

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, March 17, 2016
6:00 PM**

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

1. **INVOCATION - Councilmember Granville**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Schapira**
 - A. Approval of City Council Meeting Minutes
 1. [Regular City Council Meeting - January 14, 2016](#)
 2. [City Council Work Study Session - January 7, 2016, January 21, 2016, and February 4, 2016](#)
 3. Executive Session - February 25, 2016
 4. [City Council Retreat - October 2, 2015](#)
 5. [City Council and Arizona State University Joint Meeting - January 29, 2016](#)
 - B. Acceptance of Board, Commission and Committee Meeting Minutes
 1. [Aviation Commission - February 9, 2016](#)
 2. [Board of Adjustment - November 25, 2015](#)
 3. [Development Review Commission - February 9, 2016](#)
 4. [Development Review Commission Study Session - February 9, 2016](#)
 5. [Hearing Officer - February 16, 2016](#)
 6. [History Museum and Library Advisory Board - February 3, 2016](#)
 7. [Mayor's Youth Advisory Commission - February 16, 2016](#)
 8. [Tempe Sustainability Commission - January 19, 2016](#)
 9. [Tempe Transportation Commission - February 9, 2016](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 1. **Board and Commission (re)appointments**
 - 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 the transfer of budget appropriation from the Water/Wastewater Contingency to the Capital Improvement Project Water System Upgrades, Repairs and Replacement for unplanned expenditures associated with the repair of a 30" transmission waterline located at Rio Salado Parkway, east of Rural Road and adjacent to the south bank of Tempe Town Lake. \(Related to Agenda Item 5B9\).](#)

Fiscal Impact: \$702,000 of the \$1,000,000 fiscal year 2015/16 Water/Wastewater Contingency, appropriated in cost center 3081, will be transferred to Capital Improvement Project 3299989, Water System Upgrades, Repairs and Replacement.

- 5A2. [Approve an amendment to the agreement between the Downtown Tempe Foundation and the City of Tempe for the operation, management, and production of the Tempe Spring 2016 Festival of the Arts. **Material revised**](#)

Fiscal Impact: The cost of City services provided in support of this event shall be reimbursed by the Downtown Tempe Foundation. The proposed Festival Fee of \$75 per registered artist/vendor paid to the City by the Downtown Tempe Foundation would generate the approximate amount that the City would have otherwise collected from individual privilege license fees and sales taxes, which is approximately \$30,000. The City will avoid the costs associated with the issuance of individual licenses and the review and collection of individual tax filings.

- 5A3. [Approve a Subdivision Plat for CULVER'S LOT SPLIT, located at 603 East Southern Avenue. The applicant is Danny Bockting, Pint Ventures.](#)

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

- 5A4. [Approve an Amended Subdivision Plat for 2100 EXTENSION, located at 2100 East Rio Salado Parkway. The applicant is Roger Buss, Hunter Engineering.](#)

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

- *5A5. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Rehab Burger Therapy 2, LLC, dba Rehab Burger Therapy, 21 East 6th Street, Suite 146.](#)

Fiscal Impact: N/A

- *5A6. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Bzaz1, LLC, dba Blaze Pizza, 105 West University Drive.](#)

Fiscal Impact: N/A

- *5A7. [Hold a public hearing to recommend the approval of a series 07 beer and wine bar liquor license for JXD Pool Hall LLC, dba Kolby's Corner Pocket Billiards, 1301 East University Drive, Suite 112.](#)

Fiscal Impact: N/A

- *5A8. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Maricopa Wings XII, LLC, dba Wingstop, 2700 West Baseline Road, Suites 103 & 104.](#)

Fiscal Impact: N/A

- 5A9. [Approve \(re\)appointments to various City of Tempe boards, commissions, and committees.](#)

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1. [Approve the utilization of one-year State of Arizona contracts with Teknion, Facilitec, Inc., Corporate Interior Systems, Inc., Goodmans, Inc., Arizona Furnishings, Sitmatic, and Elontec, LLC for the purchase of furniture products and services for use by all City departments.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$350,000 during the one-year contract period. Sufficient funds for these miscellaneous furniture purchases 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.

