



Minutes Regular City Council Meeting May 7, 2015

Minutes of the Regular Council Meeting of Thursday, May 7, 2015, held at 6:00 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCILMEMBERS PRESENT:

Mayor Mark W. Mitchell

Councilmember Robin Arredondo-Savage

Councilmember Lauren Kuby

Vice Mayor Corey D. Woods

Councilmember Kolby Granville

Councilmember David Schapira

COUNCILMEMBER ABSENT:

Councilmember Joel Navarro

STAFF PRESENT:

Andrew Ching, City Manager

Judi Baumann, City Attorney

Brigitta M. Kuiper, City Clerk

Greg Ruiz, Fire Medical Rescue Department Chief

Various Department Heads or their representatives

Ken Jones, Deputy City Manager – Chief Financial Officer

Steven Methvin, Deputy City Manager – Chief Operating Officer

Michael Greene, Central Services Manager

Ryan Levesque, Deputy Community Development Dir. – Planning

Mayor Mitchell called the meeting to order at 6:13 p.m.

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

3. MINUTES

A. Approval of City Council Meeting Minutes

Motion by Vice Mayor Woods to approve agenda items 3A1 – 3A5; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 6-0.

1. [Regular City Council Meeting - April 2, 2015](#)
2. Executive Session - April 9, 2015, April 16, 2015, and April 23, 2015
3. [Special City Council Meeting - January 15, 2015](#)
4. [Housing Authority Governing Board Special Meeting - April 2, 2015](#)
5. [Branding/Communications Ad hoc Committee Meeting - February 17, 2015](#)

Motion by Vice Mayor Woods to approve agenda items 3A6 and 3A7; second by Councilmember Arredondo-Savage. Motion passed on a voice vote 6-0 with Councilmembers Kuby and Schapira abstaining.

6. [Issue Review Session - December 4, 2014 and January 8, 2015](#)
7. [Committee of the Whole - November 17, 2014](#)

City Clerk's Note: Councilmembers Kuby and Schapira abstained from voting on agenda items 3A6 and 3A7, which has the effect of voting on the prevailing side.

B. Acceptance of Board, Commission and Committee Meeting Minutes

Motion by Vice Mayor Woods to accept agenda items 3B1 – 3B8; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 6-0.

1. [Aviation Commission - March 12, 2015](#)
2. [Board of Adjustment - August 28, 2013](#)
3. [Board of Adjustment Study Session - August 28, 2013](#)
4. [Enhanced Services Commission - January 13, 2015](#)
5. [Human Relations Commission - March 10, 2015](#)
6. [Municipal Arts Commission - January 14, 2015, February 11, 2015, and March 11, 2015](#)
7. [Parks, Recreation, Golf and Double Butte Cemetery Advisory Board - March 18, 2015](#)
8. [Transportation Commission - March 17, 2015](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. Law Day Contest

Mayor Mitchell announced that this year's Law Day theme, as designated by the American Bar Association, is Magna Carta: Symbol of Freedom Under Law. He invited Judge MaryAnne Majestic, Presiding Judge of Tempe Municipal Court, to the podium to present the Law Day awards to students.

2. Trollhättan, Sweden - Tempe Sister City

Mayor Mitchell invited Mayor Akerlund and the delegation from Trollhättan, Sweden to the podium. Mayor Mitchell announced that Trollhättan, Sweden is the City of Tempe's tenth Sister City. He acknowledged the support of Tempe Sister City representatives, Dick and Jane Neuheisel. Trollhättan and Tempe officials then participated in a document signing ceremony to memorialize the relationship.

3. Tree City USA Award

Mayor Mitchell announced that Tree-Friendly Tempe has received the Arbor Day Foundation's Tree City USA certification. He invited James Thomson, Landscape Coordinator, to the podium and presented Mr. Thomson with the Tree City USA award.

4. Public Works Week Proclamation and Awards

Mayor Mitchell read a proclamation declaring May 17 – May 23, 2015, as Public Works Week in Tempe, Arizona. Mayor Mitchell detailed various awards that the Public Works Department has received over the past year and announced that the Arizona Chapter of the American Public Works Association has honored Don Bessler, Public Works Director, as the Outstanding Public Works Employee of the Year for "outstanding performance at a managerial level". Mayor Mitchell invited Mr. Bessler to the podium to thank and congratulate him on this achievement.

