

Formal Meeting FINISHED Agenda



Tempe City Council May 7, 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 – April 23, 2009
 2. Council's Formal Meeting – April 23, 2009 [20090507clrkck02.pdf](#)
 3. Council's Special Budget Session – April 16, 2009 [20090507clrkck01.pdf](#)
 4. Council's Mill and Lake District Committee – April 9, 2009 [20090507mld01.pdf](#)
 5. Council's Technology, Economic & Community Development Committee – March 13, 2009 [20090507tecd01.pdf](#)
 6. Council's Quality of Life Committee – January 22, 2009 [20090507qlc01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 7. Aviation Commission – March 10 & 13, 2009 [20090507tavco01.pdf](#)
[20090507tavco02.pdf](#)
 8. Committee for Youth, Families & Community – March 16, 2009 [20090507cyfc01.pdf](#)
 9. Hearing Officer – April 7, 2009 [20090507ho01.pdf](#)
 10. Human Relations Commission – March 17, 2009 [20090507hrc01.pdf](#)
 11. Mayor's Youth Advisory Commission – March 17 & April 7, 2009 [20090507myac01.pdf](#)
[20090507myac02.pdf](#)
 12. Papago Park/Rio Salado Ad Hoc Committee – February 12 & March 10, 2009
[20090507pprs01.pdf](#) [20090507pprs02.pdf](#)
 13. Parks and Recreation Board – February 18, 2009 [20090507prb01.pdf](#)
 14. Transportation Commission – Multi-Modal Planning & Project Review Committee – March 11, 2009 [20090507tc01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - a. Law Day Awards

b. **Grad Night 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 authorization for the City Manager to extend the existing lease with Centerpoint Plaza Limited Partnership.

DOCUMENT NAME: [20090507dscm01.pdf](#) **CENTRAL BUSINESS DISTRICT (0403-05)**

APPROVED

16. Request for an Amended Subdivision Plat for FARMER GOODWIN TOWNHOMES II, located at 830 South Farmer Avenue.

COMMENTS: (PL060584) (Douglas / Patricia Bruhn and Halle Capital, LLC, Owner, Gammage & Burnham, Manjula Vaz, applicant) located at 830 South Farmer Avenue for an Amended Subdivision Plat on 0.50 net acres in the R-3(PAD), Multi-Family Residential Limited District with a Planned Area Development Overlay. The request includes the following:

SBD09002 – Amended Subdivision Plat consisting of ten (10) lots and one (1) tract.

DOCUMENT NAME: [20090507dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

17. Request for an Amended Subdivision Plat for EATON UNIVERSITY INDUSTRIAL PARK, located at 207 East Siesta Lane.

COMMENTS: (PL080354) (Realco Properties LLC, Charles Realmonte, property owner, Charles Realmonte, applicant) located at 207 East Siesta Lane in the GID, General Industrial District. The request includes the following:

SBD08030 – Amended subdivision plat consisting of a line adjustment on a 1.124 net acres.

DOCUMENT NAME: [20090507dsjc01.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

18. Request for a Final Subdivision Plat for CHURCH ON MILL, located at 1300 South Mill Avenue.

COMMENTS: (PL070066) (First Southern Baptist Church of Tempe, Owner; Don Surface, Surface Engineering Company, Applicant) located at 1300 South Mill Avenue for a final subdivision plat on 3.898 acres in the R-2 Multi-Family Residential District. The request includes the following:

SBD09006 – Final Subdivision Plat consisting of one (1) lot.

DOCUMENT NAME: [20090507dsjc03.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

- *19. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Spinato's Pizza Inc., dba Spinato's Pizza, 227 South Smith Avenue, #101.

COMMENTS: Anthony Spinato is the Agent for this application.

DOCUMENT NAME: [20090507LIQ01.pdf](#) LIQ LIC (0210-02)

APPROVED

- *20. This is a public hearing to recommend the approval of a Series 10 beer and wine liquor store license for Shreeji Enterprise LLC dba Q-Star Market Tempe, 1125 South Terrace Road.

COMMENTS: Sunish Parikh is the Agent for this application.

DOCUMENT NAME: [20090507LIQ02.pdf](#) LIQ LIC (0210-02)

APPROVED

- *21. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for TL Qik Stop Market Inc., dba Valero, 3233 South 48th Street.

COMMENTS: Debbie Nguyen is the Agent for this application.

DOCUMENT NAME: [20090507LIQ03.pdf](#) LIQ LIC (0210-02)

APPROVED

- *22. This is a public hearing to recommend the approval of a Series 03 microbrewery liquor license for Sleepy Dog Saloon and Brewery LLC dba Sleepy Dog Saloon and Brewery, 1920 East University Drive.

COMMENTS: Randy Nations is the Agent for this application.

DOCUMENT NAME: [20090507LIQ04.pdf](#) LIQ LIC (0210-02)

APPROVED

B. Award of Bids/Contracts

23. Request to award a construction manager at risk (CMAR) contract with Pierson Construction Corporation for construction management and services, and approve a project contingency for the Western Canal Water Transmission Line.

COMMENTS: Total amount for the construction services contract is \$1,682,268.90, and the amount of the project contingency is \$100,000.

DOCUMENT NAME: [20090507PWTG01.pdf](#) **WATERMAIN UPGRADES (0810-04)**
PROJECT NO. 3203181

APPROVED

24. Request approval to utilize a one-year City of Scottsdale contract with Ancon Service Company for the cleaning of the City's sewer system, lift stations and wet wells for the Water Utilities Department.

