
Tempe City Council
November 8, 2007

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

1. INVOCATION - Councilmember Mitchell
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Shekerjian
 - A. Approval of Council Meeting Minutes
 1. Council's Issue Review Session – October 25, 2007 [20071108clrkck01.pdf](#)
 2. Council's Formal Meeting – October 25, 2007 [20071108clrkck02.pdf](#)
 3. Council's Social Services & Culture Committee – October 17, 2007 [20071108sscc01.pdf](#)
 4. Council's Neighborhood Quality of Life, Public Safety and Parks & Recreation Committee – October 9, 2007 [20071108nqlpspr01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 5. Disability Concerns Commission – September 18, 2007 [20071108dc01.pdf](#)
 6. Hearing Officer – October 2, 2007 [20071108ho01.pdf](#)
 7. Mayor's Youth Advisory Commission – October 2, 2007 [20071108myac01.pdf](#)
 8. Parks & Recreation Board – September 19, 2007 [20071108pr01.pdf](#)
 9. Tempe Sports Authority – September 17, 2007 [20071108tsa01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - Acknowledgement of Diversity Dialogue participants
 - Proclamation for Veterans' Day
 - *Proclamation for Nurse Practitioners' Week*
 - 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

10. Request approval of an agreement between Rock 'N' Roll Arizona, Inc. (RNR), the Tempe Convention and Visitor's Bureau, and the City of Tempe for the City to host the finish of the half and full RNR Marathon for a second five-year term.

COMMENTS: The net fiscal impact to the City is approximately \$150,000 (cash and in-kind City services) for the years 2009, 2010, 2011, 2012, and 2013.

DOCUMENT NAME: [20071108prtd01.pdf](#) **SPORTS ADMINISTRATION/POLICIES (0105-01-07)**

11. Request authorization to allocate \$31,500 from the General Fund contingency fund to cover the expenses associated with adjusting electrical junction boxes to prevent copper theft and vandalism of lighting systems throughout Tempe.

DOCUMENT NAME: [20071108fmlt01.pdf](#) **PUBLIC WORKS – UTILITIES (0800)**

12. Request authorization for the Mayor to execute a lease agreement between the City of Tempe and Centerpoint Plaza Limited Partnership for the temporary relocation of the City's Information Technology Department.

COMMENTS: The proposed lease has a five year term for approximately 14,000 square feet. The lease payment starts at \$401,325 annually and increases every year until the fifth year's payment of \$433,431.

DOCUMENT NAME: [20071108cdnc01.pdf](#) **COMMUNITY DEVELOPMENT ADMIN. (0406)**

13. Request approval authorizing the Mayor to execute an amendment to the site lease agreement between Arizona Public Service Company (APS) and the City of Tempe for the construction of a communications facility to be located on the premises of the Joint APS/Tempe Fire Training site.

COMMENTS: The communications facility being built is part of the new regional public safety radio system.

DOCUMENT NAME: [20071108ITDH1.pdf](#) **FIRE/PARAMEDIC SERVICE ADM (0605-01)**

- 14.** Request approval authorizing the Mayor to execute an agreement between CoxCom, Inc. and the City of Tempe for the use of excess underground "city-owned" conduit by CoxCom to provide a fiber-optic network for the Fire Department.

COMMENTS: Use of the City's excess conduit capacity will speed up the delivery of services and prevent street trenching in the downtown area.

DOCUMENT NAME: [20071108ITDH2.pdf](#) **AMERICAN CABLE TELEVISION (0802-01)**

- 15.** Request approval of the appointment of and Employment Agreement for Charles W. Meyer as City Manager.

DOCUMENT NAME: [20071108casv01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

- 15a.** Request authorization for a fiscal year 2007/2008 grant award of \$50,000 to be distributed by the Tempe Community Council to the Centers for Habilitation as part of a City of Tempe grant assistance program for transportation services for elderly and disabled residents.

COMMENTS: Subject to execution of final written agreement between Tempe Community Council and the City of Tempe for an amount not to exceed \$50,000.