B. City Manager's Announcements

Andrew Ching, City Manager, echoed the praise for the hard work of Public Works staff.

5. CONSENT AGENDA

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Motion by Vice Mayor Woods to approve the consent agenda with the exception of items 5B5 and 5B7, which were removed for separate consideration; second by Councilmember Schapira. Motion passed unanimously on a roll call vote 6-0.

A. Miscellaneous Items

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

Fiscal Impact: Total payments in March: \$29,472,466.40.

- 5A2. [Approved June 11, 2015 as the date for conducting the public hearing on the Downtown Tempe Enhanced Services District Assessments for Fiscal Year 2015/2016.](#)

Fiscal Impact: No fiscal impact to the City.

- 5A3. [Approved the transfer of fiscal year 2014/15 Capital Improvements Program budget appropriation from Federal Grant Contingency, Project No. 5406139, to Highway Safety Improvement Program Phase 2, Project No. 6905279.](#)

Fiscal Impact: This transfer will increase budget appropriation by \$37,000 in spending authority for Highway Safety Improvement Program Phase 2. The total project budget after the transfer will be \$118,800. Costs will be paid by a federal Highway Safety Improvement Program grant.

- *5A4. [Held a public hearing and recommended the approval of a series 12 restaurant liquor license for Delasia, LLC, dba Flo's, 5144 South Rural Road.](#)

Fiscal Impact: N/A

- *5A5. [Held a public hearing and recommended the approval of an acquisition of control of a series 12 restaurant liquor license for Peter Piper, Inc., dba Peter Piper Pizza #172, 1805 East Baseline Road.](#)

Fiscal Impact: N/A

- *5A6. [Held a public hearing and recommended the approval of a series 10 beer and wine store liquor license for JSK Tempe, LLC, dba Kwik Mart Tempe, 606 West Broadway Road.](#)

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1. [Approved the renewal of a one-year contract with Redburn Tire Company for tire retreading services used by the Public Works Department.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$175,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund – cost center 3262 (Fleet Maintenance) – for the anticipated expenditures in the current fiscal year.

- 5B2. [Approved the renewal of a one-year contract with EyeMed Vision Care who provides a vision program for eligible City employees and their dependents that is overseen by the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$200,000 during the one-year renewal period which will begin on July 1, 2015. Sufficient funds have been budgeted in the Health Fund – cost centers 4167 (Employees) and 4169 (Cobra Participants) – for

the anticipated expenditures in the upcoming fiscal year. The City pays 100% of the employee cost for vision insurance and 50% of dependent coverage cost. The City cost is approximately \$150,000 per year with the employee paying \$50,000 for dependent coverage.

- 5B3. [Approved the one-year renewal of contracts with Bureau Veritas North America, Inc., JAS Pacific, Charles Abbott Associates, Stantec Consulting, Inc., and Willdan Engineering for plan review and building inspection services to be used by the Community Development Department.](#)

Fiscal Impact: There is no cost to the City for these contracts. The contracts are structured to allow the vendors to be paid directly by applicants. Total combined value of these contracts shall not exceed \$200,000 during the one-year contract period.

- 5B4. [Approved the utilization of a one-year City of Phoenix contract with Freightliner Sterling Western Star of Arizona for the purchase of a concrete repair truck for use by the Public Works Department.](#)

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

- 5B5. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) [Approve the utilization of a one-year State of Arizona contract with LZ Delta for the purchase of police motorcycles.](#)

- 5B6. [Approved the utilization of a City of Chandler cooperative contract with Phoenix Pump, Inc. for the purchase and installation of one Abel double acting duplex hydraulic membrane pump for the Public Works Department.](#)

Fiscal Impact: Total contract amount shall not exceed \$100,000. Sufficient funds have been appropriated in the Water/Wastewater Fund, cost center 3013 (Johnny G. Martinez Plant) for the anticipated expenditures in the current fiscal year.

