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**Tempe City Council**  
**March 26, 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 Arredondo**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Vice Mayor Ellis**
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – March 5, 2009
    2. Council's Issue Review Session – March 5, 2009 [20090326clrkck03.pdf](#)
    3. Council's Formal Meeting – March 5, 2009 [20090326clrkck02.pdf](#)
    4. Council's Special Five-Year Financial Planning Session – March 3, 2009 [20090326clrkck01.pdf](#)
    5. Council's Community Sustainability Committee – Economic Subcommittee – February 11, 2009 [20090326cses01.pdf](#)
    6. Council's Neighborhood Parks Rehabilitation & Maintenance Committee – February 18, 2009 [20090326nprm01.pdf](#)
    7. Council's Sports, Recreation, Arts & Cultural Development Committee – February 9, 2009 [20090326srac01.pdf](#)
    8. Council's Technology, Economic & Community Development Committee – February 3, 2009 [20090326tecd01.pdf](#)
    9. Council's Transportation Committee – February 24, 2009 [20090326ctc01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    10. Aviation Commission – February 10, 2009 [20090326tavco01.pdf](#)
    11. Committee for Youth, Families and Community – February 23, 2009 [20090326cyfc01.pdf](#)
    12. Development Review Commission – January 13 & 27, 2009 [20090326drc01.pdf](#)  
[20090326drc02.pdf](#)
    13. Enhanced Services Commission – December 10, 2008 [20090326esc01.pdf](#)
    14. Hearing Officer – February 17 & March 3, 2009 [20090326ho01.pdf](#) [20090326ho02.pdf](#)
    15. Historic Preservation Commission – February 12, 2009 [20090326hpc01.pdf](#)
    16. Historical Museum Advisory Board – February 5, 2009 [20090326csjc01.pdf](#)
    17. Library Advisory Board – February 2, 2009 [20090326lab01.pdf](#)
    18. Mayor's Youth Advisory Commission – February 17 & March 3, 2009 [20090326myac01.pdf](#)  
[20090326myac02.pdf](#)
    19. Tempe Fire Public Safety Personnel Retirement Board – February 5, 2009

20. Tempe Police Public Safety Personnel Retirement Board – February 5, 2009
21. Tempe Police Public Safety Personnel Retirement Board – Executive Session – February 5, 2009

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
  - a. Diversity Dialogue Participant Recognition
  - b. *Arts & Music Festival*
- 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

22. Request approval of the Report of Claims Paid to be filed for audit for February, 2009.

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

23. *Request approval of a five year lease with Bridgestone Industrial Products for four rubber dams to be located at the downstream dam structure on Tempe Town Lake.*

**COMMENTS:** *Bridgestone will manufacture new rubber dams and lease them to Tempe for five years at a monthly charge of \$1.00. At the end of the five-year lease term Tempe will remove the Bridgestone dams and install a new dam system to be developed during that time.*

**DOCUMENT NAME:** [20090326cacb01.pdf](#) RIO SALADO MASTER PLAN (0112-07-03)

- \*24. This is a public hearing to recommend the approval of a Series 04 in-state wholesaler's liquor license for Empty Glass Wine Company LLC dba Empty Glass Wine Company, 308 South River Drive.

**COMMENTS:** Christine Wisniewski is the Agent for this application.

**DOCUMENT NAME:** [20090326LIQ02.pdf](#) LIQ LIC (0210-02)

- \*25. This is a public hearing to recommend the approval of a Series 06 bar liquor license for Sound Bites Restaurant LLC dba Phase, 8475 South Emerald Drive, #101.

**COMMENTS:** Randy Nations is the Agent for this application.  
**DOCUMENT NAME:** [20090326LIQ03.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

26. Request to award a construction manager at risk (CMAR) construction services contract with Brignall Construction Co. and approve a project contingency for upgrades to the Tempe Historical Museum.

**COMMENTS:** Total amount for the contract is \$2,834,407 and the amount of the project contingency is \$140,000.  
**DOCUMENT NAME:** [20090326PWTG04.pdf](#) TEMPE HISTORICAL MUSEUM (0705-04)  
PROJECT NO. 6702481

27. Request approval of Job Order No. 4 to replace the existing scoreboard at Tempe Diablo Stadium through the existing Job Order contract with Foresite Design & Construction, Inc., and approval of a project contingency.

**COMMENTS:** Total amount for Job Order No. 4 is \$402,582 and the amount of the project contingency is \$40,000.  
**DOCUMENT NAME:** [20090326PWTG03.pdf](#) DIABLO STADIUM (0706-01)  
PROJECT NO. 6309201

28. Request to award a two-year contract with two one-year options to Sanderson Ford for the purchase of aerial lift trucks to be utilized by the Traffic Operations Division of Public Works.

