

LEGAL ACTION SUMMARY

**Tempe City Council
Regular Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, October 22, 2015
6:00 PM**

[MEETING VIDEO](#)

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

1. INVOCATION – Councilmember Kuby

2. PLEDGE OF ALLEGIANCE

3. MINUTES – Councilmember Arredondo-Savage

A. Approval of City Council Meeting Minutes - None.

B. Acceptance of Board, Commission and Committee Meeting Minutes

1. [Aviation Commission - September 8, 2015](#)
2. [Enhanced Services Commission - July 14, 2015](#)
3. [Mayor's Youth Advisory Commission Community Service Project Subcommittee - August 31, 2015](#)
4. [Neighborhood Advisory Commission - September 2, 2015](#)
5. [Transportation Commission - September 8, 2015](#)

ACCEPTED

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. **Red Ribbon Week Proclamation**

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 an Amended Subdivision Plat for AN AMENDMENT TO AGAVE COMPLEX, located at 1617 West Warner Road. The applicant is Tilted Kilt Land Company, LLC.](#)

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

APPROVED

- 5A2. [Approve the Arizona Super Bowl Host Committee grant award in order to accept and disburse grant funds for the construction of a fitness path at Escalante Park.](#)

Fiscal Impact: The amount of the grant award is \$50,000. Sufficient fiscal year 2015-16 budget appropriations for expenditure of this grant are authorized in Capital Improvements Program project number 6309863, Parks Grant Contingency.

APPROVED

- *5A3. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Grill On The Mill, LLC, dba Grill On Mill, 350 South Mill Avenue, Suites B101, 102, 104.](#)

Fiscal Impact: N/A

APPROVED

- *5A4. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for RAD Restaurant Concepts 2, LLC, dba Citrine, 200 East 5th Street, Suites 1-2 Spaces 115-117.](#)

Fiscal Impact: N/A

APPROVED

- *5A5. [Hold a public hearing to recommend the approval of a series 06 bar liquor license for Arlies LLC, dba Arlies Bar & Grill, 2155 East University Drive, Suite #116.](#)

Fiscal Impact: N/A

APPROVED

- *5A6. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for La Bocca Mill Avenue, LLC, dba La Bocca Urban Pizzeria & Wine Bar, 699 South Mill Avenue, Suite #115.](#)

Fiscal Impact: N/A

APPROVED

- *5A7. [Hold a public hearing to recommend the approval of a series 06 bar liquor license for Handlebar Mill Avenue, LLC, dba The Handle Bar & Grill, 680 South Mill Avenue, Suite #B1-109.](#)

Fiscal Impact: N/A

APPROVED

- *5A8. [Hold a public hearing to recommend the approval of an Off-Track Wagering license for American Greyhound Racing Inc., located at Kolby's Corner Pockets Billiards, 1301 East University Drive, Suite #112.](#)

Fiscal Impact: N/A

APPROVED

B. Award of Bids/Contracts

- 5B1. [Approve the two-year renewal of contracts with Foster Electric Motor Service, Keller Electrical Industries, Inc., and Precision Electric Company, Inc. for the maintenance, repair, and purchase of electric motors.](#)

Fiscal Impact: Total combined cost of the two-year contracts will not exceed \$300,000. Sufficient funds have been appropriated in the Water/Wastewater Fund cost centers 3013, 3014, 3015, and 3016 for the anticipated expenditures.

APPROVED

- 5B2. [Award a two-year contract with three, one-year renewal options to Arizona Lake and Pond Management LLC for maintenance service of the City park and golf course lakes.](#)

Fiscal Impact: Total cost of this contract will not exceed \$110,000 during the initial two-year contract term. Sufficient funds have been appropriated in the General Fund cost center 2552 (Parks Maintenance Administration) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B3. [Award a construction contract to AJP Electric, Inc. for fiber optic interconnection at the intersections of Broadway Road and I-10 and Rio Salado Parkway and Loop 101.](#)

Fiscal Impact: The construction contract amount is \$299,070 and the project contingency amount is \$15,000. Funds to cover this contract and related costs are appropriated for fiscal year 2015/16 in the following Capital Improvement Projects: \$295,000 from Project No. 6906169, Fiber Optic Installation and ITS Improvements – Broadway/I-10 and Rio Salado/Loop 101 and \$36,389 will be transferred from Project No. 6906171, Fiber Optic Installation and ITS Improvements – Elliot, Guadalupe and Warner, to Project No. 6906169.

APPROVED

- 5B4. [Award a professional services consultant contract to Sunrise Engineering, Inc. for design of a waterline replacement at Brentwood Manor and Tempe Royal Palms.](#)

Fiscal Impact: The professional services consultant contract amount is \$366,046. Funds to cover this contract were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3204969, Water System Rehabilitation or

Replacement of Aging Infrastructure.

APPROVED

- 5B5. [Award a professional services consultant contract to Carollo Engineers, Inc. for design of repairs and improvements to equipment at the South Tempe Water Treatment Plant.](#)

Fiscal Impact: The professional services consultant contract amount is \$126,192. Funds to cover this contract were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3205919, South Tempe Water Treatment Plant Asset Maintenance.

APPROVED

C. Resolutions

- 5C1. [Approve a resolution ordering a Special Election on March 8, 2016 and adopting ballot language for an amendment to the Tempe City Charter, Article VII, Subsection 7.01\(g\), City elections.](#)

Fiscal Impact: Additional costs for the Special Election are estimated at approximately \$40,000 above the cost of the City's 2016 Primary or Regular Election, which will be held at the same time. The additional costs are for an elections publicity pamphlet to be mailed to each household containing a registered voter. Sufficient funds have been allocated in the General Fund, cost center 1320 (Political Elections).