- 5B7. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.](#) [Award a two-year contract with three, one-year renewal options to Precision Graphics for screen printed and embroidered clothing for the Fire Medical Rescue Department.](#)

- 5B8. [Approved one-year contract renewals with SolarCity Corporation, Oak Leaf Energy Partners, and Green Choice Solar for the development, construction and maintenance of solar photovoltaic electric generating systems.](#)

Fiscal Impact: There is no cost related to these renewals. This action will continue the availability of the named solar providers on an approved short list from which future projects could be awarded through separate City Council action.

- 5B9. [Awarded a one-year contract with four, one-year renewal options to Altec Industries for the purchase of bucket trucks to be used by the Public Works Department. \(Contract #2015-76\)](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$215,000. Sufficient funds have been budgeted in the Highway User Revenue Fund – cost center 3825 (Signal Systems) – for the anticipated expenditure in the upcoming fiscal year.

- 5B10. [Awarded a professional services contract to HDA Architects, L.L.C. to provide design services for burn room building improvements at the Tempe/Arizona Public Service Joint Fire Training Center at 1340 East University Drive. \(Contract #2015-77\)](#)

Fiscal Impact: The contract amount is \$57,475. Funds are approved and appropriated in fiscal year 2014/15 to cover this contract and related costs in Capital Improvement Project No. 5605949, Fire Training Center Facilities.

5B11. [Awarded a construction contract to Interstate Mechanical Corporation for replacement of the central cooling plant serving the Tempe Public Library and Tempe History Museum. \(Contract #2015-78\)](#)

Fiscal Impact: The total construction contract amount is \$520,334 and the project contingency amount is \$52,033. Funds to cover this contract and associated costs are approved and appropriated for fiscal year 2014/15 in Capital Improvement Project No. 6873, HVAC Equipment Replacement.

5B12. [Awarded a two-year contract with three, one-year renewal options to Hutzel & Associates, Inc. and Dominion Environmental Consultants, Inc. for industrial hygiene consulting services. \(Contract #2015-79\)](#)

Fiscal Impact: Total cost of these contracts will not exceed \$110,000 during the two-year contract period. Sufficient funds have been appropriated in the General Fund cost center 2714 (Community Development – Developable Property Management), Community Development Block Grant “CDBG”/Home Fund cost center 2874 (CDBG PY (Fed)), and Water/Wastewater Fund cost center 3052 (Water Conservation) for the anticipated expenditures in the current fiscal year.

5B13. [Awarded a construction contract to Felix Construction Company for assessment of four sewage pump stations at various locations. \(Contract #2015-80\)](#)

Fiscal Impact: The total construction contract amount is \$128,472 and the project contingency amount is \$12,847. Funds to cover this contract and associated costs are approved and appropriated for fiscal year 2014/15 in Capital Improvement Project No. 3299969, Sewer Lines – New, Upgrades and Extension.

C. **Resolutions**

5C1. [Adopted RESOLUTION NO. R2015.37 approving the acceptance of a conveyance from the Arizona Department of Transportation of abandoned right of way located along Gilbert Drive and College Avenue and authorizing the Mayor or his designee to waive the Advance Four Year Notice of Abandonment and Pavement Quality Report.](#)

Fiscal Impact: The estimated additional annual expense for the maintenance of these sections of Gilbert Drive and College Avenue is \$13,343 per year. This includes annual maintenance for paving, street lighting, signage and striping. These maintenance costs will be funded through the Arizona Highway User Revenue Fund (HURF).

5C2. [Adopted RESOLUTION NO. R2015.38 authorizing the Tempe Historic Preservation Officer or his designee to execute a Federal Pass-Through Participant Agreement with the Arizona State Parks Board to accept grant funds for attendance at the 2015 Arizona Historic Preservation Conference. \(Contract #2015-81\)](#)

Fiscal Impact: The amount of the grant award is \$1,575 in federal funds. Acceptance of this grant does not require any matching City funds. Sufficient budget appropriation for expenditure of this grant was authorized in the Governmental Grants and Donations Fund (Fund 46) as part of the fiscal year 2014-15 adopted budget.

