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Tempe City Council  
May 14, 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 Issue Review Session – April 23, 2009 [20090514clrkck01.pdf](#)
    2. Council's Neighborhood Parks Rehabilitation & Maintenance Committee – April 15, 2009 [20090514nprm01.pdf](#)
    3. Council's Sports, Recreation, Arts & Cultural Development Committee – March 4, 2009 [20090514srac01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Development Review Commission – March 10 & 24, 2009 [20090514drc01.pdf](#)  
[20090514drc02.pdf](#)
    5. Rio Salado Advisory Commission – March 24, 2009 [20090514rsac01.pdf](#)
    6. Special Events Task Force – May 5, 2009 [20090514setf01.pdf](#)
    7. Transportation Commission – March 10, 2009 [20090514tc01.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
  - A. Mayor's Announcements
    - a. **Public Works Week Proclamation**
    - b. **Emergency Medical Services Week Proclamation**
    - c. **Board and Commission vacancies**
  - 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

8. Request approval of the Report of Claims Paid to be filed for audit for the month of April, 2009.  
**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

**APPROVED**

9. Request approval of an Amendment to the Employment Agreement for Janet R. Hort as City Clerk.

**COMMENTS:** Annual salary increase for City Clerk and approval of extending vacation accrual limits through June 30, 2010.

**DOCUMENT NAME:** [20090514casv01.pdf](#) POSITIONS AUTHORIZED (0302-01)

**APPROVED**

- \*10. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Tempe Boston's LLC dba Boston The Gourmet Pizza, 400 West University Drive.

**COMMENTS:** Charbel El Harouni is the Agent for this application.

**DOCUMENT NAME:** [20090514LIQ01.pdf](#) LIQ LIC (0210-02)

**APPROVED**

B. Award of Bids/Contracts

11. Request approval of a six-month contract with Mead Westvaco Specialty Chemicals for the purchase of Aqua Nuchar powdered activated carbon to be used by the Water Utilities Department

**COMMENTS:** (#WUD09-148-01) Total cost for this contract shall not exceed \$1,600,000.

**DOCUMENT NAME:** [20090514fst03.pdf](#) PURCHASES (1004-01)

**APPROVED**

12. Request approval of job order no. 5 to replace the Kiwanis Park Sister Cities restroom building through the existing job order contract with Foresite Design & Construction, Inc. and approval of a project contingency.

**COMMENTS:** Total amount for job order no. 5 is \$263,418 and the amount of the project contingency is \$26,000.

**DOCUMENT NAME:** [20090514PWTG01.pdf](#) **KIWANIS COMMUNITY PARK (0706-25)**  
**PROJECT NO. 6301064**

**APPROVED**

13. Request approval of one-year renewal of contracts with Chematrix, LLC, Lakepointe Environmental Group, Inc., and Siemens Water Technologies Corporation for the purchase of odor control chemicals for the Water Utilities Department.

**COMMENTS:** (WUD08-154-01, 02 and 03) Total cost for these contracts shall not exceed \$200,000.

**DOCUMENT NAME:** [20090514fsts02.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

14. Request approval of a one-year renewal of a contract with Somerset Landscape Maintenance, Inc., for landscape maintenance services.

**COMMENTS:** (T09-002-02) Total amount not to exceed \$720,000.

**DOCUMENT NAME:** [20090514fslq01.pdf](#) **PURCHASES (1004-01)**

**APPROVED**

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

- \*15. This is the **introduction and first public hearing** for a Historic Overlay District for DATE PALM MANOR. **The second public hearing is scheduled for May 28, 2009.**

**COMMENTS:** (PL090049) (multiple property owners; Tempe Historic Preservation Office, applicant) consisting of thirty-eight (38) lots with single-family homes, all within approximately 7.84 acres, located at 2106 S. Mill Avenue; 5-137 W. Palmcroft Drive; 2015-2030 S. Dromedary Drive; 32-121 W. Palmdale Drive; and 2019-2025 S. Dateland Drive, in the R1-6, Single-Family Residential District and the R-3, Multi-Family Residential Limited District. The request includes the following:

**HPO09001 (Ordinance No. 2009.12)** – Historic Overlay District consisting of thirty-eight (38) lots.

**ZOA09002 (Ordinance No. 2009.12)** – Code Text Amendment for Section 5-502 of the Zoning and Development Code.

**DOCUMENT NAME:** [20090514dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR MAY 28, 2009.**

- \*16. This is the **introduction and first public hearing** for a Historic Designation for ELLIOTT (GARBINSKI) HOUSE, located at 1010 South Maple Avenue. **The second public hearing is**

scheduled for May 28, 2009.

**COMMENTS:** (PL090050) (Justin Garbinski, property owner; Tempe Historic Preservation Office, applicant) consisting of a 1929 Bungalow-style home on approximately 0.22 acres, located at 1010 South Maple Avenue, in the R-2, Multi-Family Residential District. The request includes the following:

**HPO09002 (Ordinance No. 2009.13)** – Historic Designation consisting of one (1) lot.

**DOCUMENT NAME:** [20090514dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR MAY 28, 2009.**

- \*17. This is the **introduction and first public hearing** for an ordinance to amend Chapter 32 of the Tempe City Code, relating to towing by amending Sections 32-1, 32-2, 32-4, 32-5, and 32-6, relating to towing fees. **The second public hearing is scheduled for May 28, 2009.**

**DOCUMENT NAME:** [20090514pdsam01.pdf](#) **TCC 32 – TOWING FROM PRIVATE PROPERTY (0503-32) ORDINANCE NO. 2009.11**

**INTRODUCED AND HELD FIRST PUBLIC HEARING.  
SECOND PUBLIC HEARING SET FOR MAY 28, 2009.**

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

- \*18. This is the **second 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.

**DOCUMENT NAME:** [20090514PWWS02.pdf](#) **SALT RIVER PROJECT (0113-03) ORDINANCE NO. 2009.17 and ORDINANCE NO. 2009.22**

**APPROVED**

**E. Resolutions**

19. Request approval of a resolution authorizing the execution and delivery of certain agreements; approving an official statement; approving the issuance and sale of Excise Tax Revenue Obligations (not to exceed \$24,500,000), Series 2009; authorizing the taking of all other actions necessary for the immediate consummation of the transactions contemplated; and declaring an emergency.

**DOCUMENT NAME:** [20090514fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01) RESOLUTION NO. 2009.40**

**APPROVED**

20. Request approval of a resolution approving the submission of City of Tempe applications for Gila River Indian Community State Shared Revenue Grant Funds.

DOCUMENT NAME: [20090514graw01.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32)  
RESOLUTION NO. 2009.43

**APPROVED**

21. Request approval of a resolution approving Tempe High School to apply for gaming funds from the Gila River Indian Community.

DOCUMENT NAME: [20090514graw02.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32)  
RESOLUTION NO. 2009.44

**APPROVED**

22. Request approval of a resolution approving Childsplay to apply for gaming funds from the Gila River Indian Community.

DOCUMENT NAME: [20090514graw03.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32)  
RESOLUTION NO. 2009.45

**APPROVED**

23. Request approval of a resolution approving the Third Amendment to the Development Agreement with AUTOPLEX OWNERS ASSOCIATION, an Arizona nonprofit corporation, with regard to the Landmark Identification Feature along I-10 corridor between Elliot and Warner.

DOCUMENT NAME: [20090514cdcm01.pdf](#) DEVELOPMENT PROJECT (0406)  
RESOLUTION NO. 2009.42

**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**

- DELETED

**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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**Agendas are also available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)  
Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**