- 5B2. [Approve the utilization of one-year Mohave Educational Services Cooperative, Inc. contracts with Dave Bang Associates, Inc., Desert Recreation, Inc., Miracle Recreation Equipment Company, Play It Safe Playgrounds and Park Equipment, and Recreation Design Concepts for the supply of playground, fitness, and related equipment for use by the Public Works Department.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$600,000 during the one-year contract period. Sufficient funds have been appropriated in Park Improvement/Recreation Capital Improvement Project Fund cost center 6305499 (Park Playground Replacement) for the anticipated expenditures in the current fiscal year.

- 5B3. [Approve the renewal of a one-year contract with Hartford Life and Accident Insurance Company \(The Hartford\) to underwrite coverage for City provided life insurance, accidental death and dismemberment insurance, commuter/travel insurance, and allow for employee paid supplemental options.](#)

Fiscal Impact: Total cost to the City for this one-year renewal will not exceed \$150,000 during the contract period beginning July 1, 2016. Sufficient funds will be appropriated in the Health Fund – cost centers 4167 (Employees) – for the anticipated expenditures in fiscal year 2016/2017. The total projected revenue for The Hartford is estimated at \$375,000 which includes the combined costs for coverage provided by the City and employees who elect supplemental coverage.

- 5B4. [Approve the one-year renewal of contracts with Pioneer Sand Company and MDI Rock for the supply of a variety of decomposed granite, sand, and base material products to be used by the Public Works Department.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$190,000 during the one-year renewal period. Sufficient funds have been appropriated in several General Fund Field Operations cost centers and the Park Improvement/Recreation Capital Improvement Project fund cost center 6399829 (Infrastructure/Equipment Replacement) for the anticipated expenditures in the current fiscal year.

- 5B5. [Approve the one-year renewal of contracts with A&P Nursery, Western Tree Company, Mountain States Nursery, and Treeland Nurseries for the supply and delivery of trees, shrubs, ground cover, and flowers to be used by the Public Works Department.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$55,000 during the one-year renewal period. Sufficient funds have been appropriated in several General Fund Field Operations cost centers, the Golf Fund, Arts Fund, and various Capital Improvement Funds for the anticipated expenditures in the current fiscal year.

- 5B6. [Approve the one-year renewal of a contract with Van Scoyoc Associates to provide the City with federal lobbyist services in Washington, D.C.](#)

Fiscal Impact: Total cost of this one-year renewal shall not exceed \$100,000. Sufficient funds have been appropriated in the General Fund – cost center 1216 (Government Relations) – for the anticipated expenditures.

- 5B7. [Approve the execution of a four-year grantor agreement with two, five-year renewal options with the Arizona Department of Economic Security to provide snack vending services for all City buildings.](#)

Fiscal Impact: There is no cost to the City in the execution of this agreement. The anticipated revenue generated for the vendor during the initial four-year term of this contract (ending on December 31, 2020) is not expected to exceed \$600,000.

- 5B8. [Award one-year contracts with four, one-year renewal options to Henry Schein, Inc., Alpine Pinnacle, Inc., Midwest Medical Supply Company, Designer Care Company, and Global Infinity Enterprises LLC for the purchase of disposable latex and non-latex gloves for use throughout the City.](#)

Fiscal Impact: Total one-year combined cost of these contracts is estimated at \$200,000. Sufficient funds have been appropriated in a variety of applicable department cost centers for the 2015/2016 fiscal year.

- 5B9. [Award job order no. 2 to CSW Contractors, Inc. for emergency repair of a 30-inch transmission waterline located at Rio Salado Parkway, east of Rural Road and adjacent to the south bank of Tempe Town Lake. \(Related to Agenda Item No. 5A1\)](#)

Fiscal Impact: The total job order amount is \$650,797.60 and the project contingency amount is \$65,000. 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 through the use of the Water/Wastewater Contingency.

