

**Tempe City Council  
Regular Council Meeting  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street, Tempe, Arizona  
Thursday, September 08, 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 Schapira**
  - A. Approval of City Council Meeting Minutes
    1. Executive Session - August 18, 2016
  - B. Acceptance of Board, Commission and Committee Meeting Minutes
    1. [Board of Adjustment - May 25, 2016](#)
    2. [Development Review Commission - May 10, 2016, May 24, 2016, and June 14, 2016](#)
    3. [Development Review Commission Study Session - May 10, 2016, May 24, 2016, and June 14, 2016](#)
    4. [Hearing Officer - August 2, 2016](#)
    5. [Historic Preservation Commission - June 25, 2016](#)
    6. [Human Relations Commission - May 10, 2016](#)
    7. [Parks, Recreation, Golf and Double Butte Cemetery Advisory Board - June 15, 2016](#)
    8. [Tempe Family Justice Commission - June 28, 2016](#)
    9. [Tempe Sustainability Commission - July 18, 2016](#)
4. **REPORTS AND ANNOUNCEMENTS**
  - A. Mayor's Announcements
    1. **United Food Bank and Hunger Action Month proclamation**
    2. **"TIM (Tempe in Motion) Turns 20" proclamation**
    3. **Board and Commission Appointments**
  - B. City Manager's Announcements
    1. [Right-Of-Way Landscaping 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 July 2016 Report of Claims Paid to be filed for audit.](#)

**Fiscal Impact:** Total payments in July: \$36,520,466.99.

- 5A2. [Authorize the Mayor to execute a Right-of-Way Use License Agreement between the City of Tempe and Crown Castle NG West LLC.](#)

**Fiscal Impact:** Crown Castle will pay fees for use of the right-of-way on any conduit/fiber installations under the current rate of \$ 2.15 per linear foot of trench and will pay fees for use of a City-owned street light pole pursuant to the applicable Wireless Services Facilities category as set forth in Appendix A of the Tempe City Code under the Engineering Fees section.

- 5A3. [Approve an agreement amendment with the Tempe Community Action Agency for the purpose of providing senior services at the North Tempe Multi-Generational Center.](#)

**Fiscal Impact:** The agreement amendment requires an annual payment of \$1 from Tempe Community Action Agency to the City.

- 5A4. [Approve the Tempe Diablos Charities, Inc. grant award authorizing the acceptance and disbursement of grant funds to Recreation Services for community programming.](#)

**Fiscal Impact:** The amount of the grant award is \$70,000. Sufficient budget appropriation for expenditure of this grant was authorized in the Government Grants and Donations Fund (Fund 44) as part of the fiscal year 2016-2017 adopted budget.

- 5A5. [Approve the Tempe Diablos Charities, Inc. grant award authorizing the acceptance and disbursement of grant funds to the Tempe History Museum for youth education programming.](#)

**Fiscal Impact:** The amount of the grant award is \$12,000. Sufficient budget appropriation for expenditure of this grant was authorized in the Government Grants and Donations Fund (Fund 44) as part of the fiscal year 2016-2017 adopted budget.

- 5A6. [Approve the Tempe Diablos Charities, Inc. grant award authorizing the acceptance and disbursement of grant funds that enable the City of Tempe-Kid Zone Enrichment Program to provide STEM education at all of the before and after school sites in Tempe.](#)

**Fiscal Impact:** The amount of the grant award is \$30,000. Sufficient budget appropriation for expenditure of this grant was authorized in the Government Grants and Donations Fund (Fund 44) as part of the fiscal year 2016-2017 adopted budget.

