
**Tempe City Council
January 8, 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 NAVARRO**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - COUNCILMEMBER WOODS**
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – November 24 & December 11, 2008
 2. Council's Issue Review Session – December 11, 2008 [20090108clrkck02.pdf](#)
 3. Council's Formal Meeting – December 11, 2008 [20090108ckrkck03.pdf](#)
 4. Council's Budget Workshop – December 1, 2008 [20090108clrkck01.pdf](#)
 5. Council's Community Sustainability Committee – December 10, 2008 [20090108cs01.pdf](#)
 - 5a. Council's Housing Committee – December 16, 2008 [20090108hc01.pdf](#)
 6. Council's Technology, Economic & Community Development Committee – November 4, 2008 [20090108tecd01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 7. Aviation Commission – November 12, 2008 [20090108tavco01.pdf](#)
 8. Commission on Disability Concerns – December 4, 2008 [20090108cdc01.pdf](#)
 9. Committee for Youth, Families & Community – November 17, 2008 [20090108cyfc01.pdf](#)
 10. Community Special Events Task Force – December 16, 2008 [20090108setf01.pdf](#)
 11. Development Review Commission – October 28, November 18 & December 9, 2008
[20090108drc01.pdf](#) [20090108drc02.pdf](#) [20090108drc03.pdf](#)
 12. Enhanced Services Commission – November 12, 2008 [20090108esc01.pdf](#)
 13. Golf Committee – September 3, 2008 [20090108gc01.pdf](#)
 14. Hearing Officer – November 18 & December 2, 2008 [20090108ho01.pdf](#)
[20090108ho02.pdf](#)
 15. Historic Preservation Commission – November 13, 2008 [20090108hpc01.pdf](#)
 16. Human Relations Commission – November 3, 2008 [20090108hrc01.pdf](#)
 17. Mayor's Youth Advisory Commission – December 2, 2008 [20090108myac01.pdf](#)
 18. Municipal Arts Commission – November 12, 2008 [20090108mac01.pdf](#)
 19. Neighborhood Advisory Commission – October 1 & November 5, 2008
[20090108nac01.pdf](#) [20090108nac02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. Presentation of U.S. Flag to City of Tempe by Tempe Police Officer/U.S. Naval Reservist Francine Arellanes
- b. Introduction of New Zealand teachers

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

20. Request approval of a second addendum to the Hayden Ferry Lakeside Hotel Parcel Development Agreement to amend the Schedule of Performance.

DOCUMENT NAME: [20090108cdcm02.pdf](#) RIO SALADO MASTER PLAN (0112-07-03)

APPROVED

21. Request approval of a five-year agreement with two three-year options with Childsplay, Inc., for use of portions of the Tempe Center for the Arts (TCA) for the purpose of presentation of theatrical performances and programs for young audiences and other events.

DOCUMENT NAME: [20090108csar01.pdf](#) TEMPE ARTS CENTER (0109-19)

APPROVED

22. Request approval of and authorization for the Mayor to execute an amendment to an Agreement between the Ladmo Branch of the Boys and Girls Club of the East Valley and the City of Tempe to close the Westside Multi-Generational Center on Sundays.

COMMENTS: Amendment to Agreement C2003-128 to allow the Ladmo Branch of the Boys and Girls Club of the East Valley, who operate and manage the Westside Multi-

generational Center, to close the facility on Sundays. The club does not operate any other facilities on Sundays.

DOCUMENT NAME: [20090108prtd01.pdf](#) COMMUNITY SERVICE ADM (0701-01)

APPROVED

23. Request approval and signature of an assignment letter for Ironman Arizona Triathlon, which event has been sold to the World Triathlon Corporation (WTC).

COMMENTS: North America Sports, Inc., (NAS) has executed an agreement where it has sold the company events to the World Triathlon Corporation (WTC).

