

**Tempe City Council
Regular Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, September 24, 2015
6:00 PM**

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

1. INVOCATION - Councilmember Navarro

2. PLEDGE OF ALLEGIANCE

3. MINUTES - Vice Mayor Woods

A. Approval of City Council Meeting Minutes

1. Executive Session - September 10, 2015
2. [City Council Work Study Session - March 26, 2015](#)

B. Acceptance of Board, Commission and Committee Meeting Minutes

1. [Aviation Commission - August 11, 2015](#)
2. [Hearing Officer - September 1, 2015](#)
3. [Historic Preservation Commission - August 13, 2015](#)
4. [History Museum and Library Advisory Board - June 3, 2015](#)
5. [Human Relations Commission - June 9, 2015 and August 11, 2015](#)
6. [Mayor's Commission on Disability Concerns - August 3, 2015](#)
7. [Mayor's Youth Advisory Commission - May 5, 2015](#)
8. [Mayor's Youth Advisory Commission Community Service Project Subcommittee - August 11, 2015](#)
9. [Merit System Board - March 2, 2015](#)
10. [Tempe Fire Public Safety Personnel Retirement System Board - August 6, 2015](#)
11. [Tempe Police Public Safety Personnel Retirement System Board - August 6, 2015](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. **Community Planning Month Proclamation**
2. **Fire Prevention Month**
3. **City of Tempe Board, Commission and Committee Vacancies**

B. City Manager's Announcements

1. [Right-of Way Landscaping Update](#)

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 August 2015 Report of Claims Paid to be filed for audit.](#)

Fiscal Impact: Total payments in August: \$18,985,596.46.

- *5A2. [Hold a public hearing to recommend the approval of a Series 09S sampling liquor store license for Asad Enterprises LLC, dba Devil's Liquor, 1858 East Apache Boulevard.](#)

Fiscal Impact: N/A

- *5A3. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Bacus Bros. LLC, dba Bacus Bros Hot Dogs & Beer, 414 South Mill Avenue, Suite #114.](#)

Fiscal Impact: N/A

- *5A4. [Hold a public hearing to recommend the approval of an Off-Track Wagering license for TP Racing, LLLP, dba Turf Paradise, located at Kolby's Corner Pockets Billiards, 1301 East University Drive, Suite #112.](#)

Fiscal Impact: N/A

- *5A5. [Hold a public hearing to recommend the approval of an Off-Track Wagering license for TP Racing, LLLP, dba Turf Paradise, located at Dos Gringos Grille, 8000 South Priest Drive.](#)

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1. [Approve the utilization of a two-year State of Arizona contract with CenturyLink, Inc. for local and long distance telephone and data services.](#)

Fiscal Impact: Total cost of the two-year contract will not exceed \$800,000. Sufficient funds have been appropriated in General Fund cost center 1991 (IT Administration), Highway User Revenue Fund cost centers 3821 (Transportation Administration) and 3825 (Signal System), and Transit Special Revenue Fund cost center 3914 (Transit Operations) for the anticipated expenditures.

- 5B2. [Approve the utilization of a six-month State of Arizona 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 \$125,000. Sufficient funds have been appropriated in the General Fund – cost center 3264 (Fleet Services Inventory) – for the anticipated expenditures in the current fiscal year.

- 5B3. [Approve the utilization of one-year State of Arizona contracts with PFVT Motors for the purchase of vehicles.](#)

Fiscal Impact: Total cost of these contracts will not exceed \$200,000. Sufficient funds have been appropriated in the General Fund – cost center 3261 (Fleet Services), and the Water/Wastewater Fund – cost center 3022 (Distribution and Collection), for the anticipated expenditure in the current fiscal year.

- 5B4. [Approve the utilization of a one-year State of Arizona contract with Knowledge Services for information technology consulting services to be used on an as-needed basis.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$700,000 during the one-year contract period. Sufficient funds have been appropriated in various Citywide operating and capital improvement cost centers for the anticipated expenditures.

