
Tempe City Council June 11, 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 - Councilmember Shekerjian**
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – May 28, 2009
 2. Council's Issue Review Session – May 7, 14 & 28, 2009 [20090611clrkck01.pdf](#)
[20090611clrkck02.pdf](#) [20090611clrkck06.pdf](#)
 3. Council's Formal Meeting – May 7, 14 & 28, 2009 [20090611clrkck03.pdf](#)
[20090611clrkck04.pdf](#) [20090611clrkck05.pdf](#)
 4. Council's Special Budget Session – May 28, 2009 [20090611budget01.pdf](#)
 5. DELETED
 6. Community Facilities District Board Meeting – May 28, 2009 [20090611cfd01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 7. Community Special Events Task Force – May 22 & 27 and June 2, 2009 [20090611setf01.pdf](#)
[20090611setf02.pdf](#) [20090611setf03.pdf](#)
 8. Development Review Commission – April 28, 2009 [20090611drc01.pdf](#)
 9. Hearing Officer – May 5 & 19, 2009 [20090611ho01.pdf](#) [20090611ho02.pdf](#)
 10. Parks and Recreation Board – April 15, 2009 [20090611prb01.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 - a. Tempe Rotary "Children First Academy" Charitable Check Presentation
 - b. Board and Commission appointment recommendations
 - 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

11. Request approval of the Report of Claims Paid to be filed for audit for the month of May, 2009.

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

APPROVED

12. Request approval of the Mayor's Board and Commission appointment and reappointment selections.

DOCUMENT NAME: [20090611boards.pdf](#) BDS, COMMISSION, COMMITTEES ADM (0102-01)

APPROVED

13. Request authorization for the Mayor to sign the 2009-2010 Greater Phoenix Economic Council (GPEC) Contract for regional economic development marketing services.

COMMENTS: Total cost for this contract shall not exceed \$63,914.

DOCUMENT NAME: [20090611cdsw01.pdf](#) ECONOMIC DEVELOPMENT PROGRAM (0111-03)

APPROVED

14. Request approval of a Lease Agreement between the City of Tempe and Catholic Charities Community Services, East Valley for the property located at 2237 E. Maryland Drive for one year.

DOCUMENT NAME: [20090611cskb01.pdf](#) CATHOLIC SERVICES (0109-25)

APPROVED

15. Request approval of an Agreement with Friends of Tempe Center for the Arts for an initial term of ten (10) years, with an optional renewal term of ten (10) years.

DOCUMENT NAME: [20090611csdf01.pdf](#) TEMPE ARTS CENTER (0109-19)

APPROVED

16. Request approval for the Renewal of the Facility Use Agreement between Tempe School District No.3 and the City of Tempe Kid Zone Enrichment Program for the before school, after school, breaks (fall, winter and spring) and summer facilities for the Kid Zone Enrichment Program from August 1, 2009 to July 2010.

COMMENTS: Total cost shall not exceed \$38,492.00

DOCUMENT NAME: [20090611cskb02.pdf](#) COMMUNITY SERVICE ADM (0701-01)

APPROVED

17. Request approval of the 2009 Seized Asset Community Action (SACA) Summer Grant Program.

DOCUMENT NAME: [20090611pdbb01.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02)

APPROVED

18. Request approval of the settlement of Barker, et al., v. City of Tempe, CV2006-012711.

COMMENTS: Plaintiffs have agreed to dismiss with prejudice all claims against the City of Tempe in exchange for a settlement amount of one million, three hundred fifty thousand dollars (\$1,350,000).

DOCUMENT NAME: [20090611cacc02.pdf](#) LITIGATION SETTLEMENTS (0501-04)

APPROVED

19. Approval of Ancillary Agreement between Chicanos Por La Causa and City of Tempe. Reimbursement to the City of Tempe as part of New Markets Tax Credit application process.

COMMENTS: Reimbursement to City of Tempe in the amount of \$100,000.

DOCUMENT NAME: [20090611cdaws01.pdf](#) ECONOMIC DEVELOPMENT PROGRAM
(0111-03)

APPROVED

20. Request approval for the expenditure of funds under the existing Intergovernmental Agreement with the City of Phoenix Fire Department for firefighter medical and physical exams for fiscal year 2009/2010.

COMMENTS: (C97-179) Total expenditure of funds for fiscal year 2009/2010 shall not exceed \$123,498.

