

# Formal Meeting FINISHED Agenda



## Tempe City Council April 23, 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 - Councilmember Woods
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Navarro
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – April 9, 2009
    2. Council's Issue Review Session – April 9, 2009 [20090423clrkck02.pdf](#)
    3. Council's Formal Meeting – April 9, 2009 [20090423clrkck03.pdf](#)
    4. Housing Authority Governing Board Meeting – April 9, 2009 [20090423clrkck01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    5. Enhanced Services Commission - March 11, 2009 [20090423esc01.pdf](#)
    6. Golf Committee – February 4, 2009 [20090423gc01.pdf](#)
    7. Hearing Officer – March 17, 2009 [20090423ho01.pdf](#)
    8. Historic Preservation Commission – March 18, 2009 [20090423hpc01.pdf](#)
    9. Historical Museum Advisory Board – March 5, 2009 [20090423csjc01.pdf](#)
    10. Library Advisory Board – March 2, 2009 [20090432lab01.pdf](#)
    11. Neighborhood Advisory Commission – March 4, 2009 [20090423nac01.pdf](#)
    12. Special Events Task Force – April 7, 2009 [20090423setf01.pdf](#)
    13. Tempe Police Public Safety Personnel Retirement Board – Executive Session – March 5, 2009
    14. Tempe Police Public Safety Personnel Retirement Board – March 5, 2009
4. REPORTS AND ANNOUNCEMENTS
  - A. Mayor's Announcements
    - a. Bike Hero Award
    - b. McGraw Hill Light Rail Construction Award
    - c. Kid Zone Mayor Awards

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

15. Request approval of the Report of Claims Paid to be filed for audit for the month of March, 2009.

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

**APPROVED**

16. Request approval of the annual software maintenance and support expenditure with the Oracle Corporation for the City's PeopleSoft Financials and Human Resources applications, as well as other eApplications that are used by all departments throughout the City.

**COMMENTS:** (Sole Source #T97-012-01) Total cost shall not exceed \$376,200.

**DOCUMENT NAME:** [20090423fsts10.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

17. Request approval of annual database support and infrastructure management expenditure with the Oracle Corporation for many of the City's enterprise and department-level business applications, including Financial Services, Human Resources, Police, Water Utilities and other City departments.

**COMMENTS:** (Sole Source #T07-182) Total cost shall not exceed \$205,300.

**DOCUMENT NAME:** [20090423fsts13.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

18. Request authorization to utilize available General Fund contingency appropriations and fund balance to cover the costs associated with the City of Tempe vs. Singer settlement.

**COMMENTS:** Total amount of funding requested is \$2,050,000.

**DOCUMENT NAME:** [20090423fsjh01.pdf](#) LITIGATION SETTLEMENTS (0501-04)

**APPROVED**

19. Request for a Final Subdivision Plat for BDP TEMPE located at 830 South Mill Avenue.

**COMMENTS:** Request by BDP TEMPE (PL080257) (Todd A. Sergi, Bear Down Partners LLC, owner; Todd A. Sergi, Byxbee Development Partners LLC, applicant) for a final subdivision plat on 0.462 net acres located at 830 South Mill Avenue in the CC, City Center District, including the following:

**SBD09004** – Final Subdivision Plat to combine the property parcels into one lot and make public right of way dedication.

**DOCUMENT NAME:** [20090423dskko01.pdf](#) PLANNED DEVELOPMENT (0406)

**APPROVED**

- \*20. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Atlantis Dining Group LLC dba My Big Fat Greek Restaurant, 227 East Baseline Road, J-7.

**COMMENTS:** Lauren Merrett is the Agent for this application.

**DOCUMENT NAME:** [20090423LIQ01.pdf](#) LIQ LIC (0210-02)

**APPROVED**

- \*21. This is a public hearing to recommend the approval of a Series 6 bar liquor license for Taco Stand LLC dba San Felipe's Cantina, 2000 East Rio Salado Parkway, G-4.

**COMMENTS:** Randy Nations is the Agent for this application.

**DOCUMENT NAME:** [20090423LIQ02.pdf](#) LIQ LIC (0210-02)

**APPROVED**

- \*22. This is a public hearing to recommend the approval of a Series 7 beer and wine bar liquor license for Delhi Palace LLC dba Delhi Palace, 933 East University Drive, #103-104.

**COMMENTS:** Gurnam Ram is the Agent for this application.

**DOCUMENT NAME:** [20090423LIQ03.pdf](#) LIQ LIC (0210-02)

**APPROVED**

- \*23. This is a public hearing to recommend the approval of a Series 9 liquor store license for CVS EGL Broadway Tempe AZ, LLC dba CVS Pharmacy #00033, 1750 East Broadway Road.

**COMMENTS:** Jason Morris is the Agent for this application.

**DOCUMENT NAME:** [20090423LIQ04.pdf](#) LIQ LIC (0210-02)

**APPROVED**

B. Award of Bids/Contracts

24. Request to award a two-year contract with three, one-year renewal options to Pro Em for special events equipment rental and services.

**COMMENTS:** (RFP #09-086) Total cost for this contract shall not exceed \$160,000 during the initial two-year contract period.

