

# Regular Council Meeting Agenda



**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, May 12, 2016  
6:00 PM**

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

1. **INVOCATION - Councilmember Arredondo-Savage**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Navarro**
  - A. Approval of City Council Meeting Minutes
    1. Executive Session - April 14, 2016
    2. [City Council Special Calendar Meeting - April 14, 2016](#)
    3. [City Council Work Study Session - March 17, 2016](#)
  - B. Acceptance of Board, Commission and Committee Meeting Minutes
    1. [Board of Adjustment - February 24, 2016](#)
    2. [Hearing Officer - April 5, 2016 and April 19, 2016](#)
    3. [History Museum and Library Advisory Board - April 6, 2016](#)
    4. [Human Relations Commission - March 8, 2016](#)
    5. [Mayor's Commission on Disability Concerns - September 14, 2015, October 5, 2015, January 4, 2016, February 1, 2016, March 7, 2016, and April 4, 2016](#)
    6. [Mayor's Youth Advisory Commission - April 5, 2016 and April 19, 2016](#)
    7. [Municipal Arts Commission - March 9, 2016](#)
    8. [Neighborhood Advisory Commission - October 7, 2015, November 4, 2015, December 2, 2015, February 3, 2016, and March 7, 2016](#)
    9. [Parks, Recreation, Golf and Double Butte Cemetery Advisory Board - March 16, 2016](#)
    10. [Technical Code Advisory Board of Appeals - March 6, 2015](#)
    11. [Tempe Family Justice Commission - October 12, 2015, November 17, 2015, January 19, 2016, February 16, 2016, and March 22, 2016](#)
    12. [Tempe Sustainability Commission - February 20, 2016](#)

4. **REPORTS AND ANNOUNCEMENTS**

- A. Mayor's Announcements
1. **Public Works Week Proclamation**
  2. **Tree City USA Award**
- 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. [Set a Public Hearing date of June 9, 2016, for the Downtown Tempe Enhanced Services Improvement District Assessments for Fiscal Year 2016/2017.](#)

*Fiscal Impact:* No fiscal impact to the City.

- 5A2. [Approve a budget transfer of \\$900,000 from the Water Enterprise CIP Fund Project No. 3204969 – Rehab and Replacement of Aging Infrastructure, to the Capital Improvement Project No. 3299989 – Water System Upgrade Repairs and Replacement, to fund a Development Agreement between Jefferson Town Lake Apartments, LLC and The City of Tempe for a 30-inch transmission waterline relocation at the Jefferson Town Lake Development project.](#)

*Fiscal Impact:* Approval of this budget transfer funding request would ensure adequate funding of \$1.9 million is available for the project per the development agreement.

- 5A3. [Approve a Final Subdivision Plat for TEMPE REAL ESTATE HOLDINGS, located at 1900 East 5th Street. The applicant is Tempe Real Estate Holdings, LLC.](#)

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

- \*5A4. [Hold a public hearing to recommend the approval of a series 11 hotel/motel liquor license for Solana Beverage Concessions, LLC, dba AC Hotel Tempe, 100 East Rio Salado Parkway.](#)

*Fiscal Impact:* N/A

B. **Award of Bids/Contracts**

- 5B1. [Approve the utilization of a one-year National Intergovernmental Purchasing Alliance/The Cooperative Purchasing Network contract with PSC Mobile for the purchase of ruggedized portable computers, accessories, equipment, related services, and microwave communications equipment for the Fire Medical Rescue Department, Police Department, and other City departments on an as-needed basis.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$450,000 during the one-year contract period. Sufficient funds have been appropriated in General Fund – cost center 1991 (IT Administration) and various Citywide operating and capital improvement cost centers for the anticipated expenditures.

5B2. [Approve two-year contract renewals with Primus Electronics Corporation and United Fire Equipment Company for the supply of Mine Safety Appliances repair and replacement equipment.](#)

**Fiscal Impact:** Total cost of these contracts will not exceed \$135,000 during the two-year renewal period. Sufficient funds have been appropriated in General Fund cost centers 2340 (Fire – Emergency Services) and 2380 (Fire – Special Operations) for the anticipated expenditures in the current and upcoming fiscal year.

