



## Minutes Regular City Council Meeting January 14, 2016

Minutes of the Regular Council Meeting of Thursday, January 14, 2016, held at 6:00 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

### **COUNCILMEMBERS PRESENT:**

Mayor Mark W. Mitchell

Councilmember Kolby Granville

Councilmember Joel Navarro

Vice Mayor Corey D. Woods

Councilmember Lauren Kuby

Councilmember David Schapira

### **COUNCILMEMBER ABSENT:**

Councilmember Robin Arredondo-Savage

### **STAFF PRESENT:**

Andrew Ching, City Manager

Ken Jones, Deputy City Manager – Chief Financial Officer

Steven Methvin, Deputy City Manager – Chief Operating Officer

Nikki Ripley, Communication and Media Relations Manager

Ryan Levesque, Dep. Community Development Dir. – Planning

Judi Baumann, City Attorney

Brigitta M. Kuiper, City Clerk

Peter Smith, Water Conservation Coordinator

Michael Greene, Central Services Manager

Various Department Heads or their representatives

**Mayor Mitchell called the meeting to order at 6:07 p.m.**

1. Councilmember Navarro gave the invocation.
2. Mayor Mitchell led the audience in the **Pledge of Allegiance**.

### **3. MINUTES**

#### **A. Approval of City Council Meeting Minutes**

**Motion by Councilmember Granville to approve agenda items 3A1 – 3A2; second by Vice Mayor Woods.  
Motion passed unanimously on a voice vote 6-0.**

1. [Regular City Council Meeting - November 12, 2015 and December 3, 2015](#)
2. Executive Session - December 17, 2015

#### **B. Acceptance of Board, Commission and Committee Meeting Minutes**

**Motion by Councilmember Granville to accept agenda items 3B1 – 3B7; second by Vice Mayor Woods.  
Motion passed unanimously on a voice vote 6-0.**

1. [Development Review Commission - October 13, 2015 and October 27, 2015](#)
2. [Development Review Commission Study Session - October 13, 2015 and October 27, 2015](#)
3. [History Museum and Library Advisory Board - November 4, 2015](#)
4. [Mayor's Youth Advisory Commission - December 1, 2015](#)
5. [Municipal Arts Commission - November 18, 2015](#)

6. [Parks, Recreation, Golf and Double Butte Cemetery Advisory Board - November 18, 2015](#)
7. [Tempe Sustainability Commission - November 16, 2015](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

###### 1. *Kate Hanley Proclamation*

Mayor Mitchell invited Kate Hanley to the podium and announced Ms. Hanley's retirement. He then read a proclamation declaring January 14, 2016, as Kate Hanley Lifetime of Service Recognition Day in Tempe, Arizona.

##### B. City Manager's Announcements

###### 1. [Water Conservation Program Update](#)

Peter Smith, Water Conservation Coordinator, provided an update on water conservation initiatives and ongoing water conservation programs. Mr. Smith provided a status update on the following: Single Family Sector Initiatives; Multi Family Initiatives; Commercial/Industrial Sector Initiatives; Neighborhood Grant Initiative; and, Municipal Sector Initiatives.

Councilmember Kuby stated that not all plumbers work with greywater. She requested that a Request for Proposal (RFP) be issued to the plumbing community for greywater conversion work; the list of greywater plumbers could then be included on the City's website. Mr. Smith agreed and stated that social media could also be used to advertise water conservation classes scheduled in April.

Judi Baumann, City Attorney, stated that since this item is a City Manager update, the direction would be received by the City Manager for consideration. Mayor Mitchell stated that the City Council consensus is to direct the City Manager to issue an RFP for greywater conversion plumbers.

In response to a question regarding the status of the park irrigation system, Mr. Smith stated that the plan is to work on four additional parks next year. Staff will present a cost estimate to the City Council at an upcoming meeting. This program could be accelerated, with direction from the City Council.

###### 2. *Update on Police Chief Candidates.*

Andrew Ching, City Manager, discussed the process of selecting a Police Chief. There are three finalists. A video of the police chief candidate public forum is available on the City's website; it includes an option to provide feedback. Public input is appreciated.

