



Formal Meeting **2nd** **REVISED** Agenda

Tempe City Council June 28, 2007

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 CARTER

A. Approval of Council Meeting Minutes

1. Council's Executive Session – May 31 & June 14, 2007
- 1a. **Council's Issue Review Session – May 31, 2007** [20070628clrkck05.pdf](#)
2. Council's Formal Meeting – May 31, 2007 [20070628clrkck03.pdf](#)
3. Council's Special Budget Meeting – May 31 & June 14, 2007 [20070628clrkck02.pdf](#)
[20070628clrkck04.pdf](#)
4. Council's Special Meeting – May 31, 2007 [20070628clrkck01.pdf](#)
5. Community Facilities District Board Meeting – May 31, 2007 [20070628cfd01.pdf](#)
6. Council's Arts & Community Services Committee – May 16, 2007
[20070628acsc01.pdf](#)
7. Council's Education & Technology Advancement Committee – May 1, 2007
[20070628etac01.pdf](#)
8. Council's Tourism & Amateur Sports Committee – April 11 & May 9, 2007
[20070628tasc01.pdf](#) [20070628tasc02.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

9. Aviation Commission – April 10, 2007 [20070628tavco01.pdf](#)
10. Board of Adjustment – April 25, 2007 [20070628boa01.pdf](#)
11. Commission on Disability Concerns – March 20 & April 17, 2007
[20070628cdc01.pdf](#) [20070628cdc02.pdf](#)
12. Committee for Youth, Families & Community – May 21, 2007 [20070628cyfc01.pdf](#)
13. Community Special Events Task Force – June 5 & 19, 2007 [20070628setf01.pdf](#)
[20070628setf02.pdf](#)
- 13a. Development Review Commission – May 8, 2007 [20070628drc01.pdf](#)
14. Double Butte Cemetery Advisory Committee – March 21, 2007 [20070628prsw01.pdf](#)
15. Hearing Officer - May 15, 2007 [20070628ho01.pdf](#)

16. Historic Preservation Commission – May 10, 2007 [20070628hpc01.pdf](#)
17. Merit System Board – May 21, 2007 [20070628msb01.pdf](#)
18. Municipal Arts Commission – May 9, 2007 [20070628mac01.pdf](#)
19. Rio Salado Advisory Commission – March 27 & April 24, 2007
[20070628rsac01.pdf](#) [20070628rsac02.pdf](#)
20. Tempe Police Public Safety Personnel Retirement Board – May 3, 2007
21. Tempe Sports Authority – April 17 & May 23, 2007 [20070628tsa01.pdf](#)
[20070628tsa02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
- **Boards and Commission Selections**
 - ***Presentation for Firefighter Service***

- 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

22. Request approval of the Report of Claims Paid to be filed for audit for May 13 through June 9, 2007.

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

23. Request approval for the Mayor to appoint members to fill Board and Commission vacancies.

BDS, COMMISSIONS, COMMITTEES ADM (0102-01)

24. Request approval of a five-year lease extension between the City of Tempe and the Foundation for Senior Living (FSAL) for the property at 2303 East Maryland Drive.

DOCUMENT NAME: [20070628csjt01.pdf](#) **COMMUNITY SERVICE ADM**
(0701-01)

25. Request approval of the Community School Facilities Contract Use Agreement and Addendum between the Kyrene School District No. 28 and the City of Tempe for the before school, after school and summer facilities for the Kid Zone Enrichment Program for the 2007-2008 fiscal year.

DOCUMENT NAME: [20070628csjt02.pdf](#) **COMMUNITY SERVICE ADM**
(0701-01)

26. Request authorization to allow the Mayor to execute the Acknowledgement and Waiver of Potential Conflict of Interest in the Targosz v. City of Tempe, et al., lawsuit.

DOCUMENT NAME: [20070628cacc02.pdf](#) **CITY ATTORNEY**
ADMINISTRATION (0501-03)

27. Request approval of City-sponsored community special events for fiscal year 2007/2008.

COMMENTS: As recommended by the Sponsorship Review Committee. Total recommended allocations are \$53,250 in both cash and in-kind sponsorship.

