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**Tempe City Council**  
**October 4, 2007**

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

1. INVOCATION - Councilmember Ellis
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Vice Mayor Hutson
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – September 19 & 20, 2007
    2. Council's Formal Meeting – September 20, 2007 [20071004clrkck01.pdf](#)
    3. Council's Finance, Economy & Veterans Affairs Committee – September 18, 2007 [20071004feva01.pdf](#)
    4. Council's Neighborhood Quality of Life, Public Safety and Parks & Recreation Committee – September 11, 2007 [20071004nqlpspr01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    5. Ad-hoc Rental Task Force – May 22, 2007 [20071004RHTF01.pdf](#)
    6. Aviation Commission – August 14, 2007 [20071004tavco01.pdf](#)
    7. Committee for Youth, Families and Community – June 18, 2007 [20071004cyfc01.pdf](#)
    8. Double Butte Cemetery Advisory Committee – July 18, 2007 [20071004prsw01.pdf](#)
    9. Neighborhood Advisory Commission – August 1, 2007 [20071004nac01.pdf](#)
    10. Parks & Recreation Board – June 20, 2007 [20071004prtd01.pdf](#)
    11. Tempe Sports Authority – June 13 & July 18, 2007 [20071004tsa01.pdf](#)  
[20071004tsa02.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
  - A. Mayor's Announcements
    - Proclamation for Fire Prevention Week
    - Introduction of New Zealand Sister City Teachers
    - Board and Commission Selections
  - 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

- 12** Request approval of an amendment to the Intergovernmental Agreement with the Arizona Department of Health Services for the Arizona Nutrition Network Local Incentive Grant Award for the Kid Zone Enrichment Program for the 2007-2008 Federal fiscal year.

COMMENTS: Grant in the amount of \$218,732.

DOCUMENT NAME: [20071004csjt01.pdf](#) COMMUNITY SERVICE ADM (0701-01)

- 12a.** *Approved request for the Mayor to appoint members to fill Board and Commission vacancies.*

***BDS, COMMISSIONS, COMMITTEES ADM (0102-01)***

13. Request approval of a Maintenance Agreement for The Pier at Town Lake Improvement District No. 180, City of Tempe Project No. 5103011.

DOCUMENT NAME: [20071004PWCH03.pdf](#) IMPROVEMENT (ASSESSMENT) DISTRICTS (0805-80), IMPROVEMENT DISTRICT I.D. 180, PROJECT NO. 5103011

14. Request approval of a revised City of Tempe Emergency Operations Plan as required by the Federal Emergency Management Agency.

DOCUMENT NAME: [20071004fddb01.pdf](#) NATURAL & TECHNOLOGICAL DISASTER OPERATIONS PLAN (0603-01)

- \*15. This is a public hearing for an **appeal** of the August 14, 2007, Development Review Commission's decision to uphold the approval of a use permit for BODY ACCENTS TATTOO AND PIERCING STUDIO at 1524 North Scottsdale Road.

**COMMENTS:** Appeal (Darlene Justus/North Tempe Neighborhood Association, appellant) of the August 14, 2007, Development Review Commission's decision to uphold the Hearing Officer's decision of June 27, 2007, to approve the request by UNION PLAZA – BODY ACCENTS TATTOO AND PIERCING STUDIO (PL070211/UPA07008) (Elizabeth Preston, applicant; Colliers International, property owner) located at 1524 North Scottsdale Road in the CSS, Commercial Shopping and Services District for:

**ZUP07067** Use permit for a tattoo and body piercing studio.

**DOCUMENT NAME:** [20071004dssd01.pdf](#) **PLANNED DEVELOPMENT (0406)**

16. Request approval of a Condominium Plat by REGENCY CONDOS at 1100 East Lemon Street.

**COMMENTS:** (PL060087) (Roberta Barrett, MiraVista Holdings, owner / Manjula Vaz, Gammage & Burnham, applicant) located at 1100 East Lemon Street in the in the R-4, Multi-Family Residential General District, including the following:

**SBD07036** – Condominium Plat for forty-four (44) units and three (3) tracts on 1.12 acres.

**DOCUMENT NAME:** [20071004dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*17. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for RT Southwest Franchise, LLC, dba Ruby Tuesday, 27 S. McClintock Drive.

**COMMENTS:** H. J. Lewkowitz, Agent

**DOCUMENT NAME:** [20071004LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*18. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Simply Burgers Tempe, LLC, dba Simply Burgers, 580 South College Avenue.

**COMMENTS:** Sanjay Matken, Agent.

**DOCUMENT NAME:** [20071004LIQ2.pdf](#) **LIQ LIC (0210-02)**

**\*19. WITHDRAWN BY APPLICANT**

- \*20. This is a public hearing to recommend the approval of a Series 9 Liquor Store License for High-End Productions, LLC, dba Liquor Den, 1335 West University Drive.

**COMMENTS:** Bruce Spector, Agent.

**DOCUMENT NAME:** [20071004LIQ4.pdf](#) **LIQ LIC (0210-02)**

- \*21. This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for NVME, Inc., dba Six Shooters Sports Bar and Grill, 705 South Rural Road, #101.

