



Minutes Regular City Council Meeting October 27, 2016

Minutes of the Regular Council Meeting of Thursday, October 27, 2016, 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 Kolby Granville

Councilmember Lauren Kuby

Vice Mayor Robin Arredondo-Savage

Councilmember Keating

Councilmember Joel Navarro

COUNCILMEMBER ABSENT:

Councilmember David Schapira

STAFF PRESENT:

Andrew Ching, City Manager

Ken Jones, Deputy City Manager – Chief Financial Officer

Steven Methvin, Deputy City Manager - Chief Operating Officer

Steven Pietrzykowsky, Solid Waste Services Manager

Various Department Heads or their representatives

Judi Baumann, City Attorney

Brigitta M. Kuiper, City Clerk

Shelly Seyler, Deputy Public Works Dir. – Transportation

Dawn Ratcliffe, Public Works Program Coordinator

Mayor Mitchell called the meeting to order at 6:07 p.m.

1. Councilmember Keating called for a moment of silence and prayer.
2. Mayor Mitchell led the audience in the **Pledge of Allegiance**.

3. MINUTES

A. Approval of City Council Meeting Minutes

Motion by Vice Mayor Arredondo-Savage to approve agenda items 3A1 – 3A4; second by Councilmember Kuby. Motion passed unanimously on a voice vote 6-0.

1. Regular City Council Meeting - September 8, 2016 and September 22, 2016
2. City Council Work Study Session - August 11, 2016, September 1, 2016, and September 15, 2016
3. City Council Special Calendar Meeting - September 22, 2016
4. Executive Session - September 22, 2016

B. Acceptance of Board, Commission and Committee Meeting Minutes

Motion by Vice Mayor Arredondo-Savage to accept agenda items 3B1 – 3B18; second by Councilmember Keating. Motion passed unanimously on a voice vote 6-0.

1. Aviation Commission Noise Abatement Subcommittee - September 6, 2016
2. Development Review Commission - August 9, 2016 and August 23, 2016

3. Development Review Commission Study Session - August 9, 2016 and August 23, 2016
4. Hearing Officer - September 6, 2016, September 20, 2016, and October 4, 2016
5. Human Relations Commission - August 31, 2016
6. Mayor's Commission on Disability Concerns - September 12, 2016
7. Mayor's Youth Advisory Commission - May 3, 2016, September 13, 2016, and September 27, 2016
8. Merit System Board - August 3, 2016
9. Neighborhood Advisory Commission - August 6, 2016
10. Parks, Recreation, Golf and Double Butte Cemetery Advisory Board - August 17, 2016
11. Tempe Municipal Arts Commission - August 10, 2016
12. Tempe Family Justice Commission - August 23, 2016
13. Tempe Fire Public Safety Retirement System Board - August 4, 2016
14. Tempe Fire and Police Public Safety Retirement System Boards - August 4, 2016
15. Tempe Police Public Safety Retirement System Board - August 4, 2016
16. Tempe Sustainability Commission - August 15, 2016
17. Tempe Veterans Commission - September 6, 2016
18. Transportation Commission - September 13, 2016

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. *Red Ribbon Week Proclamation*

Mayor Mitchell invited the East Valley Young Marines to the podium and read a proclamation declaring the week of October 23 - 31, 2016, as Red Ribbon Week in Tempe, Arizona.

2. *Tempe Board, Commission, and Committee Vacancies and Appointments*

Mayor Mitchell thanked community members for serving on Tempe's boards and commissions and announced upcoming vacancies. Board and commission information and applications are available online and at Tempe City Hall.

Mayor Mitchell stated that board and commission appointments will be considered under agenda item 5A2.

B. City Manager's Announcements

1. *LED Street Light and Park Lighting Conversion Program*

Shelly Seyler, Deputy Public Works Director – Transportation, provided an update on the Light Emitting Diode (LED) Street and Park Lighting Conversion Program. Ms. Seyler provided a slide presentation comparing LED lighting to high-pressure sodium lighting. Implementation considerations include balancing light quality with energy use, cost, and maintenance. Ms. Seyler outlined next steps: 1) install LED lighting in residential areas over a 4-year period; 2) test lights in parks; and, 3) evaluate return on investment on arterial roadways.

