

# Formal Meeting *2<sup>nd</sup> REVISED* Agenda

---



## Tempe City Council January 24, 2008

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

1. INVOCATION - Vice Mayor Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Shekerjian
  - A. Approval of Council Meeting Minutes
    1. Council's Issue Review Session – January 10, 2008 [20080124clrkck02.pdf](#)
    2. Council's Formal Meeting – January 10, 2008 [20080124clrkck04.pdf](#)
    3. Rio Salado Community Facilities District Board – January 10, 2008  
[20080124clrkck03.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Aviation Commission – December 11, 2007 [20080124tavco01.pdf](#)
    5. Building Code Advisory Board of Appeals – September 18, October 23 & November 27, 2007 [20080124bcab01.pdf](#) [20080124bcab02.pdf](#)  
[20080124bcab03.pdf](#)
    6. Community Special Events Task Force – October 23, November 6 & 20, December 4, 18 & 27, 2007, and January 2, 2008 [20080124setf01.pdf](#)  
[20080124setf02.pdf](#) [20080124setf03.pdf](#) [20080124setf04.pdf](#) [20080124setf05.pdf](#)  
[20080124setf06.pdf](#) [20080124setf07.pdf](#)
    7. Enhanced Services Commission – September 12 & December 12, 2007  
[20080124esc02.pdf](#) [20080124esc01.pdf](#)
    8. Hearing Officer – December 18, 2007 [20080124ho01.pdf](#)
    9. Historical Museum Advisory Board – December 6, 2007 [200800124csjc01.pdf](#)
    10. Human Relations Commission – December 11, 2007 [20080124hrc01.pdf](#)
    - 10a. Human Relations Commission – Strategic Planning Committee – November 7, 2007 [20080124hrcspsc.pdf](#)
    11. Library Advisory Board – November 5, 2007 [20080124lab01.pdf](#)
    12. Mayor's Youth Advisory Commission – December 18, 2007 [20080124myac01.pdf](#)
    13. Municipal Arts Commission – Public Art/Art in Private Development Committee –

- October 23, 2007 [20080124mac01.pdf](#)
14. Municipal Arts Commission – Facilities Committee – October 15 & November 14, 2007  
[20080124mac02.pdf](#) [20080124mac03.pdf](#)
  15. Municipal Arts Commission – Hudson Park Panel Review Committee –  
November 29, 2007 [20080124mac04.pdf](#)
  16. Municipal Arts Commission – Nominating Committee – November 14, 2007  
[20080124macnc01.pdf](#)
  17. Neighborhood Advisory Commission – October 3 & December 5, 2007  
[20080124nac01.pdf](#) [20080124nac02.pdf](#)
  18. Neighborhood Advisory Commission – Ad Hoc Committee Structure Committee –  
December 5, 2007 [20080124naccsc01.pdf](#)
  19. Tempe Police Public Safety Personnel Retirement Board – October 4 &  
December 6, 2007

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Earned Income Tax Credit (EITC)
- 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

20. Request approval of the Report of Claims Paid to be Filed for Audit for the months of November and December, 2007.

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

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

vacancies.

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

22. Request authorization for the Mayor to sign Amendment #2 to an intergovernmental agreement with City of Phoenix extending the term through December 31, 2008.

**COMMENTS:** Intergovernmental agreement #C2004-257 as amended on April 20, 2006, provided \$4,351,085 in federal grant funds for various transportation projects. Amendment #2 extends the term of the grant in order to complete the testing and acceptance phases for the regional fare collection system.

**DOCUMENT NAME:** [20080124pwgj01.pdf](#) **PUBLIC TRANSIT (1106)**

23. Request authorization for the Mayor to sign Amendment #4 to an intergovernmental agreement with the City of Phoenix for transit services and support during FY 2007/2008.

**COMMENTS:** (Intergovernmental Agreement #C2004-242) Subject to execution of final written agreement for an amount not to exceed \$1,440,048.