DOCUMENT NAME: [20071108PWgj01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

- 16.** Request approval of a Subdivision Plat for PHASE 2 OF TEMPE GATEWAY located at 222 South Mill Avenue.

COMMENTS: (PL060616) (Derek J. Kerr, America West Holdings Corporation, property owner; Theresa Schultz, Opus West Construction Corporation, applicant) for a Final Subdivision Plat, located at 222 South Mill Avenue, in the CC, City Center District, including the following:

SBD07043 – Final Subdivision Plat to unify the two existing parcels into one parcel on 3.542 net acres.

DOCUMENT NAME: [20071108dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- 17.** Request approval of a Final Subdivision Plat for BOYKO PROPERTIES located at 1225 North Miller Road.

COMMENTS: (PL070364) (Nebojsa Ivovic, property owner; Edmir Dzudza, E-Project International, applicant) for a two (2) story building for office and rental storage use within 18,334 s.f. of building area on 0.84 acres, located at 1225 North Miller Road

in the GID, General Industrial District and Rio Salado Overlay District. The request includes the following:

SBD07015 – Final Subdivision Plat for one (1) lot on 0.84 acres.

DOCUMENT NAME: [20071108dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

18. Request approval of a Subdivision Plat for 5th STREET INDUSTRIAL PLAZA at 1971 / 1979 East 5th Street in the GID, General Industrial District.

COMMENTS: (PL060569) (Stave Properties LLC, Astor Stave property owner / James B. Phillips, Architect, James B. Phillips, applicant) located at 1971/ 1979 East 5th Street, in the GID, General Industrial District for:

SDB07027 – Subdivision Plat combining two (2) lots into one Lot.

DOCUMENT NAME: [20071108dsjc03.pdf](#) **PLANNED DEVELOPMENT (0406)**

19. Request approval for a Condominium Plat for Amber Gardens Condominium at 625 West 1st Street in the R-3 / R-4, Multi-Family Residential Limited / General District.

COMMENTS: (PL070318) (WGA First Street L.P., Rebecca Ayyad, property owner / RBF Consulting. Lindsay Groseclose, applicant), located at 625 West 1st Street, in the R-3/R-4, Multi – Family Residential Limited / General District for:

SBD07029 - Condominium Plat, consisting of 164 units, on 5.94 net acres.

DOCUMENT NAME: [20071108dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

20. Request approval of a one-year membership renewal with the American Water Works Association Research Foundation (AWWARF) for an annual membership.

COMMENTS: Total amount not to exceed \$36,431.94.

DOCUMENT NAME: [20071108fst08.pdf](#) **PURCHASES (1004-01) (08-100)**

- *21. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for DFLY LLC dba Dragonfly Vietnamese Kitchen, 414 South Mill Avenue, #115.

COMMENTS: Robert C. Krosting, Agent

DOCUMENT NAME: [20071108LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *22. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for McConcepts LLC dba Pizzam!, 325 West Elliot Road, #101.

COMMENTS: Michael M. Curtiss, Agent

DOCUMENT NAME: [20071108LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *23. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Kabab Palace LLC dba Kabab Palace, 710 West Elliot Road, #107-108.

COMMENTS: Harvey Yee, Agent

DOCUMENT NAME: [20071108LIQ3.pdf](#) LIQ LIC (0210-02)

- *24. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Warner Chicken LLC dba Putsys Chicken & Steak, 440 West Warner Road, #104.

COMMENTS: Matthew J. Kievit, Agent

DOCUMENT NAME: [20071108LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

25. Request award of a Construction Manager at Risk Construction Services contract to PCL Construction, Inc.; approval of an addendum to a professional services design contract with Carollo Engineers; and approval of a change order contingency for the Johnny G. Martinez Water Treatment Plant Water Quality Improvements Project Guaranteed Maximum Price (GMP) 2.

COMMENTS: Construction Manager at Risk Construction Services contract with PCL Construction, Inc., for a GMP of \$3,248,237 and an addendum to a professional services design contract with Carollo Engineers for an amount not to exceed \$455,778, both subject to execution of the final written documents; and a change order contingency of \$170,000.