DOCUMENT NAME: [20070628prkb01.pdf](#) **RECREATION ADM-POLICIES**
(0707-01)

28. Request authorization to allow the Mayor to execute a license agreement between AT&T Corporation and the City of Tempe for the continued use of the city's rights-of-way to provide interstate telecommunication services.

DOCUMENT NAME: [20070628ITD01.pdf](#) **AT&T (0802-32)**

- *29. This is a public hearing for an **appeal** of the May 8, 2007, Development Review Commission decision to approve the Use Permit and Development Plan Review for the Circle K at 507 West Broadway Road.

COMMENTS: Appeal by Olivia Aranki, appealer, of the May 8, 2007 Development Review Commission decision to approve the request by the CIRCLE K (PL060709/UPA07004/DPA07002) (Glenn Smigiel, SAY Investments, L.L.C., owner; David Cisiewski, M.D. Partners, L.L.C., applicant) located at 507 West Broadway Road, consisting of a +/- 4,500 s.f. convenience store with fuel dispensers on +/- 1.55 net acres in the General Industrial District, including the following:

ZUP07036 – Use Permit to allow a convenience store and fuel distribution station in the General Industrial District.

DPR07054 – Development Plan Review including site plan, building elevations, and landscape plan.

DOCUMENT NAME: [20070628dsko01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- *30. This is a public hearing for an **appeal** of the May 22, 2007, Development Review Commission decision to uphold the Hearing Officer's decision of April 3, 2007, to deny the request for one (1) use permit for the Messer Residence located at 1929 East Meadow Drive.

COMMENTS: Appeal by Barbara Messer, applicant/property owner, (PL070084/UPA07003) of the May 22, 2007, Development Review Commission decision to uphold the Hearing Officer's decision of April 3, 2007, to deny the request for:

ZUP07028 - Use permit to allow an RV/boat to be parked in the front yard setback.

DOCUMENT NAME: [20070628dssa01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

31. Request approval of a Condominium Plat for RAVENWOOD at 647 W Baseline Road.

COMMENTS: (PL060527) (Jennifer Ruby, Engle Homes, property owner / Adam Rauscher, Optimus Civil Engineering, applicant) located at 647 West Baseline Road, in the R-3, Multi-family Residential District, including the following:

SBD06011 – Condominium Plat for 240 residential units on 25.44 net acres.

DOCUMENT NAME: [20070628dsdk01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

32. Request approval of a Condominium and Subdivision Plat for RIVERSIDE OFFICE PLAZA PHASE II at 1215 West Rio Salado Parkway.

COMMENTS: (PL060668) (Frank Petit, LGE Corporation, property owner; Gary Brandt, Hunter Engineering, applicant) for two (2) office buildings, located at 1215 West Rio Salado Parkway in the GID, General Industrial District, including the following:

SBD06020 – Condominium and Subdivision Plat consisting of twenty-eight (28) office units on one (1) lot.

DOCUMENT NAME: [20070628dsrl03.pdf](#) **PLANNED DEVELOPMENT**
(0406)

33. Request approval of a Condominium and Subdivision Plat for ARIZONA CONDOMINIUMS at 312 South Hardy Drive.

COMMENTS: (PL060594) (Levi Jones, Extalade Investments, property owner; Tommy Townsend, applicant) for the development of seven (7) new dwelling on 0.45 acres, located at 312 South Hardy Drive in the R-3, Multi-Family Residential Limited District, including the following:

SBD06020 – Condominium and Subdivision Plat consisting of seven (7) units on one (1) lot.

DOCUMENT NAME: [20070628dsrl01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- *34. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Circle K Stores, Inc., dba Circle K, 507 W. Broadway Road.

COMMENTS: Kim Kwiatkowski, Agent
DOCUMENT NAME: [20070628LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *35. This is a public hearing to recommend the approval of a Series 4 In-State Wholesale Liquor License for Action Wine & Spirits USA, LLC, dba Action Wine & Spirits USA, 8350 S. Kyrene Road, #103.

