

Formal Meeting Agenda



Tempe City Council Thursday, March 04, 2010

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

Members of the City Council may attend either in person or by telephone conference call.

1. **INVOCATION - Councilmember Shekerjian**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Mitchell**
 - A. Approval of Council Meeting Minutes
 1. [Formal Council Meeting - February 18, 2010](#)
 2. [Council Issue Review Session - February 18, 2010](#)
 3. Council Executive Session - February 18, 2010
 4. [Council Special Meeting - February 18, 2010](#)
 5. [Council Sports, Recreation, Arts & Cultural Development Committee - January 13, 2010](#)
 6. [Council Technology, Economic & Community Development Committee - January 15, 2010](#)
 7. [Council Education Partnerships Committee - February 8, 2010](#)
 8. [Council Housing Committee - February 16, 2010](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 1. [Tardeada Advisory Board - October 5, & December 14, 2009](#)
 2. [Library Advisory Board - November 2, 2009](#)
 3. [Municipal Arts Commission - December 9, 2009](#)
 4. [Historical Museum Advisory Board - January 7, 2010](#)
 5. [Ad Hoc Transit Fund Committee - January 7, 2010](#)
 6. [Human Relations Commission - January 12, 2010](#)
 7. [Transportation Commission - January 12, 2010](#)
 8. [Aviation Commission - January 12, 2010](#)
 9. [Historic Preservation Commission - January 14, 2010](#)
 10. [Parks and Recreation Board - January 19, 2010](#)
 11. [Mayor's Youth Advisory Commission - January 19, & February 2, 2010](#)
 12. [2010 Census Complete Count Committee - January 26, & February 9, 2010](#)

- 13. [Goodwin Park Public Art Opportunity Review Panel - January 26, 2010](#)
- 14. [Public Involvement/Marketing Transportation Subcommittee - February 1, 2010](#)
- 15. [Hearing Officer - February 2, 2010](#)
- 16. [Special Events Task Force - February 23, 2010](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
 - 1. **Tyrone Ross Heroism Proclamation**
 - 2. **2010 Census Proclamation**
 - 3. **Tempe Elks Lodge No. 2251 Citizen of the Year 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.

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

- *1. [This is a public hearing to recommend the approval of a Series 04 In-State Wholesaler's liquor license for Orangewood Consulting, LLC, dba Orangewood Wines, 2153 East Cedar Street, #4.](#)

COMMENTS Colin Richard Corles is the Agent for this application.
DOCUMENT NAME Orangewood Wines - LIQ LIC (0210-02)

- *2. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Taj Mahal Indian Cuisine, LLC, dba Taj Mahal Indian Cuisine, 1949 North Scottsdale Road.](#)

COMMENTS Jasvinder Singh is the Agent for this application.
DOCUMENT NAME Taj Mahal Cuisine - LIQ LIC (0210-02)

- *3. [This is a public hearing to recommend the approval of a Series 12 restaurant continuation liquor license for Irish Pub – Tempe, LLC, dba Rula Bula Tempe Irish Pub & Restaurant, 401 South Mill Avenue.](#)

COMMENTS Steven Goumas is the Agent for this application.
DOCUMENT NAME Rula Bula Tempe - LIQ LIC (0210-02)

4. [Request approval of the settlement in Rio Lago Cruise Co., LLC v. City of Tempe, CV2006-017551](#)

COMMENTS Plaintiff has agreed to dismiss with prejudice all claims against the City of Tempe in exchange for a settlement amount of Three Hundred Fifteen Thousand Dollars (\$315,000). Plaintiff has also agreed to terminate their existing contract to operate professional watercraft on Tempe Town Lake upon execution of the agreement. The contract currently expires in September 2011.
DOCUMENT NAME 20100304cacc02 LITIGATION SETTLEMENTS (0501-04)

5. [Request for a Lot Line Adjustment for the MENTING RESIDENCE located at 959 South Ash Avenue.](#)

COMMENTS Request for the MENTING RESIDENCE (PL090475) (Irene Menting, property owner/applicant) consisting of 0.16 acres, located at 959 South Ash Avenue in the R-3, Multi-Family Residential Limited District. The request includes the following:

SBD09015 – Subdivision Plat consisting of one (1) lot.
DOCUMENT NAME 20100304dsrl02 PLANNED DEVELOPMENT (0406)