DOCUMENT NAME: [20090108prtd02.pdf](#) SPORTS ADMINISTRATION/POLICIES (0105-01-07)

APPROVED

24. Request approval of an amendment to the Maintenance Agreement with The Pier at Town Lake (C2007-172A).

COMMENTS: The developer of The Pier at Town Lake requested the City to allow enhanced pavement, lighting, landscaping and other amenities for this project. The amendment will document the developer's agreement to pay for the higher level of maintenance that will be required for the proposed enhancements.

DOCUMENT NAME: [20090108PWCH01.pdf](#) IMPROVEMENT (ASSESSMENT) DISTRICTS (0805-80), IMPROVEMENT DISTRICT I.D. 180, PROJECT NO. 5103011

APPROVED

25. Request approval of an intergovernmental agreement with Maricopa County for special transportation services to augment Valley Metro's East Valley Dial-a-Ride service.

COMMENTS: Cost to the City is \$25,000.

DOCUMENT NAME: [20090108PWgj03.pdf](#) TRANSPORTATION PLANNING (1101-01)

APPROVED

26. Request approval of Amendment #5 to the Intergovernmental Agreement with the City of Phoenix for the purchase of transit services and technical support for fiscal year 2008/2009.

COMMENTS: (Contract #C2004-242d) Cost to Tempe is \$1,217,134 less fare revenue collected.

DOCUMENT NAME: [20090108pwgj04.pdf](#) TRANSPORTATION PLANNING (1101-01)

APPROVED

- *27. This is a public hearing to recommend the approval of a Series 06 bar liquor license for Gina Rico Enterprise LLC dba Sail Inn, 26 South Farmer Avenue.

COMMENTS: Gina Lombardi is the Agent for this application.
DOCUMENT NAME: [20090108LIQ02.pdf](#) LIQ LIC (0210-02)

APPROVED

- *28. This is a public hearing to recommend the approval of a Series 09 liquor store license for Smart & Final Stores, LLC dba Smart & Final #480, 1737 East Broadway Road #104.

COMMENTS: Joseph Cipollini is the Agent for this application.
DOCUMENT NAME: [20090108LIQ04.pdf](#) LIQ LIC (0210-02)

APPROVED

B. Award of Bids/Contracts

29. Request to award a one-year contract to Kubik Maltbie, Inc., for design and construction of a mobile educational/recycling information center (ERIC) to be used by Public Works.

COMMENTS: (RFP 09-047) Total cost for this contract shall not exceed \$226,523.
DOCUMENT NAME: [20090108fsta07.pdf](#) PURCHASES (1004-01)

CONTINUED TO JANUARY 22, 2009, FORMAL COUNCIL MEETING

30. Request approval of Job Order No. 3 for security improvements to the municipal building complex through the existing job order contract with Caliente Construction, Inc., and approval of a project contingency.

COMMENTS: Total amount for job order no. 3 is \$81,805 and the amount of the project contingency is \$10,000.
DOCUMENT NAME: [20090108PWDR07.pdf](#) MUNICIPAL BUILDING MAINTENANCE (1001-03) PROJECT NO. 6709441

APPROVED

31. Request approval of Job Order No. 1 for construction of a 12-inch water line at Evelyn Hallman Park from Marigold Lane to McKellips Road through the existing job order contract with Pierson Construction Corporation and approval of a project contingency.

COMMENTS: Total amount for job order no. 1 is \$262,201.34 and the amount of the project contingency is \$10,000.
DOCUMENT NAME: [20090108PWDR09.pdf](#) WATERMAIN CONSTRUCTION (NEW) (0810-06) PROJECT NO. 3207051

APPROVED

32. Request award of a design contract with Tetra Tech RTW, Inc., for modifications at the South Tempe Water Treatment Plant (STWTP).

COMMENTS: Total cost for this contract is \$128,905.

DOCUMENT NAME: [20090108PWDR08.pdf](#) SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 3200075

APPROVED

33. Request award of a design contract with Kennedy/Jenks Consultants, Inc., for improvements to City of Tempe Well No. 4 and to a Salt River Project well.

