

# Formal Meeting FINISHED Agenda



## Tempe City Council December 13, 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. Affordable Housing Summit – October 20, 2007 [20071213afs01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    2. Commission on Disability Concerns – Awards Committee – November 1, 2007 [20071213cdc01.pdf](#)
    3. Golf Committee – September 5, 2007 [20071213st05.pdf](#)
    4. Mayor's Youth Advisory Commission – November 20, 1007 [20071213myac01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
  - A. Mayor's Announcements
    - National Incident Management System (NIMS) Proclamation
    - Board and Commission Reappointments
  - 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

5. Request approval of the extension of the Residential Permit Parking Area 7 to include portions of the Mitchell Park Neighborhood.

DOCUMENT NAME: [20071213PWJD01.pdf](#) RESIDENTIAL PERMIT  
PARKING (0503-19)

APPROVED

- 5a. Request approval of a Stipulated Final Judgment and Settlement Agreement in City of Tempe v. Central Plaza, LLC, et al., CV2005-11501.

DOCUMENT NAME: [20071213pwjsm01.pdf](#) CITY ATTORNEY  
ADMINISTRATION (0501-03)

APPROVED

- 5b. Request approval for the Mayor to reappoint members to Boards and Commissions.

DOCUMENT NAME: [20071213boards.pdf](#) BDS, COMMISSIONS, COMMITTEES  
ADM (0102-01)

APPROVED

- 5c. Request approval of an Intergovernmental Agreement with the City of Mesa for the Apache Boulevard and Main Street Intelligent Transportation System Project.

COMMENTS: Subject to execution of final written Intergovernmental Agreement. Tempe's construction cost of \$120,000 will be funded with federal grants of \$97,000 and a local share of \$23,000.

DOCUMENT NAME: [20071213PWjd02.pdf](#) TRANSPORTATION PLANNING  
(1101-01)

APPROVED

- 5d. Request approval of the Report of Claims Paid to be Filed for Audit for the months of July and August, 2007.

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

**APPROVED**

6. Request approval of a Condominium Plat for 4455 located at 4455 S. Rural Road.

**COMMENTS:** (PL070191) (D. R. Horton, property owner; Mark Wood, Biltform Architecture, applicant) a Horizontal Regime (Condominium Plat) for one lot with 30 residential condominium units and 3,600 s.f. of commercial office space totaling 92,996 s.f. on 1.217 net acres, in the MU-3 Mixed Use Zoning District. The request includes the following:

**SBD07035** (REC07062) - Condominium Plat

**DOCUMENT NAME:** [20071213dsdk01.pdf](#) **PLANNED DEVELOPMENT**  
(0406)

**APPROVED**

**B. Award of Bids/Contracts**

7. Request to award a five-year, limited source contract to NorthStar, Inc., for maintenance and repair services for the liquid/compressed natural gas fueling station at the East Valley Bus Operations and Maintenance Facility.

**COMMENTS:** (Limited Source #08-077) Total cost for this contract shall not exceed \$2,300,000 during the contract period.

**DOCUMENT NAME:** [20071213fslg01.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

- 7a. Request approval of a not-to-exceed six-month emergency procurement with United Road Towing, Inc., for towing services.

**COMMENTS:** (Emergency Procurement 08-116) Total amount for community towing is \$60,000 including \$5,000 of City vehicle towing.

**DOCUMENT NAME:** [20071213fsta08.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

8. Request to award five-year contracts with one (1) five-year renewal option to Waste Management for the disposal of residential/commercial refuse, Waste Management for the disposal of dewatered sludge, and Hudson Baylor for the processing of curbside recyclables.

**COMMENTS:** (RFP #08-030) Total cost for these contracts shall not exceed \$22,000,000 (Group III will provide a minimum revenue of \$2,000,000 to the City) during the initial contract period.

**DOCUMENT NAME:** [20071213fsta02.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

9. Request approval of a professional services contract addendum with PCL Civil Constructors, Inc., for the Johnny G. Martinez Water Treatment Plant Water Quality Improvements.

**COMMENTS:** Addendum to a professional services contract for the amount of \$139,312.34, subject to the final written addendum. The original contract amount of \$415,839 plus approval of this addendum will increase the amount of the total contract to \$555,151.34.

**DOCUMENT NAME:** [20071213PWCH01.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

**APPROVED**

10. Request approval of professional services contract addenda with C. Williams Construction Engineering, Inc., and Pooled Resources, Inc., for The Pier at Town Lake, Improvement District No. 180.

**COMMENTS:** Construction management contract addendum in an amount not to exceed \$469,830 with C. Williams Construction Engineering, Inc. The original contract amount of \$29,000 plus approval of this addendum will increase the amount of the original contract to \$498,830. Project management contract addendum in an amount not to exceed \$426,000 with Pooled Resources, Inc. The original contract amount of \$29,000 plus approval of this addendum will increase the amount of the original contract to \$455,000. Both subject to execution of the final written addenda.