#### 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.

**Motion by Councilmember Schapira to approve the consent agenda with the exception of items 5A3, 5B5, 5B7, 5C1, and 5C2, which were removed for separate consideration, and items 5A6 and 5B3, which were removed/deleted from the agenda; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 6-0.**

##### A. Miscellaneous Items

###### 5A1. [Approved the November 2015 Report of Claims Paid to be filed for audit.](#)

**Fiscal Impact:** Total payments in November \$13,315,346.05.

- 5A2. [Authorized the City Manager to transfer up to \\$300,000 from the General Fund Contingency budget to pay expenses associated with obtaining a Certificate of Necessity for 9-1-1 ground ambulance operations.](#)

**Fiscal Impact:** This is the first proposed use of the \$1.5 million General Fund Contingency budget in fiscal year 2015-16. Expenditures paid with this transfer of contingency funds will be limited to \$300,000.

- 5A3. ~~THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.~~ [Approve an Amended Subdivision Plat for ONE HUNDRED MILL, located at 100 South Mill Avenue. The applicant is Michael Brekka, Douglas Wilson Companies. \(This item was continued from the December 17, 2015 Regular Council Meeting\)](#)

- 5A4. [Approved an Amended Subdivision Plat for AMENDED HARRY T. RESIDENCE, located at 1101 East Warner Road. The applicant is Harry Tahliani.](#)

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

- 5A5. [Approved the agreement between Arizona State University Department of Sun Devil Athletics, The Tempe Convention and Visitors Bureau, and the City of Tempe to host the National Kajikawa Softball Tournament. \(Contract #2016-02\)](#)

**Fiscal Impact:** Tempe agrees to provide the facility, pre-tournament materials and services to support the Kajikawa Softball Tournament. Funds will come from Community Services cost center 2522 (General Fund) for \$3,700 in facility preparation expenditures. Funds will come from Public Works cost center 2559 (General Fund) for \$9,492 for facility preparation. In-kind City services total \$13,192 and are specific to improving the quality of the complex to NCAA Tournament expectations.

- 5A6. ~~REMOVED/DELETED AT THE REQUEST OF STAFF Approve and authorize the Mayor to execute a memorandum of understanding with Arizona State University to host an early voting site at Arizona State University's main campus for the City's March 8, 2016 General/Special Election.~~

- 5A7. [Authorized the Mayor to execute the Settlement Agreement and all related documents regarding the matter of City of Tempe v Trucks West. \(Contract #2016-03\)](#)

**Fiscal Impact:** The City has received \$410,000 from the sale of two trucks and the City will receive proceeds from the sale of the third truck in any future transaction.

- 5A8. [Approved a performance agreement with Childsplay, Inc., to provide 1,000 tickets per year for ten years and five months free of charge to Tempe elementary schools to make performance art accessible to youth. \(Contract #2016-04\)](#)

**Fiscal Impact:** The City will pay fees of \$200,000 (\$1,600 per month for the term of ten (10) years and five (5) months).

**B. Award of Bids/Contracts**

- 5B1. [Approved the renewal of a one-year contract with AP Fire Protection, LLC for the inspection, servicing, repairing, and upgrading of fire alarms and fire extinguishers throughout the City.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$85,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund – cost center 3241 (Facilities Services) – for the anticipated expenditures in the current fiscal year.

- 5B2. [Approved the renewal of a one-year contract with Fluoresco Services for area and path lighting maintenance and repairs.](#)

**Fiscal Impact:** Total cost of this one-year contract renewal will not exceed \$150,000. Sufficient funds have been appropriated in the Transit Fund – cost center 3914 (Transit Operations) – and the General Fund – including cost centers 2550 (Park Maintenance) and 3240 (Facility Maintenance) – for the anticipated expenditures in the current fiscal year.

- 5B3. [REMOVED/DELETED AT THE REQUEST OF STAFF Approve one-year contract renewals with Foster Electric Motor Service, Inc., The Pump Company, and Weber Water Resources, LLC, to maintain and repair equipment and purchase parts for City-owned well facilities.](#)

- 5B4. [Awarded a contract to EBWC, Inc. dba CASM to purchase and install 18 replacement air conditioning units at the Westside Multi-Generational Center. \(Contract #2016-05\)](#)

**Fiscal Impact:** Total cost of this one-year contract will not exceed \$110,000. Sufficient funds have been budgeted in the General Governmental CIP Fund – cost center 6873 (HVAC Equipment Replacement) – for the anticipated spending in the current fiscal year.

