

**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, June 09, 2016  
6:00 PM**

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

**1. INVOCATION - Councilmember Schapira**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES - Councilmember Kuby**

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

1. Executive Session - May 12, 2016 and May 23, 2016

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

1. [Board of Adjustment - April 27, 2016](#)
2. [Hearing Officer - May 3, 2016](#)
3. [Historic Preservation Commission - February 11, 2016, March 10, 2016](#)
4. [Historic Preservation Committee Archaeologically Sensitive Classification Subcommittee - April 9, 2015](#)

**4. REPORTS AND ANNOUNCEMENTS**

**A. Mayor's Announcements**

1. **United Arizona Employee Association (UAEA) Educational Scholarship**

**B. City Manager's Announcements**

**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 Final Subdivision Plat for SALT, located at 260 East Rio Salado Parkway. The applicant is Huellmantel & Affiliates.](#)

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

- 5A2. [Authorize the Mayor to execute a Wired Telecommunications License and Right-of-Way Use Agreement between McLeodUSA Telecommunications Services, LLC. dba Paetec Communications, LLC and the City of Tempe.](#)

**Fiscal Impact:** N/A

- 5A3. [Approve the Leadership in Community Resilience Program grant offered by the National League of Cities.](#)

**Fiscal Impact:** The amount of the grant award is \$10,000. Sufficient budget appropriations for expenditure of this grant are authorized in the Governmental Grants and Donations Fund (Fund 46) as part of the fiscal year 2015-16 adopted budget.

- \*5A4. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Devil's Tower LLC, dba San Tan Flat@Minder Binder, 715 South McClintock Drive.](#)

**Fiscal Impact:** N/A

- \*5A5. REMOVED/DELETED AT THE REQUEST OF STAFF ~~Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Nickels & Dimes Inc., dba Tilt Studio, 5000 South Arizona Mills Circle, Suite 669.~~

- \*5A6. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for LCT Café Inc., dba Asian Fusion Café, 725 South Rural Road, Suite 103.](#)

**Fiscal Impact:** N/A

**B. Award of Bids/Contracts**

- 5B1. [Approve an increase of the contract amount with London Bridge Marine Corporation to purchase phase II enhancements to the docks recently replaced on the south shore of Tempe Town Lake.](#)

**Fiscal Impact:** Total spending on this contract will not exceed \$274,500 and will increase the contract value from \$268,000 to \$274,500, an increase of \$6,500. This additional cost is part of the Phase II upgrades which is budgeted in the Park Improvement/Recreation Capital Improvement Project Fund for fiscal year 2016/17 and, if approved by City Council, would be implemented in the next fiscal year.

- 5B2. [Approve the utilization of one-year State of Arizona contracts with Sunbelt Rental, Empire Southwest, Neff Rental, and Hertz Equipment Rental for tool and equipment rental.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$100,000. Sufficient funds have been appropriated in the various funds and cost centers citywide for the anticipated expenditures.

- 5B3. [Approve the utilization of one-year State of Arizona contracts with Borders Turf and Tractor, Bingham Equipment Company, John Deere Company, Simpson Norton Corporation, and A to Z Equipment for the purchase of grounds keeping, golf and sports field maintenance equipment used by the Public Works Department.](#)

**Fiscal Impact:** Total combined cost of these contracts will not exceed \$150,000. Sufficient funds have been appropriated in the General Fund in various cost centers for the budgeted expenditures in fiscal year 2016/2017.

- 5B4. [Approve the utilization of a one-year National Intergovernmental Purchasing Alliance contract issued by the City of Tucson to The Toro Company, represented locally by Simpson Norton Corporation, for the purchase of grounds keeping, golf and sports field maintenance equipment used by the Public Works Department.](#)

**Fiscal Impact:** Total cost of the one-year contract will not exceed \$205,000. Sufficient funds have been appropriated in the General and Golf Funds in various accounts for the budgeted expenditures in fiscal year 2016/2017.

- 5B5. [Approve a one-year contract renewal with Symetra Life Insurance Company to provide Stop Loss Insurance.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$750,000 during the one-year renewal period beginning July 1, 2016. Sufficient funds will be appropriated in the Health Fund – cost centers 4167 (Employees) and 4169 (Cobra Participants) – for the anticipated expenditures in fiscal year 2016/2017.