DOCUMENT NAME: [20090611fslq06.pdf](#) PURCHASES (1004-01)

APPROVED

21. Request approval of expenditures for annual insurance premiums for fiscal year 2009/2010 to include excess property, primary and excess liability, crime, excess workers' compensation, and auto insurance purchased through the City's risk management consultant/broker, Marsh USA, Inc.

COMMENTS: (T05-109-01) Total amount shall not exceed \$1,200,000.

DOCUMENT NAME: [20090611fsts02.pdf](#) LIABILITY INSURANCE, CITY, SELF-INSURED (0510-01)

APPROVED

- 21a. Request authorization for the Mayor to execute a one-year renewal contract with the Tempe Convention and Visitors Bureau (TCVB) for the tourist and convention promotional program.

COMMENTS: The estimated TCVB proceeds of the transient bed tax is \$1.2 million.

DOCUMENT NAME: [20090611cdcm03.pdf](#) TEMPE CONVENTION AND VISITORS BUREAU (0109-26)

APPROVED

B. Award of Bids/Contracts

22. Request approval of job order no. 6 with Caliente Construction, Inc. and a project contingency, for improvements at Playa del Norte Drive park.

COMMENTS: Total amount of job order no. 6 is \$511,775 and the project contingency is \$50,000.

DOCUMENT NAME: [20090611PWVG02.pdf](#) RIO SALADO PARK (0706-32) PROJECT NO. 6502421

APPROVED

23. Request approval of job order no. 1 with Quest Civil Constructors, Inc., and a project contingency for Kyrene Water Reclamation Plant Safety Improvements.

COMMENTS: Total amount of job order no. 1 is \$71,216 and the project contingency is \$7,000.

DOCUMENT NAME: [20090611PWVG03.pdf](#) KYRENE WATER RECLAMATION PLANT (0812-02) PROJECT NO. 3202882

APPROVED

24. Request award of a professional services contract with Deutsch Architecture Group, Inc. for the Fire support services building improvements.

COMMENTS: Total cost for this contract is \$241,691.

DOCUMENT NAME: [20090611PWVG06.pdf](#) FIRE STATIONS – MAINTENANCE/IMPROVEMENTS (1001-08) PROJECT NO. 5604001

APPROVED

25. Request award of a construction manager at risk (CMAR) contract with Okland Construction

Company, Inc. for construction services, award a construction management contract with Bosak Architectural Companies, Inc., and approve a project contingency for renovations of the Tempe Public Library.

COMMENTS: Total cost for the construction services contract (CMAR) is \$6,483,419. Total cost for the construction management contract is \$150,000, and the amount of the project contingency is \$340,000.

DOCUMENT NAME: [20090611PWTG07.pdf](#) [20090611PWTG07a.pdf](#) [20090611PWTG07b.pdf](#)
LIBRARY – 3500 S RURAL RD (0902-12) PROJECT NO. 6702491

APPROVED

26. Request award of a professional services contract with Stantec Consulting, Inc., for the flood irrigation system.

COMMENTS: Total cost for this contract is \$476,362.

DOCUMENT NAME: [20090611PWTG08.pdf](#) **STORM DRAIN & FLOOD CONTROL (0808)
PROJECT NO. 6704041**

APPROVED

27. Request award of a construction contract with B & F Contracting, Inc. and approval of a project contingency for traffic signal foundations.

COMMENTS: Total cost for this contract is \$732,715 and the amount of the project contingency is \$50,000.

DOCUMENT NAME: [20090611PWTG09.pdf](#) **TRAFFIC SIGNAL MAINTENANCE ADMIN
(1105-06) PROJECT NO. 6903381**

APPROVED

28. Request award of job order construction contracts to USA Shade and Fabric Structures, Inc. and Shade-N-Net of Arizona, Inc., to perform on-call job order construction for shade structures.

COMMENTS: Job order construction contracts for an annual amount not to exceed \$1,000,000 with USA Shade and Fabric Structures, Inc., and Shade-N-Net of Arizona, Inc.

DOCUMENT NAME: [20090611PWTG04.pdf](#) [20090611PWTG04a.pdf](#) **ENGINEERING
ADMINISTRATION (0803-02)**

APPROVED

29. Request approval to award two-year contracts with three, one-year renewal options to Republic ITS, Inc., and Fluoresco Lighting & Signs for service and maintenance of area lighting including park lighting, facility safety lighting and recreational area lighting.

