
Tempe City Council
October 16, 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 - Vice Mayor Ellis**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Mitchell**

A. Approval of Council Meeting Minutes

1. Council's Issue Review Session – September 18 & October 2, 2008
[20081016clrkck02.pdf](#) [20081016clrkck03.pdf](#)
2. Council's Formal Meeting – September 18 & October 2, 2008
[20081016clrkck01.pdf](#) [20081016clrkck04.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

3. Aviation Commission – September 9, 2008 [20081016tavco01.pdf](#)
- 3a. Building Code Advisory Board Work Session – August 26 & September 23, 2008
[20081016bcab01.pdf](#) [20081016bcab02.pdf](#)
4. Commission on Disability Concerns – October 2, 2008 [20081016cdc01.pdf](#)
5. Community Special Events Task Force – September 23 & October 1 & 7, 2008
[20081016setf01.pdf](#) [20081016setf02.pdf](#) [20081016setf03.pdf](#)
- 5a. Enhanced Services Commission – September 10, 2008 [20081016esc01.pdf](#)
6. Historical Museum Advisory Board – September 4, 2008 [20081016csjc01.pdf](#)
7. Municipal Arts Commission – August 13, 2008 [20081016mac01.pdf](#)
8. Neighborhood Advisory Commission – September 3, 2008 [20081016nac01.pdf](#)
9. Rio Salado Advisory Commission – August 26, 2008 [20081016rsac01.pdf](#)
10. Tempe Fire Public Safety Personnel Retirement Board – September 11, 2008

4. **REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

- a. **Mill Avenue "Greatest Streets in America" Award**
- b. **Recognition of Community Development team**

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

11. Request approval of the Report of Claims Paid to be filed for audit for the month of September, 2008.

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

12. Request approval of a Memorandum of Understanding between the City of Tempe, City of Mesa and Valley Metro Rail, Inc. (METRO) for the purpose of providing safety, security and fare enforcement for the METRO LRT system within the City of Tempe.

DOCUMENT NAME: [20081016pwjism01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

13. Request approval of Civic Ventures/AmeriCorps grant to provide the Experience Corps early literacy program in selected Tempe Elementary School District #3 schools.

COMMENTS: The grant is for \$35,812 for the 2008-09 school year.

DOCUMENT NAME: [20081016cskb03.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

14. Request approval of Amendment No. 3 to the Intergovernmental Agreement with the Arizona Department of Health Services for the Arizona Nutrition Network Local Incentive Award.

COMMENTS: The award is in the amount of \$286,805 for the Kid Zone Enrichment Program for the 2008/2009 federal fiscal year (Oct – Sept).

DOCUMENT NAME: [20081016cskb02.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

15. Request approval of License between the Salt River Project Agricultural Improvement and Power District and the City of Tempe for use of a portion of the Western Canal property for the Western Canal Multi-Use Path.

COMMENTS: No fees are assessed to the City.
DOCUMENT NAME: [20081016PWWS15.pdf](#) **SALT RIVER PROJECT (SRP) (0113-03) PROJECT NO. 6000421**

16. Request approval of License and the Consent to Use Easement Agreement between the Salt River Project Agricultural Improvement and Power District and the City of Tempe for use of a portion of the Western Canal property for the Well #13 Equipping project.

COMMENTS: An annual license fee in the sum of Five Hundred Dollars (\$500.00) per License Year shall be waived in consideration of use of the well water into the canal system.
DOCUMENT NAME: [20081016PWWS16.pdf](#) **SALT RIVER PROJECT (SRP) (0113-03) PROJECT NO. 3200015**

17. Request approval of the expenditure of funds under the existing Intergovernmental Agreement with the City of Phoenix for hazardous material and technical rescue training.

COMMENTS: (C97-179) Total expenditure of funds for this agreement shall not exceed \$100,000.
DOCUMENT NAME: [20081016fslq06.pdf](#) **PURCHASES (1004-01)**

18. Request approval of an emergency purchase to Somerset Landscape and Urban Forest Tree Care for Citywide tree services to remedy the 400 trees uprooted by a severe monsoon storm which occurred during the week of August 25, 2008.

