
Tempe City Council February 2, 2006

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

1. INVOCATION - Vice Mayor Mitchell
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Arredondo
 - A. Approval of Council Meeting Minutes
 1. Issue Review Session – December 22, 2005 [20060202clrkck01.pdf](#)
 2. Council's Education Partnerships Committee – January 10, 2006 [20060202epc01.pdf](#)
 3. Council's Finance & Aviation Committee – January 17, 2006 [20060202fac01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 4. Aviation Commission – December 13, 2005 [20060202tavco01.pdf](#)
 5. Committee for Youth, Families & Community – November 21, 2005 [20060202cyfc01.pdf](#)
 6. Community Special Events Task Force – January 17, 2006 [20060202setf01.pdf](#)
 7. Enhanced Services Commission – December 21, 2005 [20060202esc01.pdf](#)
 8. Hearing Officer – January 3, 2006 [20060202ho01.pdf](#)
 9. Historic Preservation Commission – December 8, 2005 [20060202hpc01.pdf](#)
 10. Human Relations Commission – December 13, 2005 [20060202hrc01.pdf](#)
 11. Library Advisory Board – October 3 & November 7, 2005 [20060202lab01.pdf](#)
[20060202lab02.pdf](#)
 12. Mayor's Youth Advisory Commission – January 3, 2006 [20060202myac01.pdf](#)
 13. Merit System Board – Executive Session – October 24, 2005
 14. Municipal Arts Commission – December 14, 2005 [20060202mac01.pdf](#)
 15. Planning & Zoning Commission – January 11, May 24, June 14, June 28, July 26, August 23, September 13 & 27, October 11 & 25, 2005
[20060202pzc01.pdf](#) [20060202pzc02.pdf](#) [20060202pzc03.pdf](#) [20060202pzc04.pdf](#)
[20060202pzc05.pdf](#) [20060202pzc06.pdf](#) [20060202pzc07.pdf](#) [20060202pzc08.pdf](#)
[20060202pzc09.pdf](#) [20060202pzc10.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
 - Distinguished Budget Award

- 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

- 16. Request approval of the Report of Claims Paid to be Filed for Audit for the week of January 8, 2006.

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

- 17. Request approval to substitute an amended Exhibit B in the Emerald Center Development Agreement Amendment No. 1.

COMMENTS: To clarify and correct the previously recorded Exhibit.

DOCUMENT NAME: [20060202cdcm01.pdf](#) DEVELOPMENT PROJECT (0406)

- 18. Request authorization for the Mayor to execute a license agreement between AboveNet Communications, Inc., and the City of Tempe for continued use of the City's rights-of-way for intrastate telecommunication services.

DOCUMENT NAME: [20060202ITD01.pdf](#) METROMEDIA FIBER NETWORK SERVICES (0802-17)

- 19. Request approval of the first addendum to the Newtown/McKemy Development and Disposition agreement

COMMENTS: Provides additional funding for extraordinary project costs.

DOCUMENT NAME: [20060202cdnc02.pdf](#) **COMMUNITY DEVELOPMENT
BLOCK GRANT (0207-26)**

- q-j** *20. This is a public hearing for an **appeal** of the December 13, 2005, Planning and Zoning Commission decision granting the U-HAUL CENTER a use permit to operate a self-storage facility at 2340 East Apache Boulevard.

COMMENTS: Appeal by the Apache Boulevard Planning Area Committee (APAC) of the December 13, 2005 Planning and Zoning Commission decision to grant U-HAUL CENTER (CC050088) (Republic Western, property owner / Amerco Real Estate, applicant) #SIP-2005.108 a use permit as follows:

Use Permit:

1. To allow a self-storage facility consisting of 28,657 s.f. in the CSS, Commercial Service and Shopping District, at 2340 East Apache Boulevard.

DOCUMENT NAME: [20060202dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

B. Award of Bids/Contracts

21. Request to award a one-year contract with two (2) one-year renewal options to Dave Bang Associates, Inc., and Miracle Playground Sales Southwest for city park play structures.