- 5B5. [Approve the utilization of a two-year State of Arizona contract with Cox Arizona Telecom, LLC, for data and internet services.](#)

Fiscal Impact: Total cost of the two-year contract will not exceed \$220,000. Sufficient funds have been appropriated in General Fund – cost centers 1991 (IT Administration) and 2440 (Library), Golf Fund – cost center 2513 (Ken McDonald Business Operations), and Water/WasteWater Fund – cost center 3006 (Eisendrath House Maintenance) for the anticipated expenditures.

- 5B6. [Approve the utilization of a one-year City of Chandler contract with East Valley Disaster Services, Inc. for remediation and restoration services.](#)

Fiscal Impact: Total cost of the one-year contract will not exceed \$75,000. Sufficient funds have been appropriated in Risk Management Fund – cost center 2611 (Liability Claims/Risk) for the anticipated expenditures.

- 5B7. [Approve the renewal of a one-year contract with Caid Industries for the purchase of modular traffic signal poles and mast arms.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$250,000 during the contract renewal period. Sufficient funds have been appropriated in the Traffic Signal CIP Fund – cost center 6906209 (New Signals/Safety Upgrade) – for the anticipated expenditures in the current fiscal year.

- 5B8. [Approve the renewal of a one-year contract with SealMaster of Arizona for the purchase of a polymer modified asphalt emulsion sealcoating.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$125,000 during the contract renewal period. Sufficient funds have been appropriated in the Highway User Revenue Fund – cost center 3813 (Construction) – for the anticipated expenditures in the current fiscal year.

- 5B9. [Approve the renewal of a one-year contract with Freightliner of Arizona for the purchase of a single 10 cubic yard dump truck.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$142,000. Sufficient funds have been appropriated in the Highway User Revenue Fund – cost center 3813 (Construction) – for the anticipated expenditures in the current fiscal year.

- 5B10. [Approve a one-year contract renewal with First Data Government Solutions, LP for an Interactive Voice Response/Interactive Web Response system that allows for automated payment processing services.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$400,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund cost center – 1831 (Accounting) and Water/Wastewater Fund – 1841 (Finance: Customer Services) for the anticipated expenditures.

- 5B11. [Approve an increase in the contract amount with The Toro Company, represented locally by Simpson Norton Corporation, for the purchase of grounds keeping, utility, golf, and sports field maintenance equipment.](#)

Fiscal Impact: Total spending on this contract will not exceed \$220,000 and will change the contract amount, previously approved by Council, from \$165,000 to \$220,000, an increase of \$55,000. Sufficient funds have been appropriated in various cost centers for the anticipated expenditures in the current fiscal year.

- 5B12. [Award one-year contracts with four, one-year renewal options to Police Ordnance Company, Inc. and Lawmen's & Shooters' Supply for the purchase of less lethal launchers for the Police Department.](#)

Fiscal Impact: Total one-year combined cost of these contracts shall not exceed \$80,000. Sufficient funds have been appropriated in the Police Grants & Restrictive Revenue Fund, cost center 2286 (Senate Bill 1398 – Police Department Safety Equipment) for the anticipated expenditures in the current fiscal year.

- 5B13. [Award job order no. 16 to MGC Contractors, Inc. for sewer line repairs on McClintock Drive south of Apache Boulevard.](#)

Fiscal Impact: The total job order amount is \$124,580.37 and the project contingency amount is \$12,500. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3299969, Collection and Pump Replacement and Repair.

- 5B14. [Award job order no. 19 to PCL Construction, Inc. for installation of a 66-inch butterfly valve and spool at the South Tempe Water Treatment Plant.](#)

Fiscal Impact: The total job order amount is \$215,210.13 and the project contingency amount is \$21,500. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3204969, Water System Rehabilitation or Replacement of Aging Infrastructure.

- 5B15. [Award a Construction Manager at Risk construction services contract to PCL Construction, Inc. for the final phase of repair to the raw water aqueduct at the Johnny G. Martinez Water Treatment Plant.](#)

Fiscal Impact: The construction services contract amount is \$284,496 and the project contingency amount is \$13,000. Funds to cover this contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3204959, Johnny G. Martinez Water Treatment Plant Water Aqueduct Rehabilitation.