COMMENTS: (Emergency Procurement #09-051) Total cost of this purchase shall not exceed \$75,000.
DOCUMENT NAME: [20081016fslq05.pdf](#) **PURCHASES (1004-01)**

19. Request authorization to transfer funds for the installation of artwork along the Rio Salado south bank multi-use path.

COMMENTS: Request authorization to transfer funds in the amount of \$289,431.78.
DOCUMENT NAME: [20081016PWDR12.pdf](#) **RIO SALADO PARK (0706-32) PROJECT NO. 60-996984**

- *20. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Sumalee LLC dba Thai Elephant Bistro, 815 West University Drive, #108.

COMMENTS: Kevin Rawlinson is the Agent for this application.
DOCUMENT NAME: [20081016LIQ01.pdf](#) **LIQ LIC (0210-02)**

- *21. This is a public hearing to recommend the approval of a Series 12 restaurant continuation liquor license for Casey Moore's LTD, dba Casey Moore's Oyster House, 850 South Ash Avenue.

COMMENTS: A restaurant continuation liquor license allows the applicant to continue to sell liquor during the application review process. Gavin Rutledge is the Agent for this application.
DOCUMENT NAME: [20081016LIQ03.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

22. Request to award three-year contracts with two, one-year renewal options to Work of Art Painting and Fabiani Painting & Decorating for street light, traffic signal and miscellaneous outdoor structure painting.

COMMENTS: (09-038) Total cost for these contracts shall not exceed \$750,000 during the initial contract period.

DOCUMENT NAME: [20081016fsta03.pdf](#) **PURCHASES (1004-01)**

23. Request approval of a two-year sole source contract with Knowledge Computing Corporation for the purchase of COPLINK Node and associated software applications to integrate the Police Department's current and future records management systems into the Mesa Police Department's East Valley Fusion Center.

COMMENTS: (Sole Source #09-050) Total cost for this contract shall not exceed \$59,946 during the contract period.

DOCUMENT NAME: [20081016fst08.pdf](#) **PURCHASES (1004-01)**

24. Request to award a three-year contract with two, one-year renewal options to Sierra Auction Management, Inc., for auction services to dispose of City surplus property including vehicles, equipment and police confiscated property.

COMMENTS: (RFP 09-030) Total value of this contract is estimated at \$200,000 that will be paid from sales commissions.

DOCUMENT NAME: [20081016fsta10.pdf](#) **PURCHASES (1004-01)**

25. Request to award a four-year, sole source contract to Sagem Morpho, Inc., for a service maintenance agreement for Police Department fingerprint equipment.

COMMENTS: (Sole Source 09-053) Total cost of the contract shall not exceed \$155,000.

DOCUMENT NAME: [20081016fsta09.pdf](#) **PURCHASES (1004-01)**

26. Request to award a three-year contract with two, one-year renewal options to Phoenix Fence Company for fencing repair, installation and rental.

COMMENTS: (RFP09-040) Total cost for this contract shall not exceed \$500,000 during the initial contract period.

DOCUMENT NAME: [20081016fsta12.pdf](#) **PURCHASES (1004-01)**

27. Request to award a one-year contract with four, one-year renewal options to Aquatic Consulting and Testing for water quality sampling, testing, aquatic weed control and insect monitoring services at Tempe Town Lake and Indian Bend Wash Habitat.

COMMENTS: (RFP #09-043) Total cost for this contract shall not exceed \$350,000 during the initial contract period.

DOCUMENT NAME: [20081016fst16.pdf](#) **PURCHASES (1004-01)**

28. Request to award three-year contracts with three, one-year renewal options to Gateway Community College, Rio Salado College and Western International University for educational programs including Associates, Bachelors and Masters degree programs.

COMMENTS: (08-121) Total cost for these contracts shall not exceed \$1,200,000 during the initial contract period.

DOCUMENT NAME: [20081016fsta14.pdf](#) **PURCHASES (1004-01)**

29. Request to award a two-year contract with three, one-year renewal options to West Coast Arborists, Inc., for tree trimming services for the downtown trees. This contract may also be used for other City-wide tree trimming services.

COMMENTS: (RFP #09-041) Total cost for this contract shall not exceed \$340,000 during the initial contract period.