- 5B5. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION. Award a one-year contract with four, one-year renewal options to North Star Destination Strategies, which will act as the consultant for the 'Branding of Tempe' project.](#)

- 5B6. [Approved the award of one-year contracts with four, one-year renewal options to Border States Industries, Capital Electric Supply, Summit Electric Supply, and Wesco Distribution to purchase electrical supplies. \(Contract #2016-07 A-D\)](#)

**Fiscal Impact:** Total cost of these four contracts will not exceed \$400,000 during the one-year contract period. Sufficient funds have been appropriated in multiple funds including the General, Water/Wastewater, Transit, Highway User, and Capital Improvement Projects.

- 5B7. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION. Award two-year contracts with three, one-year renewal options to Arizona Catering, Inc., Atlanta Catering Service, Inc., Santa Barbara Catering Company, The Herb Box, Fabulous Food, Heidi's Events and Catering, Inc., Dancing Chef Catering, and The Dhaba to provide catering services at the Tempe Center for the Arts.](#)

- 5B8. [Awarded job order no. 3 to Achen-Gardner Construction L.L.C. and a professional services consultant contract to CDM Smith Inc. for sewer replacement at Carver Ranch Estates, south of Carver Road between Rural and Kyrene Roads. \(Contract #2016-09\)](#)

**Fiscal Impact:** The total job order amount is \$797,755.67, the professional services contract amount is \$56,955, and the project contingency amount is \$80,000. Funds to cover these contracts and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3299969, Collection System and Pump Station Replacement and Repair.

- 5B9. [Approved one-year contract renewals with Artistic Land Management and Somerset Landscape Maintenance for residential landscape services to be overseen by the Community Development Department.](#)

**Fiscal Impact:** There is no fiscal impact to the City for these contracts. Costs for landscape services will be paid by the Tempe resident who agrees to utilize the service.

C. **Resolutions**

5C1. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Adopt a resolution adopting the APACHE CHARACTER AREA PLAN, dated December 2015; consisting of character area maps, placemaking principles, and an appendix. The applicant is the City of Tempe. (Resolution No. R2016.02)

5C2. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Adopt a resolution adopting the ALAMEDA CHARACTER AREA PLAN, dated December 2015; consisting of character area maps, placemaking principles, and an appendix. The applicant is the City of Tempe. (Resolution No. R2016.03)

5C3. Adopted **RESOLUTION NO. R2016.04** approving the City Manager's designation of Residential Permit Parking Area 18 to include a portion of Miller Road north of Curry Road.

*Fiscal Impact:* N/A

5C4. Adopted **RESOLUTION NO. R2016.05** approving the City Manager's designation of Residential Permit Parking Area 16 to include portions of 14th Street, 15th Street, 16th Street, Wilson Street, and Farmer Avenue in the Clark Park neighborhood.

*Fiscal Impact:* N/A

5C5. Adopted **RESOLUTION NO. R2016.06** to enter into an agreement between the City of Tempe and the Arizona State Parks Board to accept funds for continuation of the Tempe Historic Preservation Office intern program. (**Contract #2016-10**)

*Fiscal Impact:* The amount of the grant award is \$20,000, with a \$10,000 participant match requirement that will be funded using previously received Native American gaming grants. Sufficient budget appropriation for expenditure of this grant is authorized in the Governmental Grants Fund (Fund 46) as part of the fiscal year 2015/16 adopted budget.

5C6. Adopted **RESOLUTION NO. R2016.07** authorizing the Mayor to execute an intergovernmental agreement (**Contract #2016-11**) with the Arizona Health Care Cost Containment System Administration to allow Hacienda HealthCare to receive federal matching funds from a tribal revenue-sharing grant; and an indemnity agreement (**Contract #2016-12**) with Hacienda HealthCare to address provisions under federal law.

*Fiscal Impact:* There is no fiscal impact to the City of Tempe. Salt River Pima Maricopa Indian Community awarded Hacienda HealthCare \$135,000 from its annual 12% local revenue-sharing contribution for 2015. The City of Tempe is serving as a pass through for the entire awarded amount of \$135,000. Sufficient budget appropriation for expenditure of this grant was authorized in the Governmental Grants Fund (Fund 46) as part of the fiscal year 2015-16 adopted budget.

5C7. Adopted **RESOLUTION NO. R2016.08** supporting an application by Newtown Community Development Corporation for fiscal year 2016 federal HOME Funds.

