
**Tempe City Council
February 19, 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 MITCHELL**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - COUNCILMEMBER SHEKERJIAN**
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – February 5, 2009
 2. Council's Issue Review Session – February 5, 2009 [20090219clrck03.pdf](#)
 3. Council's Formal Meeting – February 5, 2009 [20090219clrck02.pdf](#)
 4. Joint Council/DTC Dinner – January 29, 2009 [20090219clrck01.pdf](#)
 5. Council's Education Partnerships Committee – January 26, 2009 [20090219epc01.pdf](#)
 6. Council's Housing Committee – January 27, 2009 [20090219hc01.pdf](#)
 - 6a. Council's Sports, Recreation, Arts & Cultural Development Committee – December 10, 2008 [20090219srac01.pdf](#)
 7. Council's Technology, Economic & Community Development Committee – December 2, 2008, and January 13, 2009 [20090219tecd01.pdf](#) [20090219tecd02.pdf](#)
 8. Council's Transportation Committee – January 27, 2009 [20090219ctc01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 9. Community Special Events Task Force – January 27 & February 3, 2009 [20090219setf01.pdf](#) [20090219setf02.pdf](#)
 10. Golf Committee – December 3, 2008 [20090219st01.pdf](#)
 11. Hearing Officer – January 20, 2009 [20090219ho01.pdf](#)
 12. Library Advisory Board – January 5, 2009 [20090219lab01.pdf](#)
 13. Mayor's Youth Advisory Commission – January 20, 2009 [20090219myac01.pdf](#)
 14. Municipal Arts Commission – December 10, 2008 [20090219mac01.pdf](#)
 15. Papago Park/Rio Salado Ad Hoc Committee – November 20, 2008 [20090219pprs01.pdf](#)
 16. Tempe Fire Public Safety Personnel Retirement Board – January 8, 2009
 17. Tempe Police Public Safety Personnel Retirement Board – Executive Session – January 8, 2009
 18. Tempe Police Public Safety Personnel Retirement Board – January 8, 2009

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. "Empty Bowls" Poverty Awareness Proclamation
- b. Team Tempe/Mayor's Run for Youth, Education and Social Services Sponsor Recognition
- c. Insight Bowl Recognition

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

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

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

APPROVED

20. Request approval of and authorization for the Mayor to execute the fourth amendment to Agreement #2003-207 between the Downtown Tempe Community and the City of Tempe for the 2009 Spring Festival of the Arts.

DOCUMENT NAME: [20090219prtd01.pdf](#) **DOWNTOWN TEMPE COMMUNITY, INC. (0109-30)**

APPROVED

21. Request approval of a Subgrantee Agreement between the State of Arizona, Governor's Office for Children, and the City of Tempe for provision of the Empowering Teens and Parents Program.

COMMENTS: Juvenile Accountability Block Grant award to the City of Tempe of \$19,198

in federal funds from October 1, 2008 through September 20, 2010. This is the tenth consecutive fiscal year the City has been awarded this grant.

DOCUMENT NAME: [20090219cskb01.pdf](#) COMMUNITY SERVICE ADM (0701-01)

APPROVED

22. This is a request for an Amended Subdivision/Condominium Plat for NORTH SHORE CONDOMINIUMS located at 945 East Playa Del Norte.

COMMENTS: (PL070219) (Tempe Town Lake Townhomes, LP, property owner; D.N.A. Inc, applicant) consisting of an existing five-story residential development on 2.6 acres, located at 945 East Playa Del Norte in the MU-4, Mixed-Use High Density District with a PAD. The request includes the following:

SBD08040 – Amended Subdivision/Condominium Plat combining two (2) lots into one (1) lot and one hundred thirty-four (134) units.

DOCUMENT NAME: [20090219dsrl01.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

23. Request for a Final Subdivision Plat for TEMPE ONE located at 1717 West 16th Street.

COMMENTS: (PL080371) (Tempe One Investors, Gabriela Cianni, property owner, A.J. Wadsworth, Superior Surveying Services, Inc, applicant), located at 1717 West 16th Street in the GID, General Industrial District. The request includes the following:

SBD08035 - Final Subdivision Plat combining nine (9) lots into one (1).

DOCUMENT NAME: [20090219dsjc02.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

24. Request for a Final Subdivision Plat for 1435 SOUTH PRICE ROAD PARKING FACILITY located at 1435 South Price Road.

COMMENTS: (PL070484) (City of Tempe owner, by Kenneth L. Olmstead, Kimberly J. Boyd, Premier Engineering Corporation, applicant), located at 1435 South Price Road in the GID, General Industrial District. The request includes the following:

SBD08021- A final subdivision plat combining five (5) parcels into a one (1).

DOCUMENT NAME: [20090219dsjc01.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

- *25. DELETED

B. Award of Bids/Contracts

26. Request approval to award a two-year contract with three, one-year renewal options to West Coast Equipment for street sweeper brooms.

COMMENTS: (IFB 09-074) Total value of this contract will not exceed \$200,000 during the initial two-year contract period.

DOCUMENT NAME: [20090219fsta02.pdf](#) PURCHASES (1004-01)

APPROVED

27. Request approval of a one-year renewal of contracts with Matrix Resources, Inc. and Network Secure, LLC, for the purchase of information technology consulting services used by the Information Technology Department to support numerous software applications throughout the City, including Kid Zone, GIS, Utility Billing, and public safety computer aided dispatching.

COMMENTS: (T07-087-02 and 04) Total amount not to exceed \$1,000,000.

DOCUMENT NAME: [20090219fsts03.pdf](#) PURCHASES (1004-01)

APPROVED

28. Request approval to award two-year contracts with three one-year options to Wastequip – Arizona; Action Container Solutions; Steelform, Inc.; Rotinics Manufacturing, Inc.; Plastic Recovery Technologies (PRT); Rehrig Pacific Company, Michael Brothers, Inc. and OTTO for refuse containers to be used by the solid waste division section of Public Works.