- 5C3. [Adopted RESOLUTION NO. R2015.39 calling and ordering a Primary Election on March 8, 2016, and a General Election on May 17, 2016, if necessary, for the purpose of nominating and electing candidates for the Mayoral and three City Council seats.](#)

Fiscal Impact: The cost of the Primary and General Elections are estimated at \$450,000. Sufficient funds to cover the costs of the elections have been requested for fiscal year 2015/2016, in cost center 1320, Political Elections.

- 5C4. [Adopted RESOLUTION NO. R2015.40 authorizing the Chief of Police or his designee\(s\), to execute an agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to participate in the two-week Buckle Up Arizona Enforcement Campaign throughout the City of Tempe. \(Contract #2015-82\)](#)

Fiscal Impact: The amount of the total grant award is \$10,000. 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 Department RICO and Grants Fund (Fund 45) as part of the fiscal year 2014-15 adopted budget.

- 5C5. [Adopted RESOLUTION NO. R2015.41 authorizing the Mayor to execute a Development Agreement with the Autoplex Owners Association relating to permitted signage within the Tempe Autoplex. \(Contract #2015-83\)](#)

Fiscal Impact: None

- 5C6. [Adopted RESOLUTION NO. R2015.42 approving the City Manager's designation of Residential Permit Parking Area 5 to include portions of Bonarden Lane and Rita Lane in the Jen Tilly Terrace neighborhood.](#)

Fiscal Impact: N/A

- 5C7. [Adopted RESOLUTION NO. R2015.44 authorizing the Mayor to execute the Development Agreement between the CITY OF TEMPE and SOUTH RIVER ASSOCIATES, LLC, a Delaware limited liability company, dba Circuit Tempe, for 615 South River Drive. \(Contract #2015-84\)](#)

Fiscal Impact: None

- 5C8. [Adopted RESOLUTION NO. R2015.45 authorizing the Mayor and Chief of Police or his designee\(s\), to execute a Memorandum of Understanding between the City of Tempe and Valley Metro Rail, Inc. authorizing Valley Metro to patrol the light rail, Park and Ride lots and related property with private security. \(Contract #2015-85\)](#)

Fiscal Impact: The amount of the agreement is \$67,015. Sufficient funds have been appropriated in the Fiscal Year 2014/15 adopted Transit Fund budget, cost center 3921, for the anticipated expenditures under this Memorandum of Understanding for the current fiscal year.

- 5C9. [Adopted RESOLUTION NO. R2015.46 authorizing the Chief of Police or his designee\(s\), to execute an agreement between the City of Tucson and the Tempe Police Department to accept grant funds for salary, overtime and employee related expenses for a Sergeant position assigned to the High Intensity Drug Trafficking Area - Maricopa County Drug Suppression Task Force. \(Contract #2015-86\)](#)

Fiscal Impact: The amount of the total grant award is \$175,431. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient

budget appropriation for expenditure of this grant was included as part of the Police Department RICO and Grants Fund (Fund 45) as part of the fiscal year 2014-15 adopted budget.

- 5C10.** [Adopted RESOLUTION NO. R2015.47 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 a CARE 7 Substance Abuse Prevention and Drug Education Program entitled Celebrating Families. \(Contract #2015-87\)](#)

Fiscal Impact: The amount of the grant award through September 30, 2015 is \$29,620. Sufficient budget appropriations for expenditure of this grant were authorized in the Governmental Grants and Donations Fund (Fund 46), as part of the fiscal year 2014-15 adopted budget. 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).

- 5C11.** [Adopted RESOLUTION NO. R2015.48 authorizing the Mayor to execute a contract between the U.S. Department of Housing and Urban Development \(HUD\) and the City of Tempe to re-finance a Section 108 Loan Guarantee. \(Contract #2015-88\)](#)

Fiscal Impact: Reduced interest costs will decrease the amount of sales taxes diverted from Tempe marketplace sales tax rebates to make loan payments, which could accelerate the payments of maximum agreed-upon tax rebates. The interest savings will not be known until new notes are sold by HUD in the open market, but the total savings are estimated to be approximately \$800,000.

CONSENT AGENDA ITEMS REMOVED FOR SEPARATE CONSIDERATION:

- 5B5. Contract with LZ Delta for the purchase of police motorcycles.**

Councilmember Kuby requested that agenda item 5B5 be continued to a future meeting as she has discussed with Don Bessler, Public Works Director, and Tom Ryff, Police Chief, the possibility of purchasing electric motorcycles for the Police Department.

