELOPMENT**
(0406)

APPROVED

19. Request approval of an Amended Subdivision Plat for REMEMBER THE USS AZ at 2515 East Maryland Drive.

COMMENTS: (PL070088) (Ronald Scott Merino, applicant/property owner) located at 2515 East Maryland Drive in the R1-6, Single Family Residential District for:

SBD07008 - An Amended Subdivision Plat to split one (1) lot into two (2) separate lots.

DOCUMENT NAME: [20070503dsqk01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

APPROVED

20. Request approval of a Final Subdivision Plat for RIVERSIDE OFFICE PLAZA PHASE III at 1275 West Rio Salado Parkway.

COMMENTS: (PL060707) (Richard J. Lund, HOF-Biltmore Rio Salado II, L.L.C., property owner; Gary R. Brandt, Hunter Engineering P.C., applicant) for a Subdivision

Plat, located at 1275 West Rio Salado Parkway, in the GID District and the Rio Salado Overlay District, including the following:

SBD07013 – Subdivision Plat to combine seven adjacent parcels into one lot on 6.968 net acres.

DOCUMENT NAME: [20070503kko01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

APPROVED

B. Award of Bids/Contracts

21. Request approval of a professional services contract with CSA Engineering for the Town Lake Upstream Storm Drain Pump Station.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$477,713.

DOCUMENT NAME: [20070503PWCH02.pdf](#) **STORM DRAIN & FLOOD**
CONTROL (0808) PROJECT NO. 5802612

APPROVED

22. Request to award a seven-year limited source lease contract to DCT - AZ for the lease of offsite premises for Police operational needs.

COMMENTS: (Limited Source #07-180) Subject to execution of the final written contract. Total cost for this contract shall not exceed \$985,000 during the contract period.

DOCUMENT NAME: [20070503fsta07.pdf](#) **PURCHASES (1004-01)**

APPROVED

23. Request approval of a one-year contract renewal with MSDS Solutions, Inc., for a vendor- hosted web-based material safety data sheet (MSDS) management system.

COMMENTS: (T06-066RBA-01) Total amount not to exceed \$123,000.

DOCUMENT NAME: [20070503fst08.pdf](#) **PURCHASES (1004-01)**

APPROVED

24. Request approval of a two-month contract renewal with Mariposa Horticultural Enterprises for landscape maintenance services.

COMMENTS: (T03-109-01) Total amount not to exceed \$100,000.

DOCUMENT NAME: [20070503fslq01.pdf](#) **PURCHASES (1004-01)**

APPROVED

25. Request approval of a one-year contract renewal with Bound Tree Medical, LLC, for emergency medical supplies.

COMMENTS: (T04-114-01) Total amount not to exceed \$92,000.

DOCUMENT NAME: [20070503fslq02.pdf](#) **PURCHASES (1004-01)**

APPROVED

26. Request approval of a month-to-month contract renewal (with a maximum of six months) with ACS State and Local Solutions for photo radar services.

COMMENTS: (T02-042-01) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20070503fsta04.pdf](#) **PURCHASES (1004-01)**

APPROVED

27. Request approval to increase by \$150,000 the contract amount with Lacor Streetscape for mini transit shelters.

COMMENTS: (T06-033-01) Increase from \$250,000 to \$400,000.

DOCUMENT NAME: [20070503fslq06.pdf](#) **PURCHASES (1004-01)**

APPROVED

28. Request approval of a change order to a takeover agreement with Capitol Indemnity Corporation for completion of construction of the South Tempe Water Treatment Plant Environmental Services Building and plant entrance improvements, and also request approval of a Settlement and Release Agreement related thereto.

COMMENTS: Total amount of the change order shall not exceed \$346,076.

DOCUMENT NAME: [20070503PWMV03.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 3201093 AND 3201095**

APPROVED

29. Request approval to utilize a one-year State of Arizona contract with Midway Chevrolet/Isuzu for the purchase of eleven vehicles.

COMMENTS: (Contract SCC070002-A4) Total amount of the contract shall not exceed \$194,050 during the initial contract period.

DOCUMENT NAME: [20070503fsta03.pdf](#) **PURCHASES (1004-01)**

APPROVED

30. Request approval to utilize twenty-one month US Communities contracts with Haworth,

Inc., and Herman Miller, Inc., for the purchase of office furniture.

COMMENTS: (RQ07-878957-20A and 20C) Total cost of the contracts shall not exceed \$800,000 during the contract period.

DOCUMENT NAME: [20070503fsts05.pdf](#)

PURCHASES (1004-01)

APPROVED

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

- *31. This is the **introduction and first public hearing** for an ordinance authorizing the Mayor to execute agreements to terminate the lease with and convey property to FLY (CD) LLC, a Delaware limited liability company, and AWHQ LLC, an Arizona limited liability company. **The second public hearing is set for May 17, 2007.**

DOCUMENT NAME: [20070503cdcm01.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2007.31**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR MAY 17, 2007.**

- *32. This is the **introduction and first public hearing** for an Amended Planned Area Development Overlay for PIER 202 located at 1200 East Rio Salado Parkway. **The second public hearing is set for May 17, 2007.**

COMMENTS: (PL060548) (Pier 202 Tempe LLC, property owner; Brad Gorman, applicant) consisting of nine (9) new buildings up to 310 feet in height for commercial, 285 room hotel and 1,484 residential units on +/-27.4 acres, located at 1200 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District, including the following: **PAD07003 – (Ordinance No. 2007.17)** Amended Planned Area Development Overlay to modify development standards for nine (9) buildings, totaling approximately 3,693,000 s.f. of building area on +/-27.4 acres.

