
**Tempe City Council
October 2, 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 Shekerjian**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Navarro**
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – September 11, 2008
 2. Council's Issue Review Session – September 11, 2008 [20081002clrkck02.pdf](#)
 3. Council's Formal Meeting – September 11, 2008 [20081002clrkck01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 4. Aviation Commission – May 13, June 10 & August 12, 2008 [20081002tavco01.pdf](#)
[20081002tavco02.pdf](#) [20081002tavco03.pdf](#)
 5. Committee for Youth, Families and Community – August 18, 2008 [20081002cyfc01.pdf](#)
 6. Community Special Events Task Force – September 9, 2008 [20081002setf01.pdf](#)
 7. Development Review Commission – August 26, 2008 [20081002drc01.pdf](#)
 8. Hearing Officer – September 2, 2008 [20081002ho01.pdf](#)
 9. Historic Preservation Commission – August 14, 2008 [20081002hpc01.pdf](#)
 10. Library Advisory Board – May 5, 2008 [20081002lab01.pdf](#)
 11. Mayor's Youth Advisory Commission – May 6, 2008 [20081002myac01.pdf](#)
 12. Parks & Recreation Board – August 20, 2008 [20081002prb01.pdf](#)
 13. Sponsorship Review Commission – July 8, 2008 [20081002src01.pdf](#)
 14. Tempe Fire Public Safety Personnel Retirement Board – August 7, 2008
 15. Tempe Police Public Safety Personnel Retirement Board – July 3 & August 7, 2008
 16. Transportation Commission – August 12, 2008 [20081002tc01.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 - a. **National Community Planning Proclamation**
 - b. **Fire Prevention Week Proclamation**
 - c. **Board and Commission Appointment Selections**

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

17. Request approval of the Mayor's Board and Commission appointment and reappointment selections.
DOCUMENT NAME: [20081002boards.pdf](#) BDS, COMMISSIONS, COMMITTEES ADM (0102-01)

APPROVED

18. Request approval of the second addendum to the Childsplay - Mitchell School Development and Disposition Agreement adding a section regarding signage.
DOCUMENT NAME: [20081002cdcm03.pdf](#) COMMUNITY DEVELOPMENT ADMIN. (0406)

APPROVED

19. Request approval of school crossing agreement for Thew Elementary School.
DOCUMENT NAME: [20081002PWCH03.pdf](#) SCHOOL PEDESTRIAN CROSSING (0809-04)

APPROVED

20. Request approval of the transfer of \$115,000 in General Fund contingency funds to provide supplemental funding for distribution to various human service agencies.
DOCUMENT NAME: [20081002fsjh01.pdf](#) TEMPE COMMUNITY COUNCIL (0109-10)

APPROVED

- *21. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Convenience Management Services Inc., dba CMSI #3452 AM/PM, 908 East Broadway Road.

COMMENTS: Cynthia L. Rodriguez, Agent
DOCUMENT NAME: [20081002LIQ01.pdf](#) LIQ LIC (0210-02)

APPROVED

B. Award of Bids/Contracts

22. Request to award one-year contracts with four, one-year renewal options to Proforce Law Enforcement and San Diego Police Equipment Company, Inc. to provide frangible and practice ammunition to be used as part of the Police Department's firearm training program.

COMMENTS: (RFP #09-023) Total cost for this contract shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20081002fsmg06.pdf](#) PURCHASES (1004-01)

APPROVED

23. Request to award a one-year contract with four, one-year renewal options to SST Benefits Consulting & Insurance Services, Inc., for financial consulting services to assist the City in contracting with a 401(k) and 457(b) deferred compensation provider(s) to include on-going administration services.

COMMENTS: (RFP #09-022) Total cost for this contract shall not exceed \$39,900 during the initial contract period.

DOCUMENT NAME: [20081002fsmg05.pdf](#) PURCHASES (1004-01)

APPROVED

24. Request to award one-year contracts with four, one-year renewal options to Arizona Glove and Safety Inc.; Cactus Bolt, Inc.; Granberry Supply/Complete Safety; Conney Safety Products; Fisher Scientific Company, LLC.; L.N. Curtis & Sons; and SWABS-AZ for the purchase of safety supplies.

COMMENTS: (IFB WUD08-176) Total cost for this contract shall not exceed \$40,000 during the initial contract period.

