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**Tempe City Council  
February 3, 2005**

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

1. INVOCATION - Councilmember Copple
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Arredondo
  - A. Approval of Council Meeting Minutes
    1. Council Issue Review Session – December 9, 2004  
[20050203clrkck01.pdf](#)
    2. Council Special Issue Review Session – December 9 & 16, 2004  
[20050203clrkck02.pdf](#) [20050203clrkck03.pdf](#)
    3. Council Formal Meeting – January 6 & 20, 2005 [20050203clrkck04.pdf](#)  
[20050203clrkck06.pdf](#)
    4. City of Tempe Enterprise Zone Commission – January 20, 2005  
[20050203clrkck05.pdf](#)
    5. Council Technology Advancement, Tourism & Redevelopment Committee –  
December 13, 2004 [20050203tatr01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    6. Building Code Advisory Board – December 21, 2004 [20050203bcb01.pdf](#)
    7. Committee for Youth, Families and Community – November 15, 2004  
[20050203cyfc01.pdf](#)
    8. Community Special Events Task Force – January 18, 2005 [20050203setf01.pdf](#)
    9. Design Review Board – December 15, 2004, & January 5, 2005  
[20050203drb01.pdf](#) [20050203drb02.pdf](#)
    10. Enhanced Services Commission – December 15, 2004 [20050203esc01.pdf](#)
    11. Hearing Officer – January 18, 2005 [20050203ho01.pdf](#)
    12. Library Advisory Board – December 6, 2004 [20050203lab01.pdf](#)
    13. Mayor’s Youth Advisory Commission – January 4, 2005 [20050203myac01.pdf](#)
    14. Tempe Sports Authority – December 14, 2004, & January 7, 2005  
[20050203tsa01.pdf](#) [20050203tsa02.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
  - Joint ASU Review Committee applications
  
- 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

- 15. Request approval of the Report of Claims Paid to be Filed for Audit for the week of January 9, 2005.

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

- 16. Request authorization of the Amended Emergency Medical Service Base Hospital Contract with Tempe St. Luke's Hospital.

**COMMENTS:** This is a five year extension of the Emergency Medical Service Base Hospital Contract with Tempe St. Luke's Hospital. Approval of this extension will provide for continuation of base hospital services in support of Fire Department emergency medical service delivery.

**DOCUMENT NAME:** [20050203fdjb01.pdf](#) FIRE/PARAMEDIC SERVICE ADMIN (0605-01)

- 17. Request approval to increase the construction contingency amount by \$385,000 for construction of the Kyrene Reclamation Facility Reliability Upgrades.

**COMMENTS:** increase from \$300,000 to \$685,000

**DOCUMENT NAME:** [20050203PWDR02.pdf](#) KYRENE WATER RECLAMATION PLANT (0812-02) PROJECT NO. 32-996995

18. Request approval of an addendum to a professional services contract with Foresite Design & Construction, Inc., for additional construction management services for Cole & Rotary Parks Improvements.

**COMMENTS:** Subject to the execution of the final written addendum. Total amount of the addendum shall not exceed \$6,688.

**DOCUMENT NAME:** [20050203PWDR06.pdf](#) **PARKS ADMINISTRATION (0706-01) PROJECT NO. 6301531**

19. Request approval to utilize one-year State of Arizona contracts with Midway Chevrolet for five Police patrol vehicles, two utility vehicles (Rio Salado and Fleet), two vans (Field Services and Information Technology), three staff cars (Fire and Police), and one SUV (Police).

**COMMENTS:** Total cost of these contracts shall not exceed \$317,840 during the initial contract period.

**DOCUMENT NAME:** [20050203fsdl01.pdf](#) **PURCHASES (1004-01) Contract #AD040004-001-A1, AD040003-001-A1**

20. Request for an Amended Final Subdivision Plat by WARNER I-10 COMMERCE CENTER NO. 3 consisting of two (2) lots, located at 1023 West Ranch Road.

**COMMENTS:** (Vincent Smith and Jinx Smith, property owners) **#SBD-2005.15 (CC050001)** for an Amended Final Subdivision Plat consisting of two (2) lots on 2.11 net acres.

**DOCUMENT NAME:** [20050203dspd2k05.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*21. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Voodoo Magic Inc., dba Voodoo Daddy's Magic Kitchen, 1706 E. Warner Rd., #3.