APPROVED

- 5C2. [Adopt a resolution identifying solid waste diversion goals for the year 2020. \(Resolution No. R2015.118\)](#)

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

ADOPTED

6. NON-CONSENT AGENDA

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

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

A. Miscellaneous Items/Bids/Contracts/Resolutions

- 6A1. [Award job order construction contracts to Achen-Gardner Construction, L.L.C., CSW Contractors, Inc., and PCL Construction, Inc. to perform underground utility construction and water-wastewater improvements.](#)

Fiscal Impact: The maximum annual contract amount for each one of the job order contracts is

not to exceed \$3,000,000, for a combined annual not to exceed amount of \$9,000,000. These contracts are funded by various Capital Improvement Projects throughout the contract term as job order contracting is identified as the construction delivery method.

APPROVED

- 6A2. [Approve an addendum to a professional services design contract and an addendum to a professional services construction management and post-design contract with Gannett Fleming, Inc., a change order to a Construction Manager at Risk construction contract with PCL Construction, Inc., and an increase to the project contingency for Tempe Town Lake downstream dam replacement.](#)

Fiscal Impact: The design contract addendum amount is \$289,280.33, construction management and post-design contract addendum amount is \$460,158, the construction change order amount is \$932,613, and the project contingency is to be increased by \$2,000,000. Funds were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 6504229, Town Lake Dam Replacement.

APPROVED

- 6A3. [Adopt a resolution to adopt development fees for police facilities, fire facilities, street facilities, and park and recreational facilities. \(Resolution No. R2015.116\)](#)

Fiscal Impact: Development fees are estimated to generate up to \$28 million over 10 years to be used for approved projects identified in the Infrastructure Improvement Plan.

ADOPTED

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to adopt an ordinance amending Tempe City Code, Chapter 16A, by repealing Article II, relating to residential development tax, and adding a new Article II relating to development fees. The second and final public hearing is scheduled for November 12, 2015. \(Ordinance No. O2015.47\)](#)

Fiscal Impact: This ordinance would conform the Tempe City Code to state law (A.R.S. § 9-463.05) regarding development fees. Development fees currently proposed to Council in accordance with state law and with this proposed ordinance would generate an estimated \$28 million in development fees over 10 years. This ordinance has no fiscal impact on the City.

THE PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER 12, 2015

- *6B2. [Introduce and hold the first public hearing to adopt an ordinance for a Code Text Amendment for MEDICAL MARIJUANA CULTIVATION, consisting of changes within the Zoning and Development Code, Section 3-426, that regulate the location and operation requirements for cultivation facilities in Tempe. The applicant is Bryan McLaren, Zoned Properties, Inc. The second and final public hearing is scheduled for November 12, 2015. \(Ordinance No. O2015.48\)](#)

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

THE PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER 12, 2015

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance for a Code Text Amendment for MEDICAL MARIJUANA DISPENSARIES, consisting of changes within the Zoning and Development Code, Section 3-426 that regulate operation requirements and total number of dispensaries in Tempe. The applicant is Steve White, White Berberian PLC. The second and final public hearing is scheduled for November 12, 2015. \(Ordinance No. O2015.49\)](#)

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

THE PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER 12, 2015

- *6B4. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 13, Tempe City Code, by adding a new Article II, entitled Campaign Finance, and section 13-100, relating to electronic filing for campaign finance. The second and final public hearing is scheduled for November 12, 2015. \(Ordinance No. O2015.50\)](#)

Fiscal Impact: There is no fiscal impact associated with adopting this ordinance. The cost to utilize the electronic filing system for a two-year pilot program is \$3,000, with an additional cost of \$19,556.38 to purchase the infrastructure and software needed for the system. Sufficient funds are budgeted in General Fund, Cost Center 1320 (Political Elections) for the cost to access the proposed system and a budget transfer of \$19,556.38 from Cost Center 3526 (Non-departmental) to Cost Center 1320 will accommodate the purchase of the necessary infrastructure and software. The projected excess budget in Cost Center 3526 is a result of reduced costs for City-sponsored events budgeted in the Non-departmental cost center.

THE PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER 12, 2015

- *6B5. [Introduce and hold the first public hearing to adopt an ordinance amending Tempe City Code, Chapter 13, City elections, Article II relating to Candidate Campaign Finance Reform. The second and final public hearing is scheduled for November 12, 2015. \(Ordinance No. O2015.51\)](#)

Fiscal Impact: No fiscal impact.

THE PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER 12, 2015

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance authorizing the granting of utility easements to Arizona Public Service Company over certain City-owned land between Town Lake Marina and Scottsdale Road. \(Ordinance No. O2015.44\)](#)

Fiscal Impact: N/A

ADOPTED

- *6C2. [Hold the second and final public hearing to adopt an ordinance to amend Tempe City Code, Chapter 2, Article V, by amending Division 22, relating to the Tempe Family Justice Commission. \(Ordinance No. O2015.46\)](#)

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

ADOPTED

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a three-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

B. Unscheduled

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

**Agendas are also available at <http://www.tempe.gov/clerk>.
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Video replay of this meeting is available the next day at www.tempe.gov/tempe11.**