DOCUMENT NAME: [20081016fslq04.pdf](#) **PURCHASES (1004-01)**

30. Request to award three-year contracts with two, one-year renewal options to Kay Automotive (dba One Source Distributing); Pro Auto Parts; Five Star Ford; North Valley Motorsports; Valley Truck & Trailer, USD, Inc.; Tri City Automotive Warehouse; Carquest of Tempe; Mighty Auto Parts of Arizona; Turbo & Electric; FleetPride, Inc.; Brown and Brown Chevrolet; Arizona Rubber Co.; Factory Motor Parts; American Filter & Equipment Corporation; The Lighthouse, Inc.; Auto Safety House; RLS Services, Inc.; McCandless of Arizona; Courtesy Chevrolet; Arizona Refuse Sales; Arizona Emergency Products; Watkins Specialist; Performance Plus Distributing, Inc.; Tempe Power Equipment, LLC.; Simpson Norton Corporation; and NAPA Auto Parts for vehicle and equipment repair parts.

COMMENTS: (RFP 09-032) Total cost for these contracts shall not exceed \$3,500,000 during the initial contract period.

DOCUMENT NAME: [20081016fsta13.pdf](#) **PURCHASES (1004-01)**

31. Request approval of job order no. 1 for installation and repair of bus shelters with SDB, Inc., and approve a project contingency.

COMMENTS: Total amount for job order no. 1 is \$166,224.00 and the initial project contingency is \$13,300.

DOCUMENT NAME: [20081016PWDR01.pdf](#) **BUS BENCHES/SHELTERS/BUS BAYS (1107) PROJECT NO. 6009011**

32. Request award of a professional services design contract with CSA Engineering for water line upgrades and replacement along Margo and Geneva Drives.

COMMENTS: Total cost for this contract shall not exceed \$47,372.

DOCUMENT NAME: [20081016PWDR02.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3209331**

33. Request award of a professional services design contract with Water Works Engineering for water line upgrades and replacement along Orange and Lemon Streets.

COMMENTS: Total cost for this contract shall not exceed \$114,650.

DOCUMENT NAME: [20081016PWDR03.pdf](#) **WATERMAIN UPGRADES (0810-04)**

PROJECT NO. 3209321

34. Request award of a professional services design contract with Burns & McDonnell Engineering for water line upgrades and replacement along 22nd and 24th Streets between Hardy and Roosevelt Drives.

COMMENTS: Total cost for this contract shall not exceed \$87,482.

DOCUMENT NAME: [20081016PWDR04.pdf](#) **WATERMAIN UPGRADES (0810-04)**
PROJECT NO. 3209341

35. Request approval of job order no. 2 with SDB, Inc., for the construction of a temporary parking lot on the southeast corner of 7th Street and Myrtle Avenue and approve a project contingency.

COMMENTS: Total amount for job order no. 2 is \$44,736 and the project contingency is \$5,000.

DOCUMENT NAME: [20081016PWDR06.pdf](#) **PARKING (0503-19) PROJECT NO. 6709101**

- 36.** Request to award a construction manager at risk (CMAR) contract with PCL Construction, Inc., for construction services, award a construction management contract with Wilson Engineers, approve an addendum to a design services contract with Carollo Engineers; and approve a project contingency, all related to phase three of the water quality improvements at the Johnny G. Martinez Water Treatment Plant.

COMMENTS: Total amount for the construction services contract is \$20,644,956, total amount for the construction management contract is \$1,157,870, total amount for the design services contract addendum is **\$1,238,907**, and the amount of the project contingency is \$1,000,000.

DOCUMENT NAME: [20081016PWDR07.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

37. Request award of a construction contract for rehabilitation of neighborhood streets to Sunland Asphalt and approval of a project contingency.

COMMENTS: Total cost for the construction contract is \$1,412,415.08 and the project contingency shall not exceed \$141,000.

DOCUMENT NAME: [20081016PWDR05.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5405001**

38. Request award of a construction contract for cape seal pavement to International Surfacing Systems and approval of a project contingency.

COMMENTS: Total cost for the construction contract is \$463,535.30 and the project contingency shall not exceed \$46,000.

DOCUMENT NAME: [20081016PWDR09.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5409121**

39. Request approval to increase the contract amount 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) Increase in the amount of \$250,000 from \$265,000 to \$515,000.