COMMENTS: Billy Shields, Agent.
DOCUMENT NAME: [20070628LIQ3.pdf](#) **LIQ LIC (0210-02)**

- *36. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Fiesta Holdings of Eateries, LLC, dba Garcia's Mexican Restaurant, 4400 S. Rural Road.

COMMENTS: H. J. Lewkowitz, Agent
DOCUMENT NAME: [20070628LIQ4.pdf](#) **LIQ LIC (0210-02)**

- *37. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Garcia's Mills, LLC, dba Garcia's Mexican Restaurant, 5000 Arizona Mills Circle #557.

COMMENTS: H. J. Lewkowitz, Agent
DOCUMENT NAME: [20070628LIQ5.pdf](#) **LIQ LIC (0210-02)**

- *38. This is a public hearing to recommend the approval of a Series 7 Beer and Wine Bar Liquor License for Johnson and Myres, dba Nate's Place Pub & Grill, 5235 S. Kyrene Road, #104.

COMMENTS: Destiny Johnson, Agent
DOCUMENT NAME: [20070628LIQ6.pdf](#) **LIQ LIC (0210-02)**

- *39. This is a public hearing to recommend the approval of a Series 6 Bar liquor license application for Dirty Devil, Inc., dba Dirty Devil, 560 S. College, #101.

COMMENTS: Randy Nations, Agent
DOCUMENT NAME: [20070628LIQ7.pdf](#) **LIQ LIC (0210-02)**

- *40. This is a public hearing to recommend the approval of a Series 12 Restaurant liquor license application for Campfire Restaurants, LLC, dba Urban Campfire, 921 E. University Drive.

COMMENTS: Steve Wolff, Agent

DOCUMENT NAME: [20070628LIQ8.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

41. Request to award a one-year contract with four (4), one-year renewal options to CI Technologies, Inc., for Internal Affairs/Professional Standards management system.

COMMENTS: (RFP #07-084) Subject to execution of final written contract. Total cost for this contract shall not exceed \$55,000 during the initial contract period.

DOCUMENT NAME: [20070628fslq01.pdf](#) PURCHASES (1004-01)

42. Request to award a one-year contract with two (2), one-year renewal options to WW Williams for Allison Transmission repairs.

COMMENTS: (RFP #07-169) Subject to execution of final written contract. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20070628fsta06.pdf](#) PURCHASES (1004-01)

43. Request to award a one-year, sole source contract to Medtronics Emergency Response Systems for heart monitors/defibrillators.

COMMENTS: (Sole Source #08-009) Subject to execution of final written contract. Total cost for this contract shall not exceed \$76,000 during the contract period.

DOCUMENT NAME: [20070628fslq04.pdf](#) PURCHASES (1004-01)

44. Request to award a one-year contract with two (2), one-year renewal options to Mountain States Specialties, Inc., for Rio Salado signage.

COMMENTS: (IFB #07-088) Subject to execution of final written contract. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20070628fslq02.pdf](#) PURCHASES (1004-01)

45. Request approval of a professional services contract with TranSystems for the University Drive/ASU Transit Station project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$186,553.

DOCUMENT NAME: [20070628PWCH08.pdf](#) TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6002961

46. Request approval of a professional services contract with Stantec Consulting Inc., for the City Hall parking garage and retail building shell project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$496,757.

DOCUMENT NAME: [20070628PWCH09.pdf](#) **PARKING (0503-19)**

PROJECT NO. 6702971

47. Request award of a Construction Manager at Risk Construction Services contract to Hunter Contracting Company for the Water Utilities Department Security Improvements Project - Phase 2 Guaranteed Maximum Price (GMP) and approval of a contingency allowance.

COMMENTS: Construction Services contract for a Guaranteed Maximum Price of \$4,355,884.55, subject to execution of the final written contract, plus a contingency allowance of \$250,000 for change orders.

DOCUMENT NAME: [20070628PWMV07.pdf](#) **WATER MANAGEMENT
ADMINISTRATION (0811-13) PROJECT NO. 3201022**

48. Request approval to increase the construction change order contingency amount and request approval of addenda to the construction management services contract with Kitchell CEM and the design services contract with Architekton for the Tempe Center for the Arts.