5B3. [Approve a one-year contract renewal with ECMS, Inc. for cleaning, inspection, and repair of turnout clothing worn by the Fire Medical Rescue Department personnel.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$60,000 during the one-year renewal period. Sufficient funds have been appropriated in General Fund cost center 2340 (Fire – Emergency Services) for the anticipated expenditures in the current fiscal year.

5B4. [Approve a one-year contract renewal with Redburn Tire Company to provide tire retreading services.](#)

**Fiscal Impact:** Total cost of this one year contract renewal will not exceed \$195,000. Sufficient funds have been appropriated in the General Fund – cost center 3262 (Fleet Maintenance) – for the anticipated expenditures.

5B5. [Award a one-year contract with four, one-year renewal options to Leotek Electronics USA LLC for the purchase of LED traffic signal and pedestrian modules.](#)

**Fiscal Impact:** Total cost of this one-year contract will not exceed \$100,000. Sufficient funds have been budgeted in the Highway User Revenue Fund – cost center 3825 (Signal Systems) – for the anticipated expenditures.

5B6. [Award a professional services contract to CivTech Inc. for design of new bus pullouts at various locations throughout Tempe.](#)

**Fiscal Impact:** The professional services design contract amount is \$440,163.80. Funds to cover this contract were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 6006764, Bus Pullout Project.

5B7. [Award job order no. 8 to CSW Contractors, Inc. for replacement of the water line along South Dorsey Lane from East 8th Street to East University Drive.](#)

**Fiscal Impact:** The total job order amount is \$539,907.34 and the project contingency amount is \$53,000. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3204969, Water System Rehabilitation or Replacement of Aging Infrastructure.

- 5B8. [Award a one-year contract with four, one-year renewal options to Conduit Language Specialists, Inc., for the provision of language monitoring and transcription services to be used by the Police Department.](#)

**Fiscal Impact:** Total amount shall not exceed \$500,000 over the one-year contract term. Sufficient funds have been appropriated in the Police Department Racketeer Influenced and Corrupt Organizations Act (RICO) and Grants Fund, cost center 2222 (RICO – State Pass Through Costs) for the anticipated expenditures in the current and subsequent fiscal years.

**C. Resolutions**

- 5C1. [Adopt a resolution authorizing the Chief of Police or designee\(s\), to accept funds from State Farm Mutual Automobile Insurance Company to create traffic, pedestrian, and home safety public service announcements. \(Resolution No. R2016.48\)](#)

**Fiscal Impact:** The amount of the total award is \$10,000. This award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this award was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C2. [Adopt a resolution to approve a one-year Intergovernmental Agreement establishing the enrollment of 18 Tempe Elementary School District schools in the Tempe Grease Cooperative and allowing for a City study to determine appropriate grease trap and interceptor cleaning schedules for school cafeterias. \(Resolution No. R2016.49\)](#)

**Fiscal Impact:** Total cost to the City for cleaning and maintenance activities associated with the frequency study shall not exceed \$1,606.50. Sufficient funds are appropriated in the Water and Wastewater Fund – cost centers 3026 (Environmental Administration) and 3028 (Environmental Compliance).

- 5C3. [Adopt a resolution to accept donations from Gannett Fleming, Inc. and PCL Construction, Inc. and authorize the use of such funds for the Tempe Town Lake Day Celebration. \(Resolution No. R2016.50\)](#)

**Fiscal Impact:** The total amount of the donations is \$1,000 (\$500 from Gannett Fleming, Inc. and \$500 from PCL Construction, Inc.). Sufficient budget appropriations for the expenditure of the donations is authorized in the Restricted Revenue and Donations Fund (Fund 44, cost center 44107) as part of the fiscal year 2015-16 adopted budget.

**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 one-year contract renewal with Express Scripts to provide pharmacy benefits management services for eligible City employees and dependents.](#)

**Fiscal Impact:** The total cost of this one-year contract renewal will not exceed \$3,400,000. Sufficient funds will be appropriated in the Health Fund – cost center 4167 (Employees) and 4169 (Cobra Participants) – for the anticipated expenditures in the upcoming fiscal year. Effective date of the renewal is July 1, 2016.

