
**Tempe City Council
September 7, 2006**

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

1. INVOCATION - Councilmember Ellis
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Carter
 - A. Approval of Council Meeting Minutes
 1. Ad-Hoc Towing Committee – June 12, 2006 [20060907ahtc01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 2. Aviation Commission – July 20, 2006 [20060907tavco01.pdf](#)
 3. Commission on Disability Concerns – January 17, February 21, March 21, April 18, May 16, & June 20, 2006 [20060907cdc01.pdf](#) [20060907cdc02.pdf](#) [20060907cdc03.pdf](#) [20060907cdc04.pdf](#) [20060907cdc05.pdf](#) [20060907cdc06.pdf](#)
 4. Community Special Events Task Force – August 15 & August 29, 2006 [20060907setf01.pdf](#) [20060907setf02.pdf](#)
 5. Hearing Officer – August 1, 2006 [20060907ho01.pdf](#)
 6. Historic Preservation Commission – July 13, 2006 [20060907hpc01.pdf](#)
 7. Human Relations Commission – June 13 & 22, 2006 [20060907hrc01.pdf](#) [20060907hrc02.pdf](#)
 8. Mayor's Youth Advisory Commission – May 2, 2006 [20060907myac01.pdf](#)
 9. Merit System Board – July 10, 2006
 10. Municipal Arts Commission – May 10 & June 14, 2006 [20060907mac01.pdf](#) [20060907mac02.pdf](#)
 11. Neighborhood Advisory Commission – June 24, 2006 [20060907nac01.pdf](#)
 12. Rio Salado Advisory Commission – June 27, 2006 [20060907rsac01.pdf](#)
 13. Tardeada Advisory Board – July 13, 2006 [20060907tab01.pdf](#)
 14. Transportation Commission – May 9 & June 13, 2006 [20060907tc01.pdf](#) [20060907tc02.pdf](#)
 15. Transportation Commission – Accountability/Governance Committee – February 7, 2006 [20060907tcagc01.pdf](#)
 16. Transportation Commission – Bicycle Committee – April 12, 2006

- [20060907tcbc01.pdf](#)
17. Transportation Commission – Public Involvement/Marketing Committee -
March 6, 2006 [20060907tcpimc01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
- Graduate Recognition
 - Board and Commission Appointments
- 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

18. Request approval of the Community Use of School Facilities Contract Use Agreement and Use Agreement Addendum between the Kyrene School District No. 28 and the City of Tempe for the before school, after school and summer facilities for the Kid Zone Enrichment Program.

DOCUMENT NAME: [20060907csjt01.pdf](#) COMMUNITY SERVICE ADM
(0701-01)

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

DOCUMENT NAME: [20060907cdnc01.pdf](#) COMMUNITY DEVELOPMENT
BLOCK GRANT (0207-26)

20. Request approval of a subdivision plat for ASH AVENUE CONDOMINIUMS at 1120-1122 South Ash Avenue.

COMMENTS: (Emilio LoCascio/Gemini Development Corporation, applicant; Ronald A. Davidoff, property owner) (PL060431) located at 1120-1122 South Ash Avenue in the R-3R, Multi-Family Residential Restricted District, including:

SBD06007 for a Condominium Plat consisting of nine (9) dwelling units on 0.82 net acres.

DOCUMENT NAME: [20060907dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

21. Request approval of a condominium plat for RIVERSIDE OFFICE PLAZA at 1095 West Rio Salado Parkway.

COMMENTS: (HOF-Biltmore Rio Salado I, LLC, property owner, LGE Corporation, Lanell Bemis, developer) (PL060444) located at 1095 West Rio Salado Parkway in the GID, General Industrial District, including:

SBD06008 for a Condominium Plat consisting of twenty-four (24) condo units enclosed within two shell buildings currently under construction. The shell buildings are each approximately 33,863 s.f. in area. The entire project is a total of approximately 67,726 s.f. of shell area, including commercial/office space. The site of these office buildings is approximately 4.86 net acres in area.

DOCUMENT NAME: [20060907dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

22. Request approval of a Final Subdivision Plat for EL ADOBE CONDOMINIUMS at 1005 East 8th Street.

COMMENTS: (CWH Real Estate Investments, LLC, property owner, Sender Associates, Darin Sender, applicant) (PL060414) located at 1005 E. 8th Street, in the R-4, Multi-Family Residential General District, including:

SBD-2006.66 An amended Subdivision Plat for one (1) lot on 2.17 net acres.

SHR-2006.67 A Condominium Plat, consisting of 48 units, on 2.17 net acres.