**DOCUMENT NAME:** [20071213PWWS05.pdf](#) **IMPROVEMENT (ASSESSMENT) DISTRICTS (0805-80) IMPROVEMENT DISTRICT NO. 180 PROJECT NO. 5103011**

**APPROVED**

11. Request approval of a construction management contract addendum with CMX, LLC for the Johnny G. Martinez Water Treatment Plant – Phase III Ultra Violet Building.

**COMMENTS:** Addendum to a construction management contract with CMX, LLC for an hourly not-to-exceed amount of \$241,170.15, subject to the final written addendum. The original contract amount of \$258,421.43, plus approval of this addendum, will increase the amount of the total contract to \$499,591.58.

**DOCUMENT NAME:** [20071213PWCH02.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

**APPROVED**

12. Request approval of a construction Job Order with 3D/International, Inc., and a construction change order contingency for the IT Fiber Conduit Installation for City Hall Parking Garage Project.

**COMMENTS:** Job Order in the amount of \$65,924, subject to execution of the final written contract, and construction change order contingency of \$10,000.

**DOCUMENT NAME:** [20071213PWDR03.pdf](#) **PARKING (0503-19), PROJECT NO. 6702971**

**APPROVED**

13. Request approval of a one-year contract renewal with Great West Life/Benefits Corporation for Deferred Compensation Administration Services.

**COMMENTS:** (T00-001-01) Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20071213fsta04.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

14. Request approval to increase the contract amount with Veolia Transit Services, Inc., for fixed route bus and approved neighborhood circulator service.

**COMMENTS:** (T07-028-01) Increase in the amount of \$5,894,383 from \$20,085,393 (FY06/07) to \$25,979,776 for FY07/08.

**DOCUMENT NAME:** [20071213fslg06.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

15. Request approval to utilize an eighteen-month State of Arizona contract with Titan Power, Inc., for the purchase of uninterruptible power supply equipment, service and maintenance.

**COMMENTS:** (EPS070086-1-A1) Total amount not to exceed \$150,000.

**DOCUMENT NAME:** [20071213fst07.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

16. Request approval to utilize a State of Arizona Contract with Courtesy Chevrolet for the purchase of five vehicles.

**COMMENTS:** (Contract SCC070002-A4) Total cost of this contract shall not exceed \$92,500.

**DOCUMENT NAME:** [20071213fsta05.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

17. Request approval to utilize a State of Arizona Contract with McCandless of Arizona for the purchase of a chassis to be outfitted for use by the Public Works Department.

**COMMENTS:** (Contract SCC070002-A4-7) Total cost of this contract shall not exceed \$84,000.

**DOCUMENT NAME:** [20071213fsta03.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

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

- \*18. This is the **introduction and first public hearing** for a Zoning Map Amendment, Planned Area Development Overlay for CAMPUS SUITES ON THE RAIL located at 1900 E Apache Boulevard. **The second public hearing is set for January 10, 2008.**

**COMMENTS:** (PL070312) (Gordon Phillips, Campus Suites on the Rail LLC, owner / Paul Gilbert, Beus Gilbert, PLLC, applicant) for a Zoning Map Amendment from CSS and R-4 in the Transportation Overlay District (TOD) to MU-4 TOD with a PAD for a 619,756 s.f. new student housing development on +/- 6.8 net acres located at 1900 E. Apache Boulevard, in the CSS Commercial Shopping and Services and R-4 Multi-Family districts in the Transportation Overlay District Station and Corridor Areas, including the following:

**ZON07011 – (Ordinance No. 2007.77)** Zoning Map amendment from CSS Commercial Shopping and Services and R-4 Multi-Family in the TOD to MU-4 TOD Mixed-Use High Density with a Planned Area Development (PAD).  
**PAD07026 –** Planned Area Development to define the development standards: building height of 70 feet; building setbacks of 0' front, 10' side, 10' rear; 14% landscape area and 45% building lot coverage; 41 du/ac and 1084 parking spaces.

**DOCUMENT NAME:** [20071213dsdk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR JANUARY 10, 2008.**

- \*19. This is the **introduction and first public hearing** to amend Chapter 27 of the Tempe City Code relating to Sewers and Sewage Disposal. **The second public hearing is set for January 10, 2008.**

**DOCUMENT NAME:** [20071213cacc02.pdf](#) **SEWERS & SEWAGE DISPOSAL (0503-27) ORDINANCE NO. 2007.83**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR JANUARY 10, 2008.**

D. Ordinances and Items for Second Hearing/Final Adoption

- \*20. This is the **second public hearing** for an ordinance to amend the Tempe City Code, Chapter 8, relating to Building and Building Regulations, by amending Article I, Section 8-111, to allow rebates of Building Safety fees for improvements on single family residences.

DOCUMENT NAME: [20071213dssf01.pdf](#) TCC CH 8 – BUILDINGS AND BUILDING REGULATIONS (0503-08) ORDINANCE NO. 2007.81

APPROVED

- \*21. This is the **second public hearing** to amend Chapter 24 of the Tempe City Code relating to Peddlers, Solicitors and Itinerant Merchants by amending Sections 24-16 and 24-17 and repealing Division 4 relating to Sidewalk Cafes.

