

# Formal Meeting FINISHED Agenda



## Tempe City Council December 11, 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 ARREDONDO

2. PLEDGE OF ALLEGIANCE

3. MINUTES - VICE MAYOR ELLIS

A. Approval of Council Meeting Minutes

1. Council's Executive Session – November 20, 2008
2. Council's Issue Review Session – November 20, 2008 [20081211clrkck01.pdf](#)
3. Council's Formal Meeting – November 20, 2008 [20081211clrkck02.pdf](#)
4. Council's Special Formal Meeting – November 24, 2008 [20081211clrkck04.pdf](#)
5. Housing Authority Governing Board – November 20, 2008 [20081211clrkck03.pdf](#)
6. Council's Education Partnership Committee – November 17, 2008  
[20081211ep01.pdf](#)
7. Council's Housing Committee – November 18, 2008 [20081211chc01.pdf](#)
8. Council's Neighborhood Parks Rehabilitation & Maintenance Committee –  
November 19, 2008 [20081211nprm01.pdf](#)
9. Council's Sports, Recreation, Arts & Cultural Development Committee –  
November 19, 2008 [20081211srac01.pdf](#)
10. Council's Transportation Committee – October 28, 2008 [20081211ctc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

11. Apache Boulevard Project Area Committee – October 13, 2008 [20081211apac01.pdf](#)
12. Aviation Commission – October 7, 2008 [20081211tavco01.pdf](#)
13. Board of Adjustment – October 22, 2008 [20081211boa01.pdf](#)
14. Commission on Disability Concerns – October 15, 2008 [20081211cdc01.pdf](#)
15. Committee for Youth, Families and Community – October 20, 2008  
[20081211cyfc01.pdf](#)
16. Community Special Events Task Force – November 12 & 18, 2008  
[20081211setf01.pdf](#) [20081211setf02.pdf](#)
17. Development Review Commission – October 14, 2008 [20081211drc01.pdf](#)

18. Double Butte Cemetery Advisory Committee – August 20, 2008 [20081211dbc01.pdf](#)
19. Electrical Code Advisory Board – October 23, 2008 [20081211ecab01.pdf](#)
20. Enhanced Services Commission – October 8, 2008 [20081211esc01.pdf](#)
21. Hearing Officer – November 4, 2008 [20081211ho01.pdf](#)
22. Historic Preservation Commission – October 9, 2008 [20081211hpc01.pdf](#)
23. Historical Museum Advisory Board – October 2, 2008 [20081211mab01.pdf](#)
24. Library Advisory Board – October 6 & November 3, 2008 [20081211lab01.pdf](#)  
[20081211lab02.pdf](#)
25. Mayor's Youth Advisory Commission – November 4 & 18, 2008 [20081211myac01.pdf](#)  
[20081211myac02.pdf](#)
26. Municipal Arts Commission – October 8, 2008 [20081211mac01.pdf](#)
27. Parks & Recreation Board – September 17, 2008 [20081211prb01.pdf](#)
28. Plumbing & Mechanical Code Advisory Board – October 21, 2008  
[20081211pmcab01.pdf](#)
- 28a. Rio Salado Advisory Commission – October 28, 2008 [20081211rsac01.pdf](#)
29. Tardeada Advisory Board – September 29, 2008 [20081211tab01.pdf](#)
30. Tardeada Advisory Board – Light Rail Subcommittee – September 8, 2008  
[20081211tab02.pdf](#)
31. Transportation Commission – October 14, 2008 [20081211tc01.pdf](#)
32. Transportation Commission Multi-modal Planning & Project Review Committee –  
October 8, 2008 [20081211tc02.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
  - a. Acknowledgement of Diversity Dialogue Participants
  - b. Economic Engine Award for Tempe's Economic 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

33. Request approval of the Report of Claims Paid to be filed for audit for the months of October and November, 2008.

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

**APPROVED**

34. Request approval of an Intergovernmental Agreement between the Tempe Union High School District and the City of Tempe for the provision of substance abuse prevention services.

**COMMENTS:** Services are funded by Arizona State Department of Education – Title IV, State Chemical Abuse and Tempe Community in Schools grants totaling \$65,621.00 for FY July 1, 2008, through June 30, 2009. This is the fourteenth year of this Intergovernmental Agreement.

**DOCUMENT NAME:** [20081211cskb01.pdf](#) TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)

**APPROVED**

35. Request approval to enter into an Intergovernmental Agreement with the Tempe County Island Fire District for provision of fire protection and emergency medical services.

**COMMENTS:** The initial agreement period is five years, with the option of three (five year) renewals. The Tempe County Island Fire District would pay \$196,000 for the first year to the Fire Department for operational costs, including payment for the one full time fire inspector position for the first year only. After the first year, costs will be calculated on a percentage share of the Fire Department budget.