C. Resolutions

- 5C1. [Adopt a resolution authorizing the Mayor to sign amendment one to the intergovernmental agreement with the Arizona Board of Regents, for and on behalf of Arizona State University, to provide funding to Tempe for existing urban and neighborhood circulator services. \(Resolution No. R2015.96\)](#)

Fiscal Impact: Arizona State University (ASU) will contribute a total of \$889,190 to the operation of urban (FLASH) and neighborhood circulator bus services (Orbit) in fiscal year 2015-16. ASU is fully funding the FLASH system at the net operating cost of \$758,540 and contributing \$130,650 to the total net operating cost of the Orbit Mars.

- 5C2. [Adopt a resolution authorizing the Chief of Police or his designee\(s\), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance loud party patrol and DUI suppression enforcement. \(Resolution No. R2015.100\)](#)

Fiscal Impact: The amount of the total grant award is \$60,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C3. [Adopt a resolution authorizing the Chief of Police or his designee\(s\), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance the Selective Traffic Enforcement Program. \(Resolution No. R2015.101\)](#)

Fiscal Impact: The amount of the total grant award is \$80,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C4. [Adopt a resolution authorizing the Chief of Police or his designee\(s\), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance DUI / impaired driving enforcement. \(Resolution No. R2015.102\)](#)

Fiscal Impact: The amount of the total grant award is \$100,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C5. [Adopt a resolution authorizing the Chief of Police or his designee\(s\), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance the Occupant Protection Enforcement relating to vehicle occupant restraint which includes seat belts, infant car seats, and booster seats. \(Resolution No. R2015.103\)](#)

Fiscal Impact: The amount of the total grant award is \$20,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

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

- 6A1. [Approve a contract option to purchase two replacement emergency response vehicles from Emergency Vehicle Group, Inc. for the Fire Medical Rescue Department.](#)

Fiscal Impact: Additional spending will not exceed \$1,200,000. This contract was solicited and approved with additional purchase options and sufficient funds have been appropriated in the Fire Protection Capital Improvement Project fund cost center 5603619 (Fire Apparatus Replacement) for the anticipated expenditure in the current fiscal year.

- 6A2. [Award a five-year contract to TASER International, Inc. for the purchase of a digital evidence and body-worn camera solution for the Police Department.](#)

Fiscal Impact: Total five-year cost of this contract (including tax) shall not exceed \$1,867,474. Sufficient funds have been appropriated in the Police Protection Capital Improvement Project Fund, cost center 5507179 (Digital Evidence / BWC Project) for the anticipated expenditures in the current fiscal year.

- 6A3. [Award a construction contract to B&F Contracting, Inc. and a professional services consultant contract to Brown and Caldwell, Inc. for emergency sewer line repair and rehabilitation on First Street from Priest to Hardy Drives.](#)

Fiscal Impact: The construction contract amount is \$961,952.66, professional services consultant contract amount is \$97,099, and the project contingency amount is \$100,000. Funds to cover this contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3299969, Collection System and Pump Station Replacement and Repair.

- 6A4. [Adopt a resolution authorizing the Mayor to sign fiscal year 2015-2016 Transit Service Agreement amendment two to an intergovernmental agreement with the Regional Public Transportation Authority for the purchase and supply of transit services. \(Resolution No. R2015.97\)](#)

Fiscal Impact: The gross cost is \$24,765,415 funded with the following applied revenue sources: Tempe Transit Tax \$13,669,977, fare revenue \$5,048,800, federal preventive maintenance \$2,550,670, and Proposition 400 funds \$3,495,968. Sufficient funding has been approved for fiscal year 2015-2016 in Operating Budget cost center 3914, accounts 6620, 6624, and 6626.