COMMENTS: (RFP 09-075) Total amount not to exceed \$300,000 during the initial two-year contract period.

DOCUMENT NAME: [20090219fsta05.pdf](#) PURCHASES (1004-01)

APPROVED

29. Request award of a professional services contract with Kimley-Horn and Associates, Inc., for a feasibility study of First Street improvements between Farmer Avenue and Ash Avenue.

COMMENTS: Total cost for this contract is \$93,219.

DOCUMENT NAME: [20090219PWGTG01.pdf](#) TRAFFIC STUDIES (0112-11)
PROJECT NO. 6909141

APPROVED

30. Request approval of addenda with Quality Testing, L.L.C.; Ricker Atkinson McBee Morman & Associates, Inc.; and Ninyo & Moore Geotechnical Consultants, Inc., for twelve-month extensions of the contract terms to perform materials testing and related services.

COMMENTS: Total cost for each addendum is \$50,000, which will increase the original amount of each contract from \$350,000 to \$400,000.

DOCUMENT NAME: [20090219PWGTG02.pdf](#) ENGINEERING ADMINISTRATION
(803-02)

APPROVED

31. Request approval of a one-year renewal of a contract with Liberty Mutual for voluntary group auto, homeowners and personal umbrella insurance for eligible City employees.

COMMENTS: (T05-064-01) There is no cost to the City. Employees currently pay

approximately \$350,000 annually for these services.

DOCUMENT NAME: [20090219fsta01.pdf](#)

PURCHASES (1004-01)

APPROVED

32. Request approval of a one-year renewal of a contract with Water Movers, Inc., for the rental of pumps and supply of fuel to bypass pump nuisance water from upstream of Tempe Town Lake and the transfer of \$350,000 from Project No. 65-01749 (Plaza Between the Bridges) to ensure that adequate funds are made available during this renewal period.

COMMENTS: (T07-127-01) Total amount not to exceed \$350,000.

DOCUMENT NAME: [20090219fslg04.pdf](#)

PURCHASES (1004-01)

APPROVED

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

- *33. This is the **introduction and first 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. **The second public hearing is scheduled for April 23, 2009.**

DOCUMENT NAME:

[20090219cdlc01.pdf](#)

COMMUNITY DEVELOPMENT BLOCK GRANT (0207-26)

INTRODUCED AND HELD FIRST PUBLIC HEARING.

SECOND PUBLIC HEARING SET FOR APRIL 23, 2009.

- *34. This is the **introduction and first public hearing** to amend Chapter 14 of the Tempe City Code relating to Fire Prevention and Protection by adopting the 2006 Edition of the International Fire Code with amendments thereto. **The second public hearing is scheduled for March 5, 2009.**

DOCUMENT NAME:

[20090219cacc01.pdf](#)

TCC CH 14 (0503-14) ORDINANCE NO. 2009.04

INTRODUCED AND HELD FIRST PUBLIC HEARING.

SECOND PUBLIC HEARING SET FOR MARCH 5, 2009.

- *35. This is the **introduction and first public hearing** to amend Chapter 28 of the Tempe City Code relating to Solid Waste by amending Sections 28-1, 28-11 and 28-12; and adding new Section 28-2 relating to Property Maintenance. **The second public hearing is scheduled for March 5, 2009.**

DOCUMENT NAME:

[20090219cacc03.pdf](#)

TCC CH 28 - SOLID WASTE (0503-28) ORDINANCE NO. 2009.10

INTRODUCED AND HELD FIRST PUBLIC HEARING.

SECOND PUBLIC HEARING SET FOR MARCH 5, 2009.

- *36. This is the **introduction and first public hearing** to adopt an ordinance abandoning a portion of an existing Recovery Well Easement located on Lots 4 and 4A, "PLAYA DEL NORTE." The **second public hearing is scheduled for March 5, 2009.**

DOCUMENT NAME: [20090219PWWS07.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2009.07

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR MARCH 5, 2009.**

D. Ordinances and Items for Second Hearing/Final Adoption

- *37. This is the second public hearing for an Amended Planned Area Development Overlay for RIVERSIDE OFFICE PLAZA PHASE III, located at 1275 West Rio Salado Parkway.

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: [20090219dskko01.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

- *38. This is the **second public hearing** to adopt an ordinance abandoning an existing Sewer Line Easement and two Driveway Easements located at 3339 and 3345 South Rural Road.

DOCUMENT NAME: [20090219PWCH04.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2009.05

APPROVED

- *39. This is the **second public hearing** to adopt an ordinance abandoning portions of an existing Water line Easement located at Tempe Marketplace at 2090 East Rio Salado Parkway.

DOCUMENT NAME: [20090219PWCH05.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2009.06

APPROVED

E. Resolutions

40. Request approval of a resolution approving the Housing Improvement Program Procedures Manual.

DOCUMENT NAME: [20090219cdch01.pdf](#) COMMUNITY DEVELOPMENT (0403-01)
RESOLUTION NO. 2009.13

APPROVED

41. 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: [20090219hrrb01.pdf](#) HEALTH INSURANCE (0303-03-01)
RESOLUTION NO. 2009.11

APPROVED

42. Request approval of a resolution authorizing the Mayor to sign the White Mountain Apache Water Rights Quantification Agreement and related agreements on behalf of the City of Tempe.

DOCUMENT NAME: [20090219cacc02.pdf](#) WATER RIGHTS (0811-11)
RESOLUTION NO. 2009.14

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

- McKell Kenney, Tempe, re: Policy of allowing letters of noise authorization for early morning/evening construction work.

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**