
**Tempe City Council
January 20, 2005**

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 p.m.

1. INVOCATION - Councilmember Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Vice Mayor Mitchell
 - A. Approval of Council Meeting Minutes
 - B. Acceptance of Board & Commission Meeting Minutes
 1. Aviation Commission - December 14, 2004 [20050120tavco01.pdf](#)
 2. Community Special Events Task Force – January 4, 2005 [20050120setf01.pdf](#)
 3. Disability Concerns Commission – November 16, 2004 [20050120dcc01.pdf](#)
 4. Hearing Officer – January 4, 2005 [20050120ho01.pdf](#)
 5. Historic Preservation Commission – December 9, 2004 [20050120hpc01.pdf](#)
 6. Human Relations Commission – November 9, 2004 [20050120hrc01.pdf](#)
 7. Mayor's Youth Advisory Commission – December 7, 2004 [20050120myac01.pdf](#)
 8. Neighborhood Advisory Commission – November 3 & December 1, 2004
[20050120nac01.pdf](#) [20050120nac02.pdf](#)
 9. Parks and Recreation Board – November 9, 2004 [20050120csmr01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - City of Tempe Graduates
 - International Association of Police Chiefs Award of Merit
 - Board and Commission Appointments [20050120boards.pdf](#)
 - 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.

A. Miscellaneous Items

10. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of December 12, 19 & 26, 2004 & January 2, 2005.

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

11. Request approval of a two-year Lease Agreement with Fifth College, LLC, for transit store space at 502 S. College Avenue.

DOCUMENT NAME: [20050120pwcdl01.pdf](#) PUBLIC TRANSIT (1106)

12. Request approval to utilize a one-year Maricopa County contract with Philip Transportation and Remediation, Inc., for transportation and disposal of hazardous waste.

COMMENTS: Total cost of this contract shall not exceed \$60,000 during the initial contract period.

DOCUMENT NAME: [20050120fsts01.pdf](#) PURCHASES (1004-01) (#03025)

13. Request approval to utilize a one-year State of Arizona contract with RBC Dain Rauscher, Inc., for financial advisor services.

COMMENTS: Total cost of this contract shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20050120fsts02.pdf](#) PURCHASES (1004-01) (#AD030141-001-0A1)

14. Request approval to increase by \$270,000 the contract amount with Foster Electric/Arizona Pump, and with Weber Group, LC, for maintenance, repair of water wells, pumps, and motors.

COMMENTS: Increase contract from \$430,000 to \$700,000.

DOCUMENT NAME: [20050120fsts05.pdf](#) PURCHASES (1004-01) (#T03-065-01,02)

15. Request approval to renew a contract for one year with Valleywide Printing Services for the printing of *Tempe Today*.

COMMENTS: Total amount shall not exceed \$36,000.

DOCUMENT NAME: [20050120fslg07.pdf](#) **PURCHASES (1004-01)** (T03-060-01)

16. Request approval of an Amended Final Subdivision Plat by ACE VENDING, Elliot Corporate Center Lot 2, and Kaiser Tile Amended Lots 1 and 2, at 635 W. Elliot Road.

COMMENTS: (Chamberlain Development, property owner) #SBD-2005.10 (CC040102) for an Amended Final Subdivision Plat consisting of four (4) lots on 14.221 net acres.

DOCUMENT NAME: [20050120dssl12.pdf](#) **PLANNED DEVELOPMENT (0406)**

17. Request approval of a Preliminary and Final Subdivision Plat by DESERT DRYWALL at 690 West Warner Road.

COMMENTS: (Select Development Services, Jeff Fullmer, property owner) #SBD-2005.08 (CC040105) for a Preliminary and Final Subdivision Plat for one (1) lot on 2.47 net acres.

DOCUMENT NAME: [20050120dsd2k06.pdf](#) **PLANNED DEVELOPMENT (0406)**

18. Request approval of an Amended Final Subdivision Plat by TDMC RENOVATIONS at 6301 South McClintock Drive.

COMMENTS: (TDMC Renovations LLC, property owner) #SBD-2004.93 (CC040095) for an Amended Final Subdivision Plat for TDMC Renovations on 4.79 net acres.

DOCUMENT NAME: [20050120dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *19. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Firehouse Steak Broiler at 1639 E. Apache Boulevard.

COMMENTS: Jose Nascimento, Agent

DOCUMENT NAME: [20050120LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *20. This is a public hearing to recommend the approval of a Series 7 Beer and Wine Bar Liquor License for V & R Pizzeria, dba Lorenzo Pizza Pasta Café, at 106 E. University Drive.

COMMENTS: Lorenzo PanePinto, Agent

DOCUMENT NAME: [20050120LIQ2.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids

21. Request approval of a Construction Manager at Risk Design Phase Services Contract with Achen-Gardner Engineering, LLC, for the Rural Road/Lemon Street/Terrace Road Water and Sewer Improvements and the Apache Boulevard Waterline Replacement.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$287,803.

DOCUMENT NAME: [20050120PWTG01.pdf](#) WASTEWATER MANAGEMENT ADMIN. (8012-01) PROJECT NOS. 3201661 & 3201681

22. Request approval of a Construction Manager at Risk Construction Services Contract with Hunter Contracting Co. for a Guaranteed Maximum Price of \$1,976,956; and a contingency allowance of \$100,000, for change orders for the Johnny G. Martinez Water Treatment Plant Modifications Phase I.

COMMENTS: Subject to execution of the final written contract.

DOCUMENT NAME: [20050120PWMG03.pdf](#) JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091

23. Request approval to purchase an uninterruptible power system from Titan Power, Inc., for electrical back-up for computer and telecommunication services at the Tempe Public Library.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$53,652.

DOCUMENT NAME: [20050120fst03.pdf](#) PURCHASES (1004-01) RFP #05-040

24. Request approval of a one-year contract and three (3) one-year renewal options with Thermo Elemental, Inc., for a plasma mass spectrometer for drinking water and waste water testing.

COMMENTS: Subject to the execution of the final written contract. Total cost for this contract shall not exceed \$130,000 during the initial contract period.

DOCUMENT NAME: [20050120fst04.pdf](#) PURCHASES (1004-01) RFP #05-024

25. Request approval of a three-year contract with two (2) one-year renewal options with Baker & Taylor and BWI for library books and non-print media.

COMMENTS: Subject to the execution of the final written contract. Total cost for this contract shall not exceed \$1,200,000 during the initial contract period.

DOCUMENT NAME: [20050120fsl06.pdf](#) PURCHASES (1004-01) RFP #05-038

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

- *q-j 26. This is the **introduction and first public hearing** for a 4th Amended General Plan of Development for WARNER PROFESSIONAL PLAZA, and an Amended Final Plan of Development for Lot 4 including two (2) variances, at 8725 South Kyrene Road. **The second public hearing is set for February 3, 2005.**

COMMENTS: (John Bebbling, property owner) #SGF-2005.04 (CC040100) for a 4th Amended General Plan of Development for Warner Professional Plaza consisting of 53,510 s.f. of medical, office, retail and restaurant on 5.57 net acres and an Amended Final Plan of Development for Lot 4 consisting of 11,958 s.f. on 1.28 net acres, including the following:

Variances:

1. Reduce the required parking from 48 spaces to 43 spaces for Lot 4.
2. Reduce the minimum required side yard setback for Lot 4 along the south property line from 40 feet to 36 feet.

DOCUMENT NAME: [20050120dsd2k10.pdf](#) PLANNED DEVELOPMENT (0406)

***27. DELETED – CONTINUED TO FEBRUARY 3, 2005.**

D. Ordinances and Items for Second Hearing/Final Adoption

- *28. This is the **second public hearing** for GRAHAM CENTRAL STATION for review of an existing use permit for a bar/night club with live entertainment at 7850 South Priest Drive.

COMMENTS: #SGF-2005.01 (CC040096) for review of an existing use permit for a bar/night club with live entertainment. The following approval is requested from the City of Tempe:

Use Permit:

For a review of compliance with conditions of approval for a bar/night club with live entertainment in the PCC-2 district.