DOCUMENT NAME: [20081002fst08.pdf](#) PURCHASES (1004-01)

APPROVED

25. Request to award two-year contracts with three, one-year renewal options to The Wackenhut Corporation and Truly Every Assignment Matters, LLC to provide armed and unarmed security officer services at various facilities, properties, and special events. These contracts will be utilized by various departments throughout the City.

COMMENTS: (RFP 08-185) Total cost for this contract shall not exceed \$1,500,000 during the initial two-year contract period.

DOCUMENT NAME: [20081002fst09.pdf](#) PURCHASES (1004-01)

APPROVED

26. Request to award a construction manager at risk (CMAR) contract to Pierson Construction Corporation for construction services, award of a construction management contract to CWC

Engineering, Inc., and approve a project contingency for replacement of a 24 inch water line along 5th Street, Forest Avenue and Mill Avenue.

COMMENTS: Total amount for the construction services contract is \$4,462,159.90, total amount for the construction management contract shall not exceed \$112,920, and the amount of the project contingency is \$178,486.00.

DOCUMENT NAME: [20081002PWDR04.pdf](#) WATERMAIN UPGRADES (0810-04)
PROJECT NO. 3202891

APPROVED

27. Request approval of an addendum to a professional services contract with Stantec Consulting, Inc., for additional construction administration and design services for the City Hall parking garage project.

COMMENTS: Total cost of the addendum is \$78,540.

DOCUMENT NAME: [20081002PWDR03.pdf](#) PARKING (0503-19) PROJECT NO. 6702971.

APPROVED

28. Request approval of a one-year renewal of contracts with Recreation Design Concepts and Dave Bang Associates Inc. for the purchase of drinking fountains, grills and bleachers.

COMMENTS: (T08-081-01 and T08-081-02) Total amount not to exceed \$200,000.

DOCUMENT NAME: [20081002fslq01.pdf](#) PURCHASES (1004-01)

APPROVED

29. Request approval of a one-year renewal of a contract with The Advocacy Group for federal lobbyist and information services.

COMMENTS: (T08-021-01) Total amount not to exceed \$120,000.

DOCUMENT NAME: [20081002fslq02.pdf](#) PURCHASES (1004-01)

APPROVED

30. 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: [20081002fslq03.pdf](#) PURCHASES (1004-01)

APPROVED

31. Request approval of a one year renewal of a sole source contract with AlphaCorp for software maintenance to support the Sire document imaging software program utilized by various departments throughout the City.

COMMENTS: (Sole Source #IT09-037-006) Total cost for this contract shall not exceed \$46,920 during the contract period.

DOCUMENT NAME: [20080911fst13.pdf](#) PURCHASES (1004-01)

APPROVED

32. Request approval of a one-year renewal of a contract with Norit Americas, Inc. for the purchase of powdered activated carbon (PAC) that is used in the treatment of water at the Johnny G. Martinez Water Treatment Plant and South Tempe Water Treatment Plant.

COMMENTS: (T07-168-01) Total amount not to exceed \$850,000.

DOCUMENT NAME: [20081002fst14.pdf](#) PURCHASES (1004-01)

APPROVED

33. Request approval to utilize one-year State of Arizona contracts with Executive Training Solutions and Interface Technical Training for computer training classes and information technology training services used by various departments.

COMMENTS: (EPS060041-8 and EPS060041-19) Total amount not to exceed \$125,000.

DOCUMENT NAME: [20081002fst04.pdf](#) PURCHASES (1004-01)

APPROVED

34. Request approval to utilize a seven month U.S. Communities Government Purchasing Alliance contract with Tech Depot for the purchase of computer hardware, peripherals, and related services purchased by the Information Technology Department for various City departments.

COMMENTS: (RQ03-605674-16A) Total amount not to exceed \$75,000.

DOCUMENT NAME: [20081002fst10.pdf](#) PURCHASES (1004-01)

APPROVED

35. Request approval to utilize a one-year City of Glendale contract with Badger Meter, Inc. for the purchase of lead free residential water meters and replacement parts for the Water Utilities Department.

COMMENTS: (WUD08-27) Total amount not to exceed \$650,000.