**DOCUMENT NAME:** [20080124pwgj02.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

24. Request for an amendment to the Employment Agreement for Charles W. Meyer as City Manager.

**COMMENTS:** Amendment changes the length of the severance from nine (9) to six (6) months.

**DOCUMENT NAME:** [20080124casv02.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

25. Request approval of the first addendum to the HAYDEN FERRY LAKESIDE PARCEL AGREEMENT – “HOTEL” PARCEL amending the schedule of performance.

**DOCUMENT NAME:** [20080124cdnc01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

26. Request approval of an Amended Subdivision Plat for HAYDEN FERRY LAKESIDE located at 40 and 60 East Rio Salado Drive.

**COMMENTS:** (PL070458) (Suncor owner; Eve Webb, Suncor, applicant) located at 40 and 60 East Rio Salado Drive, in the MU-4, High Density District, including the following:

**SBD07045** – Amended Subdivision Plat of one (1) lot (parcel B-2) into two (2) lots, 3.6107 acres.

**DOCUMENT NAME:** [20080124dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

27. Request approval of a Final Subdivision Plat for FOUNTAINHEAD OFFICES located at 2520 South Priest Drive.

**COMMENTS:** (PL070430) (Matt Brucker, Wentworth Property Company, L.L.C., owner; Frank Fasulo, Knudsen-Smith Engineering, Inc., applicant) for a Final Subdivision Plat on +/- 10.05 net acres located at 2520 South Priest Drive in the GID, General Industrial District, including the following:

**SBD07049** – Final Subdivision Plat to divide Fountainhead Corporate Park lot 5 into three lots.

**DOCUMENT NAME:** [20080124dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

28. Request approval of a Final Subdivision and Condominium Plat for ONYX TOWER located at 909 East Playa Del Norte Drive.

**COMMENTS:** (PL060427) (The City of Tempe (lot 3A) and John Iorillo, President, C.E.O / Weststone U.S.A.--Onyx Tower, L.P. (lot 3), property owners; Greg Loper / Weststone U.S.A.—Onyx Tower L.P., applicant) for a Final Subdivision and Condominium Plat on +/- 1.62 net acres located at 909 East Playa Del Norte Drive in the MU-4, Mixed-Use High Density District with Amended P.A.D. and the RSOD, Rio Salado Overlay District, including the following:

**SBD07046** – Final Subdivision Plat to unify two lots into one and Final Condominium Plat for 196 residential dwelling units on the lot.

**DOCUMENT NAME:** [20080124dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

29. Request approval of an Amended Condominium Plat for BRIDGEVIEW AT HAYDEN FERRY LAKESIDE located at 140 East Rio Salado Parkway.

**COMMENTS:** (PL070452) (Suncor owner; Eve Webb, Suncor, owner/applicant) located at 140 East Rio Salado Parkway, in the MU-4, High Density District, including the following:

**SBD07042** – Amended Condominium Plat on one (1) lot, 1.8144 acres, and 104 units

**DOCUMENT NAME:** [20080124dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*30. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Wal-Mart Stores Inc., dba Wal-Mart Store #5900, 910 East Elliot Road.

**COMMENTS:** Clare Abel, Agent

**DOCUMENT NAME:** [20080124LIQ01.pdf](#) **LIQ LIC (0210-02)**

- \*31. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Newry Inc., dba Sushi Time, 5136 South Rural Road, #104.

**COMMENTS:** Soo Young Kim, Agent  
**DOCUMENT NAME:** [20080124LIQ02.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

32. Request award of a construction contract to ELS Construction, Inc., request approval of a construction inspection services contract with AMEC Infrastructure, Inc., and approve a construction change order allowance for Rio Salado South Bank Multi-Use Path.

**COMMENTS:** Construction contract in the amount of \$1,195,273.05 with ELS Construction, Inc. (Base Bid + Add Alternate No. 3), construction inspection services contract in an amount not to exceed \$46,475 with AMEC Infrastructure Inc., both subject to execution of the final written contract, and a construction change order allowance in the amount of \$152,000.

**DOCUMENT NAME:** [20080124PWDR01.pdf](#) RIO SALADO PARK (0706-32)  
**PROJECT NO. 60-996984**

33. Request approval of a construction job order with Foresite Design and Construction, Inc., and a construction change order contingency for Rural Road and McClintock Drive Bridge Repair.

