

---

**Tempe City Council  
November 20, 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 WOODS**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - COUNCILMEMBER ARREDONDO**
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – November 6, 2008
    2. Council's Issue Review Session – November 6, 2008 [20081120clrkck02.pdf](#)
    3. Council's Formal Meeting – November 6, 2008 [20081120clrkck01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Community Special Events Task Force – November 4, 2008 [20081120setf01.pdf](#)
    5. Hearing Officer – October 21, 2008 [20081120ho01.pdf](#)
    6. Human Relations Commission – August 12, September 9 & October 7, 2008  
[20081120hrc01.pdf](#) [20081120hrc02.pdf](#) [20081120hrc03.pdf](#)
    7. Regional Human Relations Commission Exchange – August 13, 2008  
[20081120hrc04.pdf](#)
    8. Human Relations Commission – MLK Diversity Awards Committee –  
July 8, September 9 & October 7, 2008 [20081120hrc05.pdf](#) [20081120hrc06.pdf](#)  
[20081120hrc07.pdf](#)
    9. Mayor's Youth Advisory Commission – October 21, 2008 [20081120myac01.pdf](#)
    10. Municipal Arts Commission – Public Art/Art in Private Development Committee –  
October 28, 2008 [20081120mac01.pdf](#)
    11. Rio Salado Advisory Commission – September 23, 2008 [20081120rsac01.pdf](#)
    - 11a. Tempe Fire Public Safety Personnel Retirement Board – October 2, 2008
    - 11b. Tempe Police Public Safety Personnel Retirement Board – October 2, 2008
    - 11c. Tempe Police Public Safety Personnel Retirement Board Executive Session – October 2, 2008
4. **REPORTS AND ANNOUNCEMENTS**
  - A. Mayor's Announcements
    - a. 2008 Maricopa Association of Governments Livable Communities Award

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

12. Request approval of an amendment of a Prevention Services Grant Agreement to be administered through Magellan Health Services of Arizona, Inc.

**COMMENTS:** The grant is for \$208,564 and consists of federal and state funds. This is the fourth consecutive fiscal year the City has been awarded this prevention grant.

**DOCUMENT NAME:** [20081120cskb01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

13. Request approval of and authorization for the Mayor to execute the third amendment to an agreement between the Downtown Tempe Community and the City of Tempe regarding the 2008 Tempe Arts Festival and Fantasy of Lights.

**COMMENTS:** Agreement #C2003-207

**DOCUMENT NAME:** [20081120prtd01.pdf](#) **DOWNTOWN TEMPE COMMUNITY, INC. (0109-30)**

14. Request approval of the use of available funds in the Rio Salado Capital Projects Fund to pay for the bypass pumping of nuisance water from upstream of Tempe Town Lake.

**COMMENTS:** Total amount not to exceed \$250,000.

**DOCUMENT NAME:** [20081120fsjh01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

15. Request additional funding for the engagement of the Calderon Law Offices to complete legal consulting and investigative services previously authorized.

**COMMENTS:** Additional funding not to exceed \$25,000 to complete consulting and investigative services.

**DOCUMENT NAME:** [20081120casv01.pdf](#) **LEGAL AND LEGISLATIVE SERVICES (0500)**

16. Request for a Final Subdivision Plat for THE ELEMENT @ ASU located at 1949 East University Drive.

**COMMENTS:** (PL080041) (JLB Tempe LLC, property owner; Dan Skeeham, Kimley-Horn & Assoc., applicant) for the development of a new 215 unit student housing complex with 10 live/work units on 6.35 acres, located at 1949 East University Drive. The request includes the following:

**SBD08033** – Final Subdivision Plat combining seven (7) parcels into one (1) lot.

**DOCUMENT NAME:** [20081120dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

17. Request for an Amended Final Subdivision Plat for TEMPE TRANSPORTATION CENTER located at 200 East Fifth Street.

**COMMENTS:** (PL080160) (City of Tempe, owner; Blair Meggitt, Brady-Aulerich & Associates, Inc., applicant) for an Amended Final Subdivision Plat on +/- 6.65 net acres located at 200 East Fifth Street in the CC, City Center District, the GID, General Industrial District, and within the RSOD, Rio Salado Overlay District and the TOD, Transportation Overlay District, including the following:

**SBD08034** – Amended Final Subdivision Plat to adjust the property lines with respect to adjacent private property and public right-of-way

**DOCUMENT NAME:** [20081120dskko03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*18. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Fresh & Easy Neighborhood Market Inc., dba Fresh & Easy Neighborhood Market, 83 East Broadway Road.