**COMMENTS:** (RFP 09-087) Total amount not to exceed \$87,500 during the initial two-year contract period.  
**DOCUMENT NAME:** [20090326fsta03.pdf](#) PURCHASES (1004-01)

29. Request approval to award five-year contracts with American Safety Shoes Company, Industrial Safety Shoes of Arizona and Rocky Brands Retail LLC/Lehigh Safety Shoe Company for the purchase of safety shoes.

**COMMENTS:** (IFB 09-069) Total amount of these contracts will not to exceed \$350,000 over the five year term.  
**DOCUMENT NAME:** [20090326fst08.pdf](#) PURCHASES (1004-01)

30. Request to award a 51-month contract with renewal options of up to four years to Veolia Transportation for fixed route bus and neighborhood circulator services.

**COMMENTS:** (RFP #09-001) Total cost of this 51-month contract for the City of Tempe is \$69,261,061 with an additional \$82,370,449 in contract costs being paid by other sources described in more detail under the Fiscal Note section, bringing the total cost of this 51-month

contract to \$151,631,509. Price adjustments may be permitted in fiscal years 2012 and 2013.

**DOCUMENT NAME:** [20090326fslq10.pdf](#) **PURCHASES (1004-01)**

31. Request to award a one-year contract with four one-year renewal options to RFP Depot LLC, dba Bidsync to provide reverse auction administration services to be used by the City's Procurement Division of the Financial Services Department.

**COMMENTS:** (RFP 09-072) Total amount not to exceed \$50,000.

**DOCUMENT NAME:** [20090326fsmg12.pdf](#) **PURCHASES (1004-01)**

32. Request to award a two-year contract with three one-year renewal options to Steele Quality, LLC dba Quality Vans for the design, construction and potential future expansion and upgrade of a mobile educational recycling information center (E.R.I.C.) for use by the Solid Waste Division of Public Works. The mobile education unit will be used to educate Tempe residents in proper recycling practices thereby increasing the amount of materials sent for recycling and lowering the amount of recyclables in the waste stream.

**COMMENTS:** (RFP09-094) Total amount not to exceed \$170,000 during the initial two-year contract period.

**DOCUMENT NAME:** [20090326fsta17.pdf](#) **PURCHASES (1004-01)**

33. Request to award a two-year contract with three one-year renewal options to IES Commercial, Inc. for data and telecommunications cabling and fiber optic installation and repair services in City buildings and streets.

**COMMENTS:** (RFP 09-028) Total cost for this contract shall not exceed \$800,000.

**DOCUMENT NAME:** [20090326fsts14.pdf](#) **PURCHASES (1004-01)**

34. Request approval of a one-year renewal of a contract with Reliastar Life Insurance Company (Formerly ING Employee Benefits) for Basic (paid by the City) and Voluntary Life Insurance (paid by the employee) for all eligible City employees.

**COMMENTS:** (T05-062-01) Total amount not to exceed \$500,000.

**DOCUMENT NAME:** [20090326fsta01.pdf](#) **PURCHASES (1004-01)**

35. Request approval of a one-year renewal of a contract with *Arizona Foundation for Medical Care* which provides the City's preferred provider organization network of medical providers for eligible employees, dependents and retirees to access.

**COMMENTS:** (T01-053-01) Total amount not to exceed \$200,000.

**DOCUMENT NAME:** [20090326fsta02.pdf](#) **PURCHASES (1004-01)**

36. Request approval of a one-year renewal of a contract with W.W. Williams Southwest, Inc. for Allison transmission repair services.

**COMMENTS:** (T07-169-01) Total amount not to exceed \$60,000.

**DOCUMENT NAME:** [20090326fsta06.pdf](#) **PURCHASES (1004-01)**

37. Request approval of a one-year renewal of a contract with Pinnacle Risk Management Services for third-party claims administration services.

**COMMENTS:** (T06-104-01) Total amount not to exceed \$98,000.  
**DOCUMENT NAME:** [20090326fst07.pdf](#) **PURCHASES (1004-01)**

38. Request approval of a one-year renewal of a contract with Horizon for the purchase of sprinkler parts.

**COMMENTS:** (T07-148-01) Total amount not to exceed \$155,000.  
**DOCUMENT NAME:** [20090326fslg09.pdf](#) **PURCHASES (1004-01)**

39. Request approval of a one-year renewal of a contract with Keller Equipment Company and Gruber Technical, Inc. for maintenance, repair and purchase of variable frequency drives for the Water Utilities Department.

**COMMENTS:** (T08-064RB01 and 02) Total amount not to exceed \$100,000.  
**DOCUMENT NAME:** [20090326fst11.pdf](#) **PURCHASES (1004-01)**

40. Request approval of one-year renewal of contracts with NCO Group (formerly Risk Management Alternative) and Progressive Financial Services for collection services related to the recovery of outstanding fines, fees and costs due the City.

