

Tempe City Council February 7, 2008

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 Arredondo
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – January 24, 2008
 2. Council's Issue Review Session – January 24, 2008 [20080207clrkck02.pdf](#)
 3. Council's Formal Meeting – January 24, 2008 [20080207clrkck01.pdf](#)
 4. Council's Tourism & Recreation Committee – January 9, 2008 [20080207trc01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 5. Apache Boulevard Project Area Committee – November 5, 2007 [20080207apac01.pdf](#)
 6. Board of Adjustment – August 22, 2007 [20080207boa01.pdf](#)
 7. Commission on Disability Concerns – November 20, 2007 [20080207cdc01.pdf](#)
 8. Commission on Disability Concerns – Disability Awards Committee – December 6, 2007 & January 3, 2008 [20080207cdc02.pdf](#) [20080207cdc03.pdf](#)
 9. Committee for Youth, Families and Community – December 17, 2007 [20080207cyfc01.pdf](#)
 10. Community Special Events Task Force – January 15, 2008 [20080207setf01.pdf](#)
 11. Hearing Officer – January 3, 2008 [20080207ho01.pdf](#)
 12. Mayor's Youth Advisory Commission – January 8, 2008 [20080207myac01.pdf](#)
 13. Municipal Arts Commission – Public Art/Art in Private Development Committee – January 22, 2008 [20080207mac01.pdf](#)
 14. Parks & Recreation Board – December 5, 2007 [20080207prb01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - Proclamation for National Burn Awareness Week
 - Proclamation for Tempe Schools Credit Union Day

- Angels/Diablo Donation
- Development Review Commission Appointment

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

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

DOCUMENT NAME: [20080207boards.pdf](#) BDS, COMMISSIONS, COMMITTEES
ADM (0102-01)

APPROVED

16. Request approval of the designation of Assistant City Manager, Jeff Kulaga, as Acting City Manager.

COMMENTS: Approval of the letter designates Assistant City Manager Jeff Kulaga as the qualified city administrative officer to exercise the powers and perform the duties of the Manager during his temporary absence or disability.

DOCUMENT NAME: [20080207casv01.pdf](#) POSITIONS AUTHORIZED (0302-01)

APPROVED

17. Request approval authorizing the Mayor to execute an Agreement between the City of Tempe and Salt River Project Agricultural Improvement and Power District ("SRP") for consent to encroach upon a power-line easement for the purpose of erecting a fence.

DOCUMENT NAME: [20080207ITDH1.pdf](#) **UTILITY EASEMENTS GRANTED**
(0904-02)

APPROVED

18. Request approval of the Second Amended Agreement between North America Sports, Inc., the Tempe Convention and Visitors Bureau, and the City of Tempe for the City to host the Ironman Arizona Triathlon, extending the Agreement for an additional five (5) years, and moving the date of the event after April 2008 to November 2008 and each successive year.

COMMENTS: The net fiscal impact to the City of Tempe is approximately \$100,000 annually and is comprised of a \$50,000 City cash contribution and the provision of in-kind City services of approximately \$50,000 for the 2008 Race. The parties can mutually agree to November dates to stage the Race in the years following 2008.

DOCUMENT NAME: [20080207prtd01.pdf](#) **SPORTS**
ADMINISTRATION/POLICIES (0105-01-07)

APPROVED

19. Request approval of and authorization for the Mayor to execute the second amendment to an agreement dated December 4, 2003, between the Downtown Tempe Community and the City of Tempe, to add one additional event, the 2008 Spring Festival of the Arts.

COMMENTS: There is no additional cost to the City of Tempe.

DOCUMENT NAME: [20080207prtd03.pdf](#) **DOWNTOWN TEMPE**
COMMUNITY, INC. (0109-30)

APPROVED

20. Request approval for an amended Subdivision Plat for 5th & MILL BUILDING located at 425 South Mill Avenue.

COMMENTS: (PL070001) (Don and Mai Plato, property owner and applicant) located at 425 South Mill Avenue in the CC, City Center Zoning District, for the following:

SBD07050 – Amended Subdivision Plat for four (4) lots to be combined into one (1) lot with one residential unit and commercial office space totaling 21,759 s.f. on .27 net acres

DOCUMENT NAME: [20080207dsac01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

APPROVED

21. Request approval for an amended subdivision plat for RANDALL MANOR, located at 2168 East Balboa Drive.

COMMENTS: (PL070473) (Randall Manor, applicant), located at 2168 East Balboa Drive, in R1-6, Single-Family Residential, for the following:

SBD07047 – Amended subdivision plat of a line adjustment on Lot 1 and Lot 2 consisting of .3299 net acres.

