

REVISED

**Tempe City Council
Regular Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, January 14, 2016
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 - Councilmember Granville

A. Approval of City Council Meeting Minutes

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

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**

B. City Manager's Announcements

1. [Water Conservation Program 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 November 2015 Report of Claims Paid to be filed for audit.](#)

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

- 5A2. [Authorize 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. [Approve an Amended Subdivision Plat for ONE HUNDRED MILL, located at 100 South Mill Avenue. The applicant is Michael Brekka, Douglas Wilson Companies. \(This item was continued from the December 17, 2015 Regular Council Meeting\)](#)

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

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

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

- 5A5. [Approve 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.](#)

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. [Authorize the Mayor to execute the Settlement Agreement and all related documents regarding the matter of City of Tempe v Trucks West.](#)

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. [Approve 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. **Material added**](#)

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. [Approve 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. [Approve 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. [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.](#)

Fiscal Impact: Total combined cost of the two-year renewals will not exceed \$700,000. Sufficient funds have been appropriated in the General Fund – cost center 2554 (Parks Maintenance – Rio Salado), Golf Fund – cost center 2512 (Ken McDonald Golf Course), and Water/Wastewater Fund – cost centers 3016 (Water Field Facilities) and 3035 (Wastewater Field Facilities).

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

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. [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.](#)

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.

- 5B6. [Approve 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.](#)

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. [Award 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.](#)

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.

- 5B8. [Award 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.](#)

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. [Approve 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. [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. \(Resolution No. R2016.02\)](#)

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

- 5C2. [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. \(Resolution No. R2016.03\)](#)

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

- 5C3. [Adopt a resolution approving the City Manager's designation of Residential Permit Parking Area 18 to include a portion of Miller Road north of Curry Road. \(Resolution No. R2016.04\)](#)

Fiscal Impact: N/A

- 5C4. [Adopt a resolution 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. \(Resolution No. R2016.05\)](#)

Fiscal Impact: N/A

- 5C5. [Adopt a resolution 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. \(Resolution No. R2016.06\)](#)

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. [Adopt a resolution authorizing the Mayor to execute an intergovernmental agreement 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 with Hacienda HealthCare to address provisions under federal law. \(Resolution No. R2016.07\)](#)

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. [Adopt a resolution supporting an application by Newtown Community Development Corporation for fiscal year 2016 federal HOME Funds. \(Resolution No. R2016.08\)](#)

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. [Adopt a resolution approving the Third Amendment to the Development and Disposition Agreement between Farmer Arts, LLC and the City of Tempe. \(Resolution No. R2016.09\)](#)
Material added

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

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 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 approve 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.** [Award a construction manager at risk construction services contract to Hunter Contracting Co. and a professional services consultant contract to C. Williams Construction Engineering, Inc. 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.

B. Ordinances and Items for Introduction and First Hearing

- *6B1.** [Introduce and hold 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 is scheduled for January 28, 2016. \(Ordinance No. O2016.04\)](#)

Fiscal Impact: N/A

- *6B2.** [Introduce and hold 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 is scheduled for January 28, 2016. \(Ordinance No. O2016.05\)](#)

Fiscal Impact: N/A

- *6B3. [Introduce and hold 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 is scheduled for January 28, 2016. \(Ordinance No. O2016.06\)](#)

Fiscal Impact: N/A

- *6B4. [Introduce and hold 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 is 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.

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance 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. \(Ordinance No. O2016.01\)](#)

Fiscal Impact: N/A

- *6C2. [Hold the second and final public hearing 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. \(Ordinance No. O2016.02\)](#)

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

- *6C3. [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 \(more than 65 du/ac\); 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.\) \(Ordinance No. O2016.03; Resolution No. R2016.01\) City Clerk's note: The applicant has requested that this item be continued to the January 28, 2016, Regular Council Meeting. **Material revised/added**](#)

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.

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>.
Watch this meeting live on Cox cable channel 11 or www.tempe.gov/tempe11.
Video replay of this meeting is available the next day at www.tempe.gov/tempe11.**