- 5A7. [Approve a Final Subdivision Plat for UNIVERSITY TECH CENTER, located at 1830 West University Drive. The applicant is Alliance Land Surveying.](#)

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

- 5A8. [Approve an Amended Subdivision Plat for QUIKTRIP #400, located at 2111 West University Drive. The applicant is Huellmantel and Affiliates.](#)

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

- 5A9. [Approve an Amended Subdivision Plat for 1444 W. AUTO DRIVE, located at 1444 West Auto Drive. The applicant is Superior Surveying Services.](#)

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

- 5A10. [Approve a Final Subdivision Plat for ENTERPRISE RENTAL STORE, located at 8201 South Priest Drive. The applicant is Deutsch Architecture Group.](#)

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

- \*5A11. [Hold a public hearing to recommend the approval of a Series 01 in-state producer's liquor license for Four Peaks Brewing Company, Inc., dba Four Peaks Brewing Co., 1340 East 8th Street, Suite #104.](#)

**Fiscal Impact:** N/A

- \*5A12. [Hold a public hearing to recommend the approval of a Series 01 in-state producer's liquor license for Hop Knot Brewing LLC, dba Four Peaks Brewery, 2401 South Wilson Street.](#)

**Fiscal Impact:** N/A

- \*5A13. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Desert Pizza LLC, dba Happy Joe's Pizza, 1806 East Southern Avenue.](#)

**Fiscal Impact:** N/A

- \*5A14. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 03 domestic microbrewery liquor license for Four Peaks Brewing Company, Inc., dba Four Peaks Brewing Co., 1340 East 8th Street, Suite #104.](#)

**Fiscal Impact:** N/A

- \*5A15. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 12 restaurant liquor license for Four Peaks Brewing Company, Inc., dba Four Peaks Brewing Co., 1340 East 8th Street, Suite #104.](#)

**Fiscal Impact:** N/A

- \*5A16. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 07 beer and wine bar liquor license for Hop Knot Brewing LLC, dba Four Peaks Brewery, 2401 South Wilson Street.](#)

*Fiscal Impact:* N/A

- \*5A17. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 03 domestic microbrewery liquor license for Hop Knot Brewing LLC, dba Four Peaks Brewery, 2401 South Wilson Street.](#)

*Fiscal Impact:* N/A

- 5A18. [Approve an appointment to the Tempe Family Justice Commission.](#)

*Fiscal Impact:* N/A

**B. Award of Bids/Contracts**

- 5B1. [Approve an increase to the approved spending level of a contract with Staffing Specialists who provides temporary drivers to supplement City staff in the operation of refuse vehicles.](#)

*Fiscal Impact:* Total spending on this contract will not exceed \$275,000 during the one-year renewal period (ending November 9, 2016) and will increase the contract value from \$200,000 to \$275,000, an increase of \$75,000. Sufficient funds have been appropriated in the Solid Waste Fund – cost center 3713 (Residential) – for the anticipated expenditures.

- 5B2. [Approve the utilization of one-year State of Arizona contracts with Brown's Partsmaster, Inc. and Ferguson Enterprises, Inc. for the purchase of plumbing parts and supplies.](#)

*Fiscal Impact:* Total cost of these contracts will not exceed \$600,000. Sufficient funds have been appropriated in the General Fund – cost center 1871 (Facilities Services), and the Water/Wastewater Fund – cost centers 3003 (Water Utilities Warehouse), 3013 (Johnny G. Martinez Water Treatment Plant) and 3014 (South Tempe Water Treatment Plant) – for the anticipated expenditures.

- 5B3. [Approve the utilization of a one-year Western States Contracting Alliance cooperative contract with SHI International Corporation for the purchase of desktop and server operating system software, Microsoft Enterprise software support, software licensing, and related services to be overseen by the Internal Services Department.](#)

*Fiscal Impact:* Total cost of this one-year contract shall not exceed \$950,000 during the one-year contract period. Sufficient funds have been appropriated in General Fund cost center 1991 (IT Administration) and other City-wide cost centers as needed for the anticipated expenditures.

- 5B4. [Approve a one-year contract renewal with Stanley Convergent Security Solutions for the purchase, repair, installation, and upgrades of security systems throughout the City.](#)

*Fiscal Impact:* Total cost of this contract will not exceed \$200,000 during the one-year contract renewal period. Sufficient funds have been appropriated in various City-wide funds and cost centers for the anticipated expenditures.