- 5B10. [Award a professional services design contract to Saemisch + Di Bella Architects Inc. for renovation and infrastructure improvements at McClintock swimming pool at 1830 East Del Rio Drive.](#)

Fiscal Impact: The professional services design contract amount is \$144,475. Funds to cover this contract were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 6304999, Aquatics Infrastructure and Equipment Replacement.

- 5B11. [Award a professional services consultant contract to AZTEC Engineering Group, Inc. for evaluation and design of various multi-use paths to provide maintenance and emergency vehicle access.](#)

Fiscal Impact: The professional services consultant contract amount is \$86,213.10. Funds to cover this contract were approved and are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 6005249, Pathway Capital Maintenance.

- 5B12. [Approve an amended and restated contract for the provision of emergency ambulance transportation services for a six-year term with American Medical Response, and authorize minor amendments to this contract to be approved, modified or rejected by the City Manager, up to the effective date of the contract](#)

Fiscal Impact: This contract will not have any cost impact to the City as American Medical Response (AMR) collects payment for services directly from the customer. However this action will eliminate the requirement that AMR provide \$63,600 to the City annually to support the Tempe Fire Medical Rescue Department's medical contract coordination efforts.

C. Resolutions

- 5C1. [Adopt a resolution authorizing the submission of an application from Mindful Youth Project to the Ak-Chin Indian Community for a grant of gaming funds. \(Resolution No. R2016.20\)](#)

Fiscal Impact: The City of Tempe will serve as a pass through for this grant request of \$50,000. There is no fiscal impact to the City of Tempe.

- 5C2. [Adopt a resolution authorizing the submission of the City of Tempe's applications for funds from the Ak-Chin Indian Community. \(Resolution No. R2016.21\)](#)

Fiscal Impact: If granted by the Ak-Chin Indian Community, the City of Tempe will receive \$345,800 to fund programs.

- 5C3. [Adopt a resolution authorizing the submission of an application from Mindful Youth Project to the Fort McDowell Yavapai Nation for a grant of gaming funds. \(Resolution No. R2016.22\)](#)

Fiscal Impact: The City of Tempe will serve as a pass through for this grant request of \$50,000. There is no fiscal impact to the City of Tempe.

- 5C4. [Adopt a resolution authorizing the submission of the City of Tempe's applications for funds from the Fort McDowell Yavapai Nation. \(Resolution No. R2016.23\)](#)

Fiscal Impact: If granted by the Fort McDowell Yavapai Nation, the City of Tempe will receive \$977,000 to fund programs.

- 5C5. [Adopt a resolution authorizing the submission of an application from Jobs for Arizona's Graduates to the Gila River Indian Community for a grant of gaming funds. \(Resolution No. R2016.24\)](#)

Fiscal Impact: The City of Tempe will serve as a pass through for this total grant request of \$10,000. There is no fiscal impact to the City of Tempe.

- 5C6. [Adopt a resolution authorizing the submission of an application from Mindful Youth Project to the Gila River Indian Community for a grant of gaming funds. \(Resolution No. R2016.25\)](#)

Fiscal Impact: The City of Tempe will serve as a pass through for this total grant request of \$150,000, to be awarded in an equal portion thereof over a three-year term. There is no fiscal impact to the City of Tempe.

- 5C7. [Adopt a resolution authorizing the submission of the City of Tempe's applications for funds from the Gila River Indian Community. \(Resolution No. R2016.26\)](#)

Fiscal Impact: If granted by the Gila River Indian Community, the City of Tempe will receive \$656,272 to fund programs.