Motion by Vice Mayor Woods to continue agenda item 5B5 to a future Council meeting; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 6-0.

- 5B5.** *Continued to a future Council meeting* the utilization of a one-year State of Arizona contract with LZ Delta for the purchase of police motorcycles.

Fiscal Impact: Total cost of this contract will not exceed \$115,000. Sufficient funds have been budgeted in the General Fund – cost center 3261 (Fleet Management) – for the anticipated expenditures in fiscal year 2015/2016.

-
- 5B7. Contract with Precision Graphics for screen printed and embroidered clothing for the Fire Medical Rescue Department.**

Councilmember Schapira expressed concern that the pricing for screen printing for a large quantity of t-shirts seems high. He compared the prices from the four bids received, which range from \$20 to \$120 per t-shirt. He questioned if there was a calculation error for the BC Graphic's bid of \$120 per t-shirt.

Michael Greene, Central Services Manager, stated that the bid specifications call for a very high quality fabric to ensure the longest life possible, which may explain the reason for the higher bids. BC Graphic's pricing is higher than its competition; however, staff will need to research the numbers to verify if they are accurate.

Councilmember Schapira indicated he would like to discuss pricing ideas with Mr. Greene and voiced a preference to postpone agenda item 5B7 to a future meeting date, in order to verify the math calculations.

Councilmember Arredondo-Savage requested clarification of what the contract entails. Greg Ruiz, Fire Medical Rescue Department Chief, stated that Precision Graphics provides shirts, and embroidery and screening printing services. The specifications for high quality shirts are in place so that the shirts retain their color after multiple wear and washes.

Motion by Councilmember Schapira to continue agenda item 5B7 to a future Council meeting; second by Vice Mayor Woods. Motion passed unanimously on a roll call vote 6-0.

5B7. *Continued to a future Council meeting the award of a two-year contract with three, one-year renewal options to Precision Graphics for screen printed and embroidered clothing for the Fire Medical Rescue Department.*

Fiscal Impact: Total cost of this contract will not exceed \$220,000 during the initial two-year contract period. Sufficient funds have been appropriated in the General Fund cost center 2340 (Fire – Emergency Services) for the anticipated expenditures in the current fiscal year.

6. NON-CONSENT AGENDA

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

A. Miscellaneous Items/Bids/Contracts/Resolutions

***6A1.** **Truth in Taxation public hearing and a resolution indicating the City's intention to adopt a primary property tax levy that, excluding amounts related to new construction, will be greater than last year's primary tax levy.**

Mayor Mitchell opened the public hearing. There was no discussion or public comment on agenda item 6A1.

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

***6A1.** [Held a Truth in Taxation public hearing and adopted RESOLUTION NO. R2015.43 by roll call vote, as required under the State's Truth in Taxation statute, indicating the City's intention to adopt a primary property tax levy that, excluding amounts related to new construction, will be greater than last year's primary tax levy.](#)

Fiscal Impact: The primary tax levy, exclusive of new construction, will increase by \$291,692 (or 2%) over last year's primary tax levy.

6A2. **Contract with Nesbitt Contracting Co., Inc. for pavement rehabilitation on McClintock Drive from Broadway Road to Guadalupe Road.**

There was no discussion on agenda item 6A2.

Motion by Vice Mayor Woods to approve agenda item 6A2; second by Councilmember Schapira. Motion passed unanimously on a roll call vote 6-0.

- 6A2.** [Awarded a construction contract to Nesbitt Contracting Co., Inc. for pavement rehabilitation on McClintock Drive from Broadway Road to Guadalupe Road.](#) **(Contract #2015-89)**

Fiscal Impact: The total construction contract amount is \$1,704,547 and the project contingency amount is \$170,454. Funds to cover this contract and associated costs are approved and appropriated for fiscal year 2014/15 in Capital Improvement Project No. 5499741, Arterial Resurfacing.

