
Tempe City Council
May 28, 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 Shekerjian
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Arredondo
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – May 7 & 14, 2009
 2. THIS ITEM WAS REMOVED.
 3. THIS ITEM WAS REMOVED.
 4. Council's Special Budget Session – May 14, 2009 [20090528budget01.pdf](#)
 5. Council's Mill & Lake District Committee – May 7, 2009 [20090528mld01.pdf](#)
 6. Council's Sports, Recreation, Arts & Cultural Development Committee – April 30, 2009 [20090528srac01.pdf](#)
 7. Council's Quality of Life Committee – April 23, 2009 [20090528ql01.pdf](#)
 8. Council's Technology, Economic & Community Development Committee – April 10, 2009 [20090528tecd01.pdf](#)
 9. Council's Transportation Committee – April 28, 2009 [20090528tcc01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 10. Aviation Commission – April 14 & May 6, 2009 [20090528tavco01.pdf](#)
[20090528tavco02.pdf](#)
 11. Committee for Youth, Families and Community – April 20, 2009 [20090528cyfc01.pdf](#)
 12. Enhanced Services Commission – April 8, 2009 [20090528esc01.pdf](#)
 13. Golf Committee – April 1, 2009 [20090528gc01.pdf](#)
 14. Hearing Officer – April 21, 2009 [20090528ho01.pdf](#)
 15. Historic Preservation Commission – March 12 & April 9, 2009 [20090528hpc01.pdf](#)
[20090528hpc02.pdf](#)
 16. Historical Museum Advisory Board – April 2, 2009 [20090528csjc01.pdf](#)
 17. Library Advisory Board – April 6, 2009 [20090528lab01.pdf](#)
 18. Mayor's Youth Advisory Commission – April 21, 2009 [20090528myac01.pdf](#)
 19. Merit System Board – December 17, 2008 [20090528msb01.pdf](#)
 20. Rio Salado/Papago Park Ad Hoc Committee – April 14, 2009 [20090528rspp01.pdf](#)
 21. Tempe Fire Public Safety Personnel Retirement Board – March 5, 2009

22. Tempe Police Public Safety Personnel Retirement Board – Executive Session
April 9, 2009
23. Tempe Police Public Safety Personnel Retirement Board – April 9, 2009

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
 - a. GE Ecomagination Award – City of Tempe Water Utilities Department
 - b. 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

24. Request approval to renew public defender contracts for a one-year period to provide services for indigent defendants in the Tempe Municipal Court.

COMMENTS: The total cost of these contracts with overages shall not exceed \$220,000
DOCUMENT NAME: [20090515mclca01.pdf](#) COURT ADMINISTRATION (0501-02)

APPROVED

25. Request for a Final Subdivision Plat for Lowe's at LAKES TOWNE CENTER, located at 777 East Baseline Road.

COMMENTS: (PL090144) (Kitchell Development Company, property owner; Brian Benedict, CMX, applicant) consisting of a Final Subdivision Plat on a 14.76 acre site located at 777 East Baseline Road in the PCC-2, Planned Commercial Center General District. The request includes the following:

SBD09007 - A Final Subdivision Plat to subdivide one (1) lot into four (4) new commercial lots on 14.76 net acres.

DOCUMENT NAME: [20090528dsdk01.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

26. Request for a Final Subdivision Plat for TERRACE LOTS, located at 903 South Rural Road.

COMMENTS: (PL090027) (City of Tempe by Kenneth Olmstead, Arizona Board of Regents by Steve Nielsen, property owners, and John Scott/Arizona Engineering Company, applicants) for a Final Subdivision Plat on 3.89 acres, located at 903 South Rural Road in the CSS, Commercial Shopping and Service District, R-4, Multi-family Residential General District, and R/O, Residential/Office District. The request includes the following:

SBD09001 – Final subdivision plat for lot lines adjustment for three (3) lots and one (1) tract.