COMMENTS: Total cost for this contract is \$149,920.

DOCUMENT NAME: [20090108PWDR10.pdf](#) WELLS-CONSTRUCTION/MAINT (8011-01) PROJECT NO. 3203231

APPROVED

34. Request award of a professional services design contract with PB Americas, Inc., for streetscape on Broadway Road.

COMMENTS: Total cost for this contract shall not exceed \$184,910.

DOCUMENT NAME: [20090108PWDR13.pdf](#) STREET UPGRADING – MAINT-CONSTRUCTION (0809-05) PROJECT NO. 6003051

APPROVED

35. Request award of a landscape architectural contract with Vollmer & Associates Inc., for improvements to Goodwin Park.

COMMENTS: Total cost for this contract is \$154,390.

DOCUMENT NAME: [20090109PWDR04.pdf](#) GOODWIN PARK (0706-18) PROJECT NO. 6303141

APPROVED

36. Request approval of a one-year renewal of contracts with Baker and Taylor, Inc., and BWI for the purchase of library books and non-print media for the Tempe Public Library.

COMMENTS: (T005-038-01 and 02) Total amount not to exceed \$600,000.

DOCUMENT NAME: [20090108fsts03.pdf](#) PURCHASES (1004-01)

APPROVED

37. Request approval of a one-year renewal of a contract with IT Partners for the purchase of Hewlett Packard servers and related products, accessories and services that are used by the Information Technology Department to support numerous applications for various City departments.

COMMENTS: (T005-079-01) Total amount not to exceed \$1,650,000.

DOCUMENT NAME: [20090108fsts04.pdf](#) PURCHASES (1004-01)

APPROVED

38. Request approval to utilize ten-month Western States Contracting Alliance contracts with Verizon Wireless and Sprint Solutions, Inc., for a wide variety of parts, accessories and services for laptops, cellular phones, and Blackberries.

COMMENTS: (EPS070070-1-A1 and 3-A1) Total cost of these contracts shall not exceed \$450,000 during the contract period.

DOCUMENT NAME: [20090108fsts01.pdf](#) **PURCHASES (1004-01)**

APPROVED

39. Request approval to utilize ten-month City of Phoenix contracts with Clear Blue Services, LLC, and Creative Communications for in-building public safety radio frequency coverage enhancement services for privately-owned and City-owned buildings.

COMMENTS: (06-001) Total cost of these contracts shall not exceed \$180,000 during the contract period.

DOCUMENT NAME: [20090108fsts02.pdf](#) **PURCHASES (1004-01)**

APPROVED

40. Request approval to utilize a twenty-eight month ADOT contract with ITS Engineers & Constructors of Utah, Inc., for the purchase and installation of security cameras and emergency call boxes at Light Rail Park and Ride facilities located in Tempe.

COMMENTS: (Contract #T06559A0015) Total cost of this contract shall not exceed \$150,000 during the initial contract period.

DOCUMENT NAME: [20090108fslg05.pdf](#) **PURCHASES (1004-01)**

APPROVED

41. Request approval to utilize a one-year State of Arizona contract with Ikon Office Solutions for the lease and installation of multifunctional digital copiers/printers throughout the City on an as needed basis.

COMMENTS: (EPS060122-3) Total cost for this contract shall not exceed \$380,000 during the contract period.

DOCUMENT NAME: [20090108fsts06.pdf](#) **PURCHASES (1004-01)**

APPROVED

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

- *42. This is the **introduction and first public hearing** for historic designation of the WILKIE [BRAUN / GUTIERRES] HOUSE located at 1290 South Maple Avenue. **The second public hearing is scheduled for January 22, 2009.**

COMMENTS: (PL080191) (J. Jay Braun trustee of the Braun 2007 Revocable Trust and

Sara E. Gutierrez trustee of the Gutierrez 2007 Revocable Trust, property owners; Joe Nucci, Historic Preservation Officer, applicant) consisting of a property with a 1937 constructed house located at 1290 South Maple Avenue, in the R-2, Multi-Family Residential District. The request includes the following:

HPO08003 – (Ordinance No. 2008.60) Historic Designation of an individual property on +/- 0.24 acres.