- 6A3.** **Contract with Sunland, Inc. Asphalt & Sealcoating for pavement rehabilitation and Americans with Disabilities Act (ADA) improvements in the Svob Park area, bounded by the Western Canal and Baseline Road and 48th Street and I-10.**

There was no discussion on agenda item 6A3.

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

- 6A3.** [Awarded a construction contract to Sunland, Inc. Asphalt & Sealcoating for pavement rehabilitation and ADA improvements on the neighborhood streets in the Svob Park area, bounded by the Western Canal and Baseline Road and 48th Street and I-10.](#) **(Contract #2015-90)**

Fiscal Impact: The total construction contract amount is \$1,409,450 and the project contingency amount is \$140,945. Funds to cover this contract and associated costs are approved and appropriated for fiscal year 2014/15 in Capital Improvement Project No. 5499741, Arterial Resurfacing.

- 6A4.** **Contract with WIST Office Products for the supply of office products.**

Councilmember Kuby stated that WIST Office Products has been located in Tempe for decades and she supports working with Tempe businesses.

Motion by Councilmember Kuby to approve agenda item 6A4; second by Councilmember Schapira. Motion passed unanimously on a roll call vote 6-0.

- 6A4.** [Approved the utilization of a three-year City of Mesa contract with WIST Office Products for the supply of office products for use by all City departments.](#)

Fiscal Impact: Total cost of this contract will not exceed \$1,350,000 during the three-year contract period. Sufficient funds have been allocated in various city-wide cost centers within the General Fund and other department operating funds for the anticipated expenditures in the current fiscal year.

- *6A5. Public hearing for a review of the Planned Area Development Overlay for direction on a time extension or initiate the reversion of prior entitlements for 800 WEST, 800 West University Drive.**

Mayor Mitchell opened the public hearing.

Ryan Levesque, Deputy Community Development Director – Planning, stated that this single family project consists of four townhome units with zoning that allows for up to 24 dwelling units per acre. A Planned Area Development Overlay was previously granted; the existing zoning is the same as it was in 2007. There is a new owner of this property who has elected to not move forward with this project as they have other interests for this property.

Motion by Vice Mayor Woods to initiate the reversion process for agenda item 6A5; second by Councilmember Granville. Motion passed unanimously on a roll call vote 6-0.

- *6A5. [Held a public hearing for a review of the Planned Area Development Overlay and approved the initiation of the reversion process for prior entitlements for 800 WEST, located at 800 West University Drive.](#)**

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

B. Ordinances and Items for Introduction and First Hearing

- *6B1. Ordinance amending Chapter 26, Article III, of the Tempe City Code relating to Disposal of Property in Police Possession.**

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

- *6B1. [Introduced and held the first public hearing to adopt an ordinance amending Chapter 26, Article III, of the Tempe City Code relating to Disposal of Property in Police Possession. The second and final public hearing was scheduled for May 21, 2015. \(Ordinance No. O2015.17\)](#)**

Fiscal Impact: There is no direct cost to the City.

- *6B2. Ordinance authorizing the granting of a power distribution easement to Salt River Project Agricultural Improvement and Power District over City-owned land located near 7195 South Shutterfly Way.**

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

- *6B2. [Introduced and held the first public hearing to adopt an ordinance authorizing the granting of a power distribution easement to Salt River Project Agricultural Improvement and Power District over certain City-owned land located near 7195 South Shutterfly Way, and authorizing the City Manager or his designee to execute an easement agreement and related documents. The second and final public hearing was scheduled for May 21, 2015. \(Ordinance No. O2015.18\)](#)**

Fiscal Impact: No impact on City funds.

***6B3. Ordinance authorizing the abandonment of temporary construction and slope easements located near 1607 East Apache Boulevard.**

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

***6B3.** [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of a temporary construction easement and a temporary slope easement located near 1607 East Apache Boulevard. The second and final public hearing was scheduled for May 21, 2015. \(Ordinance No. O2015.19\)](#)

Fiscal Impact: No impact on City funds.

***6B4. Ordinance authorizing the abandonment of a waterline easement located near the southwest corner of Elliot Road and River Parkway.**

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

***6B4.** [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of an existing waterline easement located near the southwest corner of Elliot Road and River Parkway. The second and final public hearing was scheduled for May 21, 2015. \(Ordinance No. O2015.20\)](#)

Fiscal Impact: No impact on City funds.