DOCUMENT NAME: [20060907dsgk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

23. Request approval of a Subdivision and Condominium Plat for CORSICAN CONDOMINIUMS at 1312 South Hardy Drive.

COMMENTS: (Fred DeVera/Corsican Condomium, applicant/property owner) (PL060468) located at 1312 South Hardy Drive, in the R3, Multi-Family Residential Limited District, including the following:

SBD06006 Subdivision for 1 lot on 1.32 acres, and a Condominium Plat for 30 units.

DOCUMENT NAME: [20060907dsrl05.pdf](#) **PLANNED DEVELOPMENT (0406)**

24. Request approval of a subdivision plat for the GERDES RESIDENCE at 8404 South Kachina Drive.

COMMENTS: (Michael and Diane Gerdes, property owners/applicant) (CC050114) located at 8404 South Kachina Drive in the R1-7, Single-Family Residential District, including:

SBD-2005.126 An Amended Subdivision Plat, consisting of one existing lot into two on 1.40 acres.

DOCUMENT NAME: [20060907dsrl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

25. Request approval of a Condominium Plat for DORSEY PLACE CONDOMINIUMS at 1275 East University Drive.

COMMENTS: (Bannister Development, William Bannister applicant/owner), (PL060423) located at 1275 East University Drive, in the MU-4, Mixed-Use, High Density District, including:

SBD06003 A Condominium Plat for ninety (90) residential units and one (1) commercial/office unit space on 1.95 net acres.

DOCUMENT NAME: [20060907dspd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *26. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Chipotle Mexican Grill, Inc., dba Chipotle Mexican Grill, #0744, 2000 E. Rio Salado Parkway, C-6.

COMMENTS: H.J. Lewkowitz, Agent

DOCUMENT NAME: [20060907LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *27. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Ruiz Brothers Restaurant Group, LLC, dba Frijolitos Mexican Grill & Cantina, 1639 E. Apache Boulevard.

COMMENTS: Roberto Ruiz, Agent

DOCUMENT NAME: [20060907LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *28. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for La Pita on Mill, Inc., dba La Pita Bar & Grill, 505 S. Mill Avenue.

COMMENTS: Jeff Accra, Agent

DOCUMENT NAME: [20060907LIQ3.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

29. Request approval of an addendum to a professional services contract with CMX, LLC, for the Kyrene Reclamation Facility Reliability Upgrades project.

COMMENTS: Subject to the execution of the final written addendum for an amount not to exceed \$24,980.

DOCUMENT NAME: [20060907PWTG01.pdf](#) WATER RECLAMATION PLANT (0812-02) PROJECT NO. 32-996995

30. Request approval of a professional services contract with Kirkham Michael for the Well No. 9 – Building, Security and Site Improvements Project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$129,219.

DOCUMENT NAME: [20060907PWTG04.pdf](#) WELLS – CONSTRUCTION/MAINTENANCE (0811-01) PROJECT NO. 3202601

31. Request to award a one-year, sole source contract to Public Safety Systems Incorporated (PSSI) for annual software system support.

COMMENTS: Subject to execution of final written contract. Total cost not to exceed \$46,900.

DOCUMENT NAME: [20060907fsdl03.pdf](#) PURCHASES (1004-01) (Sole Source #07-071)

- 32.** Request to award a **21-month**, limited source contract to Archaeological Consulting Services, Ltd., for data recovery services for the Hayden Flour Mill Archaeological Project.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$896,000 during the contract period.

DOCUMENT NAME: [20060907fsdl09.pdf](#) PURCHASES (1004-01) Limited Source #07-054

33. Request to award a one-year, sole source contract to L.N. Curtis for Hurst and Paratech rescue equipment.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$195,000 during the contract period.

DOCUMENT NAME: [20060907fsdl14.pdf](#) PURCHASES (1004-01) Sole Source #07-070

34. Request to award a one-year contract with two (2) one-year renewal options to West Coast Turf for sod.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$115,000 during the initial contract period.

DOCUMENT NAME: [20060907fsdl13.pdf](#) PURCHASES (1004-01) IFB#07-039

35. Request to award a one-year contract with four (4) one-year renewal options to Hewlett Packard Company for business continuity and recovery services.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$55,000 during the initial contract period.

DOCUMENT NAME: [20060907fsdl16.pdf](#) **PURCHASES (1004-01)** RFP #06-122

36. Request to award one-year contracts with two (2) one-year renewal options to American Safety Shoe Company, Industrial Shoes of Arizona, Iron Age Corporation, Paul's Ace Hardware, Inc., and Red Wing Shoe Store, Inc., for safety shoes.

COMMENTS: Subject to execution of final written contracts. Total cost for these contracts shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20060907fst12.pdf](#) **PURCHASES (1004-01)** IFB #07-027

37. Request to award a one-year contract with two (2) one-year renewal options to U.S. Standard Sign Company for traffic sign blanks.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20060907fsws08.pdf](#) **PURCHASES (1004-01)** IFB #07-033

38. Request to award a one-year contract with four (4) one-year renewal options to OptaSoft for commercial building plan review software.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$91,000 during the initial contract period.