**COMMENTS:** Randy Nations, Agent.

**DOCUMENT NAME:** [20081120LIQ02.pdf](#) **LIQ LIC (0210-02)**

- \*19. This is a public hearing to recommend the approval of a Series 09 liquor store license for Jerry's Liquors, LLC, dba Jerry's Drive In Liquor, 1217 South Rural Road.

**COMMENTS:** Mohammad Haj, Agent.

**DOCUMENT NAME:** [20081120LIQ03.pdf](#) **LIQ LIC (0210-02)**

- \*20. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Barney's Boathouse, LLC, dba Barney's Boathouse, 216 East University Drive.

**COMMENTS:** Christopher Barnett, Agent.

**DOCUMENT NAME:** [20081120LIQ04.pdf](#) **LIQ LIC (0210-02)**

- \*21. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for VOS 6<sup>th</sup> and Mill, LLC, dba Seasons Grill, 640 South Mill Avenue, Suite B2-110, Building 2.

**COMMENTS:** Theresa Morse, Agent.

**DOCUMENT NAME:** [20081120LIQ05.pdf](#) **LIQ LIC (0210-02)**

- \*22. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for City Market & Deli, LLC, dba City Market & Deli, 74 East Rio Salado Parkway.

COMMENTS: Qisai Putrus, Agent.  
DOCUMENT NAME: [20081120LIQ06.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

23. Request to award a construction manager at risk design phase contract with D.L. Withers Construction for renovations of City of Tempe main police station at 120 E. 5<sup>th</sup> Street.

COMMENTS: Total cost for this contract is \$82,977.  
DOCUMENT NAME: [20081120PWDR02.pdf](#) POLICE - COURTS BUILDING 120 E 5TH ST (0902-16) PROJECT NO. 5503071

24. Request to award a construction manager at risk (CMAR) construction services contract with D.L. Withers Construction and approve a project contingency for upgrades to the municipal district central cooling plant.

COMMENTS: Total amount for the contract is \$2,070,504 and the amount of the project contingency is \$120,000.  
DOCUMENT NAME: [20081120PWDR05.pdf](#) POLICE - COURTS BUILDING 120 E 5TH ST (0902-16) PROJECT NO. 6702501

25. Request to award a professional services design contract with Project Engineering Consultants, Ltd., for replacement of the sewer on Scottsdale Road between Curry Road and the Gilbert Drive metering station.

COMMENTS: Total cost for this contract is \$89,815.  
DOCUMENT NAME: [20081120PWDR03.pdf](#) WATERMAIN UPGRADES (0810-04) PROJECT NO. 3209391

26. Request to award a professional services design contract with Dibble and Associates, Inc., for the Western Canal water transmission main to the South Tempe Water Treatment Plant.

COMMENTS: Total cost for this contract is \$172,475.  
DOCUMENT NAME: [20081120PWDR06.pdf](#) WATERMAIN UPGRADES (0810-04) PROJECT NO. 3203181

27. Request to award a one-year contract with four, one-year renewal options to ITT Water & Wastewater USA, Inc., for on-site maintenance and parts for the Wedeco manufactured ultraviolet disinfection systems which are used by the Water Utilities Department for water production and wastewater treatment.

COMMENTS: (RFP 09-024) Total cost for this contract shall not exceed \$300,000 during the initial contract period.  
DOCUMENT NAME: [20081120fst04.pdf](#) PURCHASES (1004-01)

28. Request approval of Job Order No. 5 for milling and rubberized asphalt overlay on Rural Road between Minton and Oxford Drives through the existing job order contract with Cactus Asphalt and approval of a project contingency.

**COMMENTS:** Total amount for Job Order No. 5 is \$474,952.36 and the amount of the project contingency is \$47,500.

**DOCUMENT NAME:** [20081120PWDR07.pdf](#) **STREET UPGRADING – MAINT – CONSTRUCTION (0809-05) PROJECT NO. 5403191**

29. Request approval of a one-year renewal of contracts with 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:** (T08-051-02 through T08-051-09) Total amount not to exceed \$35,000.

**DOCUMENT NAME:** [20081120fslg01.pdf](#) **PURCHASES (1004-01)**

30. Request approval of one-year renewal of contracts with Summit Electric Supply and Brown Wholesale Electric for electrical supplies.