***6B5. Ordinance amending Chapter 19 of the Tempe City Code, Motor Vehicles and Traffic, making it a secondary offense for the operator or passenger of a motor vehicle to smoke cigarettes, pipes, cigars, or other combustible substances or to use an electronic nicotine delivery system in a motor vehicle when a person under the age of 18 is present.**

Mayor Mitchell introduced the ordinance and opened the public hearing. There was no discussion or public comment on agenda item 6B5.

***6B5.** [Introduced and held the first public hearing to adopt an ordinance amending Chapter 19 of the Tempe City Code, Motor Vehicles and Traffic, making it a secondary offense for the operator or passenger of a motor vehicle to smoke cigarettes, pipes, cigars, or other combustible substances or to use an electronic nicotine delivery system in a motor vehicle when a person under the age of 18 is present. The second and final public hearing was scheduled for May 21, 2015. \(Ordinance No. O2015.21\)](#)

Fiscal Impact: This ordinance would result in the collection of a \$50 fine for the first incident and \$100 fine for all subsequent incidents.

C. Ordinances and Items for Second Hearing and Final Adoption

***6C1. Ordinance authorizing the use of City property for electric charging stations at various locations and an Electric Vehicle Charging Services Agreement with Blink N.A. II, LLC.**

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

Motion by Councilmember Schapira to approve agenda item 6C1; second by Councilmember Arredondo-Savage. Motion passed unanimously on a roll call vote 6-0.

- *6C1.** [Held the second and final public hearing and adopted ORDINANCE NO. O2015.15 authorizing the use of City property for electric charging stations at various locations and the execution of an Electric Vehicle Charging Services Agreement between Blink N.A. II, LLC and the City of Tempe. \(Contract #2015-91\)](#)

Fiscal Impact: There is no cost to the City related to this agreement. Blink N.A. II, LLC will bear all costs associated with service and maintenance of the equipment and reimburse the City 100% for use of the electricity. Blink will pay the City 5% of the net profits generated by the equipment with a minimum annual revenue payment of \$108.

-
- *6C2. Ordinance for a Planned Area Development Overlay Amendment to establish development standards, and a Development Plan Review for MILL & RIO SALADO, 100 South Mill Avenue.**

Mayor Mitchell opened the public hearing.

Pamela Rector, Tempe, stated that she is a historian and that the Hayden House is arguably the most significant historic structure in Maricopa County. The Hayden House is the birthplace of Carl Hayden, a significant Senator in US history. Loss or damage of this structure is unacceptable. She is concerned with the vague language in the Rehabilitation Strategy Report that states "special consideration will be given to the protection and preservation of the adobe walls and original roof materials during construction". "Special consideration" does not hold the developer accountable should the house be accidentally destroyed, or otherwise, during the rehabilitation phase of the project. The developer has expressed confidence in their ability to successfully preserve the house and should not object to heavy penalties for damages or loss during this project. She requested assurance that construction of the high rise buildings does not damage the Hayden House and for Councilmembers to include additional incentives to the developer's preservation promises.

Lane Carraway stated that he has attended several meetings concerning the Hayden House and understands concerns regarding maintaining and protecting this historical property. Progress has been made in terms of penalties, stipulations, and knowledge of how to keep the integrity of historical properties intact without damaging or destroying them; trust the developer. This project will benefit Tempe citizens and visitors.

Manjula Vaz stated that she represents the applicant, Douglas Wilson. What is being considered tonight is amending the standards for phase one of the Planned Area Development and Development Plan Review, which is the non-historic portion of the redevelopment project; this discussion is not about the Hayden House. The project has been presented to the Historic Preservation Commission (HPC) and will also be brought back to the City Council for review. The applicant has been working with John Southard, Senior Planner and Historic Preservation Officer, regarding preservation plans for the Hayden House. A demolition plan has been prepared and will be presented to City staff for approval, prior to work being done on the house. A team has been assembled that has experience in working with historic buildings. The team will detail the type of construction that will be used and preservation methods. As discussed at the HPC meeting, the buildings are set back seven feet, establishing a construction buffer to ensure the house is protected.