- 5B5. [Approve a one-year contract renewal with Bound Tree Medical, LLC for emergency medical supplies used by the Fire Medical Rescue Department.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$250,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund cost center 2374 (Fire – Ambulance Operations) for the anticipated expenditures in the current fiscal year. The total expenditures do not take into account reimbursement for some of the medical supplies used by the City’s ambulance service provider.

- 5B6. [Approve a one-year contract renewal with Fluoresco Lighting and Signs for streetlight installation.](#)

**Fiscal Impact:** Total cost of this one-year contract will not exceed \$375,000 during the one-year renewal period. Sufficient funds have been appropriated in the Traffic Signals CIP Fund – cost center 6999849 (Streetlight Pole Replacement) – for the anticipated expenditures.

- 5B7. [Approve a one-year contract renewal with SealMaster of Arizona for the purchase of a polymer modified asphalt emulsion sealcoating.](#)

**Fiscal Impact:** Total cost of this contract shall not exceed \$150,000 during the contract renewal period. Sufficient funds have been appropriated in the Highway User Revenue Fund – cost center 3813 (Construction) – for the anticipated expenditures.

- 5B8. [Approve a one-year contract renewal with Otto Logistics LLC for the transportation and disposal of sludge generated at the Tempe water plants.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$75,000. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) – for the anticipated expenditures.

- 5B9. [Award one-year contracts with four, one-year renewal options to 23 companies to provide mobile food truck vending services for various City sponsored events. \(Companies recommended for award: Affogato Truck, Burgers Amore, Cactus Corn, Coffee Run, Cheese Love and Happiness, DeMarco’s Italian Ice Creams, Desert Snow, Grilled Addiction, Grandma’s Navajo Fry Bread, Kicks Frozen Yogurt, Kona Ice of Tempe, Queso Good Quesadilla Truck, Livin Lite, Paz Cantina, Po Boyz BBQ, Rock Star Hot Dogs, Steel City Pierogi, Udder Delights, Tasty Tangerine, Tia Rosa’s Food Truck Company, Tikiz Shaved Ice and Ice Cream, Waffle Crush, and Wandering Donkey\)](#)

**Fiscal Impact:** There is no cost to the City related to this award. These contracts will generate revenue to the City based on the collection of a \$50 landing fee and 10% of gross revenues (per vendor per event).

- 5B10. [Award a construction manager at risk pre-construction services contract to Achen-Gardner Construction, LLC for the Waterline Replacement project in the Brentwood Manor and Tempe Royal Palms Neighborhoods.](#)

**Fiscal Impact:** The pre-construction services contract amount is \$106,880.25. Funds to cover this contract and related costs are appropriated for fiscal year 2016/17 in Capital Improvement Project No. 3299989, Transmission and Distribution Capital Improvements.

- 5B11. [Award a construction contract to Insituform Technologies, LLC for the flood irrigation infrastructure improvements – CIPP Lining, located at 902 South Mill Avenue to 1290 South Mill Avenue.](#)

**Fiscal Impact:** The contract amount is \$329,249 and the project contingency amount is \$32,924.90. Funds to cover this contract and related costs are appropriated for fiscal year 2016/17 in the Capital Improvement Project No. 3205899, Flood Irrigation Infrastructure Asset Maintenance.

- 5B12. [Award a construction contract to Briston Construction, LLC for the Rio Salado Multi-use Path, Priest Drive Underpass, located at 56 South Priest Drive.](#)

**Fiscal Impact:** The contract amount is \$574,771.45 and the project contingency amount is \$57,477.15. Funds to cover this contract and related costs are appropriated for fiscal year 2016/17 in the Capital Improvement Project No. 6007189, Rio Salado Southbank Path Underpass at Priest Drive.

- 5B13. [Award Job Order No. 3 to Valley Rain Construction Corporation for the playground, pathway and lighting improvements to Selleh Park.](#)

**Fiscal Impact:** The Job Order No. 3 amount is \$288,482.44 and the project contingency amount is \$28,848.24. Funds to cover this contract and related costs are appropriated for the fiscal year 2016/17 in the Capital Improvement Project No. 6305499, Park Playground Infrastructure & Equipment Replacement and Renovation.