DOCUMENT NAME: [20060907fsws15.pdf](#) **PURCHASES (1004-01)** RFP #06-186

39. Request to approve a two-month emergency procurement of powdered activated carbon (PAC) from Norit Americas, Inc., for the Water Utilities Department.

COMMENTS: Total cost for this contract shall not exceed \$500,000.

DOCUMENT NAME: [20060907fst17.pdf](#) **PURCHASES (1004-01)** 07-075

40. Request approval of a one-year contract renewal with Great West Life/Benefits Corporation for deferred compensation administration services.

COMMENTS: Total amount not to exceed \$60,000.

DOCUMENT NAME: [20060907fsdl01.pdf](#) **PURCHASES (1004-01)** T00-001-01

41. Request approval of a one-year contract renewal with West Coast Equipment, Inc., for street sweeper brooms.

COMMENTS: Total amount not to exceed \$100,000.

DOCUMENT NAME: [20060907fsdl04.pdf](#) **PURCHASES (1004-01)** T06-010RB-01

42. Request approval of a one-year contract renewal with Tempe Family YMCA for child care services at the Westside Multigenerational Facility.

DOCUMENT NAME: [20060907fsdl06.pdf](#) **PURCHASES (1004-01)** T06-117-01

43. Request approval of one-year contract renewals with UAP Distribution, Inc., and Pennington Seed, Inc., for grass seed.

COMMENTS: Total amount shall not exceed \$120,000.

DOCUMENT NAME: [20060907fsdl07.pdf](#) **PURCHASES (1004-01)** T03-002-01 & 03-002-02

44. Request approval of a one-year contract renewal with Metron Farnier, LLC, for residential and industrial water meters.

COMMENTS: Total amount shall not exceed \$1,020,708.

DOCUMENT NAME: [20060907fsts10.pdf](#) **PURCHASES (1004-01)** T05-017-01

45. Request approval of a one-year contract renewal with Hughes Supply, Inc., for leak detection services.

COMMENTS: Total amount shall not exceed \$39,000.

DOCUMENT NAME: [20060907fsts11.pdf](#) **PURCHASES (1004-01)** T04-032-01

46. Request approval to utilize a one-year State of Arizona contract with Executive Training Solutions for computer training services for city employees.

COMMENTS: Total cost of this contract shall not exceed \$45,000 during the initial contract period.

DOCUMENT NAME: [20060907fsdl02.pdf](#) **PURCHASES (1004-01)**
Contract #EPS060041-8

47. Request approval to utilize a six-month State of Arizona contract with Law Enforcement Systems, LLC, for a mobile license plate system.

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

DOCUMENT NAME: [20060907fsdl05.pdf](#) **PURCHASES (1004-01)**
Contract #EPS060102-1

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

- *48. This is the **introduction and first public hearing** for an ordinance to amend Chapter 2, Article VI of the Tempe City Code, relating to Employer, Employee Relations Meeting and Conferring by amending Sections 2-400 and 2-401. **The second public hearing is set for September 21, 2006.**

DOCUMENT NAME: [20060907cacc01.pdf](#) **TCC CH2 - CITY CODE ADMINISTRATION (0502-02) ORDINANCE NO. 2006.76**

- *49. This is the **introduction and first public hearing** to adopt an ordinance granting a license agreement allowing construction staging for the rehabilitation of the Val Vista Water Main (a City of Phoenix project). **The second public hearing is scheduled for September 21, 2006.**

DOCUMENT NAME: [20060907PWMG05.pdf](#) **REAL PROPERTY MANGEMENT (0900) ORDINANCE NO. 2006.78.**

- *50. This is the **introduction and first public hearing** to adopt an ordinance granting an easement to Salt River Project to install and maintain the facilities to provide electrical service to the Police Substation at 1855 E. Apache Boulevard. **The second public hearing is scheduled for September 21, 2006.**

DOCUMENT NAME: [20060907PWMG06.pdf](#) **GRANT OF EASMENTS (0904-02) ORDINANCE NO. 2006.79.**

D. Ordinances and Items for Second Hearing/Final Adoption

- *51. This is the **second public hearing** for an ordinance to amend Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-45 relating to Special Permits for Overweight and Overheight vehicles.

DOCUMENT NAME: [20060907pwss01.pdf](#) **MOTOR VEHICLES & TRAFFIC (0503-19) ORDINANCE NO. 2006.48**

- *52. This is the **second public hearing** for an ordinance granting an easement to Salt River Project to allow for the installation of new underground electrical lines located on city-owned land at 1401 S. McClintock Drive.

