

Formal Meeting FINISHED Agenda



Tempe City Council February 5, 2009

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 Executive Session – January 33, 2009
 2. Council's Formal Meeting – January 22, 2009 [20090205clrkck01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 3. Aviation Commission – December 9, 2009 [20090205tavco01.pdf](#)
 4. Committee for Youth, Families and Community – December 15, 2008 [20090205cyfc01.pdf](#)
 5. Community Special Events Task Force – January 13, 2009 [20090205setf01.pdf](#)
 6. Development Review Commission – December 23, 2008 [20090205drc01.pdf](#)
 7. Double Butte Cemetery Advisory Committee – November 19, 2008 [20090205dbac01.pdf](#)
 8. Hearing Officer – December 16, 2008 and January 6, 2009 [20090205ho01.pdf](#)
[20090205ho02.pdf](#)
 9. Human Relations Commission – December 9, 2009 [20090205hrc01.pdf](#)
 10. Mayor's Youth Advisory Commission – January 6, 2009 [20090205myac01.pdf](#)
 11. Parks and Recreation Board – November 19, 2008 [20090205prb01.pdf](#)
 - 11a. Rio Salado Advisory Commission – December 2, 2008 [20090205rsac01.pdf](#)
 12. Transportation Commission – December 16, 2008 [20090205tc01.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 - a. "Partnership for a Drug Free America" Proclamation
 - 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

13. Request approval of the fourth amendment to the intergovernmental agreement with the Regional Public Transportation Authority (RPTA) for purchase of paratransit services in Tempe during fiscal year 2008/2009.

COMMENTS: (Contract C2004-241d) Cost to Tempe is \$454,062 during fiscal year 2008/2009.

DOCUMENT NAME: [20090205PWgj01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

APPROVED

- *14. This is a public hearing for an **appeal** by the COLEMAN RESIDENCE (PL080305/UPA08007) (Steven Coleman, applicant/property owner), located at 5426 South College Avenue in the R1-6, Single Family Residential District, of the November 18, 2008 Development Review Commission's decision to uphold the September 16, 2008 Hearing Officer's denial for one (1) use permit.

COMMENTS: Appeal (PL080305/UPA08007) (Steven Coleman, applicant/property owner) of the November 18, 2008 Development Review Commission's decision to uphold the September 16, 2008 Hearing Officer's denial of the following:

ZUP08132 Use permit to allow an accessory building.

DOCUMENT NAME: [20090205dsdp01.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED THE APPEAL

15. Request for a Final Subdivision Plat for ELEMENTS ART CAMPUS – PHASE 2 located at 1102 West Rio Salado Parkway.

COMMENTS: (PL080239) (City of Tempe, property owner, Blair C. Meggitt/Brady Aulerich & Associates, Inc., applicant), located at 1102 West Rio Salado Parkway in the GID, General Industrial District, MU-4 PAD, Mixed Use High Density District, and R1-6, Single Family Residential District. The request includes the following:

SBD08027- A final subdivision plat, creating six (6) lots and one (1) tract on a net of 58.37 acres.

DOCUMENT NAME: [20090205dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

16. Request for a Final Subdivision Plat for BETHANY CHRISTIAN SCHOOL located at 6304 South Price Road.

COMMENTS: (PL080059) (Bethany Christian School, Dorothy Hines, property owner, Line Werks Architecture, applicant), located at 6304 South Price Road in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:
SBD08038- A final subdivision plat combining two (2) lots into one (1) on 3.4 acres.

DOCUMENT NAME: [20090205dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

17. Request for a Final Subdivision Plat for AURORA SIGNATURE HEALTHCARE located at 6350 South Maple Avenue.

COMMENTS: (PL070519) (Aurora Signature Healthcare Services LLC, property owner; Bill Fogell/Primattech LLC, applicant) located at 6350 South Maple Avenue in the GID, General Industrial District. The request includes the following:
SBD08031 – Final Subdivision Plat combining seven (7) lots into one (1) lot on 4.589 acres.

DOCUMENT NAME: [20090205dsjc03.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

18. Request for a Final Subdivision Plat for PRICE APACHE PARK AND RIDE located at 2235 East Apache Boulevard.

COMMENTS: (PL080303) (City of Tempe, property owner, Ken Olmstead/City of Tempe, applicant), located at 2235 East Apache Boulevard in the CSS, Commercial Shopping and Services District and the GID, General Industrial District. The request includes the following:
SBD08028- A final subdivision plat combining nine (9) lots into one (1) lot on 8.13 acres.

DOCUMENT NAME: [20090205dsjc05.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

- 18a. Request for an amended Final Subdivision Plat for LAKES TOWNE CENTER BANK PARCEL located at 777 East Baseline Road.

COMMENTS: (PL070361) (Pivotal 650 California St, LLC, Andrew M. Cohn property owner; Brian J. Benedict, CMX Engineering, applicant), located at 777 East Baseline Road in the PCC-2, Planned Commercial Center General District. The request includes the following:
SBD08055- An amended final subdivision plat creating two (2) lots totaling 16.0435 acres.