*Fiscal Impact:* Sufficient budget appropriation for staff time spent administering the contract has been appropriated in Housing Services HOME cost center 2855. No additional City funds are required.

5C8. Adopted **RESOLUTION NO. R2016.09** approving the Third Amendment to the Development and Disposition Agreement between Farmer Arts, LLC and the City of Tempe. (**Contract #2007-98F**)

*Fiscal Impact:* There is no fiscal impact to the City for the Third Amendment.

**CONSENT AGENDA ITEMS REMOVED FOR SEPARATE CONSIDERATION:**

**5A3. Amended Subdivision Plat for ONE HUNDRED MILL, 100 South Mill Avenue.**

Councilmember Schapira noted that public concern has been expressed about the preservation of the Hayden House. He inquired about the process for the two easements that are located on the property.

Manjula Vaz, Gammage and Burnham, applicant representative, stated that the Plat will match the plan approved by the Historic Preservation Commission (HPC) and the City Council, taking into account the historic Hayden House. Once the Plat is approved, there will be a conservation easement and an airspace easement on the parcel, both of which will be recorded prior to any permits being issued.

Councilmembers inquired about accidental damage to the Hayden House, which would make the client ineligible for future Government Property Lease Excise Tax abatements. Ms. Vaz stated that it is their understanding that the incentives are based upon the preservation of Hayden House, among other items such as pedestrian easements. If the Hayden House is damaged, the applicant understands they will not receive the incentives.

Councilmembers asked about the timeframes and interim care of the property. Ms. Vaz stated that the schedule of performance requires a demolition permit by May, 2016 and a certificate of occupancy for the hotel by December, 2018. The plan is to start work by May, 2016, and open the hotel by December, 2018. The applicant is scheduled to provide an update on the Hayden House protection plan and the project schedule to the HPC.

**Motion by Councilmember Granville to approve agenda item 5A3; second by Vice Mayor Woods. Motion carried unanimously on a roll call vote 6-0.**

- 5A3.** Approved an Amended Subdivision Plat for ONE HUNDRED MILL, located at 100 South Mill Avenue. The applicant is Michael Brekka, Douglas Wilson Companies. (*This item was continued from the December 17, 2015 Regular Council Meeting*)

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

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**5B5. Contract with North Star Destination Strategies for the Branding of Tempe project.**

Councilmember Granville asked staff to provide a brief presentation on the Branding of Tempe project.

Nikki Ripley, Communication and Media Relations Manager, stated that staff will be working with a consultant on collaborating with several stakeholder groups including residents, the Downtown Tempe Authority, the Tempe Tourism Office, the Tempe Chamber of Commerce, and Arizona State University. The consultant will assist with qualitative and quantitative research to capture data on what is motivating, compelling, and inspiring about Tempe. This process will benefit future communication efforts and create and maintain preference for Tempe as it relates to economic development, a place to live, and a place to visit.

Councilmember Granville thanked staff for seeking the assistance of a consultant, as this is not an area of expertise for staff. This process will create a culture of cohesively explaining what Tempe does right.

**Motion by Councilmember Navarro to approve agenda item 5B5; second by Councilmember Schapira. Motion carried unanimously on a roll call vote 6-0.**

- 5B5.** Awarded a one-year contract with four, one-year renewal options to North Star Destination Strategies, which will act as the consultant for the Branding of Tempe project. **(Contract #2016-05)**

**Fiscal Impact:** Total cost of this one-year contract will not exceed \$100,000. Sufficient funds have been budgeted in the Restricted Revenue & Donations Fund – cost center 44106 (Tempe 11) – for the anticipated expenditure in the current fiscal year.

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**5B7. Contracts with Arizona Catering, Inc., Atlasta Catering Service, Inc., Santa Barbara Catering Company, The Herb Box, Fabulous Food, Heidi's Events and Catering, Inc., Dancing Chef Catering, and The Dhaba to provide catering services at the Tempe Center for the Arts.**

Councilmember Granville stated that in prior years, the contract with vendors at the Tempe Center for the Arts (TCA) did not allow food trucks. He inquired whether food trucks can be utilized under this new contract. Michael Greene, Central Services Manager, stated that this contract allows food trucks to operate at the TCA. Councilmember Kuby voiced appreciation for expanding the options to allow food trucks to operate at the TCA.