COMMENTS: Subject to execution of final contract. Total cost for this contract shall not exceed \$65,232 during the initial contract period.

DOCUMENT NAME: [20060202fsdl03.pdf](#) **PURCHASES (1004-01) RFP #06-099**

22. Request to award a two-year contract with three (3), one-year renewal options to United Right of Way for landscape maintenance.

COMMENTS: For the Water Utility Department properties. Subject to execution of final contract. Total cost for this contract shall not exceed \$198,000 during the initial contract period.

DOCUMENT NAME: [20060202fst04.pdf](#) **PURCHASES (1004-01) IFB #06-095**

23. Request award of a Construction Manager at Risk Construction Services contract to D.L. Withers Construction, Inc., plus a contingency allowance of \$1,000,000. Also, request approval of a professional services contract with Kitchell CEM for the East Valley Bus Operation and Maintenance Facility.

COMMENTS: Subject to execution of the final written Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$38,535,425. Also subject to execution of the final written professional services contract in an amount not to exceed 800,000. **PROJECT NO. 6000561**

DOCUMENT NAME: [20060202PVMG02.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

24. Request approval of a \$250,000 increase in the Job Order Construction master contract with Sun Eagle Corporation for construction services, and award a Job Order construction contract to Sun Eagle Corporation for the 52nd Street Reconstruction.

COMMENTS: Increase the maximum allowable dollar amount for individual Job Orders for the Construction master contract from \$750,000 to \$1,000,000, which is consistent with Arizona Revised Statutes, subject to execution of the final written amendment; a Job Order construction contract in an amount not to exceed \$999,092, subject to execution of the final written contract.

DOCUMENT NAME: [20060202PWMG06.pdf](#) STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5402281

25. Request approval of a professional services contract with C. Williams Construction Engineering, Inc., for parcel mitigation and utility relocation inspection services for the light rail project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$124,800.

DOCUMENT NAME: [20060202PWTG04.pdf](#) TRANSPORTATION PLANNING (1101-01) PROJECT NO. 60-966710

26. Request approval of a professional services contract with Project Engineering Consultants, Ltd., for the Gilbert Drive sanitary sewer project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$70,162.

DOCUMENT NAME: [20060202PWTG05.pdf](#) WASTEWATER MANAGEMENT ADMIN. (0812-01) PROJECT NO. 3202291

27. Request approval of a one-year contract renewal with Utility Vault/Oldcastle Precast, Inc., for the purchase of underground utility vaults.

COMMENTS: For use in large water connections. Total amount not to exceed \$50,000.

DOCUMENT NAME: [20060202fsts05.pdf](#) PURCHASES (1004-01) T03-035-01

28. Request approval of a one-year contract renewal with Motorola, Inc., for digital radio subscriber equipment.

COMMENTS: Total amount not to exceed \$400,000 during the contract period.

DOCUMENT NAME: [20060202fsdl02.pdf](#) PURCHASES (1004-01) TP03-011

29. Request approval to increase by \$20,001 the contract amount with Solid Solutions for sludge pick-up and transportation.

COMMENTS: Increase from \$29,999 to \$50,000. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20060202fslg01.pdf](#) PURCHASES (1004-01) IFB #05-092

- 29a. Request approval to utilize a one-year City of Phoenix contract with American LaFrance, LLC, for a fire ladder truck.

COMMENTS: Total cost for this contract shall not exceed \$775,000 during the initial contract period. Contract #P-07491-08

DOCUMENT NAME: [20060202fslg06.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** to obtain citizen input regarding funds allocation for the 2006/07 Community Development Block Grant (CDBG) and Home Programs Annual Plan. **The second public hearing is set for April 6, 2006.**

DOCUMENT NAME: [20060202cdlc01.pdf](#) COMMUNITY DEVELOPMENT BLOCK GRANT (0207-26)

- *31. This is the **introduction and first public hearing** for an ordinance amending Chapter 22 of the City Code by adding a new section relating to the sale of products containing pseudoephedrine. **The second public hearing is set for February 16, 2006.**

