

LEGAL ACTION SUMMARY

**Tempe City Council
Regular Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, February 27, 2014
7:30 PM**

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

1. INVOCATION - Councilmember Arredondo-Savage

2. PLEDGE OF ALLEGIANCE

3. MINUTES - Councilmember Woods

A. Approval of City Council Meeting Minutes

1. [Regular City Council Meeting - February 13, 2014](#)
2. Executive Session - February 13, 2014
3. [City Council Committee of the Whole - September 30, 2013](#)

APPROVED

B. Acceptance of Board, Commission and Committee Meeting Minutes

1. [Aviation Commission - January 14, 2014](#)
2. [Human Relations Commission - January 14, 2014](#)
3. [Mayor's Youth Advisory Commission - January 21, 2014](#)
4. [Neighborhood Advisory Commission - August 7, 2013, October 2, 2013, November 6, 2013 and December 4, 2013](#)
5. [Parks, Recreation and Golf Advisory Board - December 18, 2013](#)
6. [Transportation Commission - January 14, 2014](#)

ACCEPTED

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. **Poison Awareness Week**

B. City Manager's Announcements

5. CONSENT AGENDA

All items listed on the Consent 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.

A. Miscellaneous Items

- 5A1. [Approve the January 2014 Report of Claims Paid to be filed for audit.](#)

Fiscal Impact: Total payments in January: \$17,077,384.65

APPROVED

- 5A2. [Approve a Final Subdivision Plat and Condominium Plat for 1916 HAYDEN LANE CONDOMINIUMS, located at 1916 East Hayden Lane. The applicant is Brightlake Architecture, LLC.](#)

Fiscal Impact: There is no fiscal impact on City funds.

APPROVED

- *5A3. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 12 restaurant liquor license for Taco Titan I LLC, dba Fuzzy's Taco Shop, 414 South Mill Avenue #115.](#)

Fiscal Impact: N/A

APPROVED

- *5A4. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for J & H Global Corporation, dba Great Steak & Potato, 2000 East Rio Salado Parkway #1215.](#)

Fiscal Impact: N/A

APPROVED

- *5A5. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Money Sodhi LLC, dba Gus' New York Pizza Lounge, 414 South Mill Avenue #118.](#)

Fiscal Impact: N/A

APPROVED

- *5A6. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for HNJ Tempe Inc., dba Hot N Juicy Crawfish, 740 South Mill Avenue, #185-D.](#)

Fiscal Impact: N/A

APPROVED

- *5A7. [Hold a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for One Group, LLC, dba McChevron, 475 West Guadalupe Road.](#)

Fiscal Impact: N/A

APPROVED

- *5A8. [Hold a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Milk and Honey LLC, dba Milk and Honey, 115 West 6th Street.](#)

Fiscal Impact: N/A

APPROVED

- *5A9. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Inland Oceans Operations, LLC, dba Big Surf Waterpark, 1500 North McClintock Drive.](#)

Fiscal Impact: N/A

APPROVED

B. Award of Bids/Contracts

- 5B1. [Approve the renewal of one-year contracts with Baker & Taylor, Inc. and Midwest Tape, LLC for the purchase of library books and non-print media for the Tempe Public Library.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$300,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund - cost center 2440 (Library) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B2. [Award a construction contract to AJP Electric, Inc. for replacement of the electrical back-up generators at Fire Station Number 3 at 5440 South McClintock Drive and Station Number 4 at 300 East Elliot Road.](#)

Fiscal Impact: The total contract amount is \$93,830 and the project contingency amount is \$9,383. Funds to cover this construction contract and related costs are appropriated for fiscal year 2013/14 in Capital Improvement Project No. 6799779, Emergency Capital Repairs.

APPROVED

- 5B3. [Award a construction contract to AJP Electric, Inc. for safety improvements at the Union Pacific Railroad crossing on Fifth Street.](#)

Fiscal Impact: The total contract amount is \$135,400.40 and the project contingency amount is \$13,500. Funds to cover this construction contract and related costs are appropriated for fiscal year 2013/14 in Capital Improvement Project No. 5401901, Railroad Safety Improvements. This project is fully funded by a Highway Safety Improvement Program Section 130 grant through the Federal Highway Administration.

APPROVED

C. Resolutions

- 5C1. [Adopt a resolution establishing the polling places and districts for the May 20, 2014 Special Election. \(Resolution No. R2014.16\)](#)

Fiscal Impact: N/A

ADOPTED

- 5C2. [Adopt a resolution to adopt the Land Use Assumptions and the Infrastructure Improvement Plan, both dated February 4, 2014, that will be used as the basis to calculate Water and Wastewater Development Fees. \(Resolution No. R2014.17\)](#)

Fiscal Impact: No impact on City funds.