B. Award of Bids/Contracts

1. [Request approval of an amendment to job order no. 6 with SDB, Inc. for well no. 9 site improvements](#)

COMMENTS Total cost for the amendment is \$155,231.45, which brings the total contract amount to \$802,942.80 including the original contract amount of \$647,711.35.
DOCUMENT NAME 20100304PWDR01 WELLS-CONSTRUCTION/MAINTENANCE (0811-01) PROJECT NO. 3202601

2. [Request approval to award two-year contracts with three, one-year renewal options to Four Corners Environmental, Inc., Western Technologies, Inc., Terracon, Tetra Tech, Inc., and Ninyo and Moore for environmental assessment consulting services for use by the Community Development Department.](#)

COMMENTS (RFP #10-008) The total combined amount of the contracts shall not exceed \$100,000 during the initial two-year contract period.
DOCUMENT NAME 20100304fslg04 PURCHASES (1004-01)

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

- *1. [Introduction and first public hearing to adopt an ordinance amending the City Code in Chapter 27, Section 27-10 relating to Sewers; Chapter 28, Section 28-1 relating to Solid Waste; and Chapter 29, Section 29-20 relating to Streets and Sidewalks. The amendments change the current swimming pool drainage permit process. The second hearing is scheduled for March 25, 2010.](#)

COMMENTS These amendments authorize draining a residential swimming pool of less than 35,000 gallons, under specified conditions, without the need for an individual permit from the city engineer.

DOCUMENT NAME 20100304PWWS02 TCC CH29 (0503-29) Ordinance No. 2010.04

- *2. [Introduction and first public hearing for Historic Designation of the DOUGLASS / GITLIS HOUSE located at 1206 South Ash Avenue. The second public hearing is scheduled for March 25, 2010.](#)

COMMENTS Hold a public hearing for a request by the DOUGLASS / GITLIS HOUSE (PL090431) (Philip C. Douglass & Karyn Gitlis, property owners; Joe Nucci, Historic Preservation Officer, applicant) consisting of a 1935 wood-frame early ranch-style home on approximately 0.41 acres, located at 1206 South Ash Avenue in the R-3R, Multi-Family Residential Restricted District. The request includes the following:

HPO09003 – (Ordinance No. 2009.41) Historic Designation located on .41 acres.

DOCUMENT NAME 20100304dsrl01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2009.41

D. Ordinances and Items for Second Hearing/Final Adoption

- *1. [This is the second and final public hearing to amend Chapter 2, Article V, Division 7 of the Tempe City Code relating to the Golf Advisory Committee; Repealing Chapter 2 Article V, Division 17 relating to the Parks and Recreation Board; Consolidating the Golf Advisory Board and Parks and Recreation Board; and Repealing Chapter 2, Article V, Division 11 Relating to the Rio Salado Citizen Advisory Commission.](#)

COMMENTS This ordinance consolidates the Golf Advisory Committee and the Parks and Recreation Board into a new Board which will be called the Parks, Recreation and Golf Advisory Board and phases out the Rio Salado Citizen Advisory Commission effective December 31, 2010.

DOCUMENT NAME 20100218cacc01 TCC CH 2 – CITY CODE ADMINISTRATION (0503 02) Ordinance No. 2010.03

E. Resolutions

1. [Request approval of a resolution to order the abatement by demolition of a public nuisance consisting of an unsafe unoccupied, partially demolished single family residence located at 947 East Spence Avenue.](#)

COMMENTS N/A
DOCUMENT NAME 20100304dsnw01 ABATEMENT (0602) Resolution No. 2010.22

2. [Request approval of a resolution approving the Marketplace Development Parcel Agreement for Parcel #7 with Sam's West, Inc.](#)

COMMENTS The resolution provides for an 18 month extension of the building permits from March 17, 2010 to October 17, 2011
DOCUMENT NAME 2010030410cdls01 FARMER SOUTH COUNTY ISLAND DEVELOPMENT (0403-08) Resolution 2010.16

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.

A. Scheduled

1. Vern Lenox - Traffic Camera Penalties and Resulting Insurance Costs

B. Unscheduled

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) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

**Agendas are also available at www.tempe.gov/clerk
Watch live at www.tempe.gov/tempe11**