COMMENTS: Dmitry Karpinsky, Agent.

DOCUMENT NAME: [20071004LIQ5.pdf](#) LIQ LIC (0210-02)

- \*22. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for CR Tempe Marketplace, LLC, dba Cadillac Ranch, 2000 East Rio Salado Parkway, #F-7.

COMMENTS: H. J. Lewkowicz, Agent.

DOCUMENT NAME: [20071004LIQ6.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

23. Request to award a one-year contract with two (2) one-year renewal options to Fluoresco Lighting for traffic sign cabinets and faces.

COMMENTS: (IFB #08-045) Total cost for this contract shall not exceed \$80,000 during the initial contract period.

DOCUMENT NAME: [20071004fsta04.pdf](#) PURCHASES (1004-01)

**23a. *Request to award a one-year contract with two (2) one-year renewal options to The Advocacy Group for federal lobbyist and information services.***

**COMMENTS: (RFP #08-021) Total cost for this contract shall not exceed \$120,000 during the initial contract period.**

**DOCUMENT NAME: [20071004fslq10.pdf](#) PURCHASES (1004-01)**

24. Request approval of a professional design services contract with Wright Engineering Corporation, for an On-Call Electrical Engineering Contract.

COMMENTS: Professional design services contract in an amount not to exceed \$100,000, subject to execution of the final written contract.

DOCUMENT NAME: [20071004PWCH01.pdf](#) ENGINEERING  
ADMINISTRATION (0803-02), PROJECT NO. 6700002

25. Request approval of a professional design services contract with LSW Engineers Arizona, Inc., for the Municipal District Central Cooling Plant Upgrade.

COMMENTS: Professional design services contract in an amount not to exceed \$185,900, subject to execution of the final written contract.

DOCUMENT NAME: [20071004PWCH04.pdf](#) CITY FACILITY MAINTENANCE  
- UPGRADE (1001), PROJECT NO. 6702501

26. Request to award a Construction Manager at Risk Design Phase Services contract to McCarthy Building Companies, Inc., for the City Hall parking garage and retail building shell.

**COMMENTS:** A Construction Manager at Risk Design Phase Services contract for an amount not to exceed of \$107,720, subject to execution of the final written contract.

**DOCUMENT NAME:** [20071004PWCH05.pdf](#) **PARKING (0503-19) PROJECT NO. 6702971**

27. Request to award Construction Manager at Risk (CMAR) Design Services and Construction Services contracts to Pierson Construction Corporation and approve a construction change order contingency for sanitary sewer replacement on College Avenue and Curry Road.

**COMMENTS:** CMAR Design Services contract with Pierson Construction Corporation in an amount not to exceed \$33,854.58 and a CMAR Construction Services contract with Pierson Construction Corporation for a guaranteed maximum price of \$1,290,832.39, both subject to execution of the final written contract, plus a construction change order contingency of \$50,000.

**DOCUMENT NAME:** [20071004PWDR06.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3204021**

28. Request approval of a construction Job Order with Sun Eagle Corporation and a construction change order contingency for the South Tempe Water Treatment Plant cathodic protection and coatings.

**COMMENTS:** Job Order in the amount of \$314,336.47, subject to execution of the final written contract, and a construction change order contingency of \$50,000.

**DOCUMENT NAME:** [20071004PWMV02.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0812-02) PROJECT NO. 3200001**

29. Request approval of one-year contract renewals with Baker & Taylor and BWI for library books and non-print media.

**COMMENTS:** (T05-038-01 and T05-038-02) Total amount not to exceed \$600,000.

**DOCUMENT NAME:** [20071004fsts07.pdf](#) **PURCHASES (1004-01)**

30. Request approval of a one-year contract renewal with West Coast Equipment, Inc., for the purchase of street sweeper brooms.

**COMMENTS:** (T06-010RB-01) Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20071004fsta01.pdf](#) **PURCHASES (1004-01)**

31. Request approval of a one-year contract renewal with The Segal Company for employee benefits consultant services.

**COMMENTS:** (T05-053-01) Total amount not to exceed \$110,000.

**DOCUMENT NAME:** [20071004fsta02.pdf](#) **PURCHASES (1004-01)**

32. Request approval to increase the contract amount with IT Partners for consulting services and the purchase of Hewlett Packard mini computers and servers, related products, services, and accessories.

**COMMENTS:** (T05-079-01) Increase in the amount of \$650,000, from \$825,000 to \$1,475,000.

**DOCUMENT NAME:** [20071004fsts06.pdf](#) **PURCHASES (1004-01)**

33. Request approval to increase the contract amount with Trucks West of Phoenix for refuse vehicles to be used by the Public Works Department.

**COMMENTS:** (T07-112-01) Increase in the amount of \$1,394,000, from \$1,627,000 to \$3,021,000.

**DOCUMENT NAME:** [20071004fsta03.pdf](#) **PURCHASES (1004-01)**

34. Request approval to increase the contract amount with CPC Construction, Inc., for Minor Concrete 2005-2008.

**COMMENTS:** This contract increase of \$200,000 is to cover additional large scale projects that will improve right-of-way safety and traffic control concerns.