- 6A5. [Adopt a resolution authorizing the Mayor to sign the annual Operations Funding Agreement between the City of Tempe and Valley Metro Rail, Inc. for light rail transit services for fiscal year 2015-2016. \(Resolution No. R2015.98\)](#)

Fiscal Impact: The gross cost is \$9,728,453 funded with the following applied revenue sources: Transit Tax \$5,819,794, fare revenue \$3,429,453, federal preventive maintenance funds \$287,662, and advertising revenue \$191,544. Sufficient funding has been approved for fiscal year 2015-2016 in Operating Budget cost center 3921, accounts 6625 and 6798.

- 6A6. [Adopt a resolution authorizing the Mayor to sign amendment two to the intergovernmental agreement between the Regional Public Transportation Authority and the City of Tempe for Dial-a-Ride and mobility services. \(Resolution No. R2015.99\)](#)

Fiscal Impact: Net cost to Tempe is estimated to be \$180,182. Gross cost of Tempe's Dial-a-Ride and mobility programs is \$1,256,689. Funding sources include: Regional Proposition 400 funding (\$856,888 - 68%), federal funds (\$22,400 - 2%), fare revenue (\$197,219 - 16%), and Tempe Transit Tax funds (\$180,182 -14%). Funding for Tempe's local share is provided by the TRANSIT FUND in cost center 3914.

B. **Ordinances and Items for Introduction and First Hearing** - None.

C. **Ordinances and Items for Second Hearing and Final Adoption**

- *6C1. [**THIS AGENDA ITEM HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT.** Ordinance for an Amended Planned Area Development Overlay and a Development Plan Review consisting of a new mixed-use development containing 272 apartment units and 5,071 square feet of retail space within a six-story, 84' 5" high building for SOUTHBANK LOT 6, located at 1190 East Vista del Lago Drive. The applicant is Huellmantel & Affiliates. \(Ordinance No. O2015.39\) \(Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote \(6 of 7\) is required for approval.\) \(At the request of the applicant, this item was continued from the August 13, 2015 and August 27, 2015 Regular Council Meetings.\)](#)

- 6C2. [**THIS AGENDA ITEM HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT.** Ordinance for an Amended Planned Area Development Overlay and approve a Development Plan Review consisting of a new mixed-use development containing 273 apartment units, 4,500 square feet of retail space, and 1,130 square feet of office space within four live-work units within a five-story, 69' 6" high building for SOUTHBANK LOT 1, located at 1200 East Rio Salado Parkway. The applicant is Huellmantel & Affiliates. \(Ordinance No. O2015.38\) \(Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote \(6 of 7\) is required for approval.\) \(At the request of the applicant, this item was continued from the August 13, 2015 and August 27, 2015 Regular Council Meetings.\)](#)

- *6C3. [Hold the second and final public hearing to adopt an ordinance for a Zoning Map Amendment from GID to MU-4 and a Planned Area Development Overlay, for BROADSTONE LAKESIDE, located at 500 West 1st Street, for a new four-story mixed-use development containing 168 units and co-work office space; hold a public hearing to adopt a resolution authorizing a General Plan Projected Density Map Amendment from Medium to High Density \(up to 25 du/ac\) to High Density-Urban Core \(more than 65 du/ac\) \(Note: the General Plan Amendment requires an affirmative vote of at least two-thirds \(2/3\) of the City Council; therefore, a Council vote of 5 of 7 is required for approval\); and, approve a Development Plan Review. The applicant is Huellmantel & Affiliates. \(Ordinance No. O2015.42; Resolution No. R2015.90\) \(This item was continued from the September 10, 2015 Regular Council Meeting.\)](#)

Fiscal Impact: While these resolution and ordinance changes do 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.

- *6C4. [Hold the second and final public hearing to adopt an ordinance amending Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by adding a new Section 19-55, making it unlawful for any person to operate a motor vehicle while using a mobile electronic device, if such driving constitutes a risk to that person or others. \(Ordinance No. O2015.43\)](#)

Fiscal Impact: This ordinance would result in the assessment of a \$100 fine plus penalty for the first incident, a \$250 fine plus penalty for a second incident, and a \$500 fine plus penalty for all subsequent incidents within a 24-month period.

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 three-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.

**Agendas are also available at <http://www.tempe.gov/clerk>.
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Video replay of this meeting is available the next day at www.tempe.gov/tempe11.**