Chris Shears, architect, stated that the focus of this discussion is on the redevelopment of the site, the new buildings. He stated that the firm of Hensel Phelps has worked on urban infill mixed use projects, historic preservation projects, adaptive reuse and additions. He provided examples of various projects Hensel Phelps has worked on, including work the firm has done with Doug Wilson. Hensel Phelps understands how important this building is and that this corner is the most important part of the project.

Ms. Vaz added that personnel hired for this project include an adobe structural engineer, historic preservation engineers, and an architectural historian; this team can preserve the house. The HPC has requested that Stipulation (Condition) #10, which was included in the original conditions of approval, be deleted; staff also supports this request. Condition #10 implies that the building is over the Hayden House and that the Hayden house would be over an "L" shaped structure. The Hayden House is defined by the City as being a rectangular structure, which defines the boundaries of the house.

Mr. Levesque read Condition #10 as follows: Phase II historic building to remain, no additional building structure above the roof of the historic L-shaped Sonoran row-house portion of the building located along Mill Avenue and Rio Salado Parkway (approximately 20' along each frontage).

Vice Mayor Woods requested clarification about the conservation easement that has been placed on the property and the incentives in place to preserve the home; it is important for the public to be aware of what will be done to preserve this historic structure. Ms. Vaz stated that the applicant is working with the City's Historic Preservation Office to place a conservation easement on the house to preserve the house. If the applicant does not include the conservation easement, the penalty is that the incentive package from the City is taken away, which is a substantial penalty.

Motion by Councilmember Arredondo-Savage to approve agenda item 6C2 with Condition #10 of the Planned Area Development Conditions of Approval deleted; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 6-0.

- *6C2. [Held the second and final public hearing and adopted ORDINANCE NO. O2015.16 as amended for a Planned Area Development Overlay Amendment to establish development standards, and approved a Development Plan Review for design of a 240 room hotel, office, retail and restaurant uses within approximately 900,000 square feet of new development, including the preservation of the Hayden House for a future phase restaurant use for MILL & RIO SALADO, located at 100 South Mill Avenue. The applicant is Manjula Vaz, Gammage & Burnham PLC.](#)

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 following Planned Area Development (PAD14012) condition of approval was deleted:

Condition #10. Phase II historic building to remain, no additional building structure above the roof of the historic L-shaped Sonoran row-house portion of the building located along Mill Avenue and Rio Salado Parkway (approximately 20' along each frontage).

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Granville

Saturday, May 9, 2015 – Night Run fundraiser event for the Friends of Tempe Center for the Arts and Childsplay. Thanked staff for coordination of the event.
Happy Mother's Day.

Councilmember Arredondo-Savage

Happy Mother's Day.

Happy Birthday to her son.

Monday, May 11, 2015 – Community Salutes event at Tempe Center for the Arts. Thanked Parrish Spisz, Council Aide, for his assistance with this event.

Vice Mayor Woods

Happy Mother's Day.

Councilmember Kuby

Congratulated Tempe Neighbors Helping Neighbors for receiving a Maricopa Association of Governments (MAG) 2015 Age Friendly Community Award; thanked MAG, Gary Roberts, Nancy Puffer, and volunteers.
Happy Mother's Day.

Councilmember Schapira

Thanked Mayor Mitchell for his support during a recent East Valley Institute of Technology event.
Thanked the community for showing support for education and children during several recent events.
Happy Mother's Day.
Happy Half Birthday to his daughter.

Mayor Mitchell

Happy Mother's Day.
Thanked City staff and residents for what they do for the community.
Tempe now has a tenth Sister City. Thanked Mr. and Mrs. Neuheisel for their contributions to the Sister City Program.

8. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled

Susan Kocklew, Tempe, thanked Councilmembers for their approval of the McClintock Drive contract for bike lanes which is a restripe project during routine surface maintenance. She voiced appreciation for how funding is being spent and how this approach frees up funding and staff time for additional projects.

The meeting adjourned at 7:26 p.m.

I, Brigitta M. Kuiper, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Regular City Council meeting of May 7, 2015, by the Tempe City Council, Tempe, Arizona.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk