

LEGAL ACTION SUMMARY

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, July 30, 2015
6:00 PM**

[MEETING VIDEO](#)

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

1. **INVOCATION – Councilmember Kuby**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Vice Mayor Woods**

A. Approval of City Council Meeting Minutes

1. [Regular City Council Meeting - June 11, 2015](#)
2. Executive Session - June 25, 2015
3. [City Council Retreat - March 30, 2015](#)
4. [City Council Work Study Session - February 19, 2015](#)
5. [City Council Special Budget Meeting - June 25, 2015](#)
6. [City Council Special Calendar Meeting - June 25, 2015](#)

APPROVED

B. Acceptance of Board, Commission and Committee Meeting Minutes

1. [Development Review Commission - June 9, 2015 and June 23, 2015](#)
2. [Development Review Commission Study Session - June 23, 2015](#)
3. [Enhanced Services Commission - April 14, 2015](#)
4. [Hearing Officer - May 19, 2015, June 2, 2015, June 17, 2015, and July 7, 2015](#)
5. [Mayor's Commission on Disability Concerns - June 1, 2015](#)
6. [Mayor's Youth Advisory Commission Community Service Project Subcommittee - May 21, 2015 and June 18, 2015](#)
7. [Tempe Fire Public Safety Personnel Retirement System Board - June 4, 2015](#)

ACCEPTED

4. **REPORTS AND ANNOUNCEMENTS**

- A. Mayor's Announcements
 - 1. **Recognition of Brandon Bishop's service to the City of Tempe**
- B. City Manager's Announcements
 - 1. [Police Digital Evidence and Body Worn Camera Project](#)

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 a Right-of-Way Encroachment Agreement between the City of Tempe and Cox Communications Arizona, LLC for the placement of Wi-Fi Access Points \(antennas\) within the right-of-way. This item was continued from the June 11, 2015 and June 25, 2015 Regular Council Meetings.](#)

Fiscal Impact: Cox Communications Arizona, LLC will be assessed \$2,000 on an annual basis for the Wi-Fi Access Point Encroachment Permit. Because internet access service is not a cable service, this fee will not be offset against the cable license fees that Cox pays to the City under its cable license.

THIS ITEM WAS CONTINUED TO THE AUGUST 13, 2015 REGULAR COUNCIL MEETING

- 5A2. [Approve a Capital Improvements Program budget appropriations transfer in fiscal year 2015/16 from Park Improvements - Contingency Fund to increase spending authority for three approved projects in the Park Improvements/Recreation Program capital budget.](#)

Fiscal Impact: \$726,000 of the \$6 million fiscal year 2015/16 appropriations will be transferred from Capital Improvement Project No. 6307299, Park Improvements - Contingency Fund, to the following three park improvement projects in the respective amounts identified: Project No. 6305499, Park Playground Infrastructure and Equipment Replacement - \$390,000; Project No. 6307659, Parks Electrical Repair - \$90,000; and Project No. 6305119, Park Concrete & Sports Court Replacement & Renovation - \$246,000. Total Capital Improvement Program appropriations will not increase as a result of the transfer. The funding source for the increases in the respective project budgets is reserved cash in the General Fund from receipts of lease payments, parking revenue, and land sales associated with development agreements.

APPROVED

- 5A3. [Approve an Amended Subdivision Plat for 7TH STREET MIXED USE, located at 110 East University Drive. The applicant is Darin Sender, Sender Associates, Chtd.](#)

Fiscal Impact: No fiscal impact.

APPROVED

- 5A4. [Approve an Amended Subdivision Plat for EMERALD PHASE IV, located at 8515 South Emerald Drive. The applicant is Hunter Engineering.](#)

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

APPROVED

- *5A5. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Joy PB Inc., dba Tampopo Ramen, 3223 South McClintock Drive, Suite #103.](#)

Fiscal Impact: N/A

APPROVED

- *5A6. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for MOD Super Fast Pizza, LLC, dba MOD Pizza, 2020 East Elliot Road, Suite #101.](#)

Fiscal Impact: N/A

APPROVED

- *5A7. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Chipotle Mexican Grill, Inc., dba Chipotle Mexican Grill #2628, 2020 East Elliot Road, Suite #102.](#)

Fiscal Impact: N/A

APPROVED

- *5A8. [Hold a public hearing to recommend the approval of a series 06 bar liquor license for Farmer Hunting Lodge LLC, dba The Lodge Sasquatch Kitchen, 26 South Farmer Avenue.](#)

Fiscal Impact: N/A

APPROVED

- *5A9. [Hold a public hearing to recommend the approval of a series 10 beer and wine store liquor license for Corner Store #1619, 480 West Warner Road.](#)

Fiscal Impact: N/A

APPROVED

B. Award of Bids/Contracts

- 5B1. [Approve the utilization of a one-year Mohave Arizona Purchasing Cooperative contract with Logicalis, Inc. for the purchase of voice over internet protocol, data networking equipment, and related services that are used by the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$100,000 during the one-year contract

period. Sufficient funds have been appropriated in various funds and cost centers City-wide for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B2. [Approve the utilization of a one-year State of Arizona contract with Interface Technical Training for technical training services in the use of software applications and the maintenance of information technology resources that are supported by the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$80,000 during the one-year contract period. Sufficient funds have been appropriated in General Fund cost centers - 1991 (IT Administration) and 1996 (IT Training + Print Shop) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B3. [Approve a one-year contract renewal with MHA Consulting, Inc. for disaster recovery consulting services for the City's Information Technology Business Continuity Program that is managed by the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$115,000 during the one-year renewal period. Sufficient funds have been appropriated in General Fund - cost center 1992 (IT Support Services) and various City-wide funds and cost centers for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B4. [Approve the one-year renewal of a contract with Arizona Uniform and Apparel for the purchase of employee uniforms and miscellaneous clothing items used by several City departments.](#)

Fiscal Impact: Total cost of this contract will not exceed \$75,000 during the one-year renewal period. Sufficient funds have been appropriated in various cost centers City-wide for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B5. [Approve the one-year renewal of a contract with Boat Rentals of America, Inc. to manage and operate a rental fleet of recreational boating equipment on Tempe Town Lake and a sundry concession operation at Tempe Beach Park.](#)

Fiscal Impact: There is no cost to the City for this contract. The contractor compensates the City with a monthly rental fee for the kiosk and docks plus an electric utility fee of \$40, an annual permit fee of \$15 per boat, and a \$1 per boat rental charge.

APPROVED

- 5B6. [Approve the one-year renewal of a contract with A Mind for Detail, Inc. for bus stop, shelter, and transit center cleaning services for use by the Transportation Division of the Public Works Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$450,000 during the one-year renewal period. Sufficient funds have been appropriated in the Transit Fund cost centers

3914 (Transit Operations) and 3917 (Bus Stop & Bikeway Maintenance) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B7.** ~~REMOVED/DELETED AT THE REQUEST OF STAFF~~ ~~Approve the 16-month renewal of contracts with Arizona Catering, Inc., Atlasta Catering and Event Concepts, Fabulous Food, and Santa Barbara Catering Company for food and beverage services at the Tempe Center for the Arts.~~

~~*Fiscal Impact:* There is no cost to the City for these contracts. The contractor compensates the City with commission revenues and annual listing fees.~~

THIS ITEM WAS REMOVED/DELETED FROM THE AGENDA

- 5B8.** [Approve the renewal of a one-year contract with Stanley Convergent Security Solutions for the purchase, repair, installation, and upgrades of security systems throughout the City to be overseen by the Public Works Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$850,000 during the one-year contract renewal period. Sufficient funds have been appropriated in various City-wide funds, cost centers, and Capital Improvements Program (CIP) accounts for the anticipated expenditures in the current fiscal year.

THIS ITEM WAS REMOVED/DELETED FROM THE AGENDA

- 5B9.** [Approve the renewal of a one-year contract with Marsh USA for risk management consulting and insurance broker services for the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$52,350 during the one-year renewal period. Sufficient funds have been appropriated in the Risk Management Fund - cost center 2621 (Risk Management) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B10.** [Approve the renewal of a one-year contract with Drake Equipment for the purchase and installation of vehicle bodies overseen by the Public Works Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$65,000 during the one-year contract renewal period. Sufficient funds have been appropriated in various funds and cost centers for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B11.** [Approve the renewal of one-year contracts with Clayton Holdings, LLC and Banc of America Public Capital Corp to provide third party lease financing services for various City departments.](#)

Fiscal Impact: There is no fiscal impact to the City as a result of this renewal request. Any new financing commitments will be brought forward for separate approval by the City Council.

APPROVED

- 5B12. [Approve the renewal of one-year contracts with Universal Police Supply Company and West Valley Uniforms \(dba East Valley Uniforms\) to provide ballistic vests, carriers, and trauma plates for the Police Department.](#)

Fiscal Impact: Total cost of these contracts will not exceed \$150,000 during the one-year contract renewal period. Sufficient funds have been appropriated in the General Fund – cost center 2251 (Professional Development Bureau) – for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B13. [Approve a one-year sole source contract renewal for software maintenance and support services with Hyland Software, Inc. for the City's document imaging and agenda management applications used City-wide.](#)

Fiscal Impact: Total amount of this contract will not exceed \$60,578.82. Sufficient funds have been appropriated in the General Fund - cost center 1991 (IT Administration) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B14. [Award a two-year contract with three, one-year renewal options to BHS Specialty Chemicals for the purchase of hydrofluorosilicic acid for the Public Works Department. **Material revised**](#)

Fiscal Impact: Total cost of this contract shall not exceed \$495,000 during the two-year contract period. Sufficient funds have been appropriated in the Water and Wastewater Fund - cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B15. [Award a two-year contract with three, one-year renewal options to Salt Works for the purchase of sodium chloride for the Public Works Department.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$60,000 during the two-year contract period. Sufficient funds have been appropriated in the Water and Wastewater Fund - cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B16. [Award a two-year contract with two, two-year renewal options to Hennesy Mechanical Sales, LLC for the purchase of equipment, parts, supplies, and maintenance and repair services for the City's 16 Severn Trent De Nora sodium hypochlorite generation disinfection systems located at the water production facilities.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$900,000 during the initial two-year contract period. Sufficient funds have been appropriated in the Water and Wastewater Fund - cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) for the anticipated expenditures in the current fiscal year.

year.

APPROVED

- 5B17. [Approve the award of a one-year contract with four, one-year renewal options to Crafc0, Inc. for the purchase of asphalt crack sealing compound to be used by the Public Works Department.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$150,000. Sufficient funds have been appropriated in the Highway User Revenue Fund – cost center 3813 (Construction) – for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B18. [Approve the award of three-year contracts with two, one-year renewal options to Rio Salado Community College and Northern Arizona University for educational programs including Associate's and Bachelor's degree programs.](#)

Fiscal Impact: Total cost of these three-year contracts will not exceed \$500,000. Sufficient funds have been appropriated in the General Fund – cost center 1911 (Human Resources) – for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B19. [Award a one-year contract with one, one-year renewal option to the Center for Transportation and the Environment for the evaluation of propulsion/energy options related to the Tempe Streetcar Project.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$80,000. Sufficient funds have been budgeted in the Transit Fund – Cost Center 3914 (Transit Operations) – for the anticipated expenditure in the current fiscal year. A contingency of \$5,000 has been included in the contract amount and will only be utilized at the sole discretion of the City if circumstances warrant additional services beyond the stated scope.

APPROVED

- 5B20. [Approve a contract modification to the vehicle towing services contracts with ACT Towing, LLC dba All City Towing, Apache Sands Service Center, Inc., and Towing Professionals of Arizona, Inc. that will modify the vehicle storage lot operating hours as mutually agreed to by all contracting parties.](#)

Fiscal Impact: This contract modification will have no cost impact to either the City of Tempe or any customers of the contracted towing companies.

APPROVED

- 5B21. [Award a professional services consultant contract to Carollo Engineers, Inc. for design services related to filter media replacement at the Johnny G. Martinez Water Treatment Plant and South Tempe Water Treatment Plant.](#)

Fiscal Impact: The professional services consultant contract amount is \$141,683. Funds to cover this contract were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3205889, Filter Rehabilitation at Water

Treatment Plants.

APPROVED

C. Resolutions

- 5C1. [Adopt a resolution authorizing the Mayor to execute the Grant Agreement between the Arizona Criminal Justice Commission and the City of Tempe to accept and disburse a state grant for the provision of CARE 7 victim services. \(Resolution No. R2015.73\)](#)

Fiscal Impact: The amount of the grant award through June 30, 2016 is \$35,212. Sufficient budget appropriations for expenditure of this grant were authorized in the Governmental Grants Fund (Fund 46), as part of the 2015-16 adopted budget. Acceptance of the grant requires matching funds in the amount of \$35,212. City-funded personnel time for supervisor and grant oversight will be paid from existing appropriation in the Human Services Department's General Fund budget (Cost Center 2485) and will fulfill the City's required match.

ADOPTED

- 5C2. [Adopt a resolution authorizing the Community Services Director or designee to accept an award of the 2015 "Creative Aging in America's Libraries" project, provided by the Institute of Museum and Library Services through the Westchester Library System, for the purpose of providing space, staff, and publicity for creative aging programs in the Tempe Public Library, the Tempe Connections space, the Escalante Community Center, the Northside Tempe Community Center, and the Westside Tempe Community Center. \(Resolution No. R2015.74\)](#)

Fiscal Impact: The amount of the grant award is \$7,500 in federal funds. Acceptance of this grant does not require any matching City funds except normal in-kind staff salaries. 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.

ADOPTED

- 5C3. [Adopt a resolution approving the amended Post Employment Healthcare Policy. \(Resolution No. R2015.76\)](#)

Fiscal Impact: It is estimated that the cost of providing this additional benefit option will not exceed \$150,000 in fiscal year 2015-16. Sufficient funds are available in the Health Fund (cost center 4167) in fiscal year 2015-16 to cover this expense.

ADOPTED

- 5C4. [Adopt a resolution adopting the final Land Use Assumptions and Infrastructure Improvements Plan for Police Facilities, Fire Facilities, Street Facilities, and Park & Recreational Facilities, dated July 2, 2015. \(Resolution No. R2015.77\)](#)

Fiscal Impact: No impact on City funds.

ADOPTED

- 5C5. [Adopt a resolution authorizing the Mayor to execute an intergovernmental agreement with Arizona State University for Geographic Information System services for the City of Tempe. \(Resolution No. R2015.78\)](#)

Fiscal Impact: Total cost of this agreement will not exceed \$53,750 during the 18-month period. Sufficient funds are available in the Police Department Rico and Grants Fund - cost center 4555 (Crime Analyst CAP) for the anticipated expenditures.

ADOPTED

- 5C6. [Adopt a resolution to accept potential grant funds from the Gila River Indian Community to be disbursed to the Rio Salado Foundation. \(Resolution No. R2015.79\)](#)

Fiscal Impact: The Gila River Indian Community Grants Review Committee is recommending Rio Salado Foundation receive a grant award from the Gila River Indian Community's State Shared Revenue program. City of Tempe will serve as a pass through for \$50,000, contingent upon Gila River Indian Community Council approval of the Gila River Indian Community Grants Review Committee recommendation. Sufficient budget appropriation for expenditure of this potential grant was authorized in the Governmental Grants Fund (Fund 46) as part of the fiscal year 2015-16 adopted budget.

ADOPTED

- 5C7. [Adopt a resolution to accept potential grant funds from the Gila River Indian Community to be disbursed to the Jobs for Arizona's Graduates' Program. \(Resolution No. R2015.80\)](#)

Fiscal Impact: The Gila River Indian Community Grants Review Committee is recommending Jobs for Arizona's Graduates receive a grant award from the Gila River Indian Community's State Shared Revenue program. City of Tempe will serve as a pass through for \$10,000, contingent upon Gila River Indian Community Council approval of the Gila River Indian Community Grants Review Committee recommendation. Sufficient budget appropriation for expenditure of this potential grant was authorized in the Governmental Grants Fund (Fund 46) as part of the fiscal year 2015-16 adopted budget.

