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**Tempe City Council**  
**April 9, 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 Navarro**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Woods**
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – March 24 & 26, 2009
    2. Council's Issue Review Session – March 26, 2009 [20090409clrkck03.pdf](#)
    3. Council's Formal Meeting – March 26, 2009 [20090409clrkck01.pdf](#)
    4. Council's Special Five-Year Financial Planning Session – March 24, 2009  
[20090409clrkck02.pdf](#)
    5. Council's Community Sustainability Committee – January 14, 2009 [20090409csc01.pdf](#)
    6. Council's Code Sustainability Subcommittee – February 25, 2009 [20090409css01.pdf](#)
    7. Council's Economic Sustainability Subcommittee – March 11, 2009 [20090409ess02.pdf](#)
    8. Council's Education Partnerships Committee – March 16, 2009 [20090409ep01.pdf](#)
    9. Council's Housing Committee – March 23, 2009 [20090409chc01.pdf](#)
    10. Council's Technology Sustainability Subcommittee – February 25, 2009  
[20090409tss01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    11. Double Butte Cemetery Advisory Committee – January 21, 2009 [20090409dbac01.pdf](#)
    12. Human Relations Commission – February 10, 2009 [20090409hrc01.pdf](#)
    13. Neighborhood Advisory Commission – February 4, 2009 [20090409nac01.pdf](#)
    14. Rio Salado Advisory Commission – January 27 & February 24, 2009 [20090409rsac01.pdf](#)  
[20090409rsac02.pdf](#)
    15. Transportation Commission – January 13, 2009 [20090409tc01.pdf](#)
    16. Transportation Commission – Multi-modal Planning & Project Review – January 14, 2009 [20090409tc03.pdf](#)
    17. Transportation Commission – Public Involvement/Marketing Committee – January 26 & March 2, 2009 [20090409tc04.pdf](#) [20090409tc05.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**

- A. Mayor's Announcements
  - a. Tempe Academy Drum and Bugle Corps Presentation
  - b. Fair Housing Proclamation
  - c. "Trees for Tempe" Event / Arbor Day Proclamation
  - d. Recognition of the Cesar Chavez Coloring Contest Winners

- 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

- \*18. This is a **public hearing** to obtain citizen input regarding the allocation of additional monies for the Community Development Block Grant (CDBG) and Homeless Prevention and Rapid Re-Housing Programs from the American Recovery and Reinvestment Act of 2009.

**DOCUMENT NAME:** [20090409cdch01.pdf](#) COMMUNITY DEVELOPMENT BLOCK GRANT/HOMELESS PREVENTION (0207-30)

- \*19. This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Hippies Cove LLC dba Hippies Cove, 414 South Mill Avenue, #118.

**COMMENTS:** John Newell is the Agent for this application.

**DOCUMENT NAME:** [20090409LIQ01.pdf](#) LIQ LIC (0210-02)

- \*20. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for EV Wash Holdings LLC dba Breaktime I, 616 West Baseline Road.

**COMMENTS:** Randy Nations is the Agent for this application.

**DOCUMENT NAME:** [20090409LIQ02.pdf](#) LIQ LIC (0210-02)

- \*21. This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Nogales LCT, LLC dba Breaktime III, 7700 South Autoplex Loop.

**COMMENTS:** Randy Nations is the Agent for this application.

DOCUMENT NAME: [20090409LIQ03.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

22. Request to award a professional services contract with Brown and Caldwell, Inc., for the rehabilitation of the Southern Avenue Interceptor (SAI).

COMMENTS: Total cost for this contract is \$360,981.

DOCUMENT NAME: [20090409PWTG01.pdf](#) WASTEWATER MANAGEMENT (0812-01)  
PROJECT NO. 3200585

23. Request to award a construction manager at risk (CMAR) contract with Hunter Contracting Company for construction services, award a construction management contract with CMX, and approve a project contingency, all related to modifications to the Johnny G. Martinez Water Treatment Plant.

COMMENTS: Total amount for the construction services contract is \$2,124,157.36, total amount for the construction management contract is \$253,113.57, and the amount of the project contingency is \$212,000.

DOCUMENT NAME: [20090409PWTG02.pdf](#) JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091

24. Request award of a professional services design contract with Water Technology, Inc., for the Kiwanis Park Center wave pool equipment and filtration renovations.

COMMENTS: Total cost for this contract is \$99,180.

DOCUMENT NAME: [20090409PWTG05.pdf](#) KIWANIS COMMUNITY PARK (0706-25)  
PROJECT NO. 6305081

25. Request to award a one-year contract with four one-year renewal options to CIGNA Dental Health, Inc., for a dental health maintenance organization (HMO) plan for eligible City employees and their dependents.

COMMENTS: (RFP 09-058) Total amount not to exceed \$80,000 during the initial one-year contract period.

DOCUMENT NAME: [20090409fsta01.pdf](#) PURCHASES (1004-01)

26. Request approval of a one-year renewal of a contract with CIGNA Health Care for a health maintenance organization (HMO) medical plan for City employees, their families and retirees.