COMMENTS: (RFP 09-140) Total amount of this contract shall not exceed \$300,000 during the initial two-year contract period.

DOCUMENT NAME: [20090611fsta08.pdf](#) **PURCHASES (1004-01)**

APPROVED

30. Request approval to award two-year contracts with two, two-year renewal options to Highway Technologies, Inc., and Bob's Barricades for the rental of barricades and warning devices.

COMMENTS: (RFP 09-147) Total amount of this contract shall not exceed \$500,000 during the initial two-year contract period.

DOCUMENT NAME: [20090611fsta07.pdf](#) PURCHASES (1004-01)

APPROVED

31. Request approval to purchase liquefied natural gas (LNG) for transit services for fiscal years 2009/2010 through 2011/2012 through the existing intergovernmental cooperative purchasing agreement with the City of Phoenix and the Regional Public Transportation Authority (RPTA).

COMMENTS: (Contract #09-166) Total amount not to exceed \$10,209,500.

DOCUMENT NAME: [20090611fslq01.pdf](#) PURCHASES (1004-01)

APPROVED

32. Request approval of a six-month renewal of a contract with Urban Forest Tree Care, Inc., for landscape maintenance services.

COMMENTS: (T09-002-01) Total amount not to exceed \$54,000.

DOCUMENT NAME: [20090611fslq03.pdf](#) PURCHASES (1004-01)

APPROVED

33. Request approval of a five-year renewal of a contract with James Godfrey, dba Bogie's Clubhouse, for food and beverage concession services at Ken McDonald Golf Course.

COMMENTS: (Contract C94-113B) There is no cost to the City for this contract.

DOCUMENT NAME: [20090611fslq04.pdf](#) PURCHASES (1004-01)

APPROVED

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

- *34. This is the **introduction and first public hearing** to adopt an ordinance abandoning a portion of existing Water Line Easement located at 1990 East Third Street (N.W. corner of Smith Road/3rd Street), more particularly described in the attached Exhibits. **The second public hearing is scheduled for July 2, 2009.**

DOCUMENT NAME: [20090611PWWS11.pdf](#) ABANDONMENT (0901) ORDINANCE NO. 2009.24

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR JULY 2, 2009.**

- *35. This is the **introduction and first public hearing** to adopt an ordinance to authorize a License for an ATM at 25 East Fifth Street. **The second public hearing is scheduled for July 2, 2009.**

DOCUMENT NAME: [20090611PWWWS12.pdf](#) REAL PROPERTY/RIGHT OF WAY LICENSE (TO OTHERS) ORDINANCE NO. 2009.25

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR JULY 2, 2009.**

- *36. This is the **introduction and first public hearing** to approve an ordinance authorizing the Mayor to execute an Assignment and Assumption of Leases on Units 1 and 2 of the Brickyard, and a Deed reconveying Units 1 and 2 to ASU. **The second public hearing is scheduled for July 2, 2009**

DOCUMENT NAME: [20090611dscm02.pdf](#) COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2009.26

**INTRODUCED AND HELD FIRST PUBLIC HEARING.
SECOND PUBLIC HEARING SET FOR JULY 2, 2009.**

D. Ordinances and Items for Second Hearing/Final Adoption - None

E. Resolutions

- *37. This is a public hearing for the approval of a resolution approving the annual assessments for the Downtown Tempe Enhanced Services Improvement District.

DOCUMENT NAME: [20090611cdcm01.pdf](#) CENTRAL BUSINESS DISTRICT (0403-05) RESOLUTION NO. 2009.52

APPROVED

38. Request approval of a resolution which authorizes the Mayor to execute five Intergovernmental Agreements between the City and the Pascua Yaqui Tribe for disbursement pursuant to Arizona law of a portion of the Tribe's gaming revenues and authorizes the Mayor to execute the necessary funding agreements.

DOCUMENT NAME: [20090611graw01.pdf](#) STATE LEGISLATURE (0107-06) RESOLUTION NO. 2009.56

APPROVED

39. Request approval of a resolution authorizing the Water Utilities Department to apply for a United States Bureau of Reclamation Challenge Grant to help fund the Tempe Kyrene Water Reclamation Facility Groundwater Recharge Project, and to enter into a cooperative agreement with the Bureau if the application is successful.

