

# Formal Council Meeting Agenda



## LEGAL ACTION SUMMARY

**Tempe City Council  
Formal Council Meeting  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street, Tempe, Arizona  
Thursday, November 01, 2012  
7:30 PM**

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

1. **INVOCATION - Councilmember Ellis**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Granville**

A. Approval of Council Meeting and Council Committee Meeting Minutes

1. [Formal City Council Meeting - July 2, 2012, September 6, 2012, September 20, 2012 and October 4, 2012](#)

**APPROVED**

B. Acceptance of Committee, Board & Commission Meeting Minutes

1. [Enhanced Services Commission - April 11, 2012](#)
2. [Development Review Commission - September 11, 2012 and September 25, 2012](#)
3. [Municipal Arts Commission - September 12, 2012](#)
4. [Hearing Officer - October 2, 2012](#)
5. [Mayor's Youth Advisory Commission - October 2, 2012](#)

**ACCEPTED**

4. **REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

1. **Kid Zone Food Drive**

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 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**

- \*A1. [Hold a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Sunflower Farmers Markets, LLC, dba Sprouts Farmers Market #20, 1706 East Southern Avenue, #1706.](#)

*Fiscal Impact:* N/A

**APPROVED**

- A2. [Clarify Ordinance No. 2012.21, specifying abandonment of the public utility easements on the north side of the parcel located on the southeast corner of 8th Street and Rural Road as previously approved by Council.](#)

*Fiscal Impact:* N/A

**APPROVED**

**B. Award of Bids/Contracts**

- B1. [Approve the second agreement between Competitor Group, Inc. a California Corporation, The Tempe Convention & Visitors Bureau and the City of Tempe to host the start of the Rock N Roll Half Marathon, and finish line of both the Marathon and Half Marathon.](#)

*Fiscal Impact:* Tempe and the Tempe Convention and Visitors Bureau (TCVB) will share costs associated with this agreement based upon previous agreements with Council and TCVB board approvals. Sufficient City funds has been appropriated in Community Services cost center 2522 (General Fund) for the potential \$90,000 direct expenditures. In-kind City services values at \$104,000 are met through participating department's general fund cost centers (Solid Waste 3722, Tempe Police 2276, Tempe Fire 2342, Traffic Operations 3826, Custodial 3289) .

**APPROVED**

- B2. [Approve an addendum to a professional services contract with Wilson Engineers, LLC for water quality upgrades at the South Tempe Water Treatment Plant.](#)

**Fiscal Impact:** Total amount of the addendum is not to exceed \$285,890. Approval of this addendum will bring the original contract amount of \$1,502,510 up to a total contract amount of \$1,788,400. Approval was given by City Council on October 18, 2012, to reallocate \$1,200,000 in fiscal year 2012-13 from Capital Improvement Program Fund No. 3201099, Johnny G. Martinez Water Treatment Plant, to Fund No. 3203211, South Tempe Water Treatment Plant Improvements. The total fiscal year 2012-13 Capital Improvements budget for the Public Works Department has not been increased as a result of this reallocation.

**APPROVED**

- B3. [Award job order no. 12 to Foresite Design & Construction, Inc. for replacement of the hot water system at Tempe Diablo Stadium.](#)

**Fiscal Impact:** Total contract amount is \$142,428 and project contingency amount is \$14,000. Funds were approved and appropriated for fiscal year 2012/2013 in Capital Improvement Fund No. 6705229, Water Heater Replacement Program, and will be transferred to Fund No. 6705221, Tempe Diablo Stadium Hot Water System Replacement, to fund this contract.

**APPROVED**

- B4. [Award job order no. 11 to Caliente Construction, Inc. for restoration of a portion of the existing restaurant space at the City-owned 525 South Mill Avenue building.](#)

**Fiscal Impact:** Total contract amount is \$114,607 and project contingency amount is \$11,000. To date, insurance proceeds in the amount of \$63,000 have been paid by the existing tenant toward the City's portion of the restoration as payment for the damaged City building. The remainder of this job order will be funded by Capital Improvement Fund No. 6799779, Emergency Capital Repair. Sufficient funds were approved and appropriated for fiscal year 2012/2013 and will be transferred to Fund No. 6705391, 525 Building Tenant Repairs, to fund the remainder of this job order.

**APPROVED**

- B5. [Approve the Agreement with Tempe Union High School District authorizing the City to use High School facilities for the purpose of community education classes.](#)

**Fiscal Impact:** The City shall pay the District thirty percent (30%) of gross revenue received by the City for community education programming. The thirty percent (30%) will be used to fund District-assigned staff and serve as facility rental. All City of Tempe adult community programming is at a cost recovery rate. Funds to pay the district the thirty percent (30%) of revenues received are appropriated in Community Services 2012-13 operating budget in cost center 2524.