- 5B6. [Approve a one-year contract renewal with Crafcoc, Inc. for the purchase of asphalt crack sealing compound.](#)

**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.

- 5B7. [Approve a one-year contract renewal with The Environmental Quality Company to provide hazardous materials trained personnel to assist with material collection, segregation and labeling at the City's Household Products Collection Center and any special hazardous waste collection events sponsored by the City.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$100,000. Sufficient funds have been appropriated in the Solid Waste Fund – cost center 3721 (Hazardous Material Safety) – for the anticipated expenditures.

- 5B8. [Approve the one-year renewal of contracts with Bustamante & Associates; Gabriel & Ashworth; Green & Baker; Gust Rosenfeld; Iafrate & Associates; Kutak Rock; Littler Mendelson; Dickinson Wright; Diane M. Miller; Sanders & Parks; Sims Murray; Roger Spencer; and Struck Wieneke & Love to provide legal representation in the event that the use of outside legal counsel becomes necessary.](#)

**Fiscal Impact:** Total cost of these 13 contracts will not exceed \$350,000 during the one-year renewal period. Sufficient funds have been appropriated in the Risk Management Fund – cost center 2611 (Liability Claims/Risk) – and the General Fund – cost center 1710 (Legal Services) – for the anticipated expenditures. For representation other than litigation, fees shall be charged back to the department for which services are rendered.

- 5B9. [Approve a one-year contract renewal with Sun Country Truck Equipment for the purchase of utility truck bodies.](#)

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

- 5B10. [Approve one-year contract renewals with ACT Towing, LLC dba All City Towing, Apache Sands Service Center, Inc., and Towing Professionals of Arizona, Inc. for vehicle towing services.](#)

**Fiscal Impact:** Total combined cost for City fleet tows shall not exceed \$30,000 during the one-year renewal period. Costs associated with Police initiated tows are the responsibility of the vehicle owner with a combined annual estimated market value of \$1,025,000. For costs incurred by the City, sufficient funds have been budgeted in the General Fund – cost center 3262 (Fleet Maintenance) – for the anticipated expenditure in the 2016/2017 fiscal year.

- 5B11. [Approve one-year contract renewals with Scott McAlister \(Division I\), Robert A. Butler \(Division II\), and Samantha Herd \(Division III\) to provide public defender representation for indigent defendants whose cases are filed with the City of Tempe Municipal Court.](#)

**Fiscal Impact:** Total combined cost of these contracts will not exceed \$300,000 during the one-year contract period. Sufficient funds have been budgeted in the General Fund – Cost Center 1410 (Judicial Division – Administration) – for the anticipated expenditures.

- 5B12. [Approve a thirty-one month sole source contract renewal for software maintenance and support services with Environmental Systems Research Institute for computer-based mapping software that is used City-wide through the Enterprise Geographic Information System.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$415,576 during the thirty-one month contract period. Sufficient funds have been appropriated in General Fund cost center 1991 (IT Administration) for the anticipated expenditures. The City will pay for software maintenance and support services on an annual basis.

- 5B13. [Approve a one-year sole source contract renewal for software maintenance and support services with TSC America, dba TATA American International, for the City's business/privilege tax software system.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$136,817 during the one-year renewal period. Sufficient funds have been appropriated in General Fund cost center 1991 (IT - Administration) for the anticipated expenditures.

- 5B14. [Award a professional services consultant contract to Gannett Fleming, Inc., for structural investigation services at Johnny G. Martinez and South Tempe Water Treatment Plants.](#)

**Fiscal Impact:** The professional services consultant contract amount is \$463,785. Funds to cover this contract were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3207879, Water Treatment Plants - Concrete Structures Condition Assessment.

- 5B15. [Award job order no. 10 to CSW Contractors, Inc. for emergency repair of a 6-inch waterline leading from the water distribution main within Mill Avenue near 14th Street to Tempe St. Luke's Hospital.](#)

**Fiscal Impact:** The total job order amount is \$70,838.11. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3299989, Water System Upgrades, Repairs and Replacement.

- 5B16. [Award job order no. 5 to Sunland, Inc. – Asphalt & Sealcoating for resurfacing of the parking lots at the Tempe Sports Complex and Police Substation at 8201 South Hardy Drive.](#)

**Fiscal Impact:** The total job order amount is \$160,722.82, and the project contingency amount is \$15,000. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 5407791, City Facility Parking Lots.