COMMENTS: Increase of \$500,000 for the construction change order contingency, and an amount not to exceed \$142,000 for an addendum to the construction management services contract with Kitchell CEM and an amount not to exceed \$380,000 for an addendum to the design services contract with Architekton, both subject to the execution of the final written addenda.

DOCUMENT NAME: [20070628PWMV14.pdf](#) **TEMPE CENTER FOR THE
ARTS (0109-19) PROJECT NO. 57-997005**

49. Request approval of an addendum to a professional services contract with Water Works Engineers, LLC., for the Well No. 6 Raw Water Pipeline Project.

COMMENTS: The original contract amount of \$107,330, plus this addendum in the amount of 48,725, will increase the original contract amount to \$156,055, subject to execution of the final written addendum.

DOCUMENT NAME: [20070628PWCH05.pdf](#) **WASTEWATER MANAGEMENT
ADMIN. (0812-01) PROJECT NO. 3202701**

50. Request approval of an addendum to a professional services contract with Morrison Maierle, Inc., for the Curry Road Pedestrian Improvements Project.

COMMENTS: The original contract amount of \$65,638, plus this addendum in the

amount of \$46,920, will increase the original contract amount to \$112,558, subject to execution of the final written addendum.

DOCUMENT NAME: [20070628PWCH06.pdf](#) **PEDESTRIAN CROSSINGS (0809-04) PROJECT NO. 6001571**

51. Request approval of a one-year contract renewal with ING Employee Benefits for medical stop loss insurance for eligible employees and retirees on the PPO medical plan.

COMMENTS: (T04-118-01) Total amount shall not exceed \$501,000.

DOCUMENT NAME: [20070628fst15.pdf](#) **PURCHASES (1004-01)**

52. Request approval of one-year contract renewals with ING Employee Benefits for Basic & Voluntary Life Insurance and CIGNA Group Insurance for Basic, Voluntary & Travel AD&D Insurance for all benefits eligible City employees.

COMMENTS: (T05-062-01 and T05-062-02) Total amount of the contracts shall not exceed \$392,000.

DOCUMENT NAME: [20070628fst07.pdf](#) **PURCHASES (1004-01)**

53. Request approval of a one-year contract renewal with AlphaCorp, Inc., for City Council meeting agenda preparation software and training.

COMMENTS: (T06-123-01) Total amount shall not exceed \$61,897 during the contract period.

DOCUMENT NAME: [20070628fst13.pdf](#) **PURCHASES (1004-01)**

54. Request approval of a one-year contract renewal with Ancon Service Company for cleaning, maintenance and repair of catch basin, drywells and storm drains.

COMMENTS: (T06-159-01) Total amount shall not exceed \$150,000 during the contract period.

DOCUMENT NAME: [20070628fst12.pdf](#) **PURCHASES (1004-01)**

55. Request approval of one-year contract renewals with Economics Research Associates and Nelson Phoenix, LLC, for development consultants.

COMMENTS: (T06-129-01 and T06-129-02) Total amount shall not exceed \$100,000.

DOCUMENT NAME: [20070628fslq10.pdf](#) **PURCHASES (1004-01)**

56. Request approval of a one-year contract renewal with Altura Communications Solutions for Avaya telephone equipment and services.

COMMENTS: (T07-012-01) Total amount shall not exceed \$100,000 during the contract period.

DOCUMENT NAME: [20070628fst09.pdf](#) **PURCHASES (1004-01)**

57. Request approval of one-year contract renewals with Arizona State University and Gateway Community College for educational partnerships.

COMMENTS: (T04-123-01 and T04-123-02) Total amount shall not exceed \$200,000 during the contract period.

DOCUMENT NAME: [20070628fst08.pdf](#) **PURCHASES (1004-01)**

58. Request approval of one-year contract renewals with Work of Art Painting and Fabiani Painting and Decorating, LLC, for pole and fixture painting.

COMMENTS: (T05-128-01 and T05-128-03) Total amount shall not exceed \$50,000 during the contract period.