DOCUMENT NAME: [20060202cacc01.pdf](#) TCC CH 22 - OFFENSES-MISCELLANEOUS (0503-22) ORDINANCE NO. 2006.14

- *32. This is the **introduction and first public hearing** for an ordinance amending Chapter 14 of the City Code relating to Fire Prevention and Protection by adopting the 2003 Edition of the International Fire Code with amendments. **The second public hearing is set for February 16, 2006.**

DOCUMENT NAME: [20060202cacc02.pdf](#) TCC CH 14 (0503-14) ORDINANCE NO. 2006.02

- *33. This is the **introduction and first public hearing** for an ordinance authorizing conveyance of the City's interests in certain real property associated with the Tempe Marketplace Project to Miravista/Vestar TM Landco. **The second public hearing will be held on February 16, 2006.**

DOCUMENT NAME: [20060202cdnc01.pdf](#) REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2006.12

- *34. This is the **introduction and first public hearing** for an ordinance for a Planned Area Development Overlay and a Subdivision Plat for SPENCE AVENUE LOFTS at 1226 East Spence Avenue. **The second public hearing is set for February 16, 2006.**

COMMENTS: (Jimmy Evans, property owner) (CC050115) Planned Area Development Overlay and a Subdivision Plat for eight (8) townhomes, including the following:

#SPD-2005.123 Ordinance No. 2006.03 for a Planned Area Development Overlay on R-4, Multi-Family Residential General, for eight (8) new two-bedroom townhomes consisting of approximately 7,020 square feet of building area on .42 net acres.
#SBD-2005.127 for a Subdivision Plat consisting of eight (8) lots and one (1) tract on .42 net acres.

DOCUMENT NAME: [20060202dsd2k04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *35. This is the **introduction and first public hearing** for a Planned Area Development Overlay for FAIRMONT BUSINESS PARK at 1016 West Geneva Drive. **The second public hearing is set for February 16, 2006.**

COMMENTS: (GSS Companies Inc., Jerry Ivy, property owner) (CC050108) **#SPD-2005.119 Ordinance No. 2006.07** for a Planned Area Development Overlay on GID, General Industrial District, for 5 new office/warehouse buildings consisting of 45,859 s.f. of building area on approximately 3 net acres.

DOCUMENT NAME: [20060202dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- *36. This is the **second public hearing** for a Planned Area Development Overlay and a use permit to allow tandem parking in the R-3 Multi-family Residential Limited and MU-4 Mixed-Use, High Density Districts for FARMER AVENUE LOFTS at 400 South Farmer Avenue.

COMMENTS: (Pat Logue, Tempe Ancala Group LLC, property owner / Clare H. Abel, Burch & Cracchiolo, P.A., applicant) (CC050098) **#SPD-2005.110 ORDINANCE 2005.92** for a Planned Area Development Overlay on R-3 Multi-family Residential Limited and MU-4 Mixed-Use, High Density Districts, for 18 new townhomes (6 two-bedroom Live/Work units and 12 two-bedroom plus den residences) of approximately 41,000 square feet of building area on 1.5 acres, including the following:

Use permit

1. To allow tandem parking

DOCUMENT NAME: [20060202dsdk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *37. This is the **second public hearing** for an ordinance abandoning a Public Utility Easement at 200 East Southern Avenue.

DOCUMENT NAME: [20060202PWMG01.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2006.10

- *38. This is the **second public hearing** for an ordinance granting an electrical easement to Salt River Project for the Diablo Stadium site at 2200 W. Alameda Drive.

DOCUMENT NAME: [20060202PWMG03.pdf](#) **EASEMENT (0904-02)**
ORDINANCE NO. 2006.11

E. Resolutions

39. Request approval of a resolution authorizing the Mayor to sign the Water and Sewer Service Agreement and Covenant between the City of Tempe and Joseph and Mark Anthony Boccaccio, Co-Trustees of the Santa Ana Trust, for expanded water service and sewer service at 942 East Gilbert Drive.

DOCUMENT NAME: [20060202wudh01.pdf](#) **WATER MANAGEMENT (0811-13)**
RESOLUTION NO. 2006.15

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/FUTURE AGENDA ITEMS**

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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