### C. Resolutions

- 5C1. [Adopt a resolution authorizing the Mayor to execute the Arizona State Forestry Division Cooperative Intergovernmental Agreement between the Arizona State Forester and the City of Tempe for the purpose of providing mutual support in the form of labor and equipment. \(Resolution No. R2016.85\)](#)

**Fiscal Impact:** This agreement does not require a specific budget allocation and any significant costs for operation would be reimbursed.

- 5C2. [Adopt a resolution authorizing the Mayor to sign Amendment Two to an Intergovernmental Agreement with the Arizona Board of Regents, for and on behalf of Arizona State University, to provide funding to Tempe for existing urban and neighborhood circulator services. \(Resolution No. R2016.87\)](#)

**Fiscal Impact:** Arizona State University (ASU) will contribute a total of \$889,854 to the operation of urban (FLASH) and neighborhood circulator bus services (Orbit) in fiscal year 2016-17. ASU is fully funding the FLASH system at the net operating cost of \$751,416 and contributing \$138,439 to the total net operating cost of the Orbit Mars.

- 5C3. [Adopt a resolution authorizing the Chief of Police or designee\(s\), to execute a grant award agreement between the Department of Justice, Office of Justice Programs and the Tempe Police Department to accept the Edward Byrne Memorial Justice Assistance Grant for the Sworn Police Officer Overhire Program. \(Resolution No. R2016.88\)](#)

**Fiscal Impact:** The total amount of the grant award is \$73,028. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C4. [Adopt a resolution authorizing the Mayor to sign the Intergovernmental Agreement between the City of Tempe and the City of Scottsdale for the Regional Veterans Court. \(Resolution No. R2016.89\)](#)

**Fiscal Impact:** This is a grant revenue neutral agreement. The City of Tempe will be reimbursed by the City of Scottsdale for Scottsdale cases adjudicated in the Regional Veterans Court.

- 5C5. [Adopt a resolution authorizing the Mayor to execute addenda to a number of parking agreements for the purpose of updating and revising the language to conform with existing conditions. \(Resolution No. R2016.91\)](#)

**Fiscal Impact:** N/A

- 5C6. [Adopt a resolution approving an addendum to the intergovernmental agreement between Tempe Elementary School District #3 and the City of Tempe for continued partnership at North Tempe Multi-Generational Center. \(Resolution No. R2016.92\)](#)

**Fiscal Impact:** Per the addendum, the annual funding payment of \$122,750 is suspended. The school district will pay the City of Tempe \$12,000 to administer a contract for landscape maintenance at the North Tempe Multi-Generational Center.

- 5C7. [Adopt a resolution authorizing the Mayor to execute development and license agreements, with Arizona Fashion Source, LLC, LabelHorde, LLC, and Arizona Apparel Foundation with respect to operating a fashion design business incubator at the Tempe Performing Arts Center located at 132 E. Sixth Street. \(Resolution No. R2016.93\)](#)

**Fiscal Impact:** The City will pay the currently budgeted utility costs not to exceed \$2,000 per month. Arizona Fashion Source, LLC, LabelHorde, LLC, and Arizona Apparel Foundation will invest approximately \$50,000 in building improvements to the Tempe Performing Arts Center (TPAC) over a two-year period. In addition to the License Fees that may be abated, The City will assess a \$300 monthly fee, which is not eligible for abatement, for deferred maintenance on TPAC.

## 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 the award of 33 one-year contracts with four, one-year renewal options to firms that will provide repair and maintenance services related to the upkeep of City facilities. \(Firms recommended for award: Hernandez Companies Inc., Building Technologies Inc., GTI Contractors LLC, SDB Inc., East Valley Disaster Services Inc., Summit Restoration & Construction LLC, DH Pace Company Inc., Crout & Heller Painting Services Inc., DR Paint LLC, Ghaster Painting & Coating Inc., A & H Painting Inc., True View Window & Glass, Intermountain Lock and Security Supply, Progressive Roofing, Star Roofing Inc., Midstate Mechanical Inc., Crawford Mechanical Services LLC, Pueblo Mechanical & Controls Inc., 365 Mechanical, MR, Rooter Plumbing, Roto-Rooter Service & Plumbing Co, Urban Energy Solutions Inc., Corbins Service Electrical LLC, Commonwealth Electric Company of the Midwest, Spectra Electrical Services Inc., Clearco Window Cleaning, Squeegee Squad, Fish Window Cleaning, Arizona Pest Squad LLC, Belfor USA Group Inc., Titan Restoration of AZ, B&F Contracting Inc., and Contractors West Inc.\)](#)