DOCUMENT NAME: [20050120dsrl09.pdf](#) PLANNED DEVELOPMENT (0406)

- *29. This is the **second public hearing** for SKIP & JAN'S SPORTS BAR, INC., for review of an existing use permit for a bar at 7700 South Priest Drive.

COMMENTS: #SGF-2005.02 (CC040094) for review of an existing use permit for a bar, located at 7700 South Priest Drive. The following approval is requested from the City of Tempe:

Use Permit:

For a review of compliance with conditions of approval for a bar in the PCC-2 district.

DOCUMENT NAME: [20050120dsrl08.pdf](#) PLANNED DEVELOPMENT (0406)

- *30. This is the **second public hearing** for an Amended General and Final Plan of Development, for an office development for INFINITY CENTER at 7505 South

McClintock Drive.

COMMENTS: (Linnox LLC, property owner) #**SGF-2004.88 (CC040088)** for an Amended General Plan of Development for Capistrano Village, consisting of 54,732 s.f. on 8.54 net acres and a Final Plan of Development for Phase II, consisting of 13,169 s.f. office for Building 'C' only on 2.62 net acres.

DOCUMENT NAME: [20050120dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j *31. This is the **second public hearing** for HOME DEPOT for an Amended General and Final Plan of Development, including use permits and variances, at 1330 West Baseline Road.

COMMENTS: (Angelo Gaspare, property owner) #**SPD-2004.79** for An Amended General and Final Plan of Development for Home Depot consisting of 142,344 s.f. on 10.45 net acres, including the following:

Use Permits:

1. Allow a 114,668 s.f. home improvement store with a 27,676 s.f. garden center in the PCC-1 Zoning District.
2. Allow two (2) outdoor display areas in front of the Home Depot (east of pick-up canopy 728 s.f. and west of pick-up canopy 1,131 s.f.) and one (1) outdoor display area in front of the garden center 1,548 s.f.).
3. Allow an 8,600 s.f. seasonal sales area in the parking lot to be used 6 to 7 times per year, 30 days in duration with exception of the period between Thanksgiving and Christmas.

Variances:

1. Reduce the required street side yard building setback along Darrow Drive adjacent to the garden center, from 50 feet to 10 feet. (modified by Planning Commission)
2. Reduce the required 15 foot landscaped setback along the rear property line as follows: 11 feet to 14 feet for 175 feet of the western portion of the rear property line and 11 feet for approximately 456 feet of the eastern portion of the rear property line. (modified by Planning Commission)
3. Reduce the required landscape setback along the east property line from 15 feet to 12 feet for approximately 120 feet.
4. Reduce the required landscape setback along Darrow Drive from 15 feet to 10 feet adjacent to the garden center. (modified by Planning Commission)
5. Increase the maximum allowable building coverage in the PCC-1 Zoning District from 25% to 28.5%.
6. Waive the screen wall requirement for loading bay doors at the pick-up canopy, garden center, and at the loading dock facing a public street.

DOCUMENT NAME: [20050120dsd2k07.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *32. This is the **second public hearing** for an ordinance adopting the new Zoning and Development Code and amending various sections of the Tempe City Code.

DOCUMENT NAME: [20050120dsrl00.pdf](#) **CITY CODE (0503) ORDINANCE NO. 2004.42**

- *33. This is the **second public hearing** to approve an ordinance repealing current Zoning Ordinance No. 808 and adopting the new City of Tempe Zoning and Development Code.

DOCUMENT NAME: [20050120dsrl01.pdf](#) **ZONING AND DEVELOPMENT CODE (0414) ORDINANCE NO. 2003.36**

E. Resolutions

34. Request approval of a resolution amending and restating the City of Tempe Health Plan Document.

DOCUMENT NAME: [20050120hrjh01.pdf](#) **HEALTH INSURANCE (0303-03-01) RESOLUTION No. 2005.06**

- *35. This is a public hearing for approval of a resolution amending the Development Services Fee Schedule for General Plan 2030 Amendment Fees.

COMMENTS: The proposed fees would amend Appendix A – FEE SCHEDULE of the City Code for compliance with the definitions of General Plan 2030 and modification of the Zoning fee structure.

DOCUMENT NAME: [20050120dsdk11.pdf](#) **MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2004.64**

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.

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**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 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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