- 5C8. [Adopt a resolution authorizing the submission of an application from Mindful Youth Project to the Pascua Yaqui Tribe for a grant of gaming funds. \(Resolution No. R2016.27\)](#)

Fiscal Impact: The City of Tempe will serve as a pass through for this grant request of \$50,000. There is no fiscal impact to the City of Tempe.

- 5C9. [Adopt a resolution authorizing the submission of an application from Jobs for Arizona's Graduates to the Pascua Yaqui Tribe for a grant of gaming funds. \(Resolution No. R2016.28\)](#)

Fiscal Impact: The City of Tempe will serve as a pass through for this grant request of \$5,000. There is no fiscal impact to the City of Tempe.

- 5C10. [Adopt a resolution authorizing the submission of the City of Tempe's applications for funds from the Pascua Yaqui Tribe. \(Resolution No. R2016.29\)](#)

Fiscal Impact: If granted by the Pascua Yaqui Tribe, the City of Tempe will receive \$831,240 to fund programs.

- 5C11. [Adopt a resolution authorizing the submission of the City of Tempe's applications for funds from the Salt River Pima-Maricopa Indian Community. \(Resolution No. R2016.30\)](#)

Fiscal Impact: If granted by the Salt River Pima-Maricopa Indian Community, the City of Tempe will receive \$869,354 to fund programs.

- 5C12. [Adopt a resolution authorizing the submission of an application from Mindful Youth Project to the Tohono O'odham Nation for a grant of gaming funds. \(Resolution No. R2016.31\)](#)

Fiscal Impact: The City of Tempe will serve as a pass through for this grant request of \$50,000. There is no fiscal impact to the City of Tempe.

- 5C13. [Adopt a resolution declaring the canvass of results for the March 8, 2016, City of Tempe General/Special Election. \(Resolution No. R2016.32\) **Material added**](#)

Fiscal Impact: None.

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 renewal of contracts with United Concordia Insurance Company to provide a dental preferred provider organization plan, and CIGNA Dental Health, Inc. to provide a dental health maintenance organization plan, for eligible City employees and their dependents.](#)

Fiscal Impact: Total combined cost of the two contracts will not exceed \$1,200,000.00. Sufficient funds will be appropriated in the Health Fund – cost centers 4167 (Employees) and 4169 (Cobra Participants) – for the anticipated expenditures in the upcoming fiscal year. The City pays approximately 70% of the cost related to the dental plans with the balance paid by employees through premium deductions from their paychecks based on the type and level of coverage elected.

- 6A2. [Award a construction contract to D.L. Withers Construction, LC and a professional services consultant contract to bo Arch, LLC for heating, ventilation, and air conditioning improvements at the East Valley Bus Operations and Maintenance Facility at 2050 West Rio Salado Parkway.](#)

Fiscal Impact: The construction contract amount is \$1,749,600, the professional services contract amount is \$92,000, and the project contingency amount is \$175,000. Transit has appropriated \$1,400,000 for fiscal year 2015/16 and \$617,000 in fiscal year 2016/17 in Capital Improvement Project No. 6006089, Transit Facility Asset Maintenance to fund contract costs. A Federal Grant (AZ-90-X124) in the amount of \$250,000 has been awarded to the project with the remaining funding source allocated from Transit Tax.

- 6A3. [Award a construction manager at risk construction services contract to Felix Construction Company and a professional services consultant contract to Wilson Engineers, LLC for new production well no. 16 located at 8690 South McClintock Drive.](#)

Fiscal Impact: The construction services contract amount is \$3,561,852.73, the professional services contract amount is \$259,070, and the project contingency amount is \$100,000. \$3.5 million is appropriated for fiscal year 2015/16 and the balance is being requested in fiscal year 2016/17 in Capital Improvement Project No.3200019, New Production Wells.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to receive public comment on and to adopt a resolution authorizing the Annual Community Development Block Grant and HOME Program Action Plan for Fiscal Year 2016-2017. The second and final public hearing is scheduled for April 21, 2016. \(Resolution No. R2016.19\)](#)

Fiscal Impact: There is no fiscal impact on City funds as funding for the activities proposed in the Action Plan is federal.

- *6B2. [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment of a portion of the right-of-way for College Avenue and the re-dedication of the abandoned right-of-way for use as a public park and authorizing the City Manager or his designee to execute a notice of abandonment and re-dedication to memorialize the change in use. The second and final public hearing is scheduled for April 14, 2016. \(Ordinance No. O2016.19\)](#)

Fiscal Impact: No impact on City funds.

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment of a portion of a sewer line easement in the vicinity of South Rural Road and East Apache Boulevard to facilitate development of the project at 1000 East Apache Boulevard. The second and final public hearing is scheduled for April 14, 2016. \(Ordinance No. O2016.20\)](#)

Fiscal Impact: N/A

- *6B4. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 29, Article V, of the Tempe City Code relating to sitting or lying down on public sidewalks in the downtown commercial district. The second and final public hearing is scheduled for April 14, 2016. \(Ordinance No. O2016.21\)](#)

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

- *6B5. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 2, Article II, of the Tempe City Code relating to Officers and Employees; Chapter 2, Article III, relating to Departments; Chapter 19, Article IV, relating to Operation of Vehicles; amending the City Code generally to reflect that finance and technology director shall be known as internal services director; and amending the Diversity Office to be known as the Office of Strategic Management and Diversity. The second and final public hearing is scheduled for April 14, 2016. \(Ordinance No. O2016.22\)](#)

Fiscal Impact: There is no fiscal impact to the City for this fiscal year.

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance for a Reversion of the Zoning Map Amendment from current zoning district of MU-3 \(PAD\) Mixed Use Planned Area Development Overlay District to GID General Industrial District \(original zoning\) for 501 WEST 1ST, located at 501 West 1st Street. The applicant is City of Tempe. \(Ordinance No. O2016.13\)](#)

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

- *6C2. [Hold the second and final public hearing to adopt an ordinance for a Reversion of the Zoning Map Amendment of prior entitlements for 2150 SOUTHERN CAMPUS MASTERPLAN, from current zoning district of MU-2 \(PAD\) Mixed Use Medium Density with a Planned Area Development Overlay District to R/O Residential Office, CSS, Commercial Shopping and Service and R1-6, Single Family Residential Districts \(original zoning\), located at 2150 East Southern Avenue. The applicant is City of Tempe. \(Ordinance No. O2016.14\)](#)

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

- *6C3. [Hold the second and final public hearing to adopt an ordinance for a Reversion of the Zoning Map Amendment of prior entitlements for 800 WEST from current zoning district of R-4 \(PAD\) Planned Area Development Overlay to R-4 Multi-Family Residential District \(original zoning\), located at 800 West University Drive. The applicant is City of Tempe. \(Ordinance No. O2016.15\)](#)

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

- *6C4. [Hold the second and final public hearing to adopt an ordinance for an Amended Planned Area Development Overlay consisting of a 5-story mixed-use development for THE MOTLEY \(formerly THE HAYDEN AT DORSEY STATION\), located at 1221 East Apache Boulevard to increase the number of units from 395 units to 399. The applicant is Charles Huellmantel, Huellmantel & Affiliates. \(Ordinance No. O2016.16\)](#)

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

- *6C5. [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. \(Ordinance No. O2016.17\)](#)

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.

- *6C6. [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 new five-story building and five-story parking garage containing approximately 190,000 square feet of office and flex commercial space for FARMER ARTS DISTRICT – PARCEL 2, located at 401 South Farmer Avenue. The applicant is Huellmantel & Affiliates. \(Ordinance No. O2016.18\)](#)

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.

Agendas are also available at <http://www.tempe.gov/clerk>.

Watch this meeting live on Cox cable channel 11 or www.tempe.gov/tempe11.

Video replay of this meeting is available the next day at www.tempe.gov/tempe11.