DOCUMENT NAME: [20071108PWMV04.pdf](#) JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091

26. Request approval of a professional design services contract with Searer, Robbins & Stephens, Inc., for Restroom Building Replacement at Kiwanis Park.

COMMENTS: Professional design services contract in an amount not to exceed \$45,745.23 with Searer, Robbins & Stephens, Inc, subject to execution of the final written contract.

DOCUMENT NAME: [20071108PWCH01.pdf](#) KIWANIS COMMUNITY PARK (0706-25) PROJECT NO. 6301064

27. Request approval of a professional design services contract with Kennedy/Jenks Consultants Engineers and Scientists for Sewer Collection System Odor Control.

COMMENTS: Professional services design contract in an amount not to exceed \$133,332, conditioned upon execution of the final written contract.

DOCUMENT NAME: [20071108PWCH06.pdf](#) WASTEWATER (0808-02) PROJECT NO. 3206061

28. Request approval of a professional services design contract with Valentine Environmental Engineers, LLC, for the 24-Inch Water Line Replacement (Myrtle Avenue, 5th Street, Forest Avenue, and Mill Avenue).

COMMENTS: Professional services design contract in an amount not to exceed \$124,681, conditioned upon execution of the final written contract.

DOCUMENT NAME: [20071108PWCH07.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3202891**

29. Request approval of a professional services design contract with DLR Group for Municipal Center Building Assessment.

COMMENTS: Professional services design contract in an amount not to exceed \$60,400, conditioned upon execution of the final written contract.

DOCUMENT NAME: [20071108PWCH08.pdf](#) **MUNICIPAL BUILDING (0902-13) PROJECT NO. 6706051**

30. Request approval of a professional design services contract with David Evans and Associates, Inc. for Major Intersection Paving and Resurfacing.

COMMENTS: Professional design services contract in an amount not to exceed \$56,120 with David Evans & Associates, Inc., subject to execution of the final written contract.

DOCUMENT NAME: [20071108PWDR10.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5401181**

31. Request to award a one-year contract with four, one-year renewal options to Dave Bang Associates, Inc. for park furniture.

COMMENTS: Total cost for this contract shall not exceed \$300,000 during the initial contract period.

DOCUMENT NAME: [20071108fslg04.pdf](#) **PURCHASES (1004-01) (IFB #08-065)**

32. Request to award one-year contracts with two, one-year renewal options to Summit Electric and Brown Wholesale Electric for electrical supplies.

COMMENTS: Total cost for this contract shall not exceed \$500,000 during the initial contract period.

DOCUMENT NAME: [20071108fsta02.pdf](#) **PURCHASES (1004-01) (IFB 08-067)**

33. Request to award a one-year contract to Arizona Elevator Solutions for Elevator Modernization at the Police/Courts Building.

COMMENTS: Total cost for this contract shall not exceed \$101,500.

DOCUMENT NAME: [20071108fsta07.pdf](#) **PURCHASES (1004-01) (RFP #08-083)**

34. Request to award a one-year contract with two, one-year renewal options to General Chemical Performance Products LLC for liquid aluminum sulfate.

COMMENTS: Total cost for this contract shall not exceed \$500,000 during the initial contract period.

DOCUMENT NAME: [20071108fsts03.pdf](#) **PURCHASES (1004-01)**
(IFB #08-032)

35. Request approval of a one-year renewal of a contract with Thomas Reprographics for Digital Bonding and Copy Services.

COMMENTS: Total amount not to exceed \$100,000.

DOCUMENT NAME: [20071108fsta01.pdf](#) **PURCHASES (1004-01)**
(T07-020-01)

36. Request approval to increase the annual software maintenance agreement with Oracle Corporation for the City's PeopleSoft Financial, Human Resources, and eApplications systems.

COMMENTS: Increase in the amount of \$2,365 from \$304,176 to \$306,541.

DOCUMENT NAME: [20071108fsts05.pdf](#) **PURCHASES (1004-01)**
(Contract T97-012-01)

37. Request approval to increase the contract amount with Oracle Corporation for the City's PeopleSoft Talent Acquisition Software module.