ADOPTED

- 5C3. [Adopt a resolution authorizing the City Manager to extend the closing date under the Development and Disposition Agreement with 529 Tempe, LLC for the sale of the City-owned property at 903 South Rural Road. \(Resolution No. 2014.18\)](#)

Fiscal Impact: There is no fiscal impact to the City.

ADOPTED

- 5C4. [Adopt a resolution authorizing the Mayor to sign a Memorandum of Understanding between the City of Tempe and Maricopa County Community College District for negotiations to jointly explore a potential collaboration that will support the construction and use of additional buildings and facilities on the City-owned property adjacent to the Tempe Center for the Arts that will expand potential uses of the Tempe Center for the Arts and meet the expanding needs of the District. \(Resolution No. R2014.19\)](#)

Fiscal Impact: The Memorandum of Understanding will result in no fiscal impact to the City.

ADOPTED

- 5C5. [Adopt a resolution authorizing the issuance of one or more series of The Industrial Development Authority of the City of Tempe, Arizona Lease Revenue Refunding Bonds \(Arizona State University/ASU Foundation Project\) in an original aggregate principal amount not to exceed \\$45,000,000. \(Resolution No. R2014.20\)](#)

Fiscal Impact: The City is not obligated for any payments with respect to the bonds.

ADOPTED

- 5C6. [Adopt a resolution supporting the restoration of Arizona Highway User Revenue Fund distribution to cities, towns, counties, and state highways. \(Resolution No. R2014.21\)](#)

Fiscal Impact: There is no cost to the City to adopt this resolution.

ADOPTED

- 5C7. [Adopt a resolution supporting the Governor's Fiscal Year 2015 budget recommendation for Arizona State University at the Tempe Campus. \(Resolution No. R2014.22\)](#)

Fiscal Impact: N/A

ADOPTED

6. NON-CONSENT AGENDA

All items listed on the Non-Consent Agenda will be considered separately. Agenda items scheduled for Introduction and First Public Hearing will be heard, but will not be voted upon at this meeting. Agenda items scheduled for Second Public Hearing and Final Adoption will be voted upon tonight.

Quasi-judicial items are indicated by "q-j". 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.

A. Miscellaneous Items/Bids/Contracts/Resolutions - None.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 27, Article II of the Tempe City Code relating to Sewers and Sewage Disposal. The second and final public hearing is scheduled for March 20, 2014. \(Ordinance No. O2014.11\)](#)

Fiscal Impact: N/A

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR MARCH 20, 2014

- *6B2. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 33, Article II, of the Tempe City Code, relating to Domestic Water Service and Article III, relating to Water for Irrigation. The second and final public hearing is scheduled for March 20, 2014. \(Ordinance No. O2014.12\)](#)

Fiscal Impact: N/A

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR MARCH 20, 2014

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance authorizing the granting of a Power Distribution Easement to Salt River Project Agricultural Improvement and Power District for new underground power lines located near the parking area in Kiwanis Park at 6015 South All American Way. The second and final public hearing is scheduled for March 20, 2014. \(Ordinance No. O2014.13\)](#)

Fiscal Impact: No impact on City funds.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR MARCH 20, 2014

- *6B4. [Introduce and hold the first public hearing to amend Chapter 2, Article III and Chapter 14, Article I of the Tempe City Code relating to Administration, Fire Prevention and Protection and the City Code generally, by amending the relevant sections to reflect the updated name from Tempe Fire Department to Tempe Fire Medical Rescue Department and also by designating the chief of the fire department as the chief of the Fire Medical Rescue Department. The second and final public hearing is scheduled for March 20, 2014. \(Ordinance No. O2014.14\)](#)

Fiscal Impact: The estimated cost for updating equipment to reflect the updated name is \$10,000 over a five-year period. Sufficient budget appropriation exists in the Fire Department's existing General Fund budget, cost center 2310, to cover these costs. No additional funds are being requested.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR MARCH 20, 2014

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance amending Chapter 9 of the Tempe City Code relating to Civil Defense and Emergency Services. \(Ordinance No. O2014.09\)](#)

Fiscal Impact: N/A

ADOPTED

- *6C2. [Hold the second and final public hearing to adopt an ordinance amending Chapter 2, Administration of the Tempe City Code, by adding Article VIII, relating to Human Relations. \(Ordinance No. O2014.10\)](#)

Fiscal Impact: There is no direct fiscal impact to the City as a result of this Ordinance. Existing staff will provide the administration of the Ordinance.

ADOPTED

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

8. 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

B. Unscheduled

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).

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.