**Motion by Councilmember Navarro to approve agenda item 5B7; second by Councilmember Granville. Motion carried unanimously on a roll call vote 6-0.**

**5B7.** Awarded two-year contracts with three, one-year renewal options to Arizona Catering, Inc., Atlasta Catering Service, Inc., Santa Barbara Catering Company, The Herb Box, Fabulous Food, Heidi's Events and Catering, Inc., Dancing Chef Catering, and The Dhaba to provide catering services at the Tempe Center for the Arts. **(Contract #2016-08 A-H)**

**Fiscal Impact:** This is a no cost contract to the City. The City will receive commission revenues and annual listing fees from all awarded firms.

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**5C1. Resolution adopting the APACHE CHARACTER AREA PLAN.**

Councilmember Granville stated that he received a request from a resident concerning language regarding the repurposing of alleyways as public trails. He suggested an amendment to the document to state (added language in quotation marks): Repurpose alleyways "in appropriate areas" as public trails to expand connectivity, encourage active use of "those" alleyways through safe design. He noted that the language in 5C1 is the same as the language in agenda item 5C2.

Ryan Levesque, Deputy Community Development Director – Planning, stated that the Character Area Plans for both Apache and Alameda are intended to be guiding documents for implementation of the General Plan; the plans are not regulations. These are public documents developed with stakeholder and citizen involvement. He stated that the requested modifications to the Apache Character Area Plan are acceptable to staff.

**Motion by Councilmember Kuby to amend the Connectivity / Green Alleys Principle language in the Apache Character Area Plan to read, in part, "Repurpose alleyways in appropriate areas as public trails to expand connectivity. Encourage active use of those alleyways through safe design."; second by Councilmember Navarro. Motion passed unanimously on a roll call vote 6-0.**

**Motion by Councilmember Kuby to approve agenda item 5C1, as amended; second by Vice Mayor Woods. Motion passed unanimously on a roll call vote 6-0.**

**5C1.** Adopted **RESOLUTION NO. R2016.02** adopting the *amended* APACHE CHARACTER AREA PLAN, dated December 2015; consisting of character area maps, placemaking principles, and an appendix. The applicant is the City of Tempe.

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

**5C2. Resolution adopting the ALAMEDA CHARACTER AREA PLAN.**

There was no further discussion on agenda item 5C2.

**Motion by Councilmember Navarro to amend the Connectivity / Green Alleys Principle language in the Alameda Character Area Plan to read, in part, "Repurpose alleyways *in appropriate areas* as public trails to expand connectivity. Encourage active use of *those* alleyways through safe design."; second by Vice Mayor Woods. Motion passed unanimously on a roll call vote 6-0.**

**Motion by Councilmember Schapira to approve agenda item 5C2, as amended; second by Vice Mayor Woods. Motion passed unanimously on a roll call vote 6-0.**

- 5C2.** Adopted **RESOLUTION NO. R2016.03** adopting the *amended* ALAMEDA CHARACTER AREA PLAN, dated December 2015; consisting of character area maps, placemaking principles, and an appendix. The applicant is the City of Tempe.

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

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**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.

**A. Miscellaneous Items/Bids/Contracts/Resolutions**

- 6A1. Change order and a storm drain and bridge repair allowance for a contract with PCL Construction, Inc. for removal of the rubber bladders at Tempe Town Lake and the transfer of budget appropriation from General Fund Contingency.**

There was no discussion on agenda item 6A1.

**Motion by Vice Mayor Woods to approve agenda item 6A1; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 6-0.**

- 6A1.** [Approved a change order and a storm drain and bridge repair allowance to a construction manager at risk construction contract with PCL Construction, Inc. for removal of the existing downstream and upstream rubber bladders at Tempe Town Lake and approved the transfer of budget appropriation from General Fund Contingency to cover the cost of this change order.](#)

**Fiscal Impact:** The construction change order amount is \$1,020,056 and the storm drain and bridge repair allowance amount is \$250,000. Funding to cover this change order will be transferred from the fiscal year 2015/16 General Fund Contingency, appropriated in cost center 3580, to Capital Improvement Project No. 6504221, Town Lake Dam Replacement. Funding to cover the storm drain and bridge repair allowance is budgeted in the following Capital Improvement Projects: Community Facilities District (\$50,000), Storm Drain Improvements - 5899971 (\$100,000), and Bridge Maintenance - 5499891 (\$100,000). This is one of two proposed uses of the \$1.5 million General Fund Contingency budget in fiscal year 2015/16. The other is authorization for the City Manager to use up to \$300,000 for the costs associated with the Fire Medical Rescue Department's application for a Certificate of Necessity.