COMMENTS: Increase in the amount of \$4,242 from \$87,000 to \$91,242.

DOCUMENT NAME: [20071108fsts06.pdf](#) **PURCHASES (1004-01)**
(Contract T07-183-01)

38. Request approval to increase the contract amount with Quality Vans for HAZMAT/Command Vehicle Modifications to be used by the Fire Department.

COMMENTS: (S07-097-01) Increase in the amount of \$62,000 from \$62,000 to \$124,000.

DOCUMENT NAME: [20071108fslg09.pdf](#) **PURCHASES (1004-01)**

39. Request approval of an addendum to a professional services design contract with Advantica, Inc., for Water Department GIS Implementation.

COMMENTS: Addendum to a professional services design contract for an amount not to exceed \$40,200, subject to the execution of the final written addendum.

DOCUMENT NAME: [20071108PWDR05.pdf](#) **WATER MANAGEMENT**
ADMINISTRATION (0811-13) PROJECT NO. 3202022

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** for an ordinance authorizing the Mayor to sign a Covenant and Agreement to Hold Property as One Parcel at the Hackett House. **The second public hearing is scheduled for December 6, 2007.**

DOCUMENT NAME: [20071108cdcm01.pdf](#) DEVELOPMENT PROJECT
(0406) ORDINANCE NO. 2007.78

- *41. This is the **introduction and first public hearing** for a Planned Area Development Overlay for CENTERPOINT ON MILL located at 640 South Mill Avenue. **The second public hearing is scheduled for December 6, 2007.**

COMMENTS: (PL060549) (Centerpoint Holdings LLC, property owner; Manjula Vaz, Gammage & Burnham, applicant) for three (3) buildings with residential, a hotel with a health club, and commercial uses; and two (2) ground level plaza buildings. The mixed use buildings range in height from 11, 17 & 20 stories, all within 4.21 acres, located at 640 South Mill Avenue, in the City Center District. The request includes the following:

PAD07019 – Amended Planned Area Development Overlay for Centerpoint on Mill, Lots 2, 4, 5 & 6 to modify development standards for five (5) buildings consisting of 256 hotel suites, 434 dwelling units, and over 108,000 sq. ft. of commercial space within approx. 1,228,099 sq. ft. of total building area.

DOCUMENT NAME: [20071108dsrl01.pdf](#) PLANNED DEVELOPMENT (0406)

***42. DELETED**

- *43. This is the **introduction and first public hearing** to adopt an ordinance granting two (2) utility easements between the City of Tempe and Arizona Public Service (APS) in conjunction with the Light Rail Project. **The second public hearing is scheduled for December 6, 2007.**

DOCUMENT NAME: [20071108PWCH09.pdf](#) GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2007.79

D. Ordinances and Items for Second Hearing/Final Adoption

- *44. This is the **second public hearing** to amend Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-63 relating to speed limits.

DOCUMENT NAME: [20071108PWSS01.pdf](#) TCC CH 19 – MOTOR VEHICLES AND TRAFFIC (0503-19) ORDINANCE NO. 2007.30.

- *45. This is the **second public hearing** for a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlays for FARMER ARTS DISTRICT located at 280 West University Drive.

COMMENTS: (PL070353) (Farmer Arts, LLC, owner; Todd Marshall, applicant) for a General Plan Amendment, Zoning Map Amendment and Planned Area Developments for a mixed-use development consisting of several buildings including residential, retail and public spaces (library) on 8.81 net acres located at 280 West University Drive in the GID, General Industrial District. The request includes the following:

GEP07005 – (Resolution No. 2007.82) General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 du/ac) to High Density (greater than 25 du/ac).

ZON07008 – (Ordinance No. 2007.68) Zoning Map Amendment from GID, General Industrial District and TOD to MU-4, Mixed-Use High Density District and TOD.

