

Formal Meeting Agenda



Tempe City Council February 21, 2008

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

1. INVOCATION - Councilmember Shekerjian
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Carter
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Review Session – February 7, 2008
 2. Council's Issue Review Session – February 7, 2008 [20080221clrkck02.pdf](#)
 3. Council's Formal Meeting – February 7, 2008 [20080221clrkck01.pdf](#)
 4. Council's Transportation, Housing & Environment Committee – January 22, 2008 [20080221the01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 5. Apache Boulevard Project Area Committee – January 14, 2008 [20080221apac01.pdf](#)
 6. Hearing Officer – January 15, 2008 [20080221ho01.pdf](#)
 7. Historical Museum Advisory Board – January 23, 2008 [20080221csjc01.pdf](#)
 8. Historical Museum Advisory Board – Petersen House Endowment Committee – January 9, 2008 [20080221cdjc02.pdf](#)
 9. Library Advisory Board – January 7, 2008 [20080221lab01.pdf](#)
 10. Mayor's Youth Advisory Commission – January 15, 2008 [20080221myac01.pdf](#)
 11. Municipal Arts Commission – December 12, 2007 [20080221mac01.pdf](#)
 12. Tempe Fire Public Safety Personnel Retirement Board – September 6, 2007
 13. Tempe Police Public Safety Personnel Retirement Board – January 3, 2008
 14. Tempe Sports Authority – December 5, 2007 [20080221tsa01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - Team Tempe Sponsor Recognition
 - Tempe High School National Merit Scholarship Recipients Recognition

- Women in Transit Awards
- Board and Commission vacancies

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 of the Report of Claims Paid to be filed for Audit for the month of January, 2008.

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

16. Request approval to authorize Tempe's share of preconstruction funding for a Regional Office Center that will house the offices of Valley Metro Rail, Inc.

COMMENTS: Request approval to authorize the expenditure of up to \$181,500 to pay the up-front costs associated with the Tempe's portion of design and construction of the Regional Office Center Project, as obligated through Tempe's membership in Valley Metro Rail (VMR), Inc.

DOCUMENT NAME: [20080221pwjism02.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

- *17. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for LBM Ventures LLC dba Brew City Bar & Grill, 1475 West Elliot Road.

COMMENTS: Frank Kasha, Agent

DOCUMENT NAME: [20080221LIQ01.pdf](#) **LIQ LIC (0210-02)**

- *18. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Maria Maria Arizona LLC dba Maria Maria, 2000 East Rio Salado Parkway, Ste. K-1.

COMMENTS: Randy Nations, Agent

DOCUMENT NAME: [20080221LIQ02.pdf](#) LIQ LIC (0210-02)

- *19. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Cross Refrigeration Products Inc., dba Coolgrass Wine Cellar Solutions, 1121 North Sickles Drive.

COMMENTS: Thomas Stephens, Agent

DOCUMENT NAME: [20080221LIQ03.pdf](#) LIQ LIC (0210-02)

- *20. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store liquor license for Danny's Tempe LLC dba Danny's Tempe Town Market Place, 2090 East Rio Salado Parkway.

COMMENTS: Lauren Merrett is the Agent for this application.

DOCUMENT NAME: [20080221LIQ04.pdf](#) LIQ LIC (0210-02)

- *21. This is a public hearing to recommend the approval of a Series 12 Restaurant liquor license for No Chaser LLC dba Nates Place Pub and Grill, 5235 South Kyrene Road, #104.

COMMENTS: Destiny Myres is the Agent for this application.

DOCUMENT NAME: [20080221LIQ05.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

22. Request award of a Construction Manager at Risk Construction Services contract to McCarthy Building Companies, approval of a professional services design contract with Stantec Consulting, approval of a construction management contract with Bosak CPM, approval of a construction change order contingency for the City Hall Parking Garage and Retail Building Shell – Guaranteed Maximum Price (GMP) Phase 2, and approval of the funding necessary to complete the project financing.