DOCUMENT NAME: [20090528dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

27. Request for a Final Subdivision Plat for TWENTY THREE "T" LLC located at 2318 South Industrial Park Avenue.

COMMENTS: (PL070542) (Twenty Three T LLC, property owner, Shawn M. Clow/Deines Hollow Architects, applicant) for a Final Subdivision Plat on 1.6531 net acres, located at 2318 South Industrial Park Avenue, in the GID, General Industrial District. The request includes the following:

SBD08030 – A final subdivision plat for a line adjustment between two (2) lots.

DOCUMENT NAME: [20090528dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

28. Request for a Subdivision Plat for FISHER'S TOOLS AND HANDLES, located at 1990 East 3rd Street.

COMMENTS: (PL080360) (Greg Fisher / Fisher's Tools & Handles, Inc., Owner, Timothy O'Neill, O'Neill Engineering, LLC, applicant) for a subdivision plat on 4.22 net acres, located at 1990 East 3rd Street in the GID, General Industrial District. The request includes the following:

SBD09003 – A Subdivision Plat consisting of three (3) lots

DOCUMENT NAME: [20090528dsjc03.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

- *29. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Elton Enterprises Inc., dba Rundles Market, 1324 West University Drive.

COMMENTS: Mary Kesto is the Agent for this application.

DOCUMENT NAME: [20090528LIQ01.pdf](#) **LIQ LIC (0210-02)**

APPROVED

- *30. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Sports Center Bar & Grill LLC dba Sports Center Bar & Grill, 5235 South Kyrene Road, #104.

COMMENTS: Richard Regaldo Jr. is the Agent for this application.

DOCUMENT NAME: [20090528LIQ02.pdf](#) **LIQ LIC (0210-02)**

APPROVED

- *31. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Kronlan LLC dba Boney's Bar & Grill, 1805 East Elliot Road, #104/105.

COMMENTS: Brian Langhoff is the Agent for this application.
DOCUMENT NAME: [20090528LIQ03.pdf](#) LIQ LIC (0210-02)

APPROVED

- *32. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Tempe Boys LLC dba Dave's Electric Café, 502 South College Avenue, #103.

COMMENTS: David Hoffman is the Agent for this application.
DOCUMENT NAME: [20090528LIQ04.pdf](#) LIQ LIC (0210-02)

APPROVED

- *33. This is a public hearing to recommend the approval of a Series 03 microbrewery liquor license for Tempe Boys LLC dba Dave's Electric Café, 502 South College Avenue, #103.

COMMENTS: David Hoffman is the Agent for this application.
DOCUMENT NAME: [20090528LIQ05.pdf](#) LIQ LIC (0210-02)

APPROVED

B. Award of Bids/Contracts

34. Request approval of a sixteen-month software maintenance and support service agreement with the Arizona Supreme Court for the Tempe Municipal Court's new case management system.

COMMENTS: (#T09-151-01) Total cost shall not exceed \$166,000.
DOCUMENT NAME: [20090528fst06.pdf](#) PURCHASES (1004-01)

APPROVED

35. Request approval of a five-year contract with L. N. Curtis & Sons for the purchase of fire hose for the Fire Department.

COMMENTS: (09-102) Total cost for this contract shall not exceed \$130,000 during the contract term.
DOCUMENT NAME: [20090528fslg01.pdf](#) PURCHASES (1004-01)

APPROVED

36. Request approval of two-year contracts with Central Arizona Landscape Management; Desert Glen Commercial Landscape Group, Inc.; ISS Grounds Control, Inc.; Natural State Landscaping, LLC; Reyes & Sons Landscape LLC; Somerset Landscape Maintenance, Inc.; and Westscape Environmental, Inc., for as-needed miscellaneous landscape services to

supplement the City's work force.

COMMENTS: (09-084) Total cost for this contract shall not exceed \$524,000.

DOCUMENT NAME: [20090528fslq05.pdf](#) [20090528fslq05a.pdf](#) PURCHASES (1004-01)

APPROVED

37. Request approval of nine-month contracts with Basic Chemical Solutions, LLC, Brenntag Pacific, Inc., and Hill Brothers Chemical Company for the purchase of water and wastewater treatment chemicals for the Water Utilities Department.

COMMENTS: (IFB 09-080) Total cost of this contract shall not exceed \$250,000.