In response to questions from Councilmembers related to calculating the return on investment, Ms. Seyler stated that staff is working with Salt River Project (SRP) officials to determine costs and the amount of energy used for individual streetlights, per pole. Maintenance costs are also a consideration.

Councilmembers noted that staff is working with SRP on an anticipated 40% energy cost savings with the installation and use of LED lighting.

Councilmembers discussed consideration of accelerating the parks LED lighting conversation timeline to align with the City's 5-year parks improvement plan during the upcoming budget process; the City is in year two of its 5-year parks improvement plan. There will be a return on this investment and it will help the City reach its renewable energy goals. Ms. Seyler stated that staff will look at a range of options for accelerating the residential and parks lighting replacement.

2. *Green Organic Program update*

Steven Pietrzykowsky, Solid Waste Services Manager, introduced co-presenter Dawn Ratcliffe, Public Works Program Coordinator. Mr. Pietrzykowsky provided an update on green waste, organics, and composting activity from 2013 to the present. A consultant assisted with the development of a Green Organics Program. He discussed various programs designed to divert materials from landfills, staff training, and how the bulk trash pickup schedule led to the City collecting and processing green waste into compost. Staff tracks the amounts of green waste collected and compost generated. He detailed program benefits and noted that the program aligns with the City Council strategic priority to achieve a 40% diversion rate by 2020.

Ms. Ratcliffe stated that free compost has been provided to Tempe's community gardens, parks, schools, sports fields, and golf courses and is available to residents for free. Surplus compost is offered to surrounding municipalities and regions. Other cities have used Tempe's compost to give away and for use in their parks. Mr. Pietrzykowsky outlined next steps: 1) achieve a 40% diversion rate by 2020; 2) obtain a permit from the Arizona Department of Environmental Quality for program expansion; and, 3) offer a third green waste organics container in targeted areas of the City.

Councilmembers and Mr. Pietrzykowsky discussed how this program aligns with the Mayor's climate commitment and has generated positive feedback. Councilmembers discussed adding a metric for carbon sequestration and emissions and an opportunity for landscaping companies to drop off bulk/green waste at the City's yard, to divert dumping materials in alleys; and, consideration of a drop-off pilot program with the contracted landscapers that work with Tempe residents. Staff is exploring ways to measure additional diversion rate activities, collaborate with surrounding communities and, ensure that the compost generated has a distribution outlet.

Andrew Ching, City Manager introduced newly hired staff members, Braden Kay, Sustainability Program Manager, and Chad Weaver, Community Development Director.

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 Councilmember Granville to approve the consent agenda; second by Vice Mayor Arredondo-Savage. Motion passed unanimously on a roll call vote 6-0.

A. **Miscellaneous Items**

5A1. Approved the September 2016 Report of Claims Paid to be filed for audit.

Fiscal Impact: Total payments in September: \$20,161,984.96.

5A2. Approved appointments to the Joint Review Committee, Merit System Board, and Fire and Police Public Safety Personnel Retirement System Boards.

Fiscal Impact: N/A

Joint Review Committee
Philip Horton (Partial Term)

Term Expires 07/07/2018
Appointed (Joint Tempe/ASU Alternate Member)

Merit System Board
James Foley

Terms Expire 05/31/2017
Appointed (to serve as Chair; effective 01/01/2017)

Lori Messer (Partial Term) Appointed (Alternate)
Term Expires 05/31/2018
Johnny Tse (Partial Term) Appointed

Fire Public Safety Personnel Retirement System Board
Term Expires 05/31/2017
James Foley (Partial Term) Appointed
(Merit System Board Chair; *effective 01/01/2017*)
Term Expires 06/30/2020
Steven Methvin (Partial Term) Appointed
Deputy City Manager – Chief Operating Officer (Mayor’s Designee)