ADOPTED

- 5C8. [Adopt a resolution to accept potential grant funds from the Gila River Indian Community for City of Tempe programs. \(Resolution No. R2015.81\)](#)

Fiscal Impact: The Gila River Indian Community Grants Review Committee is recommending two City of Tempe programs receive grant awards from the Gila River Indian Community's State Shared Revenue program. City of Tempe programs could receive up to \$55,000, contingent upon Gila River Indian Community Council approval of the Gila River Indian Community Grants Review Committee recommendation. Sufficient budget appropriation for expenditure of this potential grant was authorized in the Governmental Grants Fund (Fund 46) as part of the fiscal year 2015-16 adopted budget.

ADOPTED

- 5C9. [Adopt a resolution waiving certain Tempe City Code Chapter 10 requirements relating to the license for a video services system between the City of Tempe and Google Fiber Arizona, LLC. \(Resolution No. R2015.82\)](#)

Fiscal Impact: No fiscal impact for the City of Tempe.

ADOPTED

- 5C10. [Adopt a resolution waiving the requirement to underground the installation of fiber by Google Fiber Arizona, LLC in areas of existing overhead lines in order to provide Gigabit speed internet access. \(Resolution No. R2015.83\)](#)

Fiscal Impact: No fiscal impact for the City of Tempe.

ADOPTED

6. NON-CONSENT AGENDA

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

Quasi-judicial items are indicated by "q-j". The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items/Bids/Contracts/Resolutions

- *6A1. [Hold a public hearing on Google Fiber Arizona, LLC's application for an initial license for a video services system to provide internet protocol television services in the City of Tempe and adopt a resolution approving and authorizing the Mayor to execute the License for a Video Services System and Right-of-Way Use Agreement between the City of Tempe and Google Fiber Arizona, LLC. \(Resolution No. R2015.75\)](#)

Fiscal Impact: Google Fiber Arizona, LLC ("Google") will pay, quarterly, a license fee of five percent (5%) of its video gross revenues during the ten-year term of the agreement. Google will also pay all application, construction permit, inspection, or other fees that are required under the Tempe City Code.

ADOPTED

- 6A2. [Award a construction contract to Sunland, Inc. – Asphalt and Sealcoating for pavement rehabilitation in the neighborhood bounded by Southern Avenue to US 60 and Rural Road to Mill Avenue.](#)

Fiscal Impact: The construction contract amount is \$1,444,260 and the project contingency amount is \$144,400. Funds to cover this contract and related costs are appropriated for fiscal year 15/16 in Capital Improvement Project No. 5499741, Arterial, Collector, and Residential Street Asset Preservation.

APPROVED

- 6A3. [Award a two-year contract with three, one-year renewal options to Chemtrade Chemicals US, Inc. for the purchase of liquid aluminum sulfate for the Public Works Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$3,000,000 during the two-year contract period. Sufficient funds have been appropriated in the Water and Wastewater Fund - cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) for the anticipated expenditures in the current fiscal year.

THIS ITEM WAS REMOVED/DELETED FROM THE AGENDA

- 6A4. [Award a two-year contract with two, two-year renewal options to IT Partners for Hewlett Packard enterprise servers and related products, accessories, and services that are used by the Internal Services Department to support numerous software applications throughout the City.](#)

Fiscal Impact: Total cost of this contract will not exceed \$2,000,000. Sufficient funds have been appropriated in the General Fund – cost centers 1991 (IT – Administration), 1995 (IT – Systems Administration) and various City-wide funds and cost centers for the anticipated expenditures in the current fiscal year.