DOCUMENT NAME: [20090528fst10.pdf](#) PURCHASES (1004-01)

APPROVED

38. Request approval of final contract with Medco Health Solutions, the City's pharmacy benefits provider.

COMMENTS: (T08-124-01)

DOCUMENT NAME: [20090528fsta03.pdf](#) PURCHASES (1004-01)

APPROVED

39. Request approval of job order no. 2 with Pierson Construction Corporation and a project contingency for the water line upgrade and replacement at Orange Street and Lemon Street.

COMMENTS: Total amount of job order no. 2 is \$930,387.07 and the project contingency is \$45,000.

DOCUMENT NAME: [20090528PWTG05.pdf](#) WATERMAIN UPGRADES (0810-04)
PROJECT NO. 3209321

APPROVED

40. Request approval of job order no. 6 with SDB, Inc., award a construction management contract with Vanir Construction Management, Inc., and approve a project contingency for the Well No. 9 site improvements.

COMMENTS: Total amount of job order no. 6 is \$647,711.35, total amount for the construction management contract is \$63,447, and the amount of the project contingency is \$65,000.

DOCUMENT NAME: [20090528PWTG04.pdf](#) WELLS-CONSTRUCTION/MAINTENANCE (0811-01) **PROJECT NO. 3202601**

APPROVED

41. Request approval to amend the Job Order Miscellaneous Horizontal Construction and Minor Water and Wastewater Treatment Plant Improvements contracts with Quest Civil Constructors, Inc., Hunter Contracting Co. and Pierson Construction Corp.

COMMENTS: These amendments will increase the maximum allowable dollar amount for

individual Job Orders from \$600,000 to \$1,000,000, consistent with Arizona Revised Statutes.

DOCUMENT NAME: [20090528PWTG03.pdf](#) **CONSTRUCTION-ENGINEERING
ADMINISTRATION (0803)**

APPROVED

42. Request approval to amend the Job Order Construction contracts with SDB, Inc., Foresite Design & Construction, Inc. and Caliente Construction.

COMMENTS: These amendments will increase the maximum allowable dollar amount for individual Job Orders from \$600,000 to \$1,000,000, consistent with Arizona Revised Statutes.

DOCUMENT NAME: [20090528PWTG02.pdf](#) **CONSTRUCTION-ENGINEERING
ADMINISTRATION (0803)**

APPROVED

43. Request to award a professional services design contract with Wilson Engineers for the replacement of the sedimentation basin grout liner at the South Tempe Water Treatment Plant.

COMMENTS: Total cost for this contract is \$72,835.

DOCUMENT NAME: [20090528PWTG01.pdf](#) **SOUTH TEMPE WATER TREATMENT
PLANT (0811-08) PROJECT NO. 3203421**

APPROVED

44. Request approval of a one-year renewal of a contract with Robertson Industries, Inc., for the purchase and installation of rubberized playground surfacing.

COMMENTS: (T08-013-01) Total amount not to exceed \$100,000.

DOCUMENT NAME: [20090528fslg08.pdf](#) **PURCHASES (1004-01)**

APPROVED

45. Request approval of a one-year renewal of a contract with Marsh USA, Inc., for risk management consultation and insurance broker services for the Risk Management Division of the Financial Services Department.

COMMENTS: (T05-109-01) Total amount shall not exceed \$90,000.

DOCUMENT NAME: [20090528fst09.pdf](#) **PURCHASES (1004-01)**

APPROVED

46. Request approval to utilize a two-month City of Tucson contract with Mobile Concepts Technology for the purchase of microwave communications equipment for the City's Wide Area Network used by the Police Department and other City departments.

COMMENTS: (#0703103-03) Total cost shall not exceed \$200,000.

DOCUMENT NAME: [20090528fst07.pdf](#) **PURCHASES (1004-01)**

APPROVED

47. Request approval to utilize a State of Arizona contract with Dell Marketing L.P. through Mythics, Inc., for the purchase of Oracle/PeopleSoft Project Costing module, training and annual support for the Engineering Division of Public Works Department.

COMMENTS: (AD050028-A3-1-A8) Total cost shall not exceed \$160,000.