DOCUMENT NAME: [20070503dsrl01.pdf](#)

PLANNED DEVELOPMENT

(0406)

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR MAY 17, 2007.**

- *33. This is the **introduction and first public hearing** for a General Plan Amendment for DOUBLE BUTTE CEMETERY at 2505 W. Broadway Road. **The second public hearing is scheduled for May 17, 2007.**

COMMENTS: (PL070054) (City of Tempe, applicant) for a General Plan Land Use Map Amendment for 5.42 acres for the Double Butte Cemetery future mausoleum site

located at 2505 W. Broadway Road, in the GID, General Industrial District, including the following:

GEP07002 (Resolution No. 2007.17) – General Plan 2030 Projected Land Use Map Amendment for approximately 5.42 acres to be amended from the Public Open Space Land Use designation to the Public Recreational/Cultural Land Use designation.

DOCUMENT NAME: [20070503dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR MAY 17, 2007.**

- *34. This is the **introduction and first public hearing** for a General Plan Amendment for VICTORY ACRES PARK at 2407 E McArthur Drive. **A second public hearing is set for May 17, 2007.**

COMMENTS: (PL060586) (Jeff Valasquez of J2 Design, applicant, on behalf of City of Tempe, owner) A General Plan Land Use Map Amendment for approximately 3 acres for the new Victory Acres Park in the R-2 Multi-Family Zoning and CSS Commercial Shopping and Service districts. The request includes the following:

GEP07001 (Resolution No. 2007.18) - for a General Plan 2030 Projected Land Use Map Amendment for approximately 3 acres to be amended from the Residential Land Use designation to the Public Open Space Land Use designation.

DOCUMENT NAME: [20070503dsdk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR MAY 17, 2007.**

- *35. This is the **introduction and first public hearing** for an ordinance approving the Operations and Maintenance Agreement with Valley Metro Rail, Inc. **The second public hearing is set for May 17, 2007.**

DOCUMENT NAME: [20070503pwjism01.pdf](#) [20070503pwjism02.pdf](#)
TRANSPORTATION PLANNING (1101-01) ORDINANCE NO. 2007.33

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR MAY 17, 2007.**

D. Ordinances and Items for Second Hearing/Final Adoption

- *36. This is the **second public hearing** for an ordinance granting an easement to Southwest Gas Corporation to install and maintain the facilities necessary to provide service to the East Valley Bus Operation and Maintenance Facility at 2050 West Rio Salado Parkway.

DOCUMENT NAME: [20070503PWCH01.pdf](#) **GRANT OF EASEMENTS**

(0904-02) ORDINANCE NO. 2007.22

APPROVED

- *37. This is the **second public hearing** to amend Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-141 relating to position of motor-driven cycles.

COMMENTS: The purpose of this amendment is to make it lawful to park more than two motor-driven cycles within one parking meter space in order to maintain constitutionality as well as provide equitable enforcement of the law for citizens and patrons of Tempe.

DOCUMENT NAME: [20070503pdsam01.pdf](#) **MOTOR VEHICLES & TRAFFIC (0503-19) ORDINANCE NO. 2007.28**

APPROVED

E. Resolutions

38. Request approval of a resolution authorizing the approval and submission of the Community Development Block Grant (CDBG) and HOME Programs Action Plan for Fiscal Year 2007-2008.

DOCUMENT NAME: [20070503cdlc01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-26) RESOLUTION NO. 2007.29**

APPROVED

39. Request approval of a resolution amending City Code Appendix A—Schedule of Fees and Charges, Chapter 21, Nuisances and Property Enhancement and Chapter 35, Zoning.

DOCUMENT NAME: [20070503cacc01.pdf](#) **MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2007.22**

APPROVED

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

- Ruth Kolb Smith, Tempe, re: Neighborhood Circulators
- Rick Vullo, Tempe, re: Neighborhood Circulators
- Rose Weitz, Tempe, re: Neighborhood Circulators
- Joan Westlake, Tempe, re: Neighborhood Circulators
- Stu Greenstein, Tempe, re: Neighborhood Circulators
- James Ford, Tempe, re: Neighborhood Circulators
- Bob Atkinson, Tempe, re: Neighborhood Circulators
- Anne Schutte, Tempe, re: Neighborhood Circulators
- Bob Bostic, Tempe, re: Neighborhood Circulators
- Mike Fields, Tempe, re: Neighborhood Circulators and neighborhood parking
- Harvey Smith, Tempe, re: crime
- Steve Bowles, Tempe, re: parking

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**