APPROVED

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to adopt an ordinance authorizing a Zoning Map Amendment for a Historic Overlay designation for the LINDSTROM - NUCCI HOUSE, located at 1220 South Maple Avenue. The applicant is Joseph Nucci. The second and final public hearing is scheduled for August 13, 2015. \(Ordinance No. O2015.33\)](#)

Fiscal Impact: This ordinance change does not impact revenue.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR AUGUST 13, 2015

- *6B2. [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment of a portion of a waterline easement located on Emerald Drive between Elliot Road and Warner Road. The second and final public hearing is scheduled for August 13, 2015. \(Ordinance No. O2015.34\)](#)

Fiscal Impact: N/A

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR AUGUST 13, 2015

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance authorizing the granting of a telecommunications easement to CenturyLink over certain City-owned land located near the City of Tempe South Water Treatment Plant at 6600 South Price Road, and authorizing the City Manager or his designee to execute an easement agreement and related documents. The second and final public hearing is scheduled for August 13, 2015. \(Ordinance No. O2015.35\)](#)

Fiscal Impact: No impact on City funds.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR AUGUST 13, 2015

- *6B4. [Introduce and hold the first public hearing to adopt an ordinance authorizing the granting of a power distribution easement to Salt River Project Agricultural Improvement and Power District over certain City-owned land located at Tempe Marketplace, near 2030 East Rio Salado Parkway, and authorizing the Mayor or his designee to execute an easement agreement and related documents. The second and final public hearing is scheduled for August 13, 2015. \(Ordinance No. O2015.36\)](#)

Fiscal Impact: No impact on City funds.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR AUGUST 13, 2015

- *6B5. [Introduce and hold the first public hearing to adopt an ordinance authorizing a Zoning Map Amendment from R-2 Multi-Family to R1-PAD Single-Family, a Planned Area Development overlay and a Development Plan Review for a seven unit townhome development for FIFTH STREET WEST, located at 1214 West 5th Street. The applicant is Tom Goscicki. The second and final public hearing is scheduled for August 13, 2015. \(Ordinance No O2015.37\)](#)

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.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR AUGUST 13, 2015

- *6B6. [Introduce and hold the first public hearing to adopt an 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. The second and final public hearing is scheduled for August 13, 2015. \(Ordinance No. O2015.38\) \(Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote \(6 of 7\) is required for approval.\)](#)

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.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR AUGUST 13, 2015

- *6B7. [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 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. The second and final public hearing is scheduled for August 13, 2015. \(Ordinance No. O2015.39\) \(Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote \(6 of 7\) is required for approval.\) **Material 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.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR AUGUST 13, 2015

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1.** [Hold the second and final public hearing to adopt an ordinance authorizing the granting of a Utility Easement to Arizona Public Service Company over certain City-owned land for existing electrical facilities located within the Tempe Town Lake boat marina, located at 550 East Town Lake. \(Ordinance No. O2015.29\)](#)

Fiscal Impact: N/A

ADOPTED

- *6C2.** [Hold the second and final public hearing to adopt an ordinance granting a Utility Easement to Arizona Public Service Company over certain City-owned land for electrical lines and appurtenant facilities for the transmission and distribution of electricity to serve the VELA at Town Lake residential project, located at 555 North College Avenue. \(Ordinance No. O2015.30\)](#)

Fiscal Impact: N/A

ADOPTED

- *6C3.** [Hold the second and final public hearing to adopt an ordinance authorizing an Amended Planned Area Development and a Development Plan Review consisting of 18 single-family units for TEMPE PARKVIEW TOWNHOMES, located at 1937 East Don Carlos Drive. The applicant is Tana Nichols, Habitat for Humanity. \(Ordinance No. O2015.31\)](#)

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.

ADOPTED

- *6C4.** [Hold the second and final public hearing to adopt an ordinance authorizing the Mayor to execute a development agreement, a land and improvements lease, a memorandum of lease and additional documents with Opus Development Company, L.L.C. with respect to the project to be constructed at Forest Avenue and University Drive. \(Ordinance No. O2015.32\) **Material added**](#)

Fiscal Impact: The City will receive \$3,441,746 in payments from developer over a 15-year period. These funds will be deposited into the General Fund.

ADOPTED

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a 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.**