**COMMENTS:** Richard Kerchenko, Agent

**DOCUMENT NAME:** [20050203LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*22. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Picazzo's Gourmet Pizza and Salads K & W LLC dba Picazzo's Gourmet Pizza and Salads, 440 W. Warner Rd., #101.

**COMMENTS:** Richard Freedman, Agent

**DOCUMENT NAME:** [20050203LIQ2.pdf](#) **LIQ LIC (0210-02)**

- \*23. This is a public hearing to recommend the approval of a Series 7 Beer and Wine Bar Liquor License for Vincitorio's Restaurant, 1835 E. Elliot Rd., C-109.

**COMMENTS:** Mario Vincitorio, Agent

DOCUMENT NAME: [20050203LIQ3.pdf](#) LIQ LIC (0210-02)

- \*24. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Manhattan Pizza Company, 1301 E. University Drive, #114-116.

COMMENTS: Idriz Laiq, Agent

DOCUMENT NAME: [20050203LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

25. Request approval of a Construction Manager at Risk Design Phase services contract with Moline Construction Company, Inc., for design phase services for the Diablo Stadium Complex Improvements.

COMMENTS: Subject to execution of the final written contract. Total amount of the contract shall not exceed \$243,790.

DOCUMENT NAME: [20050203PWTG01.pdf](#) DIABLO STADIUM (0706-12)  
PROJECT NO. 6301781

26. *Request approval of a Construction Manager at Risk Design Phase Services contract with Achen-Gardner Engineering, LLC, and a Construction Manager at Risk Construction Services contract with Achen-Gardner Engineering, LLC; and a \$30,000 contingency allowance for change orders for the McAllister Avenue and University Drive Water and Sanitary Sewer Facility Improvements.*

*COMMENTS: Subject to execution of the final written contracts. Risk Design Phase Services contract for an amount not to exceed \$116,203; Risk Construction Services contract for a Guaranteed Maximum Price (GMP) of \$618,389.*

DOCUMENT NAME: [20050203PWTG03.pdf](#) WASTEWATER MANAGEMENT ADMIN. (0812-01) PROJECT NO. 3201671

27. Request approval of a professional services contract with HDR Engineering, Inc., for Well No. 13 Equipping design.

COMMENTS: Subject to execution of the final written contract. Total amount of the contract shall not exceed \$227,110.

DOCUMENT NAME: [20050203PWTG04.pdf](#) WELLS – CONSTRUCTION/ MAINTENANCE (0811-01) PROJECT NO 3200015

28. Request approval of a professional services contract with HDR Engineering, Inc., for the Well Disinfection Conversion Study.

COMMENTS: Subject to execution of the final written contract. Total amount shall not exceed \$53,563.

DOCUMENT NAME: [20050203PWTG05.pdf](#) WELLS – CONSTRUCTION/

**MAINTENANCE (0811-01) PROJECT NO. 3200016**

29. Request to award a one-year, sole source contract to Visible Systems Inc. for software consultants to develop a software application for a new case management system for use by the Tempe Municipal Court.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$150,000 during the contract period.

**DOCUMENT NAME:** [20050203fsdl02.pdf](#) **PURCHASES (1004-01)**

- 29a. Request to award a one-year, sole source contract with Medtronic Physio Control for Lifepak 12 heart monitors and defibrillators to be used for emergency care by the Tempe Fire Department.

**COMMENTS:** Subject to the execution of the final written contract. Total cost for this contract shall not exceed \$70,000 during the contract period.

**DOCUMENT NAME:** [20050203fsdl03.pdf](#) **PURCHASES (1004-01)**

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

- \*30. This is the **introduction and first public hearing** for CAPISTRANO VILLAGE-INFINITY CENTER for an Amended General and Final Plan of Development for a bank and medical facility, located at 7505 South McClintock Drive. **The second public hearing is set for February 24, 2005.**

**COMMENTS:** (Linncox LLC, property owner) #SGF-2005.14 (CC040110) for an Amended General Plan of Development for Capistrano Village, consisting of 55,032 s.f. on 8.55 net acres and a Final Plan of Development for Phase II for Buildings A and B, consisting of 9,855 s.f. for a bank and medical facility on 2.62 net acres.

