

# Formal Council Meeting Agenda



**REVISED**

**Tempe City Council  
Formal Council Meeting  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street, Tempe, Arizona  
Thursday, October 04, 2012  
7:30 PM**

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

**1. INVOCATION - Vice Mayor Shekerjian**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES - Councilmember Navarro**

A. Approval of Council Meeting and Council Committee Meeting Minutes

1. [Formal Council Meeting - May 31, 2012, June 14, 2012, June 28, 2012 and August 9, 2012](#)
2. Executive Session - September 20, 2012
3. [Ad Hoc Council Committee Education as a Priority - January 3, 2012](#)
4. [Transportation Council Committee - May 22, 2012](#)
5. [Education Partnerships Council Committee - April 2, 2012, May 7, 2012, June 4, 2012 and September 10, 2012](#)
6. [Neighborhood Quality of Life and Revitalization Council Committee - June 26, 2012](#)

B. Acceptance of Committee, Board & Commission Meeting Minutes

1. [Double Butte Cemetery Advisory Committee - May 16, 2012](#)
2. [Historic Preservation Commission - August 9, 2012](#)
3. [Human Relations Commission - August 14, 2012](#)
4. [Hearing Officer - September 4, 2012](#)

**4. REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

1. **Tempe Coalition's Campaign Public Relations Award**
2. **Valley Forward Association's 32nd Annual Environmental Excellence Awards**
3. **Fall 2012 Board and Commission Recruitment**

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. [Approve August 2012 Report of Claims Paid to be filed for audit.](#)

**Fiscal Impact:** Total payments in August: \$21,023,919.77.

- \*A2. [Adopt a Notice of Intention setting the date and time for the public hearing to modify water rates for November 15, 2012 at 7:30 p.m.](#)

**Fiscal Impact:** N/A

- \*A3. [Adopt a Notice of Intention setting the date and time for the public hearing to modify wastewater rates for November 15, 2012 at 7:30 p.m.](#)

**Fiscal Impact:** N/A

- \*A4. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 10 beer and wine store liquor license for Cost Plus Inc., dba Cost Plus World Market, 1800 East Rio Salado Parkway #150.](#)

**Fiscal Impact:** N/A

- \*A5. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 07 beer and wine bar liquor license for Cost Plus Inc., dba Cost Plus World Market, 1800 East Rio Salado Parkway #150.](#)

**Fiscal Impact:** N/A

- A6. [Approve the final subdivision plat to divide two \(2\) lots into four \(4\) lots and a tract for SAYLOR ESTATES located at 11650 South 71st Street. The Applicant is VIP Homes.](#)

**Fiscal Impact:** There is no fiscal impact to City funds.

A7. [Reappoint Judge Mary Jo Barsetti as a Municipal Court Judge for Tempe Municipal Court.](#)

**Fiscal Impact:** Sufficient funds have been allocated in the General Fund budget for this reappointment.

**B. Award of Bids/Contracts**

B1. [Award job order no. 2 to Builders Guild, Inc. for security modifications to the garden level, west wing of the City Hall complex.](#)

**Fiscal Impact:** Total amount of job order no. 2 is not to exceed \$90,148 and the project contingency amount is \$9,000. Sufficient funds were approved in fiscal year 2011/2012 and are available in Capital Improvement Fund No. 6709249, City Hall/Municipal Complex Rehabilitation.

B2. [Approve the utilization of one-year State of Arizona contracts with Bill Luke Chrysler Jeep & Dodge, Courtesy Chevrolet, Don Sanderson Ford, Larry Miller Toyota, Midway Chevrolet and San Tan Auto Partners for the purchase of forty-nine vehicles.](#)

**Fiscal Impact:** Total combined cost of these contracts will not exceed \$1,400,000. Sufficient funds have been appropriated in various cost centers in General, Water/Wastewater, Solid Waste, Transit and Highway User Funds for the anticipated expenditures in the current fiscal year.

B3. [Approve the utilization of a one-year State of Arizona Western States Contracting Alliance contract with Bridgestone/Firestone of North America, Inc. for the purchase of tires and tubes.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$150,000. Sufficient funds have been appropriated in the General Fund, cost center 3264, for the anticipated expenditures in the current fiscal year.

B4. [Approve the utilization one-year State of Arizona contracts with West Lite Supply Company and Voss Lighting for the purchase of lighting supplies.](#)

**Fiscal Impact:** Total combined cost of these contracts will not exceed \$85,000. Sufficient funds have been appropriated in the Highway Users Fund – cost center 3824 – for the anticipated expenditures in the current fiscal year.

B5. [Award a four-year contract to Clayton Holdings, LLC to provide 3rd party tax exempt lease financing services to fund the acquisition of golf course maintenance equipment for the Public Works Department.](#)

**Fiscal Impact:** The cost of this contract shall not exceed \$392,816.64. Out of this cost, \$13,293.84 is related to financing cost. The remaining cost is for the equipment being lease-purchased. Sufficient funds have been appropriated in cost centers 2511 and 2512 (Golf Fund) for the anticipated expenditures in the current fiscal year.

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

- \*C1. [Introduce and hold the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay consisting of a new four-story, 264 unit, multi-family development for THE LOFTS AT HAYDEN FERRY located at 260 East Rio Salado Parkway. The applicant is Huellmantel & Affiliates. The second public hearing is scheduled for October 18, 2012. \(Ordinance No. 2012.46\)](#)

**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.

- \*C2. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 2, Administration by adding new Article VII, relating to Risk Management; and by deleting Chapter 2, Article IV, Division 2, Claims and Demands Against City. The second public hearing is scheduled for October 18, 2012. \(Ordinance No. 2012.47\)](#)

**Fiscal Impact:** The City will continue to administer its workers' compensation program in cost center 2612 in the Risk Management Internal Service Fund. The funds set aside to pay benefits would merely be maintained in the trust fund required by state statute.

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

**E. Resolutions**

- E1. [Adopt a resolution authorizing the execution and delivery of an equipment lease-purchase agreement and separate lease schedule as required with respect to the acquisition, purchase, financing and leasing of certain equipment for the public benefit; authorizing the execution and delivery of documents required in connection therewith; and the taking of all other actions necessary for the consummation of the transactions contemplated. \(Resolution No. 2012.111\)](#)

**Fiscal Impact:** The cost of this lease-purchase financing shall not exceed \$392,816.64. Out of this cost, \$13,293.84 is related to financing cost. The remaining cost is for the equipment being lease-purchased. Sufficient funds have been appropriated in cost centers 2511 and 2512 (Golf Fund) for the anticipated expenditures in the current fiscal year.

- E2. [Adopt a resolution authorizing the Mayor to execute an amendment to the Development Agreement with BREOF TEMPE LAND LP, a Delaware limited partnership \("Brookfield"\). \(Resolution No. 2012.112\)](#)

**Fiscal Impact:** The amendment does not change the financial terms or impact of the Development Agreement.

**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

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).**