DOCUMENT NAME: [20080207dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

22. Request approval for a Condominium Plat for FOUNTAINHEAD BUSINESS CENTER 1 located at 2450 South Priest Drive.

COMMENTS: (PL070517) (Matt Brucker, Wentworth Property Company, L.L.C., owner; Frank Fasulo, Knudsen-Smith Engineering, Inc., applicant) for a Condominium Plat on +/- 1.99 net acres located at 2450 South Priest Drive in the GID, General Industrial District, including the following:

SBD07054 – Condominium Plat for four office units in building A and four units in building B.

DOCUMENT NAME: [20080207dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

23. Request approval for a Condominium Plat for FOUNTAINHEAD BUSINESS CENTER 2 located at 1510 West Alameda Drive.

COMMENTS: (PL070518) (Matt Brucker, Wentworth Property Company, L.L.C., owner; Frank Fasulo, Knudsen-Smith Engineering, Inc., applicant) for a Condominium Plat on +/- 1.92 net acres located at 1510 West Alameda Drive in the GID, General Industrial District, including the following:

SBD07053 – Condominium Plat for four office units in building E and four units in building F.

DOCUMENT NAME: [20080207dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

- *24. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for BRC Pizza Inc., dba Barro's Pizza, 37 West Baseline Road.

COMMENTS: Bruce Barro, Agent

DOCUMENT NAME: [20080207LIQ01.pdf](#) **LIQ LIC (0210-02)**

APPROVED

- *25. This is a public hearing to recommend the approval of a Series 4 Wholesalers Liquor License for Wanderlust Trading Company, 2153 East Cedar Street, #4.

COMMENTS: David R. Woods, Agent

DOCUMENT NAME: [20080207LIQ02.pdf](#) LIQ LIC (0210-02)

APPROVED

B. Award of Bids/Contracts

26. Request to award a two-year contract with three, one-year renewal options to Aquatic Consulting and Testing for lake and pond maintenance in the Rio Salado Project.

COMMENTS: (RFP #08-057RB) Total cost for this contract shall not exceed \$85,000 during the initial contract period.

DOCUMENT NAME: [20080207fslg01.pdf](#) PURCHASES (1004-01)

APPROVED

27. Request to award a one-year contract with four, one-year renewal options to ISS Facility Services for the cleaning of Diablo Stadium.

COMMENTS: (RFP #08-090) Total cost for this contract shall not exceed \$55,000 during the initial contract period.

DOCUMENT NAME: [20080207fslg02.pdf](#) PURCHASES (1004-01)

APPROVED

28. Request to award a five-year contract to Simpson Norton Corporation for golf course equipment lease.

COMMENTS: (RFP #08-041) Total cost for this contract shall not exceed \$250,000 during the initial contract period.

DOCUMENT NAME: [20080207fslg03.pdf](#) PURCHASES (1004-01)

APPROVED

29. Request to award a two-year contract with three, one-year renewal options to PMT Ambulance for emergency medical transportation services.

COMMENTS: (RFP #08-053) Contract is subject to approval by Arizona Department of Health Services.

DOCUMENT NAME: [20080207fslg04.pdf](#) PURCHASES (1004-01)

APPROVED

30. Request approval of an on-call professional services contract with Craig Walling Architect, Inc. for On-Call Roofing Assessments.

COMMENTS: On-call professional services contract in an amount not to exceed \$35,000, subject to execution of the final written contract.

DOCUMENT NAME: [20080207PWDR03.pdf](#)
ADMINISTRATION (0803)

ENGINEERING

APPROVED

31. Request approval of a construction Job Order with 3D/International, Inc., and a construction change order contingency for Tempe Fire Station No. 4 Renovation and Tempe Joint Fire Training Center Addition.

COMMENTS: Job Order in the amount of \$659,863, subject to execution of the final written contract, and construction change order contingency of \$40,000.

DOCUMENT NAME: [20080207PWDR02.pdf](#)

MAINTENANCE/IMPROVEMENTS (1001-08) PROJECT NO. 3202881

FIRE STATIONS-

APPROVED

32. Request approval of addenda to on-call professional services contracts with Quality Testing, LLC, Ricker Atkinson McBee Morman & Associates, Inc., and Ninyo & Moore for On-Call Materials Testing and Related Services.