**DOCUMENT NAME:** [20071004PWCH07.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05), PROJECT NO. 5401412**

35. Request approval to increase the contract amount with Southwest Slurry Seal, Inc., for major street renovation.

**COMMENTS:** The contract increase of \$596,371 will allow additional arterials to be added to this year's schedule.

**DOCUMENT NAME:** [20071004PWCH08.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05), PROJECT NO. 5401641**

36. Request approval to increase the contract value with Scheidt & Bachmann USA, Inc., for additional components, parts, and taxes associated with Tempe's participation in a regional procurement of a bus fare collection system.

**COMMENTS:** (Agreement #117764) Increase shall not exceed \$508,106, from \$1,820,528 to \$2,328,634.

**DOCUMENT NAME:** [20071004fslg11.pdf](#) **PURCHASES (1004-01)**

37. Request approval to utilize a Pima County contract with Peoria Pest Control for an additional one-year term for manhole treatment services.

COMMENTS: (11-03-P-137279-1105) Total amount not to exceed \$70,000.

DOCUMENT NAME: [20071004fsts05.pdf](#) PURCHASES (1004-01)

38. Request approval to utilize a fifteen-month US Communities contract with Herman Miller, Inc., for the purchase of free standing and systems furniture, seating, filing equipment and related products and services.

COMMENTS: (RQ07-878957-20A-E) Total amount not to exceed \$500,000.

DOCUMENT NAME: [20071004fsts08.pdf](#) PURCHASES (1004-01)

39. Request approval to utilize two-year State of Arizona contracts with Audio Video Resources and Technology Providers, Inc., for the purchase of audio and video products and services.

COMMENTS: (EPS060125-7 and EPS060125-8) Total amount not to exceed \$650,000.

DOCUMENT NAME: [20071004fsts09.pdf](#) PURCHASES (1004-01)

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

- \*40. This is the **introduction and first public hearing** to amend Chapter 14 of the Tempe City Code relating to Fire Prevention and Protection by amending Article II, Division 2, Section 14-41 relating to Fire Code Amendments. **The second public hearing is set for October 25, 2007.**

DOCUMENT NAME: [20071004cacc02.pdf](#) TCC CH 14 - FIRE PREVENTION & PROTECTION (0503-14) ORDINANCE NO. 2007.70

- \*41. This is the **introduction and first public hearing** to amend Chapter 26A of the Tempe City Code relating to Procurement. **The second public hearing is set for October 25, 2007.**

DOCUMENT NAME: [20071004JH01.pdf](#) TCC CH 26A- PROCUREMENT (0503-41) ORDINANCE NO. 2007.72

D. Ordinances and Items for Second Hearing/Final Adoption

- \*42. This is the **second public hearing** repealing Chapter 17 of the Tempe City Code, relating to Massage Establishments and amending Chapter 16A, relating to License and Business Regulations by adding new Article VIII entitled Massage Establishments.

**DOCUMENT NAME:** [20071004cacc01.pdf](#) TCC CH 17 – MESSAGE  
THERAPISTS & ESTABLISHMENTS (0503-17) ORDINANCE NO. 2007.59

- \*43. This is the **second public hearing** for a Code Text Amendment for DOWNTOWN SIGNAGE.

**COMMENTS:** (PL070362) (City of Tempe, applicant) for changes in the Zoning and Development Code pertaining to sign regulations in the downtown and other sign modifications, including the following:

**ZOA07002 – (Ordinance No. 2007.63)** Code Text Amendment for the Zoning and Development Code Part 4, Chapter 9, Signs

**DOCUMENT NAME:** [20071004dsrl02.pdf](#) ZONING AND DEVELOPMENT  
CODE (0414-04)

E. Resolutions

44. Request approval of a resolution authorizing negotiation of a development and disposition agreement with Cardinal Capital Management, Inc., for the development of City /Federal Transit Administration (FTA) owned and funded property at 2448 E Apache Blvd.

**DOCUMENT NAME:** [20071004cdls01.pdf](#) COMMUNITY  
DEVELOPMENT/REDEVELOPMENT ADM (0403-01) RESOLUTION NO. 2007.84

45. Request approval of a resolution authorizing negotiation of a development and disposition agreement with Barton Homes, Inc., for the development of City-owned property at 1443, 1444 and 1436 S. Rita Lane.

**DOCUMENT NAME:** [20071004cdls02.pdf](#) COMMUNITY  
DEVELOPMENT/REDEVELOPMENT ADM (0403-01) RESOLUTION NO. 2007.85

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. Comments are aired live and replayed on Tempe Channel 11.

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**

- Kathryn Milun and Kirby Spittler, Tempe, re: Clean/Green/Solar Energy System for Tempe



7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- *Referral of Clean/Green/Solar Energy System for Tempe to Council's Transportation, Housing & Environment Committee*

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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