**DOCUMENT NAME:** [20050203dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*31. This is the **introduction and first public hearing** for TEMPE VILLAGE, located at 9160 South Hardy Drive for amendments to the General Plan Land Use and Density maps and Zoning map, and for a Preliminary and Final Planned Area Development and Preliminary and Final Subdivision Plat. **The second public hearing is set for February 24, 2005.**

**COMMENTS:** (Pleasant Valley Investments, LC, property owner), located at 9160 South Hardy Drive.

**Resolution No. 2004.65 #GEP-2004.06** for a General Plan 2030 Projected Land Use Map amendment for 23.83 gross acres from Mixed-use to 19.83 gross acres of Residential and 4.0 gross acres of Private Open Space, and a Projected Density Map amendment from up to 15 dwelling units per acre to up to 9 dwelling units per acre for 19.83 gross acres and no density for the 4.0 acres designated private open space.

**Ordinance 808.2004.11 #ZON-2004.12** for a zoning map amendment from I-1, Light Industrial to R1-PAD, Single Family Residential on 23.83 gross acres.

**#SPD-2004.86** for a Preliminary and Final Planned Area Development, consisting of 135 single family homes, including amenities and common area on 23.83 gross acres.

**#SBD-2004.87** for a Preliminary and Final Subdivision Plat, consisting of 135 lots and 10 tracts on 23.83 gross acres.

**DOCUMENT NAME:** [20050203dsdk01.pdf](#) **LAND USE GENERAL PLAN (0401-01) RESOLUTION NO. 2004.65**

- \*32. This is the **introduction and first public hearing** for TEMPE PLAZA for an Amended General and Final Plan of Development for a change of ownership for an existing bar located at 5014 S. Price Road. **The second public hearing is set for February 24, 2005.**

**COMMENTS:** (White Knight Investments, property owner, Jonathan Thompson, business owner) **#SGF-2005.07 (CC040104)** for an Amended General and Final Plan of Development for Tempe Plaza for a change of ownership for an existing bar consisting of 2,717 s.f. and a 1,270 s.f. expansion. The commercial center consists of 69,701 s.f. of existing building area on 7.27 net acres, including the following:

Use Permit:

1. To allow a 2,717 s.f. bar including a 1,270 s.f. expansion for a total of 3,987 s.f. in the PCC-1 Planned Commercial Center District.
2. To allow live entertainment in the PCC-1 Zoning District.

**DOCUMENT NAME:** [20050203dssl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*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 2005/2006 Annual Plan and the Five Year 2005-2009 Consolidated Plan. **The second public hearing is set for April 7, 2005.**

**DOCUMENT NAME:** [20050203dslc01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-26)**

D. Ordinances and Items for Second Hearing/Final Adoption

- q-j \*34. Hold the **second** public hearing for a 4<sup>th</sup> Amended General Plan of Development for WARNER PROFESSIONAL PLAZA, and an Amended Final Plan of Development for Lot 4, including two (2) variances, located at 8725 South Kyrene Road.

**COMMENTS:** (John Bebbling, property owner) **#SGF-2005.04 (CC040100)** for a 4<sup>th</sup> 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: [20050203dspd2k03.pdf](#) PLANNED DEVELOPMENT  
(0406)

E. Resolutions

35. Request approval of a resolution authorizing the creation of a part time ADA Accessibility Specialist position.

DOCUMENT NAME: [20050203divri01.pdf](#) POSITIONS AUTHORIZED (0302-01)  
RESOLUTION NO. 2005.08

36. Request approval of a resolution authorizing the Mayor to sign an Intergovernmental Agreement between the Arizona Board of Regents on Behalf of Arizona State University and the City of Tempe for construction of the McAllister Avenue Relief Sewer, the Tempe Center Sewer in University Drive, the Memorial Union Diversion Sewer, and the Apache Boulevard Waterline from McAllister Avenue to Rural Road.

DOCUMENT NAME: [20050203wumw01.pdf](#) WASTEWATER MANAGEMENT  
ADMIN (0812-01) RESOLUTION NO. 2005.07

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.

**SCHEDULED PUBLIC APPEARANCE:**

- *Dennis Skolnick, Tempe, re: Downtown Parking*

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.

**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)**