COMMENTS: Addenda to on-call professional services contracts each in an individual amount not to exceed \$50,000, all subject to execution of the final written addendum. The original contract amounts of \$300,000 plus approval of these addenda will increase the individual amount of the original contracts to \$350,000.

DOCUMENT NAME: [20080207PWDR01.pdf](#)
ADMINISTRATION (0803)

ENGINEERING

APPROVED

33. Request approval of a professional services contract addendum with Civil Search International, LLC, for civil engineering plan review.

COMMENTS: Professional services contract addendum in an amount not to exceed \$29,000, subject to execution of the final written addendum. The original contract amount of \$29,900, plus approval of this addendum, will increase the contract amount to \$58,900.

DOCUMENT NAME: [20080207PWDR04.pdf](#)
ADMINISTRATION (0803)

ENGINEERING

APPROVED

34. Request approval of professional services contract addenda with Kitchell CEM for construction management services, Architekton for design services and Geotechnical and Environmental Consultants (GEC – SA&B) for construction materials testing services, approval of an artist agreement contract increase with Mayme Kratz and Mark Ryan for public artwork services, and approval of a construction change order allowance increase for Tempe Center for the Arts.

COMMENTS: Professional services contract addendum in an amount not to exceed \$161,472.67 with Kitchell CEM, in an amount not to exceed \$221,955 with Architekton, and in an amount not to exceed \$7,000 with GEC – SA&B, all subject to execution of the final written addenda, artist agreement contract increase in an amount of \$67,514.41 with Mayme Kratz and Mark Ryan, and a construction change order allowance increase of \$3,700,000. The original contract amount of \$154,572 for Kitchell CEM, plus approval of previous addenda in the amount of \$3,424,875 and this addendum, will increase the contract amount to \$3,740,919.67. The original contract amount of \$290,796 for Architekton, plus approval of previous addenda in the amount of \$8,815,552.50 and this addendum, will increase the contract amount to \$9,328,303.50. The original contract amount of \$397,000 for GEC – SA&B, plus approval of previous addenda in the amount of \$229,000 and this addendum, will increase the contract amount to \$633,000. The original artist agreement amount of \$150,000 for Mayme Kratz and Mark Ryan, plus this increase, will increase the agreement amount to \$217,514.41.

DOCUMENT NAME: [20080207PWDR05.pdf](#) **TEMPE ARTS CENTER (0109-19) PROJECT NO. 997005**

APPROVED

35. Request approval of a one-year contract renewal with IT Partners for consulting services and the purchase of Hewlett Packard servers, related products, services, and accessories that are used throughout all City departments.

COMMENTS: (T05-079-01) Total amount not to exceed \$950,000.

DOCUMENT NAME: [20080207fsts05.pdf](#) **PURCHASES (1004-01)**

APPROVED

36. Request approval of a one-year renewal of the contract with Advantage Professionals of Phoenix, LLC, for installation services related to the refresh of approximately 600 PCs throughout various City departments.

COMMENTS: (T07-125-01) Total amount not to exceed \$80,000.

DOCUMENT NAME: [20080207fsts06.pdf](#) **PURCHASES (1004-01)**

APPROVED

37. Request approval to utilize a State of Arizona contract with Gartner, Inc. for Information Technology Research and Advisory Services.

COMMENTS: (AD990090-001-A19) Total amount not to exceed \$36,000.
DOCUMENT NAME: [20080207fst08.pdf](#) PURCHASES (1004-01)

APPROVED

38. Request approval to utilize a State of Arizona contract with Interface Technical Training for Information Technology Training and Partnering Services.

COMMENTS: (EPS060041-19-A1) Total amount not to exceed \$60,000.
DOCUMENT NAME: [20080207fst07.pdf](#) PURCHASES (1004-01)

APPROVED

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

- *39. This is the **introduction and first public hearing** to amend Chapter 2, Article II of the Tempe City Code relating to Officers and Employees, by amending Section 2-19 relating to the City Manager. **The second public hearing is set for February 21, 2008.**

DOCUMENT NAME: [20080207cacc01.pdf](#) TCC CH 2 – CITY CODE
ADMINISTRATION (0503-02) ORDINANCE NO. 2008.06

INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR FEBRUARY 21, 2008.

- *40. This is the **introduction and first public hearing** to amend Chapter 18 of the Tempe City Code relating to Mobile Homes and Trailer Coaches by amending Sections 18-1, 18-2, 18-3 and 18-7; and adding new Section 18-12; **and declaring the existence of an emergency.** **The second public hearing is set for February 21, 2008.**

DOCUMENT NAME: [20080207cdnc01.pdf](#) TCC CH 18 – MOBILE HOMES &
TRAILER COACHES (0503-18) ORDINANCE NO. 2008.09

INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR FEBRUARY 21, 2008.