**DOCUMENT NAME:** [20090423fslq01.pdf](#) PURCHASES (1004-01)

**APPROVED**

25. Request award of a professional services contract with Malcolm Pirnie, Inc., for the water and wastewater rate study update.

**COMMENTS:** Total cost for this contract is \$58,504.

**DOCUMENT NAME:** [20090423PWTG01.pdf](#) WASTEWATER MANAGEMENT ADMIN (0812-01) PROJECT NO. 3203391

**APPROVED**

26. Request approval of a two-year sole source contract with three, one-year renewal options with Physio-Control, Inc. for the purchase of paramedic heart monitor/defibrillators.

**COMMENTS:** (Sole Source #T09-083-01) Total cost for this contract shall not exceed \$125,000 during the contract period.

**DOCUMENT NAME:** [20090423fslq06.pdf](#) PURCHASES (1004-01)

**APPROVED**

27. Request approval of Job Order No. 5 with Caliente Construction, Inc., and a project contingency for tenant improvements at 20 E. Sixth Street (525 Building) third floor Tax and License office.

**COMMENTS:** Total amount of Job Order No. 5 is \$113,265 and the project contingency is \$5,663.

**DOCUMENT NAME:** [20090423PWTG02.pdf](#) MUNICIPAL BUILDINGS (1001-17) PROJECT NO. 6703371

**APPROVED**

- 27a. Request to approve an addendum to a design services contract with Dick & Fritsche Design Group, Inc., for Tempe main Police Station and ITD renovations.

**COMMENTS:** Total amount for this contract addendum is \$270,708.

**DOCUMENT NAME:** [20090423PWTG03.pdf](#) POLICE-COURTS BUILDING 230 E 5TH ST (0902-16) PROJECT NO. 5503071

**APPROVED**

28. Request approval of a one-year renewal of contracts with Aquatic Consulting and Testing, Inc., Legend Technical Services, Inc., MWH Laboratories and Tranwest Geochem, Inc., for the

purchase of laboratory services for potable water quality testing, wastewater testing and soil testing services for the Water Utilities Department.

**COMMENTS:** (T06-135-01, 02, 03, and 04) Total amount not to exceed \$550,000.

**DOCUMENT NAME:** [20090423fst07.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

29. Request approval of a one-year renewal of a contract with Salt River Project for the maintenance and operation of the Tempe Town Lake dams, control systems, seepage wells and make-up water delivery system.

**COMMENTS:** (T05-034-01) Total expenditures for this contract shall not exceed \$600,000.

**DOCUMENT NAME:** [20090423fst09.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

30. Request approval of a one-year renewal of a contract with Aetna Inc. (formerly Contact Behavioral Health Services) for an employee assistance program for all eligible City employees.

**COMMENTS:** (T05-061-01) Total amount not to exceed \$50,000.

**DOCUMENT NAME:** [20090423fst01.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

31. Request approval of a six-month renewal of a contract with Great West Life/Benefits Corporation for deferred compensation administration services.

**COMMENTS:** (T00-001-01) Total amount not to exceed \$50,000.

**DOCUMENT NAME:** [20090423fst02.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

32. Request approval of a one-year renewal of a contract with Southwest Partitions and Office Interiors for the purchase of remanufactured Haworth systems furniture, free standing furniture and related support services for use by City departments on an as-needed basis.

**COMMENTS:** (T08-171-01) Total amount not to exceed \$250,000.

**DOCUMENT NAME:** [20090423fslg05.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

33. Request approval to increase the contract amount with Redflex Traffic Systems, Inc. for the City's photo enforcement program.

**COMMENTS:** (T07-045-01) Total amount of the increase is \$2,937,000 – from \$1,272,000 to \$4,209,000. There is no cost to the City.

**DOCUMENT NAME:** [20090423fst03.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

34. Request approval to utilize one-year State of Arizona contracts with Staffmark Pacific, LLC., Kelly Services, Randstad NA, Corporate Job Bank and AppleOne Employment Services for temporary employment services.

**COMMENTS:** (EPS070043) Total cost of these contracts shall not exceed \$200,000.  
**DOCUMENT NAME:** [20090423fsta04.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

35. Request approval to utilize one-year State of Arizona contracts with Environmental Response, Inc., and PSC Industrial Outsourcing, Inc., for emergency and routine response to situations involving hazardous substances and/or pollutants for the Water Utilities and other City departments.

**COMMENTS:** (#SCC060013-4-A2 and A3) Total amount not to exceed \$1,000,000.  
**DOCUMENT NAME:** [20090423fsts08.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

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

- \*36. This is the **introduction and first public hearing** to amend Chapter 29 of the Tempe City Code, relating to Streets and Sidewalks by amending Section 29-4, and Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by adding new Article XV relating to Traffic Barricade Program. **The second public hearing is scheduled for May 7, 2009.**

**DOCUMENT NAME:** [20090423pwss01.pdf](#) **TCC CH 29 (0503-29) & CH 19 (0503-31)**  
**ORDINANCE NO.** 2009.20

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR MAY 7, 2009.**

- \*37. This is the **introduction and first public hearing** to adopt an ordinance granting a Power Distribution Easement to SRP for the Pier at Town Lake, located at 11 South Clubview Drive. **The second public hearing is scheduled for May 7, 2009.**

**COMMENTS:** The City of Tempe desires to grant the Power Distribution Easement to SRP for Tract A, parcel number 132-32-014.  
**DOCUMENT NAME:** [20090423PWWS05.pdf](#) **EASEMENT (0904-02) ORDINANCE NO.** 2009.19

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR MAY 7, 2009.**

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

- \*38. This is the **second public hearing** to obtain citizen input regarding how funds could be allocated for the Community Development Block Grant (CDBG) and Home Programs for the

2009-2010 Annual Plan.