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

- \*6B1.** [Introduce and hold the first public hearing to adopt an ordinance for an Amended Planned Area Development and a Development Plan Review for a new five-story hotel in the GID Zoning District in Fountainhead Corporate Park for FAIRFIELD INN & SUITES, located at 2222 South Priest Drive. The applicant is Les Partch of Functional Formation Architecture. The second and final public hearing is scheduled for May 26, 2016. \(Ordinance No. O2016.26\)](#)

**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.

- \*6B2.** [Introduce and hold the first public hearing to adopt an ordinance approving the lease of City-owned real property located at the intersection of Rio Salado Parkway and Mill Avenue, and authorizing the Mayor to execute a development and disposition agreement, one or more leases and related documents necessary to effect such leases and other transactions. The second and final public hearing is scheduled for May 26, 2016. \(Ordinance No. O2016.27\)](#)

**Fiscal Impact:** The City will lease the “Mill Tract”, “Hotel Tract” and the “Multipurpose Tract” for a period of ninety-nine (99) years. The rent for each of the Mill and Hotel Tracts will be an amount equal to \$10,000 annually plus percentage rents that will commence on the 4th anniversary of the lease and range from 0.5% - 3.0% of specified revenue sources. The rent for the Multipurpose Tract will commence on the 4th anniversary of the lease and will range from 0.5% - 1.0%, of specified revenue sources.

- \*6B3.** [Introduce and hold the first public hearing to adopt an ordinance authorizing the granting of a Utility Easement to Arizona Public Service Company on certain City-owned land known as Tempe \(Hayden\) Butte. The second and final public hearing is scheduled for May 26, 2016. \(Ordinance No. O2016.28\)](#)

**Fiscal Impact:** N/A

- \*6B4.** [Introduce and hold the first 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. The second and final public hearing is scheduled for May 26, 2016. \(Ordinance No. O2016.29\) \*\*Material revised\*\*](#)

**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 to adopt an ordinance authorizing the abandonment of waterline easements located near 500 and 508 West First Street. The second and final public hearing is scheduled for May 26, 2016. \(Ordinance No. O2016.30\)](#)

**Fiscal Impact:** N/A

- \*6B6. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 2, Article II, Division 2, Tempe City Code, Section 2-26 relating to the appointment and qualifications of judges, and Section 2-34 relating to the appointment and qualifications of commissioners. The second and final public hearing is scheduled for May 26, 2016. \(Ordinance No. O2016.31\)](#)

**Fiscal Impact:** There is no direct cost to the City from the proposed amendments.

- \*6B7. [Introduce and hold the first public hearing to adopt an ordinance for a Planned Area Development and approve a Development Plan Review for six single-family homes, for 9TH AND WILSON, located at 431 W. 9th Street. The applicant is Jerry Palmer of Palmer Architects. The second and final public hearing is scheduled for May 26, 2016. \(Ordinance No. O2016.32\) \*\*Material revised\*\*](#)

**Fiscal Impact:** While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

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

- \*6C1. [Hold the second and final public hearing to adopt an ordinance authorizing the granting of a power distribution easement to Salt River Project Agricultural Improvement and Power District over certain City-owned land near Desert Cross Lutheran Church, 8600 South McClintock Drive, and authorizing the Mayor or his designee to execute an easement agreement and related documents. \(Ordinance No. O2016.23\)](#)

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

- \*6C2. [Hold the second and final public hearing to adopt an ordinance amending Chapter 2, Article VIII, of the Tempe City Code relating to human relations. \(Ordinance No. O2016.25\)](#)

**Fiscal Impact:** There is no direct cost to the City from the proposed amendments.

- \*6C3. ~~This agenda item has been withdrawn at the request of the Applicant. No further action will be taken on this item. Hold the second and final public hearing to adopt an ordinance for an Amended Planned Area Development Overlay and approve a Development Plan Review for a 13-story mixed-use development, containing 281 dwelling units and 1,641 square feet of retail for LOT 1@ FARMER ARTS DISTRICT — PARCEL 1, located at 707 South Farmer Avenue. The applicant is Charles Huellmantel, Huellmantel & Affiliates. (This item was continued from the March 17, 2016 and April 14, 2016 Regular Council Meetings) (Ordinance No. O2016.17)~~

**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).**