DOCUMENT NAME: [20090108dsr101.pdf](#) PLANNED DEVELOPMENT (0406)

INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR JANUARY 22, 2009.

- *43. This is the **introduction and first public hearing** to amend Chapter 2, Article V, of the Tempe City Code relating to Boards, Commission, Etc. by adding new Division 19, establishing the Housing Trust Fund Advisory Board. **The second public hearing is scheduled for January 22, 2009.**

DOCUMENT NAME: [20090108cdch01.pdf](#) TCC CH 2 – CITY CODE
ADMINISTRATION (0503-02) ORDINANCE NO. 2009.02

INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR JANUARY 22, 2009.

D. Ordinances and Items for Second Hearing/Final Adoption

- *44. This is the **second 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.

DOCUMENT NAME: [20090108PWCH12.pdf](#) GRANT OF EASEMENT (0904)
ORDINANCE NO. 2008.71

APPROVED

E. Resolutions

45. Request approval of a resolution authorizing the Mayor to execute a First Amendment to Development and Disposition Agreement with TEMPE RI, LLC, regarding the development of a Marriott Hotel at the southwest corner of 5th Street and Forest Avenue.

COMMENTS: The First Amendment to the Development Agreement would provide GPLET funds to the Developer to assist in financing the hotel. The advance would be reimbursed with interest over the term of a 15 year GPLET Lease. In return, the developer would relinquish a proportionate share of their parking rights in the garage (currently under construction) thereby making them available to the public.

DOCUMENT NAME: [20090108cdcm01.pdf](#) COMM DEV/REDEVELOPMENT ADM
(0403-01) RESOLUTION NO. 2008.107

APPROVED

46. Request approval of a resolution amending the City of Tempe Personnel Rules and

Regulations, Rule 3, Section 301, by adding a new subsection H relating to recruitment.

DOCUMENT NAME: [20090108hrrb01.pdf](#) PERSONNEL RULES AND
REGULATIONS (0301-01) RESOLUTION NO. 2009.02.

APPROVED

47. Request approval of a resolution amending City Code Appendix A – Schedule of Fees and Charges, Chapter 29, Streets and Sidewalks, relating to Engineering Fees.

DOCUMENT NAME: [20090108PWWWS14.pdf](#) MISCELLANEOUS FEES (0210-05)
RESOLUTION NO. 2008.90

APPROVED

48. Request approval of a resolution amending the current Memorandum of Understanding between SEIU Local 5 and the City of Tempe.

DOCUMENT NAME: [20090108hrrb02.pdf](#) NON SUPERVISORY AND PUBLIC
WORKS NON SUPERISORY EMPLOYEES – MEET AND CONFER (0303-08-03)
RESOLUTION NO. 2009.04

APPROVED

49. Request approval of a resolution amending the current Memorandum of Understanding between TSA and the City of Tempe.

DOCUMENT NAME: [20090108hrrb03.pdf](#) SUPERVISORY EMPLOYEES – MEET
AND CONFER (0303-08-05) RESOLUTION NO. 2009.05

APPROVED

50. Request approval of a resolution amending the current Memorandum of Understanding between the Fire Fighters' Unit and the City of Tempe.

DOCUMENT NAME: [20090108hrrb04.pdf](#) FIRE FIGHTERS – MEET AND
CONFER (0303-08-01) RESOLUTION NO. 2009.06

APPROVED

51. Request approval of a resolution amending the City's financial policies.

DOCUMENT NAME: [20090108jh01.pdf](#) FINANCIAL MANAGEMENT (0208)
RESOLUTION NO. 2009.03

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.

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