**COMMENTS:** (T05-094-01 and 02) Total amount not to exceed \$250,000.  
**DOCUMENT NAME:** [20090326fsta16.pdf](#) **PURCHASES (1004-01)**

41. Request approval to increase the contract amount with Harris Corporation for the purchase of tracking hardware, software and maintenance for use by the Police Department.

**COMMENTS:** (T09-071-01) Total amount of the increase is \$7,482.90 – from \$401,000 to \$408,482.90.  
**DOCUMENT NAME:** [20090326fsta05.pdf](#) **PURCHASES (1004-01)**

42. Request approval to increase the contract amounts with Dell Marketing L.P. and Hewlett Packard for personal computer equipment and related devices, software, and consulting services.

**COMMENTS:** (Contracts A66307 and A66309) Increase in the amount of \$1,270,000 from \$2,430,000 to \$3,700,000.  
**DOCUMENT NAME:** [20090326fst13.pdf](#) **PURCHASES (1004-01)**

43. Request approval to utilize a one-year State of Arizona contract with North Valley Motorsports, Inc. for the purchase of police motorcycles.

**COMMENTS:** (L05-024-002) Total cost of this contract shall not exceed \$170,000.  
**DOCUMENT NAME:** [20090326fsta04.pdf](#) **PURCHASES (1004-01)**

44. Request approval to utilize a six-month Regional Public Transit Authority (RPTA) contract with Arizona Bus Sales for the purchase of four (4) replacement neighborhood circulator buses.

**COMMENTS:** (Contract #0640016E) Total cost of this contract is \$294,689 during the

contract period.

DOCUMENT NAME: [20090326fslq18.pdf](#)

PURCHASES (1004-01)

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

- \*45. This is the **introduction and first public hearing** for a Zoning Map Amendment with a Planned Area Development for 2150 SOUTHERN CAMPUS MASTERPLAN, located at 2150 E. Southern Avenue. **A second public hearing is scheduled for April 9, 2009.**

**COMMENTS:** (PL080282) (Thomas Sawner, Educational Options, property owner; William Sawner, applicant) consisting of a phased mixed-use development with a charter school, a private school, assembly space for performances, recreational uses, commercial and residential uses initially located within six existing structures and eventually built into five new structures with building heights of 48 to 70 feet tall. Completed development will consist of approximately 192,156 s.f., on 8.87 net acres net acres, located at 2150 E. Southern Avenue in the R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential Districts. The request includes the following:

**ZON08011 – (Ordinance No 2008.66)** Zoning Map Amendment from R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential districts to MU-2, Mixed-Use, Medium Density District.

**PAD08019 – (Ordinance No 2008.66)** Planned Area Development Overlay to define setbacks: zero-foot front and street side, 30-foot side and rear, with an actual building location 80 feet from the rear; building height to be 42 feet at rear of lot and 60 feet at front of lot; maximum lot coverage 40% and minimum landscape area 15%; maximum density not to exceed 9 dwelling units per acre, with a maximum of 80 residences.

DOCUMENT NAME: [20090326dsdk01.pdf](#) [20090326dsdk02.pdf](#) [20090326dsdk03.pdf](#)  
PLANNED DEVELOPMENT (0406)

- \*46. This is the **introduction and first public hearing** to adopt an ordinance authorizing the Mayor to execute a Covenant and Agreement Regarding Maintenance of Yards for an Oversized Building located at 809 East Southern Avenue, on which the Tempe Historical Museum is located. **The second public hearing is scheduled for April 9, 2009.**

DOCUMENT NAME: [20090326PWW06.pdf](#) TEMPE HISTORICAL MUSEUM  
(0705-04) ORDINANCE 2009.16

D. Ordinances and Items for Second Hearing/Final Adoption

- \*47. This is the **second public hearing** for an ordinance authorizing an amendment to the lease between the City of Tempe and Urban Outfitters.

DOCUMENT NAME: [20090326cdnc03.pdf](#) CENTRAL BUSINESS DISTRICT (0403-05) ORDINANCE NO. 2009.09

- \*48. This is the **second public hearing** to adopt an ordinance abandoning an existing Public Utility Easement located at 1949 E. University Drive.

DOCUMENT NAME: [20090326PWWWS05.pdf](#) ABANDONMENT (0901)  
ORDINANCE 2009.08

E. Resolutions

**49.** *Request approval of a resolution authorizing the implementation of the 2009 Employee Voluntary Separation Incentive Program as attached requiring participating employees to retire or resign from City employment no later than June 30, 2010.*

DOCUMENT NAME: [20090326hrjoc01.pdf](#) HUMAN RESOURCES (PERSONNEL)  
(0300) RESOLUTION NO. 2009.17

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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