**6A2. Contracts with Hunter Contracting Co. and C. Williams Construction Engineering, Inc. for sewer replacement within the Maple Ash neighborhood and on 10th Street.**

There was no discussion on agenda item 6A2.

**Motion by Councilmember Navarro to approve agenda item 6A2; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 6-0.**

**6A2. [Awarded a construction manager at risk construction services contract to Hunter Contracting Co. \(Contract #2016-13\) and a professional services consultant contract to C. Williams Construction Engineering, Inc. \(Contract #2016-14\) for sewer replacement within the Maple Ash neighborhood and on 10th Street.](#)**

**Fiscal Impact:** The construction services contract amount is \$1,775,486.20, the professional services contract amount is \$62,400, and the project contingency amount is \$180,000. Funds to cover these contracts and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3299969, Collection System and Pump Station Replacement and Repair.

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**B. Ordinances and Items for Introduction and First Hearing**

**\*6B1. [Ordinance authorizing the abandonment of storm drain easements in the vicinity of South Cedar Street and East Apache Boulevard.](#)**

Mayor Mitchell introduced the ordinance and opened the public hearing. There was no discussion or public comment on agenda item 6B1.

**\*6B1.** Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of certain storm drain easements in the vicinity of South Cedar Street and East Apache Boulevard to facilitate development of the project at 1221 East Apache Boulevard. The second and final public hearing was scheduled for January 28, 2016. (Ordinance No. O2016.04)

**Fiscal Impact:** N/A

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**\*6B2. [Ordinance authorizing the abandonment of fire line easements in the vicinity of South Cedar Street and East Apache Boulevard.](#)**

Mayor Mitchell introduced the ordinance and opened the public hearing. There was no discussion or public comment on agenda item 6B2.

**\*6B2.** Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of certain fire line easements in the vicinity of South Cedar Street and East Apache Boulevard to facilitate development of the project at 1221 East Apache Boulevard. The second and final public hearing was scheduled for January 28, 2016. (Ordinance No. O2016.05)

**Fiscal Impact:** N/A

- \*6B3. Ordinance authorizing the abandonment of sewer line easements in the vicinity of South Cedar Street and East Apache Boulevard.**

Mayor Mitchell introduced the ordinance and opened the public hearing. There was no discussion or public comment on agenda item 6B3.

- \*6B3. [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of certain sewer line easements in the vicinity of South Cedar Street and East Apache Boulevard to facilitate development of the project at 1221 East Apache Boulevard. The second and final public hearing was scheduled for January 28, 2016. \(Ordinance No. O2016.06\)](#)**

*Fiscal Impact:* N/A

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- \*6B4. Ordinance for an Amended Planned Area Development Overlay, and a Development Plan Review for THE PIER, 1190 East Vista del Lago Drive.**

Mayor Mitchell introduced the ordinance and opened the public hearing. There was no discussion or public comment on agenda item 6B4.

- \*6B4. [Introduced and held the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay, and a Development Plan Review consisting of a mixed-use development for THE PIER, located at 1190 East Vista del Lago Drive. The applicant is Darin Sender of Sender Associates. The second and final public hearing was scheduled for January 28, 2016. \(Ordinance No. O2016.07\)](#)**

*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.

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

- \*6C1. Ordinance authorizing the abandonment of a water line easement in the vicinity of South Cedar Street and East Apache Boulevard.**

Mayor Mitchell opened the public hearing. There was no discussion or public comment on agenda item 6C1. Mayor Mitchell closed the public hearing.

**Motion by Vice Mayor Woods to approve agenda item 6C1; second by Councilmember Navarro. Motion passed unanimously on a roll call vote 6-0.**

- \*6C1. [Held the second and final public hearing and adopted \*\*ORDINANCE NO. O2016.01\*\* authorizing the abandonment of a certain water line easement in the vicinity of South Cedar Street and East Apache Boulevard to facilitate development of the project at 1221 East Apache Boulevard.](#)**

*Fiscal Impact:* N/A

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- \*6C2. Ordinance amending Chapter 14 of the Tempe City Code, relating to Fire Prevention and Protection by adopting amendments to the 2012 Edition of the International Fire Code.**

Mayor Mitchell opened the public hearing. There was no discussion or public comment on agenda item 6C2. Mayor Mitchell closed the public hearing.