PAD07020 – Planned Area Development Overlay for Farmer Arts District, Parcel 1 to establish development standards for five (5) buildings consisting of a public library, commercial and mixed-use with live/work up to seven (7) floors, on +/-4.82 acres

PAD07024 – Planned Area Development Overlay for Farmer Arts District, Parcel 2 to establish development standards for four (4) buildings consisting of commercial and mixed-use with live/ work up to 5 floors, all in approx. of building area on +/-3.51 acres

DOCUMENT NAME: [20071108dssa01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *46. This is the **second public hearing** for a General Plan Amendment, Zoning Map Amendment and Planned Area Development Overlay for RESIDENCES AT THE ARTSPARK located at 600 West 1st Street.

COMMENTS: (PL070166) (Ross Robb, Zacher Homes and Chris Messer, City of Tempe Community Development Department, owners; Michael Rumpeltin, R.S.P. Architects, applicant) consists of a mixed-use development including 472 residential units and 40 live-work units, approximately 1,071,700 s.f. of building, on +/- 5.215 acres. The request includes the following:

GEP07004 – (Resolution No. 2007.71) General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 d.u./ac.) to High Density (greater than 25 d.u./ac.)

ZON07009 – (Ordinance No. 2007.66) Zoning Map Amendment from GID, General Industrial District and RSOD, Rio Salado Overlay District to MU-4, Mixed-Use, High Density District and RSOD, Rio Salado Overlay District.

PAD07022 – Planned Area Development Overlay to establish Development Standards for the four buildings on +/- 5.215 acres.

DOCUMENT NAME: [20071108dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *47. This is the **second public hearing** for a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlay for APACHE ASL TRAILS located at 2428 E. Apache Boulevard.

COMMENTS: (PL070371) (Cardinal Capital Management, Inc., owner; Paul Mickelberg, Welman Sperides Mickelberg Architects, applicant) for a General Plan Amendment, Zoning Map Amendment, Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-170,000 sq. ft. development on +/-2.27 acres located at 2428 E. Apache, in the CSS Commercial Shopping and Services District. The request includes the following:

GEP07007 (Resolution 2007.86) – General Plan 2030 Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac)

ZON07010 (Ordinance 2007.73) - Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4)

PAD07025 - Planned Area Development (PAD) overlay for development standards and a density of 60 du/ac, consisting of 135 residential units and 13,000 sq. ft. of retail, restaurant and office uses within 3-6 floors of mixed-use buildings.

DOCUMENT NAME: [20071108dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *48. This is the **second public hearing** to adopt an ordinance granting an easement to Arizona Public Service to install and maintain the necessary facilities to provide electrical service to the Tempe Transit Center building located at 200 East 5th Street.

DOCUMENT NAME: [20071108PWCH02.pdf](#) **GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2007.69**

- *49. This is the **second public hearing** to adopt an ordinance abandoning a water line easement at 1630 W. Alameda Drive, west of Priest Drive.

DOCUMENT NAME: [20071108PWCH03.pdf](#) **ABANDONMENT (0901) ORDINANCE NO. 2007.71**

E. Resolutions

50. Request approval of a resolution to accept revisions to the City of Tempe's Rehabilitation Programs Policy Manual.

DOCUMENT NAME: [20071108cdlc01.pdf](#) **COMMUNITY DEVELOPMENT (0207-26) RESOLUTION 2007.88**

51. Request approval of a resolution authorizing the City Manager to sign the First Amendment to the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Centerpoint Plaza.

DOCUMENT NAME: [20071108cdcm03.pdf](#) **DEVELOPMENT PROJECT**
(0406) RESOLUTION NO. 2007.93

52. Request approval of a Resolution authorizing the Mayor to execute a Funding Agreement between the City of Tempe and NAU-Nizhoni Academy ("NAU-Nizhoni").

DOCUMENT NAME: [20071108graw02.pdf](#) **STATE LEGISLATURE (0107-06)**
RESOLUTION NO. 2007.94.

53. Request approval of a resolution authorizing the Mayor to execute an Amended Intergovernmental Agreement between the City of Tempe and Salt River Pima-Maricopa Indian Community ("SRPMIC").

DOCUMENT NAME: [20071108graw01.pdf](#) **STATE LEGISLATURE (0107-06)**
RESOLUTION NO. 2007.95

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.

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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