DOCUMENT NAME: [20090611cacc01.pdf](#) WASTEWATER MANAGEMENT ADMIN (0812-01) RESOLUTION NO. 2009.58

APPROVED

40. Request approval of a resolution authorizing the Mayor to execute a Land and Improvements Lease between the City and WPRE I Triyar Tempe, LLC, a Delaware limited liability company, or their successor in interest, and a Memorandum of Lease.

DOCUMENT NAME: [20090611cdnr02.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03) RESOLUTION NO. 2009.59**

APPROVED

41. Request approval of a resolution to renew the Intergovernmental Agreement with the U.S. Department of Agriculture, Wildlife Services Division for fiscal year 2009/2010 to provide Wildlife Management Assistance for the Rio Salado Project.

COMMENTS: Total cost of the contract shall not exceed \$25,000.

DOCUMENT NAME: [20090611cdnr01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03) RESOLUTION NO. 2009.60**

APPROVED

42. Request approval of a resolution amending City Code Appendix A—Schedule of Fees and Charges, as it pertains to certain Zoning and Development Fees.

DOCUMENT NAME: [20090611dsrl01.pdf](#) **MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2009.57**

APPROVED

43. Request approval of a resolution amending the City of Tempe Personnel Rules and Regulations pertaining to requirements for shift differential, hiring of relatives, vacation accrual, Wellness Leave Program, Sabbatical Leave Program, bereavement leave, Family and Medical Leave Act (FMLA) and computer and telephone use.

COMMENTS: This resolution amends the City of Tempe Personnel Rules and Regulations; Rule 2, Section 204(D); Rule 3, Sections 301(D); Rule 5, Sections 502(A), 502(H), 503(I), 505(A) and (B) and 512 (D); and Rule 6, Section 612(A), (B), (E), (F) and (G).

DOCUMENT NAME: [20090611hrrb01.pdf](#) **PERSONNEL RULES AND REGULATIONS (0301-01) RESOLUTION NO. 2009.61**

APPROVED

44. Request adoption of a resolution approving the Third Amendment to the Intergovernmental Agreement between the Maricopa County Library District and the City of Tempe for participation in the Reciprocal Borrowing Program.

COMMENTS: The City of Tempe received \$193,749 in revenue for FY 2007/2008 and \$196,000 for FY 2008/2009 for its participation in this program at the reimbursement rate of \$29.00

per net non-resident borrower card issued. It is estimated that the City will receive approximately \$185,874 in revenue for FY 2009/2010 at the reduced reimbursement rate of \$26.00 for the one year term of the Amendment.

DOCUMENT NAME: [20090611cstm01.pdf](#) LIBRARY ADM (0704-01) RESOLUTION NO. 2009.62

APPROVED

45. Request approval of a resolution approving a Memorandum of Understanding between the Tempe Supervisors' Association and the City of Tempe July 1, 2009 – June 30, 2010 and authorizing its execution.

DOCUMENT NAME: [20090611hrb02.pdf](#) SUPERVISORY EMPLOYEES – MEET AND CONFER (0303-08-05) RESOLUTION NO. 2009.63

APPROVED

46. Request approval of a resolution authorizing the City Manager to execute an Addendum amending the current Memorandum of Understanding between the Firefighter's Unit and the City of Tempe.

DOCUMENT NAME: [20090611casv01.pdf](#) FIRE FIGHTERS – MEET AND CONFER (0303-08-01) RESOLUTION NO. 2009.64

APPROVED

47. **THIS ITEM WAS REMOVED**
Request approval of a resolution extending the termination date of the Memorandum of Understanding between the City of Tempe and the Tempe Supervisors' Association with exceptions.

DOCUMENT NAME: [20090611casv04.pdf](#) TEMPE SUPERVISORS' ASSOCIATION – MEET AND CONFER (0303-08-01) RESOLUTION NO. 2009.67

48. Request approval of a resolution extending the termination date of the Memorandum of Understanding between the City of Tempe and SEIU Local 5 with exceptions.

DOCUMENT NAME: [20090611casv03.pdf](#) SEIU LOCAL 5 – MEET AND CONFER (0303-08-01) RESOLUTION NO. 2009.65

APPROVED

49. Request approval of a resolution extending the termination date of the Memorandum of Understanding between the City of Tempe and the Tempe Officers Association with exceptions.

DOCUMENT NAME: [20090611casv02.pdf](#) TEMPE OFFICERS ASSOCIATION – MEET AND CONFER (0303-08-01) RESOLUTION NO. 2009.66

APPROVED

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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