**COMMENTS:** (T08-067-01/02) Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20081120fstg06.pdf](#) **PURCHASES (1004-01)**

31. Request approval of a one-year renewal of a contract with Somerset Landscape Maintenance, Inc., for the purchase of palm tree trimming services.

**COMMENTS:** (T08-023-01) Total amount not to exceed \$55,000.

**DOCUMENT NAME:** [20081120fslg02.pdf](#) **PURCHASES (1004-01)**

32. Request approval of a one-year renewal of a contract with Summit Electric Supply for light poles and luminaries.

**COMMENTS:** (T08-094-01) Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20081120fstg05.pdf](#) **PURCHASES (1004-01)**

33. Request approval to utilize a three-year U.S. Communities contract with Home Depot USA, Inc., for the purchase of maintenance, repair and operating supplies.

**COMMENTS:** (US Communities 05091) Total cost of this contract shall not exceed \$250,000 during the contract period over a three-year period.

**DOCUMENT NAME:** [20081120fstg03.pdf](#) **PURCHASES (1004-01)**

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

- \*34. This is the **introduction and first public hearing** for an Amended Planned Area Development Overlay for UNIVERSITY SQUARE, located at 110 E. University Drive. **The second public hearing is scheduled for December 11, 2008.**

**COMMENTS:** (PL080280) (Scott Turkington-Vice President, University Square Investors, L.L.C., owner; Stephen Anderson, Gammage and Burnham, P.L.C., applicant) for a 15 story, +/- 1,100,000 s.f. building featuring a 328 unit hotel and including a convention center,

restaurant and retail space with on-site structured parking on +/- 3.18 net acres. The site is located at 110 East University Drive in the CC, City Center District with a P.A.D., Planned Area Development Overlay and within the T.O.D., Transportation Overlay District. The request includes the following:

**PAD08017 -- (Ordinance No. 2008.58)** Amended Planned Area Development Overlay to allow a maximum 300'-0" tall building with a revised site plan and volumetric configuration in the CC, City Center District and within the T.O.D., Transportation Overlay District.

**DOCUMENT NAME:** [20081120dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*35. This is the **introduction and first public hearing** for a General Plan Amendment and Zoning Map Amendment for AED OFFICE BUILDING, located at 603 West Southern Avenue. **The second public hearing is scheduled for December 11, 2008.**

**COMMENTS:** (PL080165) (Chris Sosnowski, property owner and applicant) consisting of a new one story office building within approximately 2,900 square feet of building on 0.25 acres, located at 603 West Southern Avenue in the R1-6, Single-Family Residential District. The request includes the following:

**GEP08005 -- (Resolution No. 2008.93)** General Plan Projected Land Use Amendment from "Residential" to "Commercial".

**ZON08009 -- (Ordinance No. 2008.61)** Zoning Map Amendment from (R1-6, Single-Family Residential District) to (CSS, Commercial Shopping and Services District).

**DOCUMENT NAME:** [20081120dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*36. This is the **introduction and first public hearing** for two Zoning Map Amendments and a Planned Area Development Overlay for THE APARTMENTS AT UNIVERSITY AND LINDON, located at 708 South Lindon Lane. **The second public hearing is scheduled for December 11, 2008.**

**COMMENTS:** (PL080241) (Larry R. Norris, Charles H. Cook Christian Training School, property owner; Charles Huellmantel, Huellmantel & Affiliates, applicant) consisting of a 348 unit apartment community including 421,932 s.f. building area on +/- 14.62 net acres, located at 708 S. Lindon Lane in the R-3, Multi-Family Residential Limited District and the R1-6, Single-Family Residential District. The request includes the following:

**ZON08008 -- (Ordinance No. 2008.57)** Zoning Map Amendment from R1-6, Single-Family Residential District to R-3R, Multi-Family Residential Restricted District on +/- 2.18 net acres adjacent to Lindon Lane.

**ZON08010 -- (Ordinance No. 2008.57)** Zoning Map Amendment from R-3, Multi-Family Residential Limited District to R-4, Multi-Family Residential General District on +/- 12.44 net acres.

**PAD08014 -- (Ordinance No. 2008.57)** Planned Area Development Overlay on +/- 14.62 net acres to modify development standards including a vehicle parking quantity reduction from 722 to 670 spaces, a maximum building height increase from 30'-0" to 40'-0" for building 'A' in the R-3R District, and a front yard setback reduction from 20'-0" to 10'-0" to allow a tall front yard fence in the R-3R District.