DOCUMENT NAME: [20081002fst11.pdf](#) PURCHASES (1004-01)

APPROVED

36. Request approval to utilize a one-year Pima County contract with Peoria Pest Control for manhole insecticide painting services used by the Water Utilities Department.

COMMENTS: (11-03-P-137279-1105) Total amount not to exceed \$70,000.

DOCUMENT NAME: [20081002fst12.pdf](#) PURCHASES (1004-01)

APPROVED

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

- *37. This is the **introduction and first public hearing** to adopt an ordinance authorizing the granting of an electrical Utility Easement located at 117 E. 5th Street to Arizona Public Service by the City of Tempe. **The second public hearing is set for October 16, 2008.**

DOCUMENT NAME: [20081002PWCH01.pdf](#) EASEMENTS (0904-02)

ORDINANCE NO. 2008.51

INTRODUCED AND HELD FIRST PUBLIC HEARING.

SECOND PUBLIC HEARING SET FOR OCTOBER 16, 2008.

- *38. This is the **introduction and first public hearing** to adopt an ordinance abandoning an existing Sewer Line Easement located at 904 E. Secretariat Drive. **The second public hearing is set for October 16, 2008.**

DOCUMENT NAME: [20081002PWCH02.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2008.50

INTRODUCED AND HELD FIRST PUBLIC HEARING.

SECOND PUBLIC HEARING SET FOR OCTOBER 16, 2008.

- *39. This is the **introduction and first public hearing** for a General Plan Amendment, Zoning Map Amendment, and a Planned Area Development Overlay for THE ELEMENT @ ASU, located at 1949 East University Drive. **The second public hearing is set for October 16, 2008.**

COMMENTS: (PL080041) (JLB Tempe LLC, property owner; Angie Rawie, JLB Partners, applicant) consisting of a new 215 unit student housing complex with 10 live/work units, including an internal parking garage. The building consists of 4 stories within approximately 132,000 s.f. of total building area on 6.35 acres, located at 1949 East University Drive in the R-4(PAD) District. The request includes the following:

GEP08004 – (Resolution No. 2008.80) General Plan Land Use map amendment from “Residential” to “Mixed-Use”, a Projected Residential Density map amendment from “Medium to High Density” (up to 25 du/ac) to “High Density” (greater than 25 du/ac).

ZON08006 – (Ordinance No. 2008.46) Zoning Map Amendment from R-4(PAD), Multi-Family Residential General District to MU-4, Mixed-Use High Density District.

PAD08012 – Amended Planned Area Development Overlay to modify the development standards to allow for a building height increase from 46 feet to 60 feet; reduce front yard building setback from 20 feet to 5 feet; and a density increase from 25 units/acre to 35.4 units/acre.

DOCUMENT NAME: [20081002dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

INTRODUCED AND HELD FIRST PUBLIC HEARING.

SECOND PUBLIC HEARING SET FOR OCTOBER 16, 2008.

- *40. This is the **introduction and first public hearing** for a General Plan Major Amendment for ELEMENTS ART CAMPUS PHASE 2, located at 1102 W. Rio Salado Parkway. **The second public hearing is set for October 16, 2008.**

COMMENTS: (PL080239) (Nancy Ryan, City of Tempe, property owner and applicant) consisting of a General Plan Major Amendment of approximately 40.64 acres of land: 12.64 acres referred to as the Arts Park Phase 1 and 28 acres referred to as Phase 2 located at 1102 W. Rio Salado Parkway in the R1-6, Single Family Residential, MU-4, Mixed-Use High Density and GID, General Industrial districts. The request includes the following:

GEP08003 – (RES No 2008.72) General Plan Major Land Use Map Amendment to change:

4.5 acres from Public Recreational/Cultural to Mixed-Use (Phase 1)

2.57 acres from Public Recreational/Cultural to Industrial (Phase 1)

5.57 acres from Public Open Space to Industrial (Phase 1)

28 acres from Public Open Space to Commercial (Phase 2)

This request also includes a Density Map Amendment to change 4.5 acres from 0 to up to 3 dwelling units per acre.

DOCUMENT NAME: [20081002dsdk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

INTRODUCED AND HELD FIRST PUBLIC HEARING.

SECOND PUBLIC HEARING SET FOR OCTOBER 16, 2008.

D. Ordinances and Items for Second Hearing/Final Adoption

- *41. This is the **second public hearing** for a Code Text Amendment for ZONING AND DEVELOPMENT CODE AMENDMENTS.