DOCUMENT NAME: [20071213cacc01.pdf](#) TCC CH 24 – PEDDLERS, SOLICITORS & ITINERANT MERCH (0503-24) ORDINANCE NO. 2007.82

APPROVED

- \*22. This is the **second public hearing** for a Planned Area Development Overlay for ONE HUNDRED MILL AVENUE located at 100 South Mill Avenue.

COMMENTS: A LEGAL PROTEST HAS BEEN FILED IN THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 of 7) IS REQUIRED FOR APPROVAL. The Development Review Commission (DRC) voted 5-1 in favor of this proposal, with modified conditions, the Historic Preservation Commission voted 7-0 for approval of historic building modification. Staff is recommending approval of the proposal, subject to Conditions 1-9, recommending reduced heights for Phase I different from DRC recommendation. An affirmative vote by 6 of the 7 Councilmembers would result in approval of the project as recommended by staff. (PL070354) (Michael Monti, property owner; Tony Wall, 3W Companies, applicant) for redevelopment of the existing Monti's La Casa Vieja site, for two new buildings consisting of hotel (300 suites), commercial and residential (230 units), including preservation of a portion of the existing historic building, located at 100 South Mill Avenue in the City Center District, Transportation Overlay District, and a Historic Designated Property. The request includes the following:

**PAD07021 – (Ordinance No. 2007.67)** Planned Area Development Overlay to modify Transportation Overlay District standards for two (2) buildings with proposed building heights of 300 feet for Phase I and 325 feet for Phase II, and reduce the required parking from 1,141 to 1,051 spaces.

DOCUMENT NAME: [20071213dsrl01.pdf](#) PLANNED DEVELOPMENT (0406)

CONTINUED TO JANUARY 10, 2008, COUNCIL MEETING

- \*23. This is the **second public hearing** for a Code Text Amendment for ZONING AND DEVELOPMENT CODE AMENDMENTS.

**COMMENTS:** (PL070433) (City of Tempe Development Services Department, applicant) for changes in the Code related to the incorporation of Outdoor Seating provisions which will repeal the section in the City Code related to "Sidewalk Cafes"; new regulations for Tattoo Shops/Body Piercing; and other miscellaneous revisions. This request includes the following:

**ZOA07003 – (Ordinance No. 2007.74)** Code Text Amendment for changes within the Zoning and Development Code Sections 3-202, 4-406, 4-903, 4-904, 6-305, 6-402, 6-404, 7-114, 7-120 and 7-121 and adding Sections 3-424 and 3-425.

**DOCUMENT NAME:** [20071213dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

**APPROVED**

- \*24. This is the **second public hearing** to amend Chapter 21 of the Tempe City Code relating to Nuisances and Property Enhancement.

**DOCUMENT NAME:** [20071213cdjk01.pdf](#) **TCC CH 21 – NUISANCES (0503-21) ORDINANCE NO. 2007.80**

**APPROVED**

- \*25. This is the **second public hearing** to authorize the Mayor to execute a Special Warranty Deed conveying City Property to Hayden Ferry Lakeside, LLC, authorizing necessary actions, and **declaring an emergency**.

**COMMENTS:** The City property consists of approximately 128,363 square feet and is being acquired by Hayden Ferry Lakeside at the price of \$712,263.66 as set forth in the DDA dated April, 3, 2000.

**DOCUMENT NAME:** [20071213cdnr01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03) ORDINANCE NO. 2007.84**

**APPROVED**

- \*26. This is the **second public hearing** to adopt an ordinance abandoning a public utility easement, located at 505 South College Avenue.

**DOCUMENT NAME:** [20071213PWCH04.pdf](#) **ABANDONMENT (0901) ORDINANCE NO. 2007.88**

**APPROVED**



- \*27. This is the **second public hearing** of an Ordinance authorizing the Mayor to execute a Development and Disposition Agreement, a parking license and various easements with TEMPE RI, LLC for the development of a Marriott Residence Inn on the former Bandersnatch property.

DOCUMENT NAME: [20071213cdcm01.pdf](#) COMMUNITY  
DEVELOPMENT/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2007.87

**APPROVED**

E. Resolutions

28. Request approval of a resolution approving and authorizing the Mayor to sign a Safe Harbor Agreement under the Endangered Species Act with the U.S. Fish and Wildlife Service for the Tempe and U.S. Army Corps of Engineers Habitat Restoration in the Rio Salado Project Area and the existing LoPiano Habitat

DOCUMENT NAME: [20071213cacc03.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03) RESOLUTION NO. 2007.106

**APPROVED**

29. Request approval of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement between the City of Tempe and the City of Phoenix for the reimbursement of funds by Tempe to bring the City of Tempe onto the joint Phoenix Regional Wireless Network (PRWN)/Trunked Open Arizona Network (TOPAZ).

DOCUMENT NAME: [20071213ITDH1.pdf](#) COMMUNICATION (1002-00)  
RESOLUTION NO. 2007.107

**APPROVED**

30. Request approval of a resolution establishing polling places and districts for the March 11, 2008, Primary Election.

DOCUMENT NAME: [20071213clrkck01.pdf](#) PRIMARY ELECTION – MARCH  
11, 2008 (0506-31-01) RESOLUTION NO. 2007.96

**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. 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**

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