DOCUMENT NAME: [20090528fst11.pdf](#) PURCHASES (1004-01)

APPROVED

48. Request approval to utilize a one-year State of Arizona contract with AmPac Tire Distributors, Inc., for the purchase of tires and tubes.

COMMENTS: (EPS070094) Total cost of the contract shall not exceed \$150,000.

DOCUMENT NAME: [20090528fsta04.pdf](#) PURCHASES (1004-01)

APPROVED

49. Request approval to utilize State of Arizona contracts with Bingham Equipment Company; Golf Ventures West; Bobcat of Phoenix; Borders Turf & Tractor, Inc.; John Deere Company; Norstar Industries, Inc.; Quality Equipment & Spray and Simpson Norton Corporations for turf and construction equipment to be utilized by the Public Works Department.

COMMENTS: (SCC070014) Total cost of this contract shall not exceed \$200,000.

DOCUMENT NAME: [20090528fsta02.pdf](#) PURCHASES (1004-01)

APPROVED

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

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

- *50. This is the **second public hearing** for an Historic Overlay District for DATE PALM MANOR.

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: [20090528dsr101.pdf](#) PLANNED DEVELOPMENT (0406)

APPROVED

- *51. This is the **second public hearing** for a Historic Designation for ELLIOTT (GARBINSKI)

HOUSE, located at 1010 South Maple Avenue.

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: [20090528dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

APPROVED

- *52. This is the **second** public hearing to amend Chapter 32 of the Tempe City Code relating to Towing from Private Property by amending Sections 32-1, 32-2, 32-4, 32-5 and 32-6 and adding new Section 32-9.

DOCUMENT NAME: [20090528pdsam02.pdf](#) **TCC CH 32 – TOWING (0503-32)**
ORDINANCE NO. 2009.11

APPROVED

E. Resolutions

53. Request approval of a resolution requesting approval and authorization for the Mayor to sign Addendum No. 1 to the Intergovernmental Agreement between the City of Tempe and Tempe Elementary School District No. 3 (C2008-100) for use of the City Fueling Facility at the City of Tempe East Valley Bus Operations and Maintenance Facility.

DOCUMENT NAME: [20090528PWR01.pdf](#) **TRANSPORTATION PLANNING (1101-01) RESOLUTION NO. 2009.51**

APPROVED

54. Request approval 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: [20090528cdch01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-30) RESOLUTION No. 2009.46**

APPROVED

55. Request approval of a resolution to enter into a revised Memorandum of Understanding (MOU) with Maricopa County to accept funding from the Justice Assistance Grant (JAG) program.

DOCUMENT NAME: [20090528pdsj01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02) RESOLUTION NO. 2009.47**

APPROVED

56. Request approval of a resolution to accept Arizona Governor's Office of Highway Safety

(GOHS) funding for Occupant Protection Enforcement Waves.

COMMENTS: The Occupant Protection Enforcement Wave is designed to increase seat belt and child safety seat usage. The program provides overtime funding, totaling \$12,500, for the following time period: Click It or Ticket - May 18 through May 31; Child Passenger Safety Week - September 19 through September 26

DOCUMENT NAME: [20090528pdsj03.pdf](#) **POLICE DEPARTMENT**
ADMINISTRATION (0606-02) RESOLUTION NO. 2009.55

APPROVED

57. Request approval of a resolution amending City Code Appendix A – Schedule of Fees and Charges, relating to Chapter 32, fees for towing from private property.

DOCUMENT NAME: [20090528pdsam01.pdf](#) **TCC CH 32 – TOWING (0503-32)**
RESOLUTION NO. 2009.39

APPROVED

58. Request adoption of a resolution providing for the issuance and sale of \$56,055,000 of City of Tempe General Obligation Bonds, Series 2009A; providing for the annual levy of a tax for the payment of the bonds; providing certain terms, covenants and conditions regarding the issuance of the bonds; accepting a proposal for the purchase of the bonds; appointing a registrar, transfer agent and paying agent for the bonds.

DOCUMENT NAME: [20090528fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION**
(0203-01) RESOLUTION NO. 2009.53.

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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