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Tempe City Council  
September 18, 2008

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

Members of the City Council may attend either in person or by telephone conference call.

1. INVOCATION - Councilmember Navarro

2. PLEDGE OF ALLEGIANCE

3. MINUTES - Councilmember Woods

A. Approval of Council Meeting Minutes

1. Council Summit – August 15 & 16, 2008 [20080918clrkck01.pdf](#) [20080918clrkck02.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

2. Apache Boulevard Project Area Committee – May 12, 2008 [20080918apac01.pdf](#)  
3. Golf Committee – May 7, 2008 [20080918gc01.pdf](#)  
4. Hearing Officer – August 19, 2008 [20080918ho01.pdf](#)  
5. Historical Museum Advisory Board - June 5, 2008 [20080918csjc01.pdf](#)  
6. Municipal Arts Commission – Public Art/Art in Private Development Committee – August 26, 2008 [20080918mac01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. **DELETED**

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.

**Legal Advice:** If necessary, the City Council may make a vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

A. Miscellaneous Items

7. **DELETED**

8. Request approval to enter into a landscape agreement between the City of Tempe and Tempe Transit, L.L.C. for installation and maintenance of landscaping at the Valley Metro Rail, Inc., Traction Power Substation 12 located adjacent to the Tempe Transit, L.L.C. Equinox project at the southeast corner of Apache Boulevard and McClintock Drive.

**DOCUMENT NAME:** [20080918pwjism01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

9. **DELETED**

10. Request approval of an Intergovernmental Agreement with the City of Phoenix to reimburse the City of Tempe to offset costs of associated capital maintenance for bus parts with local matching funds provided by the City of Tempe.

**COMMENTS:** The amount of reimbursement is \$89,688 or less; City of Tempe match is \$22,422.

**DOCUMENT NAME:** [20080918PWdj02.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

11. Request approval of an Intergovernmental Agreement with the City of Phoenix for reimbursement to the City of Tempe for advance design, right-of-way acquisition and construction of the Tempe Transportation Center, design and construction of the Bicycle Station, and to construct a Traffic Management Center, with local matching funds to be provided by the City of Tempe.

**COMMENTS:** The amount of reimbursement is \$2,972,749 or less; City of Tempe match is \$985,566.

**DOCUMENT NAME:** [20080918PWdj01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

12. Request approval of an Intergovernmental Agreement with the City of Phoenix for reimbursement to the City of Tempe of construction costs for the East Valley Bus Operations and Maintenance Facility, with local matching funds provided by the City of Tempe.

**COMMENTS:** The amount of reimbursement is \$1,304,160 or less; City of Tempe match is \$326,040.

**DOCUMENT NAME:** [20080918PWdj03.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

13. Request approval of a Development Agreement with Clear Channel regarding the disposition of three existing billboards within the City of Tempe.

DOCUMENT NAME: [20080918cdcm02.pdf](#) COMM DEV/REDEVELOPMENT ADM  
(0403-01)

- 13a. *Request authorization for the Mayor to execute the Modification Agreement to the Payment Agreement dated November 21, 2006, and Development and Disposition Agreement dated March 1, 2007, between the City of Tempe and GDG Partners, L.L.C.***

**DOCUMENT NAME: [20080918cdnr01.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03)**

- \*14. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for 7-Eleven Inc., dba 7-Eleven #25078B, 1405 North Scottsdale Road.

COMMENTS: Nicholas Guttilla, Agent  
DOCUMENT NAME: [20080918LIQ01.pdf](#) LIQ LIC (0210-02)

- \*15. This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for Arizona Fine Wine and Spirits, LLC, dba Total Wine & More #1004, 8544 South Emerald Drive.

COMMENTS: Nicholas C. Guttilla is the Agent for this application.  
DOCUMENT NAME: [20080918LIQ03.pdf](#) LIQ LIC (0210-02)

- \*16. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for DRT Investments, LLC, dba Paradise Hawaiian BBQ, 580 South College Avenue, #103.