**DOCUMENT NAME:** [20081211FDDB01.pdf](#) FIRE/PARAMEDIC SERVICE ADM (0605-01)

**APPROVED**

- \*36. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Creative Foods Management, LLC, dba Paytons Place, 325 West Elliot Road.

**COMMENTS:** Kenneth LaCivita is the Agent for this application.

**DOCUMENT NAME:** [20081211LIQ01.pdf](#) LIQ LIC (0210-02)

**APPROVED**

**B. Award of Bids/Contracts**

37. Request award of a landscape architectural contract with J2 Engineering and Environmental Design, LLC, for improvements to Scudder Park.

**COMMENTS:** Total cost for this contract is \$159,988.99.

**DOCUMENT NAME:** [20081211PWDR04.pdf](#) SCUDDER PARK (0706-34) PROJECT

NO. 6303111

**APPROVED**

38. Request award of a professional services design contract with Damon S. Williams Associates, LLC, for water quality improvements at the South Tempe Water Treatment Plant (STWTP).

**COMMENTS:** Total cost for this contract is \$199,691.

**DOCUMENT NAME:** [20081211PWDR07.pdf](#) WATER PUMPING STATION -  
SOUTH TEMPE (0811-10) PROJECT NO. 3203211

**APPROVED**

39. Request the award of three job order contracts with Quest Civil Constructors, Inc, Hunter Contracting Co., and Pierson Construction Corporation for on-call miscellaneous horizontal construction and minor water and wastewater treatment plant improvements.

**COMMENTS:** The amount of each contract is \$2,000,000 annually and each individual job order is \$1,000,000 or less.

**DOCUMENT NAME:** [20081211PWDR12.pdf](#) [20081211PWDR12a.pdf](#)  
[20081211PWDR12b.pdf](#) [20081211PWDR12c.pdf](#) ENGINEERING ADMINISTRATION  
(803-02)

**APPROVED**

40. Request to award two-year contracts with three, one-year renewal options to Economic Research Associates and Gruen Gruen & Associates for development consultants.

**COMMENTS:** (RFP #09-036) Total cost for these contracts shall not exceed \$50,000 during the initial two-year contract period.

**DOCUMENT NAME:** [20081211fslq03.pdf](#) PURCHASES (1004-01)

**APPROVED**

41. Request approval of a three-year sole source contract with Environmental Systems Research Institute, Inc., which provides licensing and annual support for computer-based mapping software that is used city-wide with the Enterprise Geographic Information System.

**COMMENTS:** (Sole Source #09-065) Total cost for this contract shall not exceed \$110,000 annually during the contract period.

**DOCUMENT NAME:** [20081211fst08.pdf](#) PURCHASES (1004-01)

**APPROVED**

42. Request approval of Job Order No. 2 with Caliente Construction, Inc., and a project contingency for improvements to supervisory control and data acquisition (SCADA) systems at various remote telemetry units.

**COMMENTS:** Total amount for Job Order No. 2 is \$679,664 and the project contingency is \$35,000.

DOCUMENT NAME: [20081211PWDR06.pdf](#)  
ADMINISTRATION (0811-13) PROJECT NO. 3202031

WATER MANAGEMENT

**APPROVED**

43. Request approval of a one-year renewal of contracts with Gardener's World, Mountain States Wholesale Nursery and Western Tree Company, Inc., for the supply and delivery of trees, shrubs, ground cover and flowers.

COMMENTS: (T08-048-01 thru T08-048-03) Total amount not to exceed \$70,000.  
DOCUMENT NAME: [20081211fslg01.pdf](#) PURCHASES (1004-01)

**APPROVED**

44. Request approval of a one-year renewal of a contract with NEC Unified Solutions, Inc. for the purchase of CISCO telephone networking and Voice over IP equipment and services that are used by various departments throughout the City.

COMMENTS: (T07-040-01) Total amount not to exceed \$1,250,000.  
DOCUMENT NAME: [20081211fstl10.pdf](#) PURCHASES (1004-01)

**APPROVED**

45. Request approval to utilize a nineteen-month contract with three, one-year renewal options with Global Traffic Technologies, LLC, for optically controlled traffic control equipment.

COMMENTS: (Contract #2008133) Total cost of this contract shall not exceed \$150,000 during the initial contract period.  
DOCUMENT NAME: [20081211fslg02.pdf](#) PURCHASES (1004-01)

**APPROVED**

46. Request approval to utilize a State of Arizona contract with Jones Lang LaSalle America, Inc. (formerly known as The Staubach Company) for brokerage services associated with the purchase or lease of property for use by the Fire Department.