**COMMENTS:** Construction job order in the amount of \$128,602 with Foresite Design and Construction, Inc., subject to execution of the final written contract, and a change order contingency of \$20,000.

**DOCUMENT NAME:** [20080124PWDR02.pdf](#) BRIDGES (0801) PROJECT NO. 5406021

34. Request approval of a construction job order with ForeSite Design and Construction, Inc., and a construction change order contingency for Kiwanis Park Tennis Court Resurfacing.

**COMMENTS:** Construction job order in the amount of \$855,681, subject to execution of the final written contract, and construction change order contingency of \$30,000.

**DOCUMENT NAME:** [20080124PWDR04.pdf](#) KIWANIS COMMUNITY PARK (0706-25) PROJECT NO. 6302392

35. Request approval of a professional services project management contract with Kitchell CEM for Elements at TCA – An Arts Community.

**COMMENTS:** Professional services project management contract in an amount not to exceed \$100,000 with Kitchell CEM, subject to execution of the final written contract.

**DOCUMENT NAME:** [20080124PWDR03.pdf](#) TEMPE ARTS CENTER (0109-19)  
**PROJECT NO. 6707021**

36. Request to award one-year contracts with two (2), one-year renewal options to Blackshear Construction LLC; Commonwealth Electric of the Midwest; Debellis Construction LLC; FSL Home Improvements; Goldstein and Luera Construction LLC; Granado Mechanical; Paul Davis Restoration; Recon Restoration; and Royal Covers of Arizona, Inc., for housing rehabilitation services.

**COMMENTS:** (RFQ #08-051) Total cost for this contract shall not exceed \$400,000 during the initial contract period.

**DOCUMENT NAME:** [20080124fslq03.pdf](#) [20080124blackshear.pdf](#)  
[20080124commonwealth.pdf](#) [20080124debellis.pdf](#) [20080124fslhome.pdf](#)  
[20080124goldstein.pdf](#) [20080124granado.pdf](#) [20080124pauldavis.pdf](#)  
[20080124recon.pdf](#) [20080124royalcovers.pdf](#) **PURCHASES (1004-01)**

37. Request to award one-year contracts with four (4), one-year renewal options to Keller Equipment Company and Gruber Technical, Inc., for maintenance, repair and purchase of variable frequency drivers.

**COMMENTS:** (IFB #08-064RB) Total cost for this contract shall not exceed \$100,000 during the initial contract period.

**DOCUMENT NAME:** [20080124fsts05.pdf](#) **PURCHASES (1004-01)**

38. Request to award a one-year, sole source contract to AlphaCorp for Sire document imaging application annual maintenance.

**COMMENTS:** (Sole Source #T08-126-01) Total cost of this contract shall not exceed \$46,919 during the contract period.

**DOCUMENT NAME:** [20080124fsts10.pdf](#) **PURCHASES (1004-01)**

39. Request approval of a one-year contract renewal with Horizon for the purchase of sprinkler parts.

**COMMENTS:** (T07-148-01) Total amount not to exceed \$170,000.

**DOCUMENT NAME:** [20080124fslq01.pdf](#) **PURCHASES (1004-01)**

40. Request approval of a one-year contract renewal with Quality Vans Fire Department Interoperability Communications Truck vehicle modifications.

**COMMENTS:** (S07-097-01) Total amount not to exceed \$30,000.

**DOCUMENT NAME:** [20080124fslq02.pdf](#) **PURCHASES (1004-01)**

41. Request approval of a one-year contract renewal with United Right of Way for landscape maintenance for the Water Utility Department.

**COMMENTS:** (T06-095-01) Total amount not to exceed \$99,000.

**DOCUMENT NAME:** [20080124fsts08.pdf](#) **PURCHASES (1004-01)**

42. Request approval of a ninety-day extension of a contract with Urban Forest Tree Care, Inc., for tree trimming services (alleys and right-of-ways).

COMMENTS: (T05-048-01) Total amount not to exceed \$50,000.

DOCUMENT NAME: [20080124fslq04.pdf](#) PURCHASES (1004-01)

43. Request approval to purchase an additional five (5) fleet vehicles utilizing a State of Arizona contract with Courtesy Chevrolet.