Police Public Safety Personnel Retirement System Board
Term Expires 05/31/2017
James Foley (Partial Term) Appointed
(Merit System Board Chair; *effective 01/01/2017*)
Term Expires 06/30/2020
Steven Methvin (Partial Term) Appointed
Deputy City Manager – Chief Operating Officer (Mayor’s Designee)

5A3. Approved an Amended Subdivision Plat for THE PIER, located at 1190 East Vista Del Lago Drive. The applicant is Sender Associates Chtd.

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

5A4. Approved a Final Subdivision Plat for RIO SALADO RETAIL, located at 1953 East Rio Salado Parkway. The applicant is Hunter Engineering.

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

5A5. Approved an Amended Subdivision Plat for 9TH AND WILSON, located at 431 East 9th Street. The applicant is Keogh Engineering, Inc.

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

***5A6.** Held a public hearing and recommended the approval of a series 12 restaurant liquor license for Suruchi Foods Inc., dba Kabab Palace, 710 West Elliot Road, Suite 107 - 108.

Fiscal Impact: N/A

***5A7.** Held a public hearing and recommended the approval of a series 12 restaurant liquor license for TG Food Concepts LLC, dba Crepe Bar, 7520 South Rural Road, Suite A12.

Fiscal Impact: N/A

***5A8.** Held a public hearing and recommended the approval of a series 12 restaurant liquor license for Curtburg LLC, dba Burger Fi, 927 East University Drive.

Fiscal Impact: N/A

***5A9.** Held a public hearing and recommended the approval of a series 06 bar liquor license for L & G Towers LLC, dba Sol Diablo, 560 South College Avenue, Suite 101.

Fiscal Impact: N/A

- *5A10. Held a public hearing and recommended the approval of a series 12 restaurant liquor license for Tempe Tacos LLC, dba Fuzzy's Taco Shop, 414 South Mill Avenue, Suite 115.

Fiscal Impact: N/A

- *5A11. Held a public hearing and recommended the approval of a series 12 restaurant liquor license for Compass Group USA Inc., dba Matt's Big Breakfast, 400 East Rio Salado Parkway.

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1. Approved an increase to the approved spending level of a contract with Dave Bang Associates, Inc. for the supply and installation of park furniture and fixtures at various City parks.

Fiscal Impact: Total spending on this contract will not exceed \$210,000 during the initial two-year contract period (ending October 18, 2017) and will increase the contract value from \$90,000 to \$210,000, an increase of \$120,000. Sufficient funds have been appropriated in the Park Improvement/Recreation Capital Improvement Project Fund cost centers 6305499 (Park Playground Replacement) and 6399829 (Infrastructure/Equipment Replacement) for the anticipated expenditures in the current fiscal year.

- 5B2. Approved an increase to the approved spending level of a contract with Aquatic Consulting and Testing, Inc. for Tempe Town Lake cleaning, inspection, and maintenance services.

Fiscal Impact: Total spending on this contract will not exceed \$446,764.16 during the two-year renewal period and will increase the contract value from \$396,764.16 to \$446,764.16, an increase of \$50,000. Sufficient funds have been appropriated in the Rio Salado Community Facilities District Fund cost center 5012 (Water Quality Management) for the anticipated expenditures in the current fiscal year.

- 5B3. Approved an increase to the approved spending level of a contract with Southwest Fabrication, LLC for the refurbishment of bus stop passenger shelters.

Fiscal Impact: Total spending on this contract will not exceed \$251,000 during the initial two-year contract period (ending April 24, 2018) and will increase the contract value from \$225,000 to \$251,000, an increase of \$26,000. Sufficient funds have been appropriated in the Transit Capital Improvement Project Fund cost center 6005239 (Bus Stop Capital Maintenance) for the anticipated expenditures in the current fiscal year.