COMMENTS: (EPS050045) Total value of this contract is estimated at \$250,000 and will be paid by property seller. The firm's utilization represents no direct cost to the City.  
DOCUMENT NAME: [20081211fstl05.pdf](#) PURCHASES (1004-01)

**APPROVED**

47. Request approval to utilize a one-year State of Arizona contract with Grainger for industrial supplies and equipment used by various City departments.

COMMENTS: (Contract #EPS060050) Total cost of this contract shall not exceed \$300,000.  
DOCUMENT NAME: [20051211fstl07.pdf](#) PURCHASES (1004-01)

**APPROVED**

48. Request approval to utilize an eleven-month U.S. Communities contract with Motorola, Inc. for the purchase and repair of 800 MHz digital radio subscriber equipment for the Fire Department, Police Department and other City departments.

**COMMENTS:** (US Communities 02702) Total cost of this contract shall not exceed \$500,000 during the contract period.

**DOCUMENT NAME:** [20081211fst09.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

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

- \*49. This is the **introduction and first public hearing** to adopt an ordinance granting an electrical "Utility Easement" located at West Lakeside Drive and Rio Salado Parkway to Arizona Public Service by the City of Tempe. **The second public hearing is scheduled for January 08, 2009.**

**DOCUMENT NAME:** [20081211PWCH11.pdf](#) **GRANT OF EASEMENT (0904)**  
**ORDINANCE NO. 2008.71**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR JANUARY 8, 2009.**

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

- \*50. This is the **second public hearing** for an Amended Planned Area Development Overlay for UNIVERSITY SQUARE, located at 110 E. University Drive.

**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:** [20081211dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

**APPROVED**

- \*51. This is the **second public hearing** for a General Plan Amendment and Zoning Map Amendment for AED OFFICE BUILDING, located at 603 West Southern Avenue.

**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:** [20081211dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

**APPROVED**

- \*52. This is the **second 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.

**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:** [20081211dskko03.pdf](#) **PLANNED DEVELOPMENT (0406)**

**APPROVED**

- \*53. This is the **second public hearing** to adopt an ordinance to abandon several existing Public Utility Easements located at 110 East University Drive.

**DOCUMENT NAME:** [20081211PWCH10.pdf](#) **ABANDONMENT (0901)**  
**ORDINANCE NO. 2008.69**

**APPROVED**

- \*54. This is the **second public hearing** to adopt an ordinance abandoning an existing Storm Drainage Easement located at 1200 E. Rio Salado Parkway.

**DOCUMENT NAME:** [20081211PWCH09.pdf](#) **ABANDONMENT (0901)**  
**ORDINANCE NO. 2008.59**

**APPROVED**

- \*55. This is the **second 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.

DOCUMENT NAME: [20081211PWCH08.pdf](#) EASEMENTS (0904)  
ORDINANCE NO. 2008.67

**APPROVED**

- \*56. This is the **second 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 Existing Building 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..

DOCUMENT NAME: [20081211dssf01.pdf](#) TCC CH 8 – BUILDINGS AND BUILDING  
REGULATIONS (0503-08) ORDINANCE NO. 2008.72

**APPROVED**

E. Resolutions

57. Request approval of a resolution authorizing the Mayor to execute a First Amendment to Development Agreement with UNIVERSITY SQUARE INVESTORS, LLC regarding the University Square development at University Drive and Forest Avenue.

COMMENTS: The First Amendment to the Development Agreement would provide for a Government Property Lease Excise Tax abatement in exchange for Parking.

DOCUMENT NAME: [20081211cdcm01.pdf](#) COMM DEV/REDEVELOPMENT ADM  
(0403-01) RESOLUTION NO. 2008.104

**APPROVED**

58. Request approval of a resolution authorizing the Mayor to enter into an agreement with the Arizona Criminal Justice Commission (ACJC) Oversight Council on Driving or Operating Under the Influence Abatement to accept grant funding.

COMMENTS: Grant funding in the amount of \$15,800.00.

DOCUMENT NAME: [20081211pdsj01.pdf](#) POLICE DEPARTMENT  
ADMINISTRATION (0606-02) RESOLUTION NO. 2008.108

**APPROVED**

59. DELETED

60. Request approval of a resolution to accept Urban Area Security Initiative (UASI) homeland security grant funding from the Arizona Department of Homeland Security.



COMMENTS: The award totals \$197,333.

DOCUMENT NAME: [20081211pdsam01.pdf](#)

POLICE DEPARTMENT

ADMINISTRATION (0606-02) RESOLUTION NO. 2008.109

**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**

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