COMMENTS: (SCC070002-5) The cost of these additional vehicles will not exceed \$120,000.

DOCUMENT NAME: [20080124fsta06.pdf](#) PURCHASES (1004-01)

44. Request approval to purchase an additional three (3) fleet vehicles utilizing a State of Arizona contract with Midway Chevrolet/Isuzu for the purchase of three fleet vehicles.

COMMENTS: (SCC070002-A4) The cost of these additional vehicles will not exceed \$90,000.

DOCUMENT NAME: [20080124fsta07.pdf](#) PURCHASES (1004-01)

45. *Request approval of an expenditure to Crowne Plaza Hotel to host the site of a regional disaster preparedness conference sponsored by the cities of Tempe, Mesa, Glendale and Avondale.*

COMMENTS: (08-125) Total amount not to exceed \$40,000

DOCUMENT NAME: [20080124fsta09.pdf](#) PURCHASES (1004-01)

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

- \*46. This is the **introduction and first public hearing** for an Ordinance authorizing the Mayor to execute a development and disposition agreement with CARDINAL CAPITAL MANAGEMENT, INC., a special warranty deed and related documents for the sale of real property located at 2448 E. Apache Boulevard. **The second public hearing is set for February 7, 2008.**

DOCUMENT NAME: [20080124cdrd01.pdf](#) COMMUNITY  
DEVELOPMENT/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2008.02

D. Ordinances and Items for Second Hearing/Final Adoption

- \*47. This is the **second public hearing** for a Zoning Map Amendment for HUNTINGTON SQUARE located at 3225 S Mill Avenue.

**COMMENTS:** (PL070279) (Don Kermin, Hanley Properties, owner / Reese Anderson, Pew and Lake, PLC, applicant) for a Zoning Map Amendment from CSS to PCC-1, to allow a Car Rental Facility within an existing retail center located at 3225 S. Mill Avenue, in the CSS, Commercial Shopping and Services District, including the following:

**ZON07006 – (Ordinance No. 2007.76)** Zoning Map amendment from CSS Commercial Shopping and Services to PCC-1 Planned Commercial Center.

**DOCUMENT NAME:** [20080124dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*48. This is the **second public hearing** to amend Chapter 2, Article V, Chapter 15, Article II, and Chapter 23, Article II of the Tempe City Code relating to the standardization of the City's Board's and Commissions' policies and procedures.

**DOCUMENT NAME:** [20080124casv01.pdf](#) **CITY CODE ADMIN (0503-02)**  
**ORDINANCE NO. 2008.01**

**E. Resolutions**

49. Request approval of a resolution certifying compliance with the Consolidated Plan and administrative commitment supporting an application for Fiscal Year 2008/2009 Federal Home Funds by Newtown Community Development Corporation.

**DOCUMENT NAME:** [20080124cdlc01.pdf](#) **COMMUNITY DEVELOPMENT (0403-01)** **RESOLUTION NO. 2008.03**

50. Request approval of a resolution amending the polling places and districts set by Resolution 2007.96 for the March 11, 2008, Primary Election.

**DOCUMENT NAME:** [20080124clrkck01.pdf](#) **PRIMARY ELECTION – MARCH 11, 2008 (0506-31-01)** **RESOLUTION NO. 2008.04**

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

**COMMENTS:** The amendment will increase fines for violations of Chapter 21, Nuisances and Property Enhancement by \$50 per violation. A separate fine is also included for persons deemed to be Habitual Offenders to deter future violations and to aid populations in need of services.

**DOCUMENT NAME:** [20080124cdjk01.pdf](#) **MISCELLANEOUS FEES (0210-05)**  
**RESOLUTION NO. 2007.92**

52. Request approval of a resolution authorizing the third modification for reallocation of assessments for Playa Del Norte/Miller Road Improvement District No. 179.

**DOCUMENT NAME:** [20080124PWCH05.pdf](#) **IMPROVEMENT**



**(ASSESSMENT) DISTRICTS (0805) RESOLUTION NO. 2008.01**

**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.

**Agendas are also available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)  
Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**