- *41. This is the **introduction and first public hearing** to amend Chapter 2, Article V of the Tempe City Code relating to Boards, Commission, Etc. by amending Sections 2-205, 2-208, 2-209 and 2-210 and repealing Sections 2-211 and 2-212 relating to the Sponsorship Review Committee. **The second public hearing is set for February 21,**

2008.

DOCUMENT NAME: [20080207prtd02.pdf](#) TCC CH 2 – CITY CODE
ADMINISTRATION (0503-02) ORDINANCE NO. 2008.10

INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR FEBRUARY 21, 2008.

- *42. This is the **introduction and first public hearing** for an Amended Planned Area Development Overlay for CAMPUS EDGE located at 922 East Apache Boulevard. **The second public hearing is scheduled for February 21, 2008.**

COMMENTS: (PL070224) (Tim Becker, Nelson Companies 2, LLC., applicant/owner) for the development of a mixed-use project consisting of a mid-rise building with two wings totaling 269,640 square feet, including residential student housing and ground floor commercial on approximately 1.50 acres, located at 922 East Apache Boulevard, in the MU-4, Mixed Use High Density District, Transportation Overlay and Planned Area Development Overlay. This request includes the following:
PAD07028 – Amended Planned Area Development Overlay to increase the number of dwelling units from 100 to 132 units, to increase the maximum building height from 97 to 116 feet, and to reduce the required parking from 369 to 249 spaces.

DOCUMENT NAME: [20080207dsrl01.pdf](#) PLANNED DEVELOPMENT
(0406)

INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR FEBRUARY 21, 2008.

D. Ordinances and Items for Second Hearing/Final Adoption

- *43. This is the **second 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.

DOCUMENT NAME: [20080207cdls01.pdf](#) COMMUNITY
DEVELOPMENT/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2008.02

APPROVED

E. Resolutions

44. Request approval of a resolution supporting the Tomales Bay Institute in their study of using public rights of way to host solar energy generating systems.

DOCUMENT NAME: [20080207cdcs01.pdf](#) COMMUNITY DEVELOPMENT

ADMIN. (0406) RESOLUTION NO. 2008.08

APPROVED

45. Request approval of a resolution authorizing the Mayor to execute a Naming Rights Agreement between the City of Tempe, Salt River Project Agricultural and Power District ("SRP") and the Rio Salado Foundation ("Foundation"), for the naming of the Tempe Town Lake Marina.

DOCUMENT NAME: [20080207casv02.pdf](#) **STATE LEGISLATURE (0107-06)**
RESOLUTION NO. 2008.09

APPROVED

46. 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 a site-specific Supplemental Agreement to the Intergovernmental Telecommunications Facilities Sharing Agreement for the purpose of expanding the Phoenix Regional Wireless Network (PRWN) and bringing Tempe onto the network. The site is located on Bell Butte.

DOCUMENT NAME: [20080207ITDH2.pdf](#) **COMMUNICATION (1002-00)**
RESOLUTION NO. 2008.10

APPROVED

47. 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 a site-specific Supplemental Agreement to the Intergovernmental Telecommunications Facilities Sharing Agreement for the purpose of expanding the Phoenix Regional Wireless Network (PRWN) and bringing Tempe onto the network. The site is located at the South Tempe Police Substation.

DOCUMENT NAME: [20080207ITDH3.pdf](#) **COMMUNICATION (1002-00)**
RESOLUTION NO. 2008.11

APPROVED

48. 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 a site-specific Supplemental Agreement to the Intergovernmental Telecommunications Facilities Sharing Agreement for the purpose of expanding the Phoenix Regional Wireless Network (PRWN) and bringing Tempe onto the network. The site is located at the Tempe Fire Training facility.

DOCUMENT NAME: [20080207ITDH4.pdf](#) **COMMUNICATION (1002-00)**

RESOLUTION NO. 2008.12

APPROVED

49. 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 a site-specific Supplemental Agreement to the Intergovernmental Telecommunications Facilities Sharing for the purpose of expanding the Phoenix Regional Wireless Network (PRWN) and bringing Tempe onto the network. The site is located at the Papago Butte water tank.

DOCUMENT NAME: [20080207ITDH5.pdf](#)
RESOLUTION NO. 2008.13

COMMUNICATION (1002-00)

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

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**