DOCUMENT NAME: [20070628fst05.pdf](#) **PURCHASES (1004-01)**

59. Request approval of one-year contract renewals with Stantec Consulting, Inc., and Willdan for plan review, building inspection, and planning services.

COMMENTS: (T05-135-01 and T05-135-02) Total amount shall not exceed \$304,000.

DOCUMENT NAME: [20070628fslg03.pdf](#) **PURCHASES (1004-01)**

60. Request approval of annual insurance premium renewals for FY 2007/2008 to include excess property, excess liability, excess workers' compensation, crime, inland marine, and auto physical damage insurance purchased through the City's Risk Management Consultant/Broker, Marsh USA, Inc.

COMMENTS: (T05-109-01) Total amount shall not exceed \$993,482.40.

DOCUMENT NAME: [20070628fst16.pdf](#) **LIABILITY INSURANCE (0510-01)**

61. Request approval to utilize a ten-month US Communities contract with GTSI Corp. for the purchase of an uninterruptible power system.

COMMENTS: (RQ03-605674-16A) Total cost of the contract shall not exceed \$108,092 during the contract period.

DOCUMENT NAME: [20070628fst14.pdf](#) **PURCHASES (1004-01)**

62. Request approval to utilize a one-year City of Tucson contract with Advanced Public Safety for the purchase of an electronic citation management system.

COMMENTS: (Contract 053058-01) Total amount of the contract shall not exceed \$66,200.

DOCUMENT NAME: [20070628fst11.pdf](#) **PURCHASES (1004-01)**

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

- *63. This is the **introduction and first public hearing** for an amended Planned Area Development Overlay for ONYX CONDOMINIUMS located at 909 East Playa del Norte Drive. **The second public hearing is scheduled for July 19, 2007.**

COMMENTS: (PL060427) (Greg Loper, Weststone Group of Companies, property owner; Manjula Vaz, Gammage & Burnham, applicant) for a 26-story, +/- 272 foot, 174 unit multi-family residential tower and a +/- 38 foot, 22 unit condominium building, all on a three level parking garage. The residential building area is +/- 252,316 s.f. on +/- 1.481 acres in the MU-4, Mixed-Use, High Density District and the Rio Salado Overlay District. The request includes the following:

PAD06003 -- Amended Planned Area Development Overlay to modify development standards for +/- 252,316 s.f. of residential building on +/-1.481 acres.

DOCUMENT NAME: [20070628dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *64. This is the **introduction and first public hearing** for a Zoning Map Amendment, Planned Area Development Overlay and Development Plan Review for 4455 RURAL located at 4455 South Rural Road. **A second public hearing for this request is scheduled for July 19, 2007.**

COMMENTS: (PL070191) consists of a mixed use development of 30 residences and 3,600 s.f. of commercial office space within a four story (50 foot) building of approximately 87,785 s.f., located on 1.217 acres, currently in the PCC-2 Planned Commercial Center Zoning District, including the following:

ZON07004 – (Ordinance 2007.49) Zoning Map Amendment for 1.217 acres from PCC-2 Planned Commercial Center District to MU-3 Mixed-Use Medium-High Density District, with a density of 24.65 dwelling units per acre.

PAD07018 – Planned Area Development Overlay to define the development standards for one building totaling approximately 87,785 s.f. on 1.2174 acres.

DOCUMENT NAME: [20070628dsdk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *65. This is the **introduction and first public hearing** to adopt an ordinance granting an easement to Salt River Project to install and maintain the facilities necessary to provide electrical service to city-owned property at 1400 North College Avenue. **The second public hearing is scheduled for July 19, 2007.**

DOCUMENT NAME: [20070628PWCH10.pdf](#) **GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2007.50**

- *66. This is the **introduction and first public hearing** to adopt an ordinance abandoning a portion of undeveloped McKellips Road lying adjacent to 2006 North Campo Alegre Drive. **The second public hearing is set for July 19, 2007.**

DOCUMENT NAME: [20070628PWCH11.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2007.51

D. Ordinances and Items for Second Hearing/Final Adoption

- *67. This is the **second public hearing** for a Planned Area Development Overlay for AM/PM ARCO BROADWAY AND RURAL at 908 East Broadway Road.