COMMENTS: Hye Kyong Diana Kang, Agent  
DOCUMENT NAME: [20080918LIQ02.pdf](#) LIQ LIC (0210-02)

**B. Award of Bids/Contracts**

17. Request award of a professional services contract with Nfra, Inc., for on-call design services for bridge repair.

COMMENTS: Total amount of this contract shall not exceed \$75,000.  
DOCUMENT NAME: [20080918PWDR02.pdf](#) BRIDGES (0801) PROJECT NO.  
5401884

**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** to amend Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes by amending Sections 16-300, 16-310 and 16-315. **The second public hearing is set for October 2, 2008.**

DOCUMENT NAME: [20080918STAX1.pdf](#) TCC CH 16 - LICENSES, TAXATION &

**MISC BUS REGS, ETC. (0503-16) ORDINANCE NO. 2008.52.**

**D. Ordinances and Items for Second Hearing/Final Adoption**

- \*19. This is the **second** public hearing to amend Chapter 2 of the Tempe City Code relating to Administration by amending Section 2-32 relating to the Establishment of Prosecution Assessment.

**DOCUMENT NAME:** [20080918cacc01.pdf](#) **TCC CH 2 - CITY CODE  
ADMINISTRATION (0503-02) ORDINANCE NO. 2008.47**

- \*20. This is the **second** public hearing to amend Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-142 relating to Parking Without Paying Designated Meter Prohibited.

**DOCUMENT NAME:** [20080918cdcm.pdf](#) **TCC CH 19 - MOTOR VEHICLES &  
TRAFFIC (0503-19) ORDINANCE NO. 2008.45**

- \*21. This is the **second public hearing** for an ordinance granting an easement to Southwest Gas Corporation to install and maintain the facilities necessary to provide gas service across a parcel of City-owned property located at approximately 1621 West Rio Salado Parkway.

**DOCUMENT NAME:** [20080918PWCH05.pdf](#) **EASEMENTS (0904-02)  
ORDINANCE NO. 2008.38**

- \*22. This is the **second public hearing** for an ordinance abandoning an existing Public Utility Easement and Sewer Easement located at 1240 E. University Drive.

**DOCUMENT NAME:** [20080918PWCH03.pdf](#) **ABANDONMENT (0901)  
ORDINANCE NO. 2008.39**

- \*23. This is the **second public hearing** for an ordinance abandoning portions of existing public utility easements located at 222 S. Mill Avenue.

**DOCUMENT NAME:** [20080918PWCH04.pdf](#) **ABANDONMENT (0901)  
ORDINANCE NO. 2008.43**

- \*24. This is the **second public hearing** for an ordinance abandoning a portion of an existing alley located at 1000 East Apache Boulevard.

**DOCUMENT NAME:** [20080918PWCH06.pdf](#) **ABANDONMENT (0901)  
ORDINANCE NO. 2008.44**

**E. Resolutions**

25. Request approval of a resolution amending City Code Appendix A - Fee Schedule, Chapter 2, Administration, relating to Prosecution Assessment.

**COMMENTS:** This resolution increases the Prosecution Assessment fee from \$50.00 to \$100.00

DOCUMENT NAME: [20080918cacc02.pdf](#) MISCELLANEOUS FEES (0210-05)  
RESOLUTION NO. 2008.85

- \*26.** *This is a public hearing to receive comments on the proposed Enterprise Zone applications* and request approval of a resolution authorizing the Economic Development Division to submit one or more applications to the Arizona Department of Commerce seeking an expansion of the Tempe Enterprise Zone and reauthorization of the current Tempe Enterprise Zone.

DOCUMENT NAME: [20080918cdmm01.pdf](#) ENTERPRISE ZONE (0111-03-01)  
RESOLUTION NO. 2008.86

27. Rehearing of Resolution No. 2008.67 adopted by Council on July 22, 2008, which authorized the Mayor to execute a Development and Disposition Agreement between the City and Centerpoint Holdings, LLC.

COMMENTS: At the September 11, 2008 City Council meeting, the City Council approved reconsideration of Resolution No. 2008.67.

DOCUMENT NAME: [20080918cdcm03.pdf](#) COMMUNITY DEVELOPMENT  
ADMIN. (0406) RESOLUTION NO. 2008.67

## 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 72 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)**