- 5B17. [Award a contract to Benjamin Victor for a permanent, public art project, for a Tempe Public Safety Memorial located within Tempe Beach Park. \(Related to agenda item 5C3\)](#)

**Fiscal Impact:** Total cost of the contract is \$350,000 and will be paid from matching funds of \$175,000 from private donations and City funds of \$175,000. Sufficient funds have been appropriated in Police Protection Capital Improvement Project Fund cost center 5507709 - Public Safety Memorial for the anticipated expenditures.

- 5B18. [Approve the two year appointment of Judge Kevin Kane as Presiding Judge of the Tempe Municipal Court, effective July 8, 2016, and authorize the Mayor to sign the agreement.](#)

**Fiscal Impact:** Sufficient funds have been allocated in the General Fund budget for this appointment.

- 5B19. [Approve the 17-day Employment Agreement Addendum for MaryAnne Majestic as Presiding Judge, for the period of July 1, 2016 to July 17, 2016.](#)

**Fiscal Impact:** The estimated cost for salary and benefits for the Presiding Judge position for 17-days is \$10,557. Sufficient funds have been allocated in the General Fund budget for this position.

## C. Resolutions

- 5C1. [Adopt a resolution approving a grant from the Arizona State Library for a new Library Services and Technology Act Grant and authorizing the use of such grant funds. \(Resolution No. R2016.54\)](#)

**Fiscal Impact:** The amount of the grant award is \$15,000 in federal funds. Acceptance of this grant does not require any matching city funds. Sufficient budget appropriation for expenditure of this grant is authorized in the Governmental Grants (Fund 46) as part of the FY 2015-16 adopted budget.

- 5C2. [Adopt a resolution approving the naming of the John Gannon Literacy Center within the Tempe Public Library. \(Resolution No. R2016.55\)](#)

**Fiscal Impact:** No fiscal impact.

- 5C3. [Adopt a resolution authorizing the Chief of Police or designee\(s\), to approve a contribution from the Tempe Police Foundation in the amount of \\$183,000 for the Public Safety Memorial. \(Resolution No. R2016.59\) \(Related to agenda item 5B17.\)](#)

**Fiscal Impact:** The amount of the contribution is \$183,000. Sufficient budget appropriation for expenditures of this contribution is authorized in the Capital Improvement Project No. 5507709 (\$175,000), Public Safety Memorial and in the Police Grant and Restricted Revenue Fund, Fund 45 (\$8,000) as part of the fiscal year 2015-16 adopted budget.

- 5C4. [Adopt a resolution authorizing the approval of the 2015 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan to address the mitigation of naturally occurring hazards in Tempe. \(Resolution No. R2016.60\)](#)

**Fiscal Impact:** Although the Plan references efforts and plans managed by the Water, Engineering, Transportation and Fire Departments, it does not impose any requirements other than are already outlined in the various department's approved Capital Improvement Projects and operating budgets. There is no fiscal impact directly and solely related to this plan.

- 5C5. [Adopt a resolution authorizing the Memorandum of Understanding between the United Arizona Employees Association and the City of Tempe, effective July 1, 2016 to June 30, 2021. \(Resolution No. R2016.61\)](#)

**Fiscal Impact:** This Memorandum of Understanding includes increases in compensation consistent with the 2016-2021 long range budget forecast for increases in total personnel costs.

- 5C6. [Adopt a resolution authorizing the Addendum dated May 27, 2016 to the Memorandum of Understanding between the Tempe Officers Association and the City of Tempe, effective July 1, 2014 to June 30, 2017. \(Resolution No. R2016.63\)](#)

**Fiscal Impact:** This Memorandum of Understanding includes increases in compensation consistent with the 2016-2017 fiscal year budget provisions for increases in total personnel costs.

- 5C7. [Adopt a resolution authorizing the Memorandum of Understanding between the Tempe Firefighters' Unit and the City of Tempe, effective July 1, 2016 to June 30, 2019. \(Resolution No. R2016.64\)](#)

**Fiscal Impact:** This Memorandum of Understanding includes increases in compensation consistent with the 2016-2019 long range budget provisions for increases in total personnel costs.