COMMENTS: (PL060538) (Gina Gill/Broadway & Aujla LLC; Fred Stern, Stern and Associates, applicant) for a 2400 s.f. convenience store with fuel dispensers on .45 acres, located at 908 East Broadway Road in the CSS, Central Commercial District, including the following:

PAD07010 – (Ordinance No. 2007.25) Planned Area Development Overlay to modify development standards for +/- 2400 s.f. of building area on +/- 0.45 acres.

DOCUMENT NAME: [20070628dssl01.pdf](#) PLANNED DEVELOPMENT (0406)

- *68. This is the **second public hearing** for a Planned Area Development Overlay for AM/PM ARCO SOUTHERN AND MCCLINTOCK located at 3233 South McClintock Drive.

COMMENTS: (PL060450) (Sonya Branson, Bhadvadia, LLC, owner; Manjula Vaz, Gammage & Burnham PC, applicant) for a 2900 s.f. convenience store with 1056 s.f. carwash and fuel dispensers on .91 acres, located at 3233 South McClintock Drive in the PCC-1, Planned Commercial Center District, including the following:

PAD07009– (Ordinance No. 2007.24) Planned Area Development Overlay to modify development standards for +/- 3956 s.f. of building area on +/- 0.91 acres.

DOCUMENT NAME: [20070628dssl02.pdf](#) PLANNED DEVELOPMENT (406)

- *69. This is the **second public hearing** for Code Text Amendments to the Zoning and Development Code.

COMMENTS: (PL070198) (City of Tempe, applicant) for changes to the Zoning and Development Code pertaining to separation requirements for tobacco retailers; setback reductions when adjacent to a public alley, including related items for the following:

ZOA07001 – (Ordinance No. 2007.36) Code Text Amendments pertaining to Section 3-202, 3-401, 3-423 and 7-109 of the Zoning and Development Code.

DOCUMENT NAME: [20070628dsrl04.pdf](#) ZONING & DEVELOPMENT CODE (0414-03)

- *70. This is the **second public hearing** for a Planned Area Development Overlay for MARINA HEIGHTS AT TEMPE TOWNLAKE – EAST, at 600 East Rio Salado Parkway.

COMMENTS: (PL070156) (Arizona State University, property owner; Kendle Design Collaborative / SunCor, applicant) for the development of five (5) new buildings, totaling up to 1,566,750 r.s.f. of building area for a hotel and office/retail use on +/-15.23 acres, located at 600 East Rio Salado Parkway, in the MU-Ed District, including the following:

PAD07015 – (Ordinance No. 2007.38) Planned Area Development Overlay to modify development standards for +/-1,566,750 s.f. of building area on +/-15.23 acres.

DOCUMENT NAME: [20070628dsrl07.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *71. This is the **second public hearing** for a Zoning Map Amendment and Planned Area Development Overlay for MARINA HEIGHTS AT TEMPE TOWNLAKE – WEST, at 300 East Rio Salado Parkway.

COMMENTS: (PL070155) (Arizona State University, property owner; Kendle Design Collaborative / SunCor, applicant) for the development of seven (7) new buildings, totaling up to ~~1,886,200 r.s.f.~~ **1,640,500 g.s.f.** of building area for office and residential condominiums on +/-10.6 acres, located at 300 East Rio Salado Parkway, in the MU-Ed District, including the following:

ZON07003 – (Ordinance No. 2007.37) Zoning Map Amendment from MU-Ed, Mixed-Use Educational District to MU-4, Mixed-Use High Density District on +/- 10.6 acres.

PAD07014 – Planned Area Development Overlay to modify development standards for ~~+/-1,886,200 s.f.~~ **1,640,500 g.s.f.** of building area on +/-10.6 acres.

DOCUMENT NAME: [20070628dsrl06.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *72. This is the **second public hearing** for an ordinance abandoning a water line easement on the Sundt offices work site located near the northeast corner of Alameda Drive and Priest Drive.