DOCUMENT NAME: [20090205dsjc04.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

- *19. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for N and D Restaurants Inc., dba Olive Garden Italian Restaurant #1488, 1010 West Elliot Road.

COMMENTS: Andrea Lewkowitz is the Agent for this application.
DOCUMENT NAME: [20090205LIQ01.pdf](#) LIQ LIC (0210-02)

APPROVED

- *20. This is a public hearing to recommend the approval of a Series 7 beer and wine bar liquor license for Dehli Palace LLC dba Dehli Palace, 933 East University Drive, #103 & 104.

COMMENTS: Gurnam Ram is the Agent for this application.
DOCUMENT NAME: [20090205LIQ02.pdf](#) LIQ LIC (0210-02)

APPROVED

B. Award of Bids/Contracts

21. Request to award a construction manager at risk (CMAR) contract with Valley Rain Construction Corporation for construction services, award a construction management contract with C. Williams Construction Engineering, Inc., and approve a project contingency all related to construction of Rio East linear park at Tempe Town Lake.

COMMENTS: Total amount for the construction services contract is \$3,069,289.40, total amount for the construction management contract is \$101,920, and the amount of the project contingency is \$190,000.
DOCUMENT NAME: [20090205PWDR03.pdf](#) RIO SALADO PARK (0706-32)
PROJECT NO. 6509171

APPROVED

22. Request to award a three-year contract with two, one-year options to Bingham Equipment Company for skid steer loaders to be used by the Solid Waste Division of Public Works.

COMMENTS: (RFP 09-063) Total cost for this contract shall not exceed \$100,000 during the initial three-year contract period.
DOCUMENT NAME: [20090205fst03.pdf](#) PURCHASES (1004-01)

APPROVED

23. Request approval of a one-year renewal of contracts with Equity Plumbing, Inc. and RCI Systems, Inc. for testing, repair and replacement of backflow prevention assemblies for the Water Utilities Department.

COMMENTS: (T07-067-01 and 02) Total amount for these contracts shall not exceed \$100,000.
DOCUMENT NAME: [20090205fst01.pdf](#) PURCHASES (1004-01)

APPROVED

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

final Council action.

- *24. This is the **introduction and first public hearing** for an Amended Planned Area Development Overlay for RIVERSIDE OFFICE PLAZA PHASE III, located at 1275 West Rio Salado Parkway. **The second public hearing is scheduled for February 19, 2009.**

COMMENTS: (PL080263) (Richard J. Lund, HOF Biltmore Rio Salado II LLC and City of Tempe, property owners; Stephen C. Earl, Earl, Curley & Lagarde, P.C., applicant) for a three story office of +/-83,330 s.f. building area on +/-4.19 net acres and a five story hotel of +/-84,274 s.f. building area on +/-2.78 net acres. The entire site is +/-6.97 net acres and is located at 1275 West Rio Salado Parkway. The site is within the General Industrial District, has a Planned Area Development Overlay and is within the Rio Salado Overlay District. The request includes the following:

PAD08021 – (Ordinance No. 2008.73) Amended Planned Area Development Overlay to allow a maximum 77'-0" tall hotel and a maximum 52'-0" tall office in the General Industrial District.

DOCUMENT NAME: [20090205dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR FEBRUARY 19, 2009.**

- *25. This is the **introduction and first public hearing** to adopt an ordinance abandoning an existing Sewer Line Easement and two Driveway Easements located at 3339 and 3345 South Rural Road. **The second public hearing is scheduled for February 19, 2009.**

DOCUMENT NAME: [20090205PWCH04.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2009.05

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR FEBRUARY 19, 2009.**

- *26. This is the **introduction and first public hearing** to adopt an ordinance abandoning portions of an existing Water line Easement located at Tempe Marketplace at 2090 East Rio Salado Parkway. **The second public hearing is scheduled for February 19, 2009.**

DOCUMENT NAME: [20090205PWCH05.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2009.06

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR FEBRUARY 19, 2009.**

D. Ordinances and Items for Second Hearing/Final Adoption

- *27. This is the **second public hearing** to adopt an ordinance authorizing the annexation of two parcels of land located between the Tempe Market Place development and the Red Mountain Freeway at 2106 E. Rio Salado Parkway.

DOCUMENT NAME: [20090205PWWS02.pdf](#) **ANNEXATION (0402-01)**
ORDINANCE NO. 2009.01

APPROVED

- *28. This is the **second public hearing** to adopt an ordinance abandoning a portion of an existing Water Line Easement located at 7414 South Harl Avenue.

DOCUMENT NAME: [20090205PWCH01.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2009.03

APPROVED

E. Resolutions

29. Request approval of a resolution authorizing the development of plan documents governing new City of Tempe retiree health benefits to become effective July 1, 2009.

DOCUMENT NAME: [20090205hrrb01.pdf](#) HEALTH INSURANCE (0303-03-01)
RESOLUTION NO. 2009.11

DEFERRED TO FEBRUARY 19, 2009, COUNCIL MEETING

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
Watch live at www.tempe.gov/tempe11**