COMMENTS: Construction Manager at Risk Construction Services contract with McCarthy Building Companies for a GMP of \$15,325,085; professional services design contract with Stantec Consulting in an amount not to exceed \$150,000 and a construction management contract with Bosak CPM in an amount not to exceed \$131,700, both subject to execution of the final written documents; and a construction change order contingency of \$1,000,000.

DOCUMENT NAME: [20080221PWDR02.pdf](#) PARKING (0503-19) PROJECT NO. 6702971

23. Request approval of a Construction Manager at Risk Design Phase Contract with PCL Construction, Inc., for Town Lake Downstream Pedestrian Bridge.

COMMENTS: Construction Manager at Risk Design Phase Contract in an amount not to exceed \$90,742 with PCL Construction, Inc., subject to execution of the final written contract.

DOCUMENT NAME: [20080221PWDR03.pdf](#) **RIO SALADO PARK (0706-32)**
PROJECT NO. 6501541

24. Request approval of a professional services design contract with Project Engineering Consultants, Ltd., for Evelyn G. Hallman Park Waterline – Marigold Lane to McKellips Road.

COMMENTS: Professional services design contract in an amount not to exceed \$47,704 with Project Engineering Consultants, Ltd., subject to execution of the final written contract.

DOCUMENT NAME: [20080221PWDR04.pdf](#) **WATERMAIN CONSTRUCTION-NEW (0810-06) PROJECT NO. 3207051**

25. Request approval of a construction Job Order with Sunland Asphalt and a construction change order contingency for Reconstruction of Neighborhood Streets for the area bounded by Mill Avenue to Rural Road and Baseline Road to US 60.

COMMENTS: Job order in the amount of \$860,615.44 with Sunland Asphalt and a construction change order contingency of \$86,000, subject to execution of the final written contract.

DOCUMENT NAME: [20080221PWDR05.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5407071**

26. Request approval of a construction Job Order with Cactus Asphalt and a construction change order contingency for Arterial Street Rehabilitation - Priest Drive and Baseline Road.

COMMENTS: Job order in the amount of \$727,754.59 with Cactus Asphalt and a construction change order contingency of \$110,000, subject to execution of the final written contract.

DOCUMENT NAME: [20080221PWDR06.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5407061**

27. Request approval of a construction Job Order with Sunland Asphalt and a construction change order contingency for Rehabilitation of Neighborhood Streets for the area bounded by Mill Avenue to Rural Road and Baseline Road to US 60.

COMMENTS: Job order in the amount of \$816,769.74 with Sunland Asphalt and a construction change order contingency of \$122,500, subject to execution of the final

written contract.

DOCUMENT NAME: [20080221PWDR07.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5407081**

28. Request approval of a construction Job Order with J. Banicki Construction, Inc., and a construction change order contingency for Arterial Street Rehabilitation of Priest Drive, Mill Avenue and the intersection of Kyrene and Baseline Roads.

COMMENTS: Job order in the amount of \$777,217.73 with J. Banicki Construction, Inc., and a construction change order contingency of \$116,000, subject to execution of the final written contract.

DOCUMENT NAME: [20080221PWDR08.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5407091**

29. Request approval of a professional services design contract with Dibble & Associates, Inc., for Elements at TCA – An Arts Community.

COMMENTS: Professional services design contract in an amount not to exceed \$294,413.51, conditioned upon execution of the final written documents.

DOCUMENT NAME: [20080221PWDR09.pdf](#) **TEMPE PERFORMING ARTS CENTER (0109-19) PROJECT NO. 6707021**

30. Request to award a one-year contract with Gruber Power Services for the replacement of the backup power supply generator at City Hall.

COMMENTS: (IFB08-110) Total cost for this contract shall not exceed \$44,000.

DOCUMENT NAME: [20080221fsta02.pdf](#) **PURCHASES (1004-01)**

31. Request to award a two-year contract with three, one-year renewal options to Brooks Brothers Utility Contractors, Inc., for street light maintenance.

COMMENTS: (IFB #08-109) Total cost for this contract shall not exceed \$1,200,000 during the initial contract period.

DOCUMENT NAME: [20080221fsta04.pdf](#) **PURCHASES (1004-01)**

32. Request to award a one-year contract with four, one-year renewal options to Neptune Technology Group, Inc., for the purchase of lead free residential water meters, equipment, parts, supplies and services.

COMMENTS: (IFB #08-031RB) Total cost for this contract shall not exceed \$350,000 during the initial contract period.

DOCUMENT NAME: [20080221fst12.pdf](#) **PURCHASES (1004-01)**

33. Request approval of a one-year contract renewal with Water Movers, Inc., for rental of pumps and supply of fuel to bypass pump nuisance water from upstream of Tempe Town Lake.

COMMENTS: (T07-127-01) Total amount not to exceed \$265,000.
DOCUMENT NAME: [20080221fslq01.pdf](#) **PURCHASES (1004-01)**

34. Request approval of a one-year renewal of a contract with T.A. Caid Industries, Inc., for the purchase of modular traffic signal poles for the construction and/or modification of the signalized intersection system throughout the City.

COMMENTS: (T05-073-01) Total amount not to exceed \$1,817,872.
DOCUMENT NAME: [20080221fsta03.pdf](#) **PURCHASES (1004-01)**

35. Request approval of a one-year renewal of a contract with Liberty Mutual for Voluntary Group Auto, Homeowners and Personal Umbrella Insurance for eligible City employees.

COMMENTS: (T05-064-01) There is no cost to the City. Employees currently pay approximately \$425,000 annually for these services.
DOCUMENT NAME: [20080221fsta05.pdf](#) **PURCHASES (1004-01)**

36. Request approval of a one-year renewal of a contract with Chapman Chevrolet for the purchase of Police patrol style vehicles.

COMMENTS: (T06-096-01) Total amount not to exceed \$300,000.
DOCUMENT NAME: [20080221fsta06.pdf](#) **PURCHASES (1004-01)**

37. Request approval of a one-year renewal of a contract with Trucks West of Phoenix for the purchase of refuse vehicles.

COMMENTS: (T07-112-01) Total amount not to exceed \$2,200,000.
DOCUMENT NAME: [20080221fsta07.pdf](#) **PURCHASES (1004-01)**

38. Request approval of a one-year renewal of a contract with Dana Kepner Company, Inc., for the purchase of double strap service saddles and repair clamps for the maintenance and repair of City water mains.

COMMENTS: (T07-110-01) Total amount not to exceed \$55,000.
DOCUMENT NAME: [20080221fsts11.pdf](#) **PURCHASES (1004-01)**

39. Request approval of a one-year renewal of a contract with Action Containers, US Transport, Nuwave (dba Rehrig Pacific), Impact Plastics and Top Metals for the purchase of refuse containers.

COMMENTS: (T07-025-01, 02, 03 & 05) Total amount not to exceed \$172,000.
DOCUMENT NAME: [20080221fsta13.pdf](#) **PURCHASES (1004-01)**

40. Request approval of a one-year renewal of a contract with Contractors West for the installation of traffic pole foundations.

COMMENTS: (T04-013-02) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20080221fsta14.pdf](#) **PURCHASES (1004-01)**

41. Request approval to utilize a twenty-two month State of Arizona contract with Environmental Systems Research Institute, Inc., for the support of ESRI's computer-based mapping software that is used on the City's Geographic Information System (GIS).

COMMENTS: (AD040025-001-A4) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20080221fsts08.pdf](#) **PURCHASES (1004-01)**

42. Request approval to utilize one (1) year Western States Contracting Alliance (WSCA) contracts with Verizon Wireless and Sprint/Nextel Communications for cellular telephone, services and related equipment.

COMMENTS: (EPS070070-1-A1 and 3-A1) Total amount not to exceed \$340,000.

DOCUMENT NAME: [20080221fsts10.pdf](#) **PURCHASES (1004-01)**

43. Request approval of an emergency purchase to replace a backup power generator at the Carver/Rural sewer lift station from Power Plus.

COMMENTS: (Emergency Procurement 08-133) Total cost of this purchase shall not exceed \$49,000.

DOCUMENT NAME: [20080221fsts09.pdf](#) **PURCHASES (1004-01)**

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

- *44. This is the **introduction and first public hearing** for a Planned Area Development Overlay for ALL SAINTS NEWMAN CENTER STUDENT HOUSING located at 230 East University Drive. **The second public hearing is set for March 20, 2008.**

COMMENTS: (PL070404) (Roman Catholic Diocese of Phoenix, property owner; Timothy Lies, Domus Communities, applicant) for a mixed-use development consisting of a twenty-two (22) story building for student housing, worship hall and chapel within approximately 260,000 sq. ft. of building area, while maintaining the existing church (St. Mary's / Our Lady of Mt. Carmel Catholic Church) on approx. 0.72 acres, located at 230 East University Drive, in CC, City Center District, Transportation Overlay and a Historic Designated Property. This request includes the following:

PAD07027 – (Ordinance No. 2007.85) Planned Area Development Overlay to modify development standards to allow a maximum building height from the required 50 feet to 244 feet in total height, and to reduce the minimum required parking from 530 spaces to

147 spaces at off-site locations.

DOCUMENT NAME: [20080221dsrl02.pdf](#) PLANNED DEVELOPMENT
(0406)

- *45. This is the **introduction and first public hearing** for a General Plan Amendment, Zoning Map Amendment, and Planned Area Development Overlay for 501 WEST FIRST located at 501 West 1st Street. **The second public hearing is set for March 20, 2008.**

COMMENTS: (PL070385) (Plan C LLC, property owner; Todd Marshall, Marshall Urban Development Company, applicant) consisting of seven (7) three-story live/work units with carports and detached garages within approximately 15,312 s.f. of building, on 0.36 acres in the GID, General Industrial District. The request includes the following:
GEP08002 – (Resolution No. 2008.06) General Plan Density Map Amendment from Medium Density (up to 15 du/ac) to Medium-High Density (up to 25 du/ac).

ZON08002 – (Ordinance No. 2008.05) Zoning Map Amendment from GID, General Industrial District to MU-3, Mixed-Use, Medium-High Density District.

PAD08002 – Planned Area Development Overlay to establish development standards for a 15,312 s.f. building on 0.36 acres.

DOCUMENT NAME: [20080221dsrl03.pdf](#) PLANNED DEVELOPMENT
(0406)

- *46. This is the **introduction and first 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. **The second public hearing is set for March 20, 2008.**

COMMENTS: (PL070371) (Cardinal Capital Management, Inc., owner; Paul Mickelberg, Welman Sperides Mickelberg Architects, applicant) for a General Plan Amendment and Zoning Map Amendment on approximately 1.06 acres and for a Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately +/-13,000 sq. ft. of retail, office and restaurant space for a total +/-180,000 sq. ft. development on +/-3.34 acres (2.27 acres previously approved General Plan and Zoning Amendment and 1.06 acres for current General Plan and Zoning amendment) located at 2428 E. Apache, in the CSS Commercial Shopping and Services District. The request includes the following:

GEP08001 (Resolution No. 2008.05) – General Plan 2030 Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac) on +/-1.06 acres.

ZON08001 (Ordinance No. 2008.03) - Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4) on +/- 1.06 acres.

PAD08001 - Planned Area Development (PAD) overlay for development standards and a density of 41 du/ac, consisting of 135 residential units and 13,000 sq. ft. of retail, restaurant and office uses within four floors of mixed-use buildings on +/- 3.34 acres.