DOCUMENT NAME: [20081016fslg01.pdf](#) **PURCHASES (1004-01)**

40. Request approval of a one-year renewal of a contract with The Segal Company for employee benefits consultant services.

COMMENTS: (T05-053-01) Total value of this contract will not to exceed \$125,000.

DOCUMENT NAME: [20081016fsta02.pdf](#) **PURCHASES (1004-01)**

41. Request approval to utilize a State of Arizona contract with Brown Evans Distributing Company for vehicle lubricants.

COMMENTS: (SCC070001) Total cost of this contract shall not exceed \$90,000.

DOCUMENT NAME: [20081016fsta15.pdf](#) **PURCHASES (1004-01)**

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

- *42. This is the **introduction and first public hearing** of an ordinance authorizing the Mayor to sign a Covenant and Agreement to Hold Property as One Parcel. The property is located adjacent to 4th Street and Maple Avenue. **The second public hearing is scheduled for November 6, 2008.**

DOCUMENT NAME: [20081016cdcm01.pdf](#) **DEVELOPMENT PROJECT (0406)**
ORDINANCE NO. 2008.54

- *43. This is the **introduction and first public hearing** for a Zoning Map Amendment, Planned Area Development Overlay for ELEMENT HOTEL located at 919 East Apache Boulevard. **The second public hearing is scheduled for November 6, 2008.**

COMMENTS: (PL080167) (Bill Swank, 915 Apache LLC, property owner; Manjula Vaz, Gammage & Burnham PLC, applicant) consisting of a new 152-room hotel with ground floor commercial located on Apache Blvd. within approximately 113,800 square feet of building area, six stories in height on 2.1 acres, located at 919 East Apache Boulevard in the CSS, Commercial Shopping and Service District and R-4, Multi-Family Residential General District. The request includes the following:

ZON08007 - (Ordinance No. 2008.48) Zoning Map Amendment to be added into the (TOD) Transportation Overlay District, with existing CSS and R-4 Zoning Districts.

PAD08013 – Planned Area Development Overlay to modify the development standards to allow a maximum building height increase from 35 feet to 85 feet and reduce the minimum required parking from 188 to 142 spaces.

DOCUMENT NAME: [20081016dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *44. This is the **introduction and first public hearing** to adopt an ordinance abandoning existing Public Utility Easements located at 2235 E. Apache Boulevard. **The second public hearing is scheduled for November 6, 2008.**

DOCUMENT NAME: [20081016PWCH10.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2008.55

- *45. This is the **introduction and first public hearing** to adopt an ordinance amending Article II of Chapter 29 of the Tempe City Code relating to Streets and Sidewalks. **The second public hearing is scheduled for November 6, 2008.**

DOCUMENT NAME: [20081016PWWS11.pdf](#) STREETS AND SIDEWALKS (0503-29) ORDINANCE NO. 2008.56

- *46 This is the **introduction and first public hearing** to amend Chapter 26A of the Tempe City Code relating to Procurement. **The second public hearing is scheduled for November 6, 2008.**

DOCUMENT NAME: [20081016fsmg17.pdf](#) TCC CH 26A – PROCUREMENT & MATERIALS MGT (0503-41) ORDINANCE NO. 2008.63

- *47. This is the **introduction and first public hearing** to amend Chapter 22, Article IV of the Tempe City Code, relating to Alarm Regulations by amending Section 22-77.1 relating to service fees for excessive false alarms. **The second public hearing is scheduled for November 6, 2008.**

DOCUMENT NAME: [20081016pdsam01.pdf](#) TCC 22 – OFFENSES-MISCELLANEOUS ORDINANCE NO. 2008.62

D. Ordinances and Items for Second Hearing/Final Adoption

- *48. This is the **second public hearing** to adopt an ordinance authorizing the granting of an electrical Utility Easement located at 117 E. 5th Street to Arizona Public Service by the City of Tempe.

DOCUMENT NAME: [20081016PWCH14.pdf](#) EASEMENTS (0904-02) ORDINANCE NO. 2008.51

- *49. This is the **second public hearing** to adopt an ordinance abandoning an existing Sewer Line Easement located at 904 E. Secretariat Drive.