**DOCUMENT NAME:** [20081120dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*37. This is the **introduction and first public hearing** to adopt an ordinance to abandon several existing Public Utility Easements located at 110 East University Drive. **The second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: [20081120PWCH10.pdf](#) ABANDONMENT (0901)  
ORDINANCE NO. 2008.69

- \*38. This is the **introduction and first public hearing** to adopt an ordinance abandoning an existing Storm Drainage Easement located at 1200 E. Rio Salado Parkway. The **second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: [20081120PWCH09.pdf](#) ABANDONMENT (0901)  
ORDINANCE NO. 2008.59

- \*39. This is the **introduction and first public hearing** to grant an easement to Pier at Town Lake, L.L.C., on a portion of City owned property along Clubview Drive within the Pier at Town Lake Project. The **second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: [20081120PWCH01.pdf](#) EASEMENTS (0904)  
ORDINANCE NO. 2008.67

- \*39a. *This is the introduction and first public hearing for an ordinance to amend the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by amending the Tempe Administrative Code, and adopting the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Mechanical Code, the 2006 International Plumbing Code, the 2006 International Fuel Gas Code, the 2008 National Electrical Code, the 2006 International Energy Conservation Code and amendments thereto. The second public hearing is scheduled for December 11, 2008.***

DOCUMENT NAME: [20081120dssf01.pdf](#) TCC CH 8 – BUILDINGS AND BUILDING REGULATIONS (0503-08) ORDINANCE NO. 2008.72

D. Ordinances and Items for Second Hearing/Final Adoption

- \*40. This is the **second public hearing** to adopt an ordinance abandoning an existing waterline easement located at 1666 N. McClintock Drive.

DOCUMENT NAME: [20081120PWCH11.pdf](#) ABANDONMENT (0901)  
ORDINANCE NO. 2008.64

- \*41. This is the **second public hearing** to amend Chapter 2, Article V, Boards, Commissions, Etc., of the Tempe City Code, by amending Section 2-181 relating to Powers and Duties; amending Div. 12, relating to Tempe Citizens' Panel for Review of Police Complaints and Use of Force by amending Sections 2-285 and 2-288; and repealing Section 2-287.

DOCUMENT NAME: [20081120pdsam01.pdf](#) TCC CH 2 – CITY CODE ADMINISTRATION (0503-02) ORDINANCE NO. 2008.68

- \*42. This is the **second public hearing** to adopt an ordinance authorizing the Mayor to execute a Land and Improvements Lease between the City and Melrose 223, LLC and Cardiff Capital LLC or their successor in interest, and a Memorandum of Lease.

DOCUMENT NAME: [20081120cdnr01.pdf](#) RIO SALADO MASTER PLAN (0112-07-



03) ORDINANCE NO. 2008.70

E. Resolutions

43. Request approval of a resolution to accept grant funding from the Arizona Governor's Office of Highway Safety for East Valley DUI Task Force Enforcement Overtime.

COMMENTS: The award totals \$75,000.

DOCUMENT NAME: [20081120pdsi02.pdf](#)

POLICE DEPARTMENT

ADMINISTRATION (0606-02) RESOLUTION NO. 2008.102

44. Request approval of a resolution to renew the Intergovernmental Agreement (IGA) between the City of Tempe and Tempe Elementary School District No. 3 (TSD3) which details the agreed respective responsibilities of the School Resource Officer grant program.

DOCUMENT NAME: [20081120pdsi01.pdf](#)

POLICE DEPARTMENT

ADMINISTRATION (0606-02) RESOLUTION NO. 2008.101

45. Request approval of a resolution approving and authorizing the Mayor to sign the Intergovernmental Agreement between the State of Arizona and the City of Tempe regarding the uniform administration of transaction privilege tax.

DOCUMENT NAME: [20081120fspf01.pdf](#)

REVENUE-TAXATION

ADMINISTRATION (0210-01) RESOLUTION NO. 2008.99

46. Request approval of a resolution approving and authorizing the City Manager to sign an Intergovernmental Agreement between the City of Tempe and the City of Mesa for administration of "Water – Use it Wisely" advertising materials and campaign.

COMMENTS: (2008.92) Total expenditures of funds shall not exceed \$15,000 per fiscal year.

DOCUMENT NAME: [20081120fst07.pdf](#)

WATER MANAGEMENT

ADMINISTRATION (0811-13) RESOLUTION NO. 2008.92

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)**