DOCUMENT NAME: [20070628PWCH01.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2007.47

- *73. This is the **second public hearing** for an ordinance abandoning miscellaneous easements on the Dorsey Crossing Live/Work site, located near the southwest corner of Broadway Road and Dorsey Lane, at 1243 East Broadway Road

DOCUMENT NAME: [20070628PWCH02.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2007.44

- *74. This is the **second public hearing** for an ordinance abandoning segments of a waterline easement at 1740 East Broadway Road.

DOCUMENT NAME: [20070628PWCH03.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2007.45

- *75. This is the **second public hearing** for an ordinance abandoning a waterline easement at 305 East Elliot Road.

DOCUMENT NAME: [20070628PWCH04.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2007.48

- *76. Due to a publishing error, the ordinance to amend Chapter 19, Article XII, of the Tempe City Code relating to Parking Meters by adding new Section 19-144, shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

DOCUMENT NAME: [20070628pwcdl01.pdf](#) TCC CH 19 - MOTOR VEHICLES
& TRAFFIC (0503-19) ORDINANCE NO. 2007.41

- *77. Due to a publishing error, the ordinance to amend the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by amending Article I, Section 8-100, shall be reheard, **with an emergency clause enacting the measure on July 3, 2007.**

DOCUMENT NAME: [20070628dssf03.pdf](#) TCC CH 8 CITY CODE (0503-8)
ORDINANCE NO. 2007.32

- *78. Due to a publishing error, the Zoning Map Amendment and Planned Area Development Overlay for 5th STREET WEST at 1300 West 5th Street, shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

COMMENTS: (PL060558) (Tom Goscicki, AJT Development, Owner/Applicant) for a two and three-story (13) unit residential development located at 1300 West 5th Street, in the R-2, Multi-Family Residential District, including the following:

ZON07001 – (Ordinance No. 2007.29) Zoning Map Amendment from R-2, Multi-Family Residential District to R1-PAD, Single Family Residential Planned Area Development District on +/-0.89 net acres.

PAD07006 – Planned Area Development Overlay to modify development standards for 13 units on +/-27,000 s.f. of total building area.

DOCUMENT NAME: [20070628dsrl05.pdf](#) PLANNED DEVELOPMENT
(0406)

- *79. Due to a publishing error, the Zoning Map Amendment and Planned Area Development Overlay for TEMPE TRANSIT SITE at 1811 East Apache Boulevard, shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

COMMENTS: (PL070099) (City of Tempe, property owner; GDG Enterprises LLC, Daniel Tilton, applicant) for a mixed-use development including a 300 space Light Rail Park and Ride, residential apartments and retail located at 1811 East Apache Boulevard, in the GID, General Industrial District and CSS, Commercial Shopping and Service District and Transportation Overlay District, including the following:

ZON07002 – (Ordinance No. 2007.27) Zoning Map Amendment from GID, General Industrial District and CSS, Commercial Shopping and Service District to MU-4, Mixed-Use High Density District including the Transportation Overlay District on +/-4.81 net acres.

PAD07008 – Planned Area Development Overlay for +/-759,387 s.f. of total building area.

DOCUMENT NAME: [20070628dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *80. Due to a publishing error, the Planned Area Development Overlay and Amended Subdivision Plat for NEWTOWN ROOSEVELT at 1029 South Roosevelt Street, shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

COMMENTS: (PL070036) (Allen Carlson, Executive Director/Newtown CDC, applicant; Newtown CDC, property owner) for the development of two (2) single-family units located at 1029 South Roosevelt Street in the R-2, Multi-Family Residential District for:

PAD07012 – (Ordinance No. 2007.26) Planned Area Development Overlay to modify development standards for +/- 1782 s.f. of building area on +/- 0.195 acres.

SBD07002 – Amended Subdivision Plat of Lot 8, Block 8 of the Goodwin Home Subdivision creating two (2) lots on .195 acres.