**APPROVED**

- B6. [Award a single purchase contract to Cobra Power Systems, Inc. for the purchase of towable generators to be used by the Tempe Fire Department.](#)

**Fiscal Impact:** Total cost of the three generators will not exceed \$106,000, however, there is no cost to the City; a State Homeland Security Grant (SHSGP) will cover the acquisition cost. The City of Tempe was the originator of the grant application made on behalf of the All Hazards Incident Management Team (AHIMT) which includes Tempe, Phoenix and Glendale. As the grant originator, Tempe has the responsibility to solicit the items, review submittals, issue the contract, make payment for the delivered units, distribute items to the participating agencies and seek reimbursement from SHSGP.

**APPROVED**

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

- \*C1. [REMOVED/DELETED FROM THE AGENDA Introduce and hold a public hearing to adopt an ordinance abandoning an existing public utility easement over a portion of the 8th Street alignment, east of Rural Road and south of University Drive. The second public hearing is scheduled for November 15, 2012. \(Ordinance No. 2012.51\)](#)

**D. Ordinances and Items for Second Hearing/Final Adoption**

- \*D1. [Hold the second and final public hearing to adopt an ordinance abandoning an existing sewer easement and temporary easements recorded in Docket 5147, Pages 368-369, office of the Maricopa County Recorder. \(Ordinance No. 2012.48\)](#)

**Fiscal Impact:** N/A

**ADOPTED**

- \*D2A. [Hold the second and final public hearing to adopt an ordinance for a Zoning Map Amendment from Agricultural District to MU-3, Mixed-Use Medium-High Density District, and a Planned Area Development Overlay, consisting of a new 3-story, 590 unit multi-family development for SOUTHWEST TEMPE REZONE located at 9010 South Priest Drive. The applicant is Huellmantel & Affiliates. \(Ordinance No. 2012.49A\)](#)

**Fiscal Impact:** While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

**ADOPTED**

- \*D2B. [Hold the second and final public hearing to adopt an ordinance for a Zoning Map Amendment from Agricultural District to General Industrial District for SOUTHWEST TEMPE REZONE located at 9010 South Priest Drive. The applicant is Huellmantel & Affiliates. \(Ordinance No. 2012.49B\)](#)

**Fiscal Impact:** While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

**ADOPTED**

- \*D3. REMOVED/DELETED FROM THE AGENDA ~~Hold the second and final public hearing to adopt an ordinance for the historic designation of HAYDEN FLOUR MILL & SILOS, located at 119 South Mill Avenue. The Applicant is the Tempe Historic Preservation Officer. (Ordinance No. 2012.50)~~

**E. Resolutions**

- E1. [Adopt a resolution authorizing the Mayor to execute the Subgrant Award Agreement between the Arizona Department of Homeland Security and the City of Tempe for the purpose of accepting and spending a federal grant for the purpose of sustaining the Tempe Fire Department's Terrorism Liaison Officer. \(Resolution No. 2012.114\)](#)

**Fiscal Impact:** The amount of the grant award is \$6,720 in federal funds. Acceptance of this grant does not require any matching City funds. This grant award will supplement the Fire Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Governmental Grants and Donations Fund (Fund 46) as part of the fiscal year 2012-13 adopted budget.

**ADOPTED**

- E2. [Adopt a resolution authorizing the Mayor to execute the Subgrant Award Agreement between the Arizona Department of Homeland Security and the City of Tempe for the purpose of accepting and spending a federal grant for the purpose of sustaining the Tempe Fire Department's component of the Rapid Response Team. \(Resolution No. 2012.115\)](#)

**Fiscal Impact:** The amount of the grant award is \$66,560 in federal funds. Acceptance of this grant does not require any matching City funds. This grant award will supplement the Fire Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Governmental Grants and Donations Fund (Fund 46) as part of the fiscal year 2012-13 adopted budget.

**ADOPTED**

- E3. [Adopt a resolution authorizing the Mayor to execute the Subgrant Award Agreement between the Arizona Department of Homeland Security and the City of Tempe for the purpose of accepting and spending a federal grant for the purpose of providing training for the Tempe Fire Department's Community Emergency Response Team. \(Resolution No. 2012.116\)](#)

**Fiscal Impact:** The amount of the grant award is \$4,000 in federal funds. Acceptance of this grant does not require any matching City funds. This grant award will supplement the Fire Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Governmental Grants and Donations Fund (Fund 46) as part of the fiscal year 2012-13 adopted budget.

**ADOPTED**

- E4. [Adopt a resolution authorizing the Mayor to execute the Grant Award Agreement between the Higgins Family Charitable Foundation and the City of Tempe, for the purpose of accepting and spending grant funds to purchase ballistic shields and computers for the crime analysis. \(Resolution No. 2012.117\)](#)

**Fiscal Impact:** The amount of the total grant award is \$25,000. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Department Racketeering Influenced and Corruption Organizations Act (RICO) and Grants Fund (Fund 45) as part of the FY 2012-13 adopted budget

**ADOPTED**

**6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

**7. 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. Blake Smith - Amplified Music

- B. Unscheduled

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.

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**Video replay of this meeting is available the next day at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11).**