DOCUMENT NAME: [20080221dsdk01.pdf](#) PLANNED DEVELOPMENT

(0406)

- *47. This is the **introduction and first public hearing** to obtain citizen input regarding how funds could be allocated for the Community Development Block Grant (CDBG) and Home Programs for the 2008-2009 Annual Plan. **The second public hearing is set for April 17, 2008.**

DOCUMENT NAME: [20080221cdlc01.pdf](#) COMMUNITY DEVELOPMENT
BLOCK GRANT (0207-26)

- *48. This is the **introduction and first public hearing** to adopt an ordinance abandoning a water and sewer line easement located at 352 South Farmer Avenue. **The second public hearing is set for March 20, 2008.**

DOCUMENT NAME: [20080221PWCH01.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2008.04

D. Ordinances and Items for Second Hearing/Final Adoption

- *49. This is the **second 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.

DOCUMENT NAME: [20080221cacc01.pdf](#) TCC CH 2 – CITY CODE
ADMINISTRATION (0503-02) ORDINANCE NO. 2008.06

- *50. This is the **second 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.**

DOCUMENT NAME: [20080221cdnc01.pdf](#) TCC CH 18 – MOBILE HOMES &
TRAILER COACHES (0503-18) ORDINANCE NO. 2008.09

- *51. This is the **second public hearing** to amend Chapter 2, Article V of the Tempe City Code relating to Boards and Commissions 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.

DOCUMENT NAME: [20080221prtd02.pdf](#) TCC CH 2 – CITY CODE
ADMINISTRATION (0503-02) ORDINANCE NO. 2008.10

- *52. This is the **second public hearing** for an Amended Planned Area Development Overlay for CAMPUS EDGE located at 922 East Apache Boulevard.

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: [20080221dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

53. Request approval of a resolution authorizing the Water Utilities Department to accept grant funding from the State of Arizona Department of Homeland Security to purchase equipment for detecting water quality changes in the City's water distribution system.

COMMENTS: This Urban Area Initiative grant of \$60,000 will be used to purchase equipment for real-time detection of significant water quality changes in Tempe's water distribution systems.

DOCUMENT NAME: [20080221cacc02.pdf](#) **WATER MANAGEMENT ADMINISTRATION (0811-13)** RESOLUTION NO. 2008.14

54. Request approval of a resolution amending the Tempe Personnel Rules and Regulations, Rule 4, Section 404, by adding a new subsection C relating to severance agreements.

DOCUMENT NAME: [20080221casv01.pdf](#) **PERSONNEL RULES AND REGULATIONS (0301-01)** RESOLUTION NO. 2008.16

55. Request approval of a resolution to move into an Intergovernmental Agreement (IGA) between the Tempe Police Department and the Arizona Department of Public Safety for participation in a joint National Institute of Justice (NIJ) grant opportunity for Cold Case DNA processing.

COMMENTS: This agreement is to provide grant funding for overtime and travel costs associated with processing cold cases. The Tempe Police Department's portion of this grant totals \$72,159 for calendar year 2008.

DOCUMENT NAME: [20080221pdsam01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION** RESOLUTION NO. 2008.17

56. Request approval of a resolution approving a Supplemental Development Agreement with US Airways with regard to Phase II of their development at Third Street and Mill Avenue.

DOCUMENT NAME: [20080221cdcm01.pdf](#)
(0406) RESOLUTION NO. 2008.18

DEVELOPMENT PROJECT

57. Request approval of a resolution authorizing the Mayor to enter into the Light Rail Transit Operations Master Cooperative Funding Agreement between the City of Tempe and Valley Metro Rail, Inc.

DOCUMENT NAME: [20080221pwjism01.pdf](#)
(1101-01) RESOLUTION NO. 2008.19

TRANSPORTATION PLANNING

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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