COMMENTS: (WUD08PB049) Total cost of this contract shall not exceed \$300,000 during the contract period.

DOCUMENT NAME: [20090507fst01.pdf](#) **PURCHASES (1004-01)**

APPROVED

25. Request approval to increase the contract amount with SST Benefits Consulting & Insurance Services, Inc., for financial consulting services related to the City's solicitation for deferred compensation and retiree health administration services.

COMMENTS: (RFP 09-022) Increase the contract in the total amount of \$14,475 – from \$39,900 to \$54,375.

DOCUMENT NAME: [20090507fsmg02.pdf](#) **PURCHASES (1004-01)**

APPROVED

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

- *26. This is the **introduction and first public hearing** to adopt ordinances authorizing the Mayor to execute Power Distribution Easements with Salt River Project Agricultural Improvement and Power District (Job #KJ3-10906 & Job #KJ6-271) for the Energization of the City of Tempe/Valley Metro Rail Employee Parking Lot located at Apache Boulevard and the Price/101 Freeway. **The second public hearing is scheduled for May 14, 2009.**

DOCUMENT NAME: [20090507PWWSO4.pdf](#) **SALT RIVER PROJECT (0113-03)**
ORDINANCE NO. 2009.17 and **ORDINANCE NO.** 2009.22

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR MAY 14, 2009.**

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

- *27. This is the **second 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.

DOCUMENT NAME: [20090507pwss01.pdf](#) TCC CH 29 (0503-29) & CH 19 (0503-19)
ORDINANCE NO. 2009.20

APPROVED

- *28. This is the **second 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.

COMMENTS: The City of Tempe desires to grant the Power Distribution Easement to SRP for Tract A, parcel number 132-32-014.

DOCUMENT NAME: [20090507PWWS03.pdf](#) EASEMENT (0904-02) **ORDINANCE NO.** 2009.19

APPROVED

E. Resolutions

- *29. This is a Truth in Taxation public hearing to adopt a resolution by roll call vote as required under the state Truth in Taxation statute, indicating the City's intention to adopt a primary property tax levy that, excluding amounts related to new construction, will be greater than last year's primary levy.

DOCUMENT NAME: [20090507fsae01.pdf](#) MISCELLANEOUS TAXES (0210-06)
RESOLUTION NO. 2009.32

APPROVED

30. Request approval of a resolution approving a Development Agreement with Rural Baseline, LLC and Rural Baseline Two, LLC with regard to signage for their development at the southwest corner of Baseline and Rural Road.

DOCUMENT NAME: [20090507cdcm01.pdf](#) DEVELOPMENT PROJECT (0406)
RESOLUTION NO. 2009.18

APPROVED

31. Request approval of a resolution authorizing the Mayor to execute a five (5) year intergovernmental agreement with the Regional Public Transportation Authority (RPTA) for the purchase and supply of public transit services.

COMMENTS: Cost to Tempe is \$3,452,821 less fare revenue collected. RPTA shall pay City \$16,312,011 less fare revenue collected.

DOCUMENT NAME: [20090507pwgj01.pdf](#) TRANSPORTATION PLANNING (1101-01) **RESOLUTION NO.** 2009.26

APPROVED

32. Request adoption of a resolution to approve the Substantial Amendment to the City's Community Development Block Grant (CDBG) Consolidated FY 2008-2009 Action Plan.

DOCUMENT NAME: [20090507cdch02.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-26) RESOLUTION NO. 2009.24**

APPROVED

33. Request adoption of a resolution to approve the Community Development Block Grant (CDBG) and HOME Program Action Plan for Fiscal Year 2009-2010.

DOCUMENT NAME: [20090507cdch01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-31) RESOLUTION NO. 2009.36**

APPROVED

34. Request adoption of a resolution ordering the sale of not to exceed \$56,055,000 principal amount of City of Tempe General Obligation Bonds, Series 2009A, and approving related documents.

COMMENTS: The issuance of the not to exceed \$56,055,000 in general obligation bonds is in accordance with the capital improvement program budget as adopted by the City Council. The bonds provide financing for a variety of projects including continuing expansion and/or improvements of the 91st Ave Wastewater Treatment Plant and the Johnny G. Martinez Water Treatment Plant, various water and sewer line improvements, and other improvements. Financing is also provided for police radio, computer-aided dispatch, records management, and field report writing systems; police/courts building renovation and chiller improvements; fire support services facility acquisition; street improvements, museum renovation, and various park improvements.

DOCUMENT NAME: [20090507fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01) RESOLUTION NO. 2009.37**

APPROVED

35. Request approval of a resolution authorizing an Amendment to the Agreement/Lease with Klak Tempe, LLC, a Delaware limited liability company, for operation and maintenance of the Rio Salado Golf Course to amend the schedule of payments.

DOCUMENT NAME: [20090507cdnr01.pdf](#) **INDIAN BEND WASH GOLF COURSE (0703-04) RESOLUTION NO. 2009.38**

APPROVED

36. Request approval of a resolution amending the City Code Appendix A - Schedule of Fees and Charges for Chapter 19, Motor Vehicles and Traffic, by establishing fees for the Traffic Barricade Program.

DOCUMENT NAME: [20090507pwss02.pdf](#) **MISCELLANEOUS FEES (0210-05)**

RESOLUTION NO. 2009.25

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

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
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