DOCUMENT NAME: [20070628dssl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *81. Due to a publishing error, the ordinance to amend Chapter 10 of the Tempe City Code relating to Community Antenna Television shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

DOCUMENT NAME: [20070628cacc01.pdf](#) **TCC CH 10 – COMMUNITY ANTENNA & TELEVISION (0503-10) ORDINANCE NO. 2007.39**

- *82. Due to a publishing error, the ordinance authorizing the Mayor to execute a Special Warranty Deed between the City of Tempe and the Pier 202 Tempe LLC, a Delaware limited liability company, shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

DOCUMENT NAME: [20070628swscd01.pdf](#) REAL PROPERTY DISPOSITION
(0902-21-01) ORDINANCE NO. 2007.42

- *83. Due to a publishing error, the ordinance authorizing the conveyance of City-owned property, located at 900 South Una Avenue, shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

DOCUMENT NAME: [20070628PWCH12.pdf](#) REAL PROPERTY
MANAGEMENT (0900) ORDINANCE NO. 2007.34

- *84. Due to a publishing error, the ordinance authorizing a first amendment to a communications site lease agreement with American Tower Asset Sub, LLC (successor in interest to C-Call Corp. formerly doing business as OneComm Corp.) for cellular communication facilities located on Carver Road east of Hardy in Tempe, shall be reheard, **with an emergency clause enacting the measure two days after the date of adoption and passage.**

DOCUMENT NAME: [20070628PWCH13.pdf](#) COMMUNICATION (1002)
ORDINANCE NO. 2007.40

E. Resolutions

- *85. This is a public hearing for a resolution approving the annual assessments for the Downtown Tempe Enhanced Services Improvement District (public hearing).

DOCUMENT NAME: [20070628cdcm01.pdf](#) CENTRAL BUSINESS DISTRICT
(0403-05) RESOLUTION NO. 2007.48

86. Request approval of a resolution establishing Double Butte Cemetery enterprise fees and rate increase policies effective August 1, 2007.

DOCUMENT NAME: [20070628prsw02.pdf](#) CEMETERY RATES (0702-01)
RESOLUTION NO. 2007.50

87. Request approval of a resolution authorizing the execution of a Development Agreement with UNIVERSITY SQUARE INVESTORS, LLC, an Arizona limited liability company.

DOCUMENT NAME: [20070628cdcm02.pdf](#) COMMUNITY
DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01) RESOLUTION NO. 2007.16

- 88.** Request approval of a resolution approving the City of Tempe – Tempe Officers Association 2007-2009 Memorandum of Understanding (MOU) and authorizing its execution.

DOCUMENT NAME: [20070628IAKJ01.pdf](#) **POLICE – MEET & CONFER (0303-08-02) RESOLUTION NO. 2007.52**

89. Request approval of a resolution approving the City of Tempe Firefighters Unit Memorandum of Understanding (MOU) July 1, 2007 – June 30, 2009 and authorizing its execution.

DOCUMENT NAME: [20070628IAKJ02.pdf](#) **FIRE – MEET & CONFER (0303-08-01) RESOLUTION NO. 2007.53**

90. Request approval of a resolution adopting plan to implement PM-10 dust control measures.

DOCUMENT NAME: [20070628cacc03.pdf](#) **AIR POLLUTION ADMINISTRATION (0604-01-02) RESOLUTION NO. 2007.54**

91. Request approval of a resolution authorizing the execution of a Development Agreement with Arizona Board of Regents for and on behalf of Arizona State University.

DOCUMENT NAME: [20070628cdcm03.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01) RESOLUTION NO. 2007.49**

92. Request approval of a resolution requesting Wal-Mart Stores, Inc., reconsider the use of the current Mervyn's site on the northwest corner of Rural Road and Southern Avenue in Tempe as a Wal-Mart Supercenter and encouraging Wal-Mart to consider other more appropriate sites for its operations.

DOCUMENT NAME: [20070628cacc04.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-03) RESOLUTION NO. 2007.55**

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

- **DELETED**
- Matt Griffin, Tempe, re: Commercial Development on NW corner of Rural/Southern
- *Chris Rogers, Tempe, re: Commercial Development on NW corner of Rural/Southern*
- *Amandeep Sendhu, Tempe business owner, re: landlord dispute*

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.

Agendas are also available at www.tempe.gov/clerk
Watch live at www.tempe.gov/tempe11