- 5B4. Approved the utilization of a one-year National Association of State Procurement Officials cooperative contract with CDW Government LLC for the purchase of desktop and server operating system software, Microsoft Enterprise software support, software licensing, and related services to be overseen by the Internal Services Department.

Fiscal Impact: Total cost of this one-year contract shall not exceed \$950,000 during the one-year contract period. Sufficient funds have been appropriated in General Fund cost center 1991 (IT Administration) and other City-wide cost centers as needed for the anticipated expenditures.

- 5B5.** Approved the utilization of a one-year National Intergovernmental Purchasing Alliance contract sponsored by the City of Tucson with Grainger for a catalog-wide agreement for the purchase of a wide variety of tools, motors, lamps, industrial supplies, and maintenance, repair and operations materials.
- Fiscal Impact:** Total cost of this one-year contract will not exceed \$200,000. Sufficient funds have been appropriated in various funds and cost centers City-wide for the anticipated expenditures.
- 5B6.** Approved the utilization of a one-year State of Arizona contract with Knowledge Services for information technology consulting services to be used on an as-needed basis.
- Fiscal Impact:** Total cost of this contract shall not exceed \$750,000 during the one-year contract period. Sufficient funds have been appropriated in various City-wide operating and capital improvement cost centers for the anticipated expenditures.
- 5B7.** Approved the utilization of a 21-month City of Mesa cooperative contract with PFM Asset Management, LLC for investment management services to be overseen by the Internal Services Department.
- Fiscal Impact:** Total cost of this contract over the 21-month period is estimated at \$330,000. Sufficient funds have been appropriated in the General Fund (cost center 1831 – Accounting) and various other City-wide cost centers for the 2016/2017 fiscal year.
- 5B8.** Approved the utilization of a one-year National Intergovernmental Purchasing Alliance contract issued by the City of Tucson to Network Services Company, a nationwide consortium of janitorial suppliers including the City's current provider – Waxie Janitorial Supply – for the purchase of janitorial supplies.
- Fiscal Impact:** Total cost of the one-year contract will not exceed \$300,000. Sufficient funds have been appropriated in the General Fund – cost center 1876 (Custodial Services) – for the anticipated expenditures in the current fiscal year.
- 5B9.** Approved a one-year contract renewal with OverDrive, Inc. and Baker & Taylor LLC for the supply of eBooks and downloadable eAudiobook content for the Tempe Public Library.
- Fiscal Impact:** Total cost of these contracts will not exceed \$325,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund cost center 2440 (Library) for the anticipated expenditures in the current fiscal year.
- 5B10.** Approved a one-year contract renewal with Brenntag Pacific, Inc. for the purchase of liquid sodium hydroxide to be used by the Water Utilities Division for the production of drinking water.
- Fiscal Impact:** Total cost of this contract will not exceed \$115,000. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) – for the anticipated expenditures.
- 5B11.** Approved a one-year contract renewal with First Data Government Solutions, LP for an interactive voice response/interactive web response system that allows for automated payment processing services.
- Fiscal Impact:** Total cost of this one-year contract renewal will not exceed \$400,000. Sufficient funds have been appropriated in the General Fund – cost center 1831 (Accounting), and the Water/Wastewater Fund – cost center 1841 (Finance: Customer Services), for the anticipated expenditures.