DOCUMENT NAME: [20060907PWMG02.pdf](#) **EASEMENTS (0904-02)**

ORDINANCE NO. 2006.71

- *53. This is the **second public hearing** for a Zoning Map Amendment and a Planned Area Development Overlay for MILLER-CURRY TOWNHOMES at 1245 North Miller Road.

COMMENTS: (Mark Richmond, property owner / DeLorme & Associates, applicant) (PL060398) for the development of eleven (11) new townhome units and one (1) live-work unit, including approximately 2,300 s.f. of commercial space on 1.12 acres, located at 1245 North Miller Road in the GID, General Industrial District, including the following request(s):

ZON06002 – (Ordinance No. 2006.58) Zoning Map Amendment from GID, General Industrial District to MU-2, Mixed-Use, Medium Density District.

PAD06001 – Planned Area Development Overlay for 13,800 s.f. of building area, including townhome units and commercial space.

DOCUMENT NAME: [20060907dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *54. This is the **second public hearing** for a Zoning Map Amendment and a Planned Area Development Overlay for CAMPUS EDGE CONDOMINIUMS at 922 East Apache Boulevard.

COMMENTS: (Nelson Companies 2, LLC, property owner; Michael Derkenne, Nelson Phoenix LLC, applicant) (PL060088) for the development of a mixed-use building, consisting of one hundred (100) dwelling units, 4,928 s.f. of commercial area, and 80,619 s.f. of parking garage on 1.52 acres, located at 922 East Apache Boulevard in the CSS, Commercial Shopping and Service District, including the following request(s):

ZON06003 – (Ordinance No. 2006.59) Zoning Map Amendment from CSS, Commercial Shopping and Service District to MU-4, Mixed-Use, High Density District and (TOD) Transportation Overlay District.

PAD06004 – Planned Area Development Overlay for approximately 247,500 s.f. of building area, including condominium units and commercial space.

DOCUMENT NAME: [20060907dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *55. This is the **second public hearing** for a Planned Area Development Overlay and a Subdivision Plat for ROOSEVELT COURT located at 323 South Roosevelt Street.

COMMENTS: (Chan Sahota, property owner) (CC050119) for a Planned Area Development Overlay and a Subdivision Plat for ten (10) townhomes, located at 323 South Roosevelt Street, including the following:

#SPD-2006.01 Ord. No. 2006.05 for a Planned Area Development Overlay on R-3, Multi-Family Residential Limited, for ten (10) new townhomes consisting of approximately 25,552 square feet of building area on .54 net acres.

#SBD-2006.02 for a Subdivision Plat consisting of ten (10) lots and one (1) tract on .54 net acres.

DOCUMENT NAME: [20060907dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *56. This is the **second public hearing** for a Zoning Map Amendment for SOUTH MOUNTAIN COMMERCE CENTER at 2420 West Baseline Road.

COMMENTS: (Adrian Evarkiou, Orsett / South Mountain LLC, property owner/applicant) (PL060391) for compliance with the City Council condition of approval #20 (November 1, 2001), located at 2420 West Baseline Road, in the GID, General Industrial District, including the following request:

ZON06001 – (Ordinance No. 2006.67) Zoning Map Amendment for 8.83 net acres from GID, General Industrial District to LID, Light Industrial District.

DOCUMENT NAME: [20060907dsd2kk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

57. Request approval of a resolution authorizing the Mayor to execute the Terrorism Liaison Officer Program intergovernmental agreement with the Arizona Counter-Terrorism Intelligence Center.

DOCUMENT NAME: [20060907pdsmr01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)** RESOLUTION NO. 2006.66

58. Request approval of a resolution authorizing the submission of City of Tempe applications for Gila River Indian Community State Shared Review Grant Funds.

DOCUMENT NAME: [20060907graw01.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)** RESOLUTION NO. 2006.68

59. Request approval of a resolution authorizing Tempe Community Council's Tempe/Kyrene Communities In Schools to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw02.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)** RESOLUTION NO. 2006.69

60. Request approval of a resolution authorizing the Center for Habilitation to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw03.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)** RESOLUTION NO. 2006.70

61. Request approval of a resolution authorizing Tempe Family YMCA to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw04.pdf](#) **GILA RIVER INDIAN COMMUNITY (0109-32)** RESOLUTION NO. 2006.71

62. Request approval of a resolution authorizing Newtown Community Development Corporation (and Land Trust) to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw05.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32) RESOLUTION NO. 2006.72

63. Request approval of a resolution authorizing Tumbleweed Center for Youth Development to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw06.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32) RESOLUTION NO. 2006.73

64. Request approval of a resolution authorizing Boys & Girls Clubs of the East Valley to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw07.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32) RESOLUTION NO. 2006.74

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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