## 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 utilization of one-year State of Arizona contracts with Bill Luke Chrysler Jeep & Dodge, Courtesy Chevrolet, Don Sanderson Ford, Larry Miller Toyota, Midway Chevrolet, Chapman Ford, PFVT Motors, and San Tan Auto Partners for the purchase of seventy-four vehicles.](#)

*Fiscal Impact:* Total combined cost of these contracts will not exceed \$2,950,000. Sufficient funds have been budgeted in various cost centers in the General, Water/Wastewater, Performing Arts, and Highway User Funds for the anticipated expenditures in fiscal year 2016/2017.

- 6A2. [Approve a one-year contract renewal with Rush Truck Centers of Arizona, Inc. for the purchase of five refuse vehicles.](#)

*Fiscal Impact:* The total cost of this one-year contract renewal will not exceed \$1,900,000. Sufficient funds have been budgeted in the Solid Waste Fund – cost center 3713 (Residential) and 3714 (Commercial) – for the anticipated expenditures in the upcoming fiscal year.

- \*6A3. [Hold a public hearing, and adopt a resolution approving the fiscal year 2016-2017 annual assessment for the City of Tempe Downtown Tempe Enhanced Services Improvement District, ruling on objections, making corrections, approving a new district map, and approving modified assessments. \(Resolution No. R2016.56\)](#)

*Fiscal Impact:* The annual assessment for City owned property within the District for FY2016/2017 is \$119,455.80. Sufficient budget appropriation for the City's annual assessment was included as part of Community Development's recommended FY 2016/17 General Fund budget, cost center 2712.

### 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 a portion of an existing Public Utility Easement located at the southwest corner of Broadway Road and Dorsey Lane. The second and final public hearing is scheduled for June 23, 2016. \(Ordinance No. O2016.34\)](#)

*Fiscal Impact:* N/A

- \*6B2. [Introduce and hold the first public hearing to adopt an ordinance to amend the Tempe City Code, Sec. 6-31, Dogs, Cats, Etc., Generally, relating to the removal of animal waste. The second and final public hearing is scheduled for June 23, 2016. \(Ordinance No. O2016.36\)](#)

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

- \*6B3. [Introduce and hold the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay and approve a Development Plan Review for a 26-story mixed-use development, containing 335 dwelling units and 3,460 square feet of commercial area for THE STANDARD AT TEMPE, located at 11 East 7th Street. The applicant is Charles Huellmantel, Huellmantel & Affiliates. The second and final public hearing is scheduled for June 23, 2016. \(Ordinance No. O2016.37\)](#)

**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.

- \*6B4. [Introduce and hold the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay and approve a Development Plan Review for a new nine-story mixed-use development with a grocery store and 292 dwelling units for THE FOUNDRY, located at 204 West University Drive. The applicant is Darin Sender of Sender and Associates. The second and final public hearing is scheduled for June 23, 2016. \(Ordinance No. O2016.38\)](#)

**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 fee structure at the time of permit issuance.

- \*6B5. [Hold the first public hearing to adopt an ordinance authorizing the Mayor to execute a development agreement, deeds, a land and improvements lease, a memorandum of lease and additional documents with FDG Local Tempe Associates, LLC \("Forum"\) with respect to the project to be constructed at the northwest corner of Ash Avenue and University Drive. The second and final public hearing is scheduled for June 23, 2016. \(Ordinance No. O2016.39\)](#)

**Fiscal Impact:** The development agreement provides for a 10-year government property lease with an 8-year abatement of the Government Property Lease Excise Tax. The development agreement also provides for the abandonment of certain city-owned right-of-way in exchange for 10 reserved parking spaces within the project.

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

- \*6C1. [Hold the second and final public hearing to adopt an ordinance amending Chapter 12, Article II, Tempe City Code, relating to floodplain management, by amending Section 12-29, relating to standards of construction, and by amending Section 12-31, relating to standards for utilities within special flood hazard areas. \(Ordinance No. O2016.33\)](#)

**Fiscal Impact:** No impact on City funds.

- \*6C2. [Hold the second and final public hearing to adopt an ordinance for a Planned Area Development Overlay and approve a Development Plan Review for a new mixed-use development containing 295 dwelling units, restaurant, retail, office, classroom, and church uses for NEWMAN CENTER / THE MAXWELL ON COLLEGE \(PL150419\), located at 712 South College Avenue. The applicant is Maxwell Tempe, LLC. \(Ordinance No. O2016.29\) This item was continued from the May 26, 2016, Regular Council Meeting. \(Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote \(6 of 7\) is required for approval of the Planned Area Development Overlay.\)](#)

**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.

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