**Fiscal Impact:** Total combined cost of these 33 contracts shall not exceed \$2,800,000 during the one-year contract period. Sufficient funds have been appropriated in the General Fund – cost center 1871 (Facilities Services) – and various Capital Improvement Projects, where applicable, for the anticipated expenditures.

- 6A2.** [Award a five-year sole source contract with two, two-year renewal options to CycleHop, LLC to install, operate, and maintain the City's Bike Share Program.](#)

**Fiscal Impact:** Total combined cost for the five-year contract is \$1,992,188. Sufficient funds have been appropriated as follows: Transit Fund cost center 3917 (Bus Stop & Bikeway Maintenance) \$100,000 per year for operating costs (\$500,000 over five years); Transit Capital Improvement Project Fund cost center 6007199 (Tempe/Phoenix Bike Share) for one-time installation and capital costs valued at \$373,295; and federal grant funds for one-time capital costs valued at \$1,118,893. Arizona State University (ASU) will reimburse the City \$50,000 for annual operating costs.

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

- \*6B1.** [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 along the west side of Kyrene Road and south of Guadalupe Road, and authorizing the Mayor or his designee to execute an easement agreement and related documents. The second and final public hearing is scheduled for September 22, 2016. \(Ordinance No. O2016.47\)](#)

**Fiscal Impact:** N/A

- \*6B2.** [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment of a public Bus Stop Shelter Easement located at the southeast corner of Rural Road and Apache Boulevard. The second and final public hearing is scheduled for September 22, 2016. \(Ordinance No. O2016.48\)](#)

**Fiscal Impact:** N/A

- \*6B3. [Introduce and hold the first 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 \(up to 65 du/ac\), adopt an ordinance for a Zoning Map Amendment from General Industrial \(GID\) to Mixed-Use \(MU-4\), a Planned Area Development Overlay and approve a Development Plan Review consisting of a new mixed-use development containing 209 units and four \(4\) live-work units for CRESCENT RIO, located at 700 West 1st Street. The applicant is Earl, Curley & Lagarde, P.C. The second and final public hearing is scheduled for September 22, 2016. \(Resolution No. R2016.90; Ordinance No. O2016.49\) Note: An affirmative vote by at least two-thirds \(2/3\) of the City Council is required to approve the General Plan Density Map Amendment.](#)

**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.

- \*6B4. [Introduce and hold the first public hearing for a Zoning Map Amendment from CSS TOD, R-4, and R-4 TOD to MU-4 TOD, a Planned Area Development Overlay, and a Development Plan Review for Phase I of a new seven-story, mixed-use development for EASTLINE VILLAGE, located at 2025 East Apache Boulevard. The applicant is Gammage & Burnham, P.L.C. The second and final public hearing is scheduled for September 22, 2016. \(Ordinance No. O2016.50\)](#)

**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.

- \*6B5. [Introduce and hold the first public hearing for a Zoning Map Amendment from the General Industrial District \(GID\) and the Agricultural District \(AG\) to Planned Commercial Center General \(PCC-2\) with a Planned Area Development Overlay and a Development Plan Review for a new commercial center consisting of retail stores, restaurants, and a fuel center for RIO SALADO RETAIL, located at 1953 East Rio Salado Parkway. The applicant is Berry Riddell, LLC. The second and final public hearing is scheduled for September 22, 2016. \(Ordinance No. O2016.51\)](#)

**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 - None.

## 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](http://www.tempe.gov/tempe11).  
Video replay of this meeting is available the next day at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11).**