COMMENTS: (T97-001-01) Total amount not to exceed \$5,000,000.

DOCUMENT NAME: [20090409fsta06.pdf](#) PURCHASES (1004-01)

27. Request to award a two-year contract with three one-year renewal options to Coyote Tire Retreading, Inc., for tire retreading services.

COMMENTS: (RFP 09-093) Total amount not to exceed \$250,000 during the initial two-year contract period.

DOCUMENT NAME: [20090409fsta02.pdf](#) PURCHASES (1004-01)

28. DELETED

29. Request approval of a one-year renewal of a contract with Keller Electrical Industries, Inc., (formerly Keller Equipment Company, Inc.) for the maintenance, repair, and purchase of electric motors for the Water Utilities Department.

COMMENTS: (T08-061-01) Total amount not exceed \$500,000.

DOCUMENT NAME: [20090409fsts04.pdf](#) PURCHASES (1004-01)

30. Request approval to utilize a one-year City of Chandler contract with Bank of America for procurement card services for the purchase of products and services.

COMMENTS: (MS5-946-2124-01) Total procurement card expenditure volume under this contract shall not exceed \$10,000,000.

DOCUMENT NAME: [20090409fsts03.pdf](#) PURCHASES (1004-02)

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

\*31. This is the **introduction and first public hearing** for a General Plan Land Use Map Amendment, Zoning Map Amendment, and Planned Area Development Overlay for LEMON MIXED USE DEVELOPMENT, located at 919, 1011, and 1019 East Lemon Street. **The second public hearing is scheduled for April 23, 2009.**

COMMENTS: (PL080449) (Rick Kafka, Colgate Tempe 268, LLC, property owner; Manjula Vaz, Gammage & Burnham, applicant) consisting of three (3) mixed use buildings of commercial and residential totaling approximately 694,000 s.f. of total building, including 478 units and approx. 16,000 s.f. of commercial area on approx. 5.73 acres, located at 919, 1011, and 1019 East Lemon Street, in the R-4, Multi-Family Residential District and CSS, Commercial Shopping and Services District and in the TOD, Transportation Overlay District (corridor). This request includes the following:

**GEP09001 (Resolution No. 2009.15)** – General Plan Land Use Map Amendment from “Residential” to “Mixed-Use.”

**ZON09001 (Ordinance No. 2009.14)** – Zoning Map Amendment from R-4, Multi-Family General District and CSS, Commercial Shopping and Services District in the TOD, Transportation Overlay District to MU-4, Mixed-Use High Density District in the TOD (corridor).

**PAD09001 (Ordinance No. 2009.14)** – A Planned Area Development Overlay to modify development standards to allow for a modification in the minimum TOD parking requirements from 1,425 spaces to 1,034 spaces; a proposed density of 83.4 dwelling units per acre; a maximum building height of 180'-0"; maximum lot coverage 70%; minimum landscape area 30%; and minimum building setbacks 0' front, 15' sides, 30' rear and maximum 20' setback.

DOCUMENT NAME: [20090409dsrl01.pdf](#) [20090409dsrl01a.pdf](#) PLANNED DEVELOPMENT (0406)

D. Ordinances and Items for Second Hearing/Final Adoption

- \*32. This is the **second public hearing** for a Zoning Map Amendment with a Planned Area Development for 2150 SOUTHERN CAMPUS MASTERPLAN, located at 2150 E. Southern Avenue.

**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:** [20090409dsk01.pdf](#) [20090409dsk01a.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*33. This is the **second 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.

**DOCUMENT NAME:** [20090409PWW06.pdf](#) **TEMPE HISTORICAL MUSEUM (0705-04) ORDINANCE 2009.16**

E. Resolutions

**\*34. DELETED**

35. Request approval of a resolution establishing a fee to administer the Tempe Double Butte Cemetery burial plot purchase agreement. This fee would be effective May 1, 2009.

**DOCUMENT NAME:** [20090409prsw01.pdf](#) **DOUBLE BUTTE CEMETERY (0702) RESOLUTION NO. 2009.20**

36. Request approval of a resolution recognizing THE ACADEMY DRUM AND BUGLE CORPS as the official drum and bugle corps of Tempe.

**DOCUMENT NAME:** [20090409cdcm02.pdf](#) **CULTURAL PROGRAMS (0105-01-05) RESOLUTION NO. 2009.19**

**37. DELETED**

38. Request approval of a resolution approving and authorizing the City Manager to sign an Intergovernmental Agreement between Maricopa County and the City of Tempe for heavy equipment and driver awareness training services for eligible employees.

COMMENTS: Total expenditure shall not exceed \$55,000 per fiscal year.

DOCUMENT NAME: [20090409fst05.pdf](#) MARICOPA COUNTY (0109-29)

RESOLUTION NO. 2009.23

## 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.

### SCHEDULED PUBLIC APPEARANCE

- Kolby Granville re: consideration of dollar limits for items to be voted on as part of the consent agenda.

## 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.

**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)**