DOCUMENT NAME: [20081016PWCH13.pdf](#) ABANDONMENT (0901) ORDINANCE NO. 2008.50

- *50. This is the **second public hearing** for a General Plan Amendment, Zoning Map Amendment, and a Planned Area Development Overlay for THE ELEMENT @ ASU, located at 1949 East University Drive.

COMMENTS: (PL080041) (JLB Tempe LLC, property owner; Angie Rawie, JLB Partners, applicant) consisting of a new 215 unit student housing complex with 10 live/work units, including an internal parking garage. The building consists of 4 stories within approximately 132,000 s.f. of total building area on 6.35 acres, located at 1949 East University Drive in the R-4(PAD) District. The request includes the following:

GEP08004 – (Resolution No. 2008.80) General Plan Land Use map amendment from “Residential” to “Mixed-Use”, a Projected Residential Density map amendment from “Medium to High Density” (up to 25 du/ac) to “High Density” (greater than 25 du/ac).

ZON08006 – (Ordinance No. 2008.46) Zoning Map Amendment from R-4(PAD), Multi-Family

Residential General District to MU-4, Mixed-Use High Density District.

PAD08012 – Amended Planned Area Development Overlay to modify the development standards to allow for a building height increase from 46 feet to 60 feet; reduce front yard building setback from 20 feet to 5 feet; and a density increase from 25 units/acre to 35.4 units/acre.

DOCUMENT NAME: [20081016dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *51. This is the **second** hearing for a General Plan Major Amendment for ELEMENTS ART CAMPUS PHASE 2 located at 1102 W. Rio Salado Parkway.

COMMENTS: (PL080239) (Nancy Ryan, City of Tempe, property owner and applicant) consisting of a General Plan Major Amendment of approximately 40.64 acres of land: 12.64 acres referred to as the Arts Park Phase 1 and 28 acres referred to as Phase 2 located at 1102 W. Rio Salado Parkway in the R1-6, Single Family Residential, MU-4, Mixed-Use High Density and GID, General Industrial districts. The request includes the following:

GEP08003 – (RES No 2008.72) General Plan Major Land Use Map Amendment to change:

4.5 acres from Public Recreational/Cultural to Mixed-Use (Phase 1)

2.57 acres from Public Recreational/Cultural to Industrial (Phase 1)

5.57 acres from Public Open Space to Industrial (Phase 1)

28 acres from Public Open Space to Commercial (Phase 2)

This request also includes a Density Map Amendment to change 4.5 acres from 0 to up to 3 dwelling units per acre.

DOCUMENT NAME: [20081016dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

52. Request approval of a resolution establishing fees for Parks and Recreation programs and services.

DOCUMENT NAME: [20081016prmr01.pdf](#) **MISCELLANEOUS FEES (0210-05)**
RESOLUTION NO. 2008.91.

53. Request approval of a resolution to enter into an Intergovernmental Agreement (IGA) between the Cities of Chandler, Mesa, Scottsdale, Tempe, and the town of Gilbert, as member agencies in the AZLink Eastern Region, to share law enforcement information.

DOCUMENT NAME: [20081016pdsam02.pdf](#) **POLICE DEPARTMENT**
ADMINISTRATION (0606-02) RESOLUTION NO. 2008.94

54. Request approval of a resolution to enter into a 10-year Intergovernmental Agreement (IGA), with automatic 10-year renewal terms, between the member agencies of the Regional Wireless Cooperative (RWC) and the City of Tempe to plan, design, construct, operate, maintain and finance a regional interoperable radio communications network.

COMMENTS: Total cost for this agreement is estimated at \$9,002,000 for the initial ten-year term.

DOCUMENT NAME: [20081016TDH01.pdf](#) **COMMUNICATION (1002)**
RESOLUTION NO. 2008.95

55. Request approval of a resolution authorizing the Mayor to execute an Intergovernmental Agreement between the City of Tempe and Salt River Pima-Maricopa Indian Community ("SRPMIC") for disbursement of a portion of its gaming proceeds for services which benefit the public.

DOCUMENT NAME: [20081016graw01.pdf](#) STATE LEGISLATURE (0107-06)
RESOLUTION NO. 2008.96

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.

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