COMMENTS: (PL080143) (City of Tempe Development Services, applicant) consisting of changes within the development Code, providing reinvestment opportunities in our residential neighborhoods relating to provisions for alternative fence heights in the front yard (Section 4-706), reduced rear and side yard building setbacks when adjacent to an alley (Section 4-202), and time limitations when holding a required neighborhood meeting (Sections 6-401 & 6-402). The request includes the following:

ZOA08001 – (Ordinance No. 2008.28) Code Text Amendment for the Zoning and Development Code Sections 4-202, 4-706, 6-401 and 6-402.

DOCUMENT NAME: [20081002dsrl02.pdf](#) **ZONING AND DEVELOPMENT CODE (0414-04, 0414-06)**

APPROVED

- *42. This is the **second public hearing** for a Planned Area Development Overlay for DRURY INN AND SUITES, located at 1780 West Ranch Road.

COMMENTS: (PL070546) (Larry Hasselfeld, Drury Development Corporation, property owner; Dennis Newcombe, Beus Gilbert PLLC, applicant) consisting of an 8 story hotel building, with approximately 124,519 s.f. of building area on 2.96 net acres, located at 1780 West Ranch Road in the PCC-1, Planned Commercial Center Neighborhood and GID, General Industrial Districts, and within the Southwest Tempe Overlay District. The request includes the following:

PAD08011 – (Ordinance No. 2008.40) Planned Area Development Overlay to modify the development standards to allow for a building height increase from 60 feet to 99 feet.

DOCUMENT NAME: [20081002dsac01.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

- *43. This is the **second public hearing** for a Zoning Map Amendment and Planned Area Development Overlay for 6th & WILSON CUSTOM LOTS, located at 430 West 6th Street.

COMMENTS: (PL080154) (Joseph Lewis, Sunny Tempe Investments, property owner; Barry Goldstein, Vincent Goldstein Architect, applicant) consisting of a Planned Area Development for four new lots for three-story custom homes, ranging from 2,000-2,800 s.f. within a 1,114 s.f. building footprint on four 2,800 s.f. lots totaling .27 net acres, located at 430 W. 6th Street in the R-3, Multi-Family Residential Limited District. The request includes the following:

ZON08005 – (Ordinance No. 2008.29) Zoning Map Amendment from R-3 Multi-Family Residential Limited District to R-1 PAD, Single-Family Residential Planned Area Development District.

PAD08009 – Planned Area Development Overlay for four new single-family lots with development standards to allow for future custom homes on 2,800 s.f. lots, with a 40-foot building height, 50% lot coverage, 25% landscape area, 5-foot front, side and street side-yard setbacks and a 15-foot rear yard setback.

DOCUMENT NAME: [20081002dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

- *44. This is the **second public hearing** to amend Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes by amending Sections 16-300, 16-310 and 16-315.
DOCUMENT NAME: [20081002STAX1.pdf](#) TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16) ORDINANCE NO. 2008.52.

APPROVED

E. Resolutions

- *45. This is a public hearing to amend Appendix A of the Tempe City Code relating to sewer and water development fees. Final resolution adoption is scheduled for November 6, 2008.
COMMENTS: These proposed changes establish the sewer and water development fee rate structure with the effective date of the increases occurring February 1, 2009.
DOCUMENT NAME: [20081002mkwud01.pdf](#) MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2008.87

APPROVED

46. Request approval of a resolution authorizing negotiation of a development and disposition agreement with Habitat Metro, LLC, regarding property located at 1389 and 1395 E. Apache Boulevard.
DOCUMENT NAME: [20081002cdls01.pdf](#) COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01) RESOLUTION NO. 2008.83

APPROVED

47. Request approval of a resolution approving and authorizing the Mayor to sign Amendment No. 1 to Memorandum of Agreement No. 119877 extending its term for two (2) years to continue access to and use of Flight Track Data from Phoenix Sky Harbor International Airport
DOCUMENT NAME: [20081002cacc01.pdf](#) SKY HARBOR AIRPORT NOISE POLLUTION (0604-02-01) RESOLUTION NO. 2008.88

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

- Kira Whitacre, Charlotte, NC, re: improvement of local/national economies affected by loss of manufacturing jobs

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**