**DOCUMENT NAME:** [20090423cdlc01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-31)**

**APPROVED**

- \*39. This is the **second public hearing** for a General Plan Land Use Map Amendment, Zoning Map Amendment, and Planned Area Development Overlay for LEMON MIXED USE DEVELOPMENT, located at 919, 1011, and 1019 East Lemon Street.

**COMMENTS:** (PL080449) (Rick Kafka, Colgate Tempe 268, LLC, property owner; Manjula Vaz, Gammage & Burnham, applicant) consisting of three (3) mixed use buildings of commercial and residential totaling approximately 694,000 s.f. of total building, including 478 units and approx. 16,000 s.f. of commercial area on approx. 5.73 acres, located at 919, 1011, and 1019 East Lemon Street, in the R-4, Multi-Family Residential District and CSS, Commercial Shopping and Services District and in the TOD, Transportation Overlay District (corridor). This request includes the following:

**GEP09001 (Resolution No. 2009.15)** – General Plan Land Use Map Amendment from “Residential” to “Mixed-Use.”

**ZON09001 (Ordinance No. 2009.14)** – Zoning Map Amendment from R-4, Multi-Family General District and CSS, Commercial Shopping and Services District in the TOD, Transportation Overlay District to MU-4, Mixed-Use High Density District in the TOD (corridor).

**PAD09001 (Ordinance No. 2009.14)** – A Planned Area Development Overlay to modify development standards to allow for a modification in the minimum TOD parking requirements from 1,425 spaces to 1,034 spaces; a proposed density of 83.4 dwelling units per acre; a maximum building height of 180'-0"; maximum lot coverage 70%; minimum landscape area 30%; and minimum building setbacks 0' front, 15' sides, 30' rear and maximum 20' setback.

**DOCUMENT NAME:** [20090423dsrl01.pdf](#) [20090423dsrl01a.pdf](#) **PLANNED DEVELOPMENT (0406)**

**APPROVED**

**E. Resolutions**

40. Request approval of a resolution to accept grant funding from the Arizona Governor's Office of Highway Safety for Collision Reconstruction and Damage Analysis and Energy Methods training classes.

**COMMENTS:** The award totals \$13,000.

**DOCUMENT NAME:** [20090423pdsj02.pdf](#)  
**ADMINISTRATION (0606-02) RESOLUTION NO. 2009.30**

**POLICE DEPARTMENT**

**APPROVED**

41. Request approval of a resolution to enter into an Intergovernmental Agreement between Maricopa County and the City of Tempe for heavy equipment and driver awareness training services for eligible employees.

**COMMENTS:** Total expenditure shall not exceed \$55,000 per fiscal year.

DOCUMENT NAME: [20090423fst12.pdf](#) MARICOPA COUNTY (0109-29)  
RESOLUTION NO. 2009.23

**APPROVED**

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

DOCUMENT NAME: [20090423graw01.pdf](#) STATE LEGISLATURE (0107-06)  
RESOLUTION NO. 2009.29

**APPROVED**

43. Request approval of a resolution to enter into a Memorandum of Understanding (MOU) with Maricopa County to accept funding from the Justice Assistance Grant (JAG) program.

COMMENTS: Funding in the amount of \$510,423.

DOCUMENT NAME: [20090423pdsj01.pdf](#) POLICE DEPARTMENT  
ADMINISTRATION (0606-02) RESOLUTION NO. 2009.28

**APPROVED**

44. Request approval of a resolution authorizing the Mayor to execute a Right of Way License Agreement with Salt River Project agricultural Improvement and Power District for the use of the street easement over the Western Canal at Baseline Road.

DOCUMENT NAME: [20090423PWWS04.pdf](#) SALT RIVER PROJECT (0113-03)  
RESOLUTION NO. 2009.27

**APPROVED**

45. Request approval of a resolution authorizing completion of the purchase of the property and building at 1425 S. Clark Drive, Tempe, for use as a Fire Department Support Services Facility pursuant to a Purchase and Sale Agreement (C2009-65) executed by the City Manager.

COMMENTS: The purchase price of the building is \$3,080,000.

DOCUMENT NAME: [20090423fdjg01.pdf](#) REAL PROPERTY ACQUISITION (0902-21-02) RESOLUTION 2009.31

**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.

***SCHEDULED PUBLIC APPEARANCE***

- *Leslie Miller, Tempe, re: crosswalk on 48<sup>th</sup> Street*

**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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