**Motion by Councilmember Schapira to approve agenda item 6C2; second by Councilmember Granville. Motion passed unanimously on a roll call vote 6-0.**

- \*6C2. [Held the second and final public hearing and adopted ORDINANCE NO. O2016.02 to amend Chapter 14 of the Tempe City Code, relating to Fire Prevention and Protection by adopting updated local amendments to the 2012 Edition of the International Fire Code.](#)

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

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- \*6C3. **Resolution authorizing a General Plan Projected Density Map Amendment, an ordinance for a Zoning Map Amendment and a Planned Area Development Overlay, and a development plan review for CRESCENT RIO, 700 West 1st Street.**

Mayor Mitchell announced that the applicant has requested that this agenda item be continued to the January 28, 2016, Regular Council Meeting. He opened the public hearing.

Janet Lange, Tempe, Regatta Pointe resident, thanked Councilmembers for responding to her e-mail and for maintaining her neighborhood. She questioned why Councilmembers are considering such a high increase to the density for this project as compared to the voter approved General Plan 2040 (GP2040). Mayor Mitchell explained that there is a process a property owner goes through if they wish to change property density and noted that this question could best be answered by the applicant. Councilmember Granville stated that increasing density increases the return on the investment. Ms. Lange stated that west of Mill Avenue, along Rio Salado Parkway, is a residential area, and different than the corporate environment east of Mill Avenue. She opposes the high density of this project in that area. In response to Councilmembers, Ms. Lange stated that she was not aware of a previous neighborhood meeting and has not seen the design of the project.

Laurie Mitchell, Tempe, Regatta Pointe resident, stated this plan represents a 448% increase from her neighborhood's density. She anticipates overcrowded, cheap housing. She opposes this change from the 25 dwelling units per acre that was approved when she purchased her condominium 12 years ago. She requested that Councilmembers vote no on this project.

Deborah Zajac, Tempe, spoke in opposition to the Crescent Rio development due to the scale and potential impact on the neighborhood and future development. She requested that the City Council discuss whose vision is driving the growth and development in Tempe and clarification and direction for the Development Review Commission (DRC) decision regarding density versus intensity. She discussed the presentation the Crescent Rio representative made to the DRC. She then discussed the voter approved GP2040 and its intent. Various amendments to the GP2040 have changed its intent; approved projects become precedents for future projects. An example of this is the Broadstone project, where the developer offered to provide a \$25,000 amenity. The issue of density versus intensity needs to be addressed. At the December 8, 2015 DRC meeting, the DRC requested intensity data on current developments; the information was not available at that time. The DRC stipulation is 460 bedrooms for Crescent Rio. For the reasons noted, including traffic and quality of life, Ms. Zajac requested that Councilmembers vote no on this project.

Vice Mayor Woods stated that before approving a development he considers the adjacent neighborhoods' point of view. Regarding the Broadstone project, some of the conversations occurred offline; however, the stipulations were discussed and read into the record at a public meeting. The \$25,000 offered by the Broadstone project developer was to install a gate because there was a need to control ingress and egress at that location. City Council email conversations are public records. Councilmember Kuby pointed out that the density was greatly reduced in the Broadstone project.

Philip Yates, Tempe, President of the Riverside Neighborhood Association, spoke in opposition to the Crescent Rio development. He stated that the density and size of the project is too large for this neighborhood; it will impact traffic and parking. 365 units will impact the neighborhood. He urged the City Council to reconsider this project and not hold another

meeting for this project. 75% of neighborhood residents have to support parking regulations in order for changes to be made.

Vice Mayor Woods stated that Tempe is the only city in the Valley to require a super majority vote on a General Plan amendment. He credited Councilmember Granville for bringing that idea forward. A continuance will allow the applicant additional time to address the comments and concerns of residents.

Councilmember Granville stated that the super majority vote requirement has resulted in lower density in projects. He supports granting a continuance.

Councilmember Navarro stated that development in Tempe has to be constructed wisely and must fit within neighborhoods. The City Council is considering how the neighborhood will be impacted from this project.

Councilmember Kuby stated that there are many design features and aspects of this development that she likes; the applicant has been open to changes and adaptations. However, she does not approve of the density. She supports the continuance to allow the applicant an opportunity to reduce the density and consider the traffic impacts.

Mayor Mitchell stated that he does not support the project with the proposed density.

Charles Huellmantel, Huellmantel & Affiliates, applicant representative, acknowledged the concerns of the speakers and noted that he continues to work on those issues. He discussed why Scott Makee from Crescent Communities is unable to attend this meeting. Mr. Huellmantel stated that he will be prepared to respond to comments and concerns at the next Regular City Council Meeting. In response to Ms. Zajac's comment relating to a presentation Mr. Huellmantel made at the DRC meeting, his comment was not about the GP 2040 being outdated, it was related to a zoning code description. He appreciates the opportunity continue to work on the project.

**Motion by Councilmember Schapira to continue agenda item 6C3 to the January 28, 2016, Regular Council Meeting; second by Vice Mayor Woods. Motion passed unanimously on a roll call vote 6-0.**

- \*6C3.** [Continued to the January 28, 2016 Regular Council Meeting at the request of the applicant, 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 \(more than 65 du/ac\); 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; and, approve a development plan review for CRESCENT RIO consisting of a new mixed-use development containing 356 units and 5 live-work units, located at 700 West 1st Street. The applicant is Charles Huellmantel, Huellmantel & Affiliates. \(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.\) \(Ordinance No. O2016.03; Resolution No. R2016.01\)](#)

**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.

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## 7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Granville

January 16 and 17, 2016 – P.F. Chang's Arizona Rock 'n' Roll Marathon and Half Marathon events.

Councilmember Navarro

Thanked Kate Hanley for her service to the community.

Thanked Downtown Tempe Authority and City staff for their work on the New Year's Eve Block Party.

January 15, 2016 – Anniversary of Tempe Firefighter/Paramedic Ed Gaicki's death in the line of duty. He and other fallen Tempe police officers and firefighters will be honored at the Public Safety Memorial at Tempe Beach Park. On January 15, 2016, a private donor will match donations up to \$7,500.

Vice Mayor Woods

Congratulated Oliver Ncube, Parks Manager, on his upcoming retirement.

Thanked Kate Hanley for her service to the community.

January 16, 2016 – Martin Luther King, Jr. Diversity Awards Dinner, Marriott at the Buttes Resort.

January 16, 2016 – Jazz concert to honor Dr. Martin Luther King, Jr., Tempe Center for the Arts.

Councilmember Kuby

Thanked Kate Hanley for her service to the community.

Congratulated Athena Salman for receiving a 2016 Martin Luther King, Jr. Diversity Award.

Councilmember Schapira

Thanked Kate Hanley for her service to the community.

Thanked Andrew Ching, City Manager, for his work on the Police Chief recruitment process.

Mayor Mitchell

Thanked Kate Hanley for her service to the community.

January 16, 2016 – Martin Luther King, Jr. Diversity Awards dinner, Marriott at the Buttes Resort. He announced the Diversity Award winners, whose names are also available on the City's website.

Congratulated Oliver Ncube, Parks Manager, on his upcoming retirement.

Presented a proclamation to Tempe resident John Andes in honor of his 105th birthday; a video of Mr. Andes' speech is posted on the Mayor's Facebook page.

Wished the Arizona Cardinals good luck when they play the Green Bay Packers on January 16, 2016.

Councilmember Schapira left the meeting at 7:28 p.m.

## 8. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled

William Timmons, Phoenix, thanked the City Council for their approval of agenda item 5C6 which will provide funding for the Los Ninos Hospital. The Salt River Project-Maricopa Indian Community gave \$135,000 in matching funding; with funding assistance from AHCCCS, those funds turned into \$276,962.

Phil Amorosi, Tempe, thanked City staff and Neighborhood Services staff for their work on the Apache Character Area Plan.

Drew Sullivan, Tempe, spoke in opposition to agenda item 6C3. He opposes amending the General Plan to allow for high density; he would support a moratorium on luxury housing in Tempe. Newspaper publications have reported that the 85281 zip code is poorest zip code in the east Valley and that 20% of Tempe's population lives in poverty. He discussed rental rates, income levels, the working poor, and rising property values. Quality of life is important.

### The meeting adjourned at 7:36 p.m.

I, Brigitta M. Kuiper, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Regular City Council meeting of January 14, 2016, by the Tempe City Council, Tempe, Arizona.

ATTEST:

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Mark W. Mitchell, Mayor

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Brigitta M. Kuiper, City Clerk