- 5B12.** Approved a one-year contract renewal with Polydyne, Inc. for the purchase of water polymers.
- Fiscal Impact:** Total cost of this contract will not exceed \$160,000. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) – for the anticipated expenditures.
- 5B13.** Approved a one-year contract renewal with AAA Ajax Pumping Services, Inc. to provide services related to the City’s grease trap and interceptor maintenance program used by local restaurants.
- Fiscal Impact:** The Tempe Grease Cooperative program is designed to be revenue neutral with costs related to the provided services paid from fees collected from subscribers. Total estimated value of the one-year contract is \$150,000.
- 5B14.** Approved a two-year contract renewal with JPMorgan Chase Bank, NA for banking services.
- Fiscal Impact:** Total cost of this two-year contract renewal will not exceed \$400,000. Sufficient funds have been appropriated in cost centers: General Fund – 1831 (Accounting), Water/Wastewater Fund – 1841 (Finance: Customer Services), Golf Fund – 2512 (Ken McDonald Golf Course), Performing Arts Fund – 3610 (Performing Arts Administration), Solid Waste Fund – 3712 (Administration), Transit Fund – 3911 (Transit Administration and Regional Services), and Court Enhancement Fund – 4710 (Court Enhancement) for the anticipated expenditures in the current fiscal year.
- 5B15.** Awarded a one-year contract with four, one-year renewal options to Professional Sales and Service, L.C. for the purchase of ambulance vehicles. **(Contract #2016-216)**
- Fiscal Impact:** Total cost of this contract will not exceed \$450,000. This amount includes an estimated \$40,000 contingency value that will be used to select optional equipment that will be identified during the post-award meeting with the Contractor. Sufficient funds have been appropriated in the Fire Protection Capital Improvement Project fund cost center 5603619 (Fire Apparatus Replacement) for the anticipated expenditures in the current fiscal year.
- 5B16.** Awarded a one-year contract with four, one-year renewal options to Charlie Pepper Inc. dba Salt Works for the purchase of sodium chloride to be used by the Water Utilities Division for the production of drinking water. **(Contract #2016-217)**
- Fiscal Impact:** Total cost of this contract will not exceed \$100,000. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost centers 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) – for the anticipated expenditures.
- 5B17.** Awarded a two-year contract with three, one-year renewal options to Artistic Land Management, Inc. for landscape maintenance services for streets and right-of-ways. **(Contract #2016-218)**
- Fiscal Impact:** Total cost of this contract will not exceed \$450,000 during the initial two-year contract period. Sufficient funds have been appropriated in the General Fund cost center 2555 (Field Operations – Landscape Maintenance) for the anticipated expenditures in the current fiscal year.
- 5B18.** Approved the one-year renewal of contracts with Western Sales Management and Sierra Auction Management who provide auction services to dispose of City surplus property, police impounded property, and vehicles.
- Fiscal Impact:** There is no direct expenditure of City funds associated with the use of these contracts. The auction service provider is paid a sales commission from sale

proceeds. Based on an estimated annual auction sales value of \$450,000, the auction providers would receive approximately \$38,000 in commissions and return \$412,000 to the City.

- 5B19.** Awarded a one-year contract with four, one-year renewal options to Mountain States Pipe & Supply Co. for the purchase of fiberglass rods and antenna kits required for the installation of automated meter reading equipment. **(Contract #2016-219)**

Fiscal Impact: Total cost of this one-year contract will not exceed \$200,000. Sufficient funds have been appropriated in the Water/Wastewater CIP Fund – cost center 3205869 (Automated Water Metering) – for the anticipated expenditures.

- 5B20.** Approved fiscal year 2016-17 Capital Improvements Program (CIP) budget appropriation transfers from CIP project number 6304999 (Aquatics Infrastructure and Equipment Replacement) to project number 6307959 (McClintock Pool Infrastructure Equipment Replacement) for unplanned expenditures related to extending the depth of the diving well to ensure compliance with the Maricopa County Environmental Health Code requirements and to install necessary lighting improvements required by Community Development that were not part of the initial scope of work. (Related to Agenda Item 6A2)

Fiscal Impact: \$162,671 of the fiscal year 2016-17 appropriations will be transferred from CIP project number 6304999 (Aquatics Infrastructure and Equipment Replacement) to project number 6307959 (McClintock Pool Infrastructure Equipment Replacement).

- 5B21.** Awarded a construction manager at risk construction services contract to Hunter Contracting Co. **(Contract #2016-220)** and a professional services contract to Carollo Engineers, Inc. **(Contract #2016-221)** for plant maintenance at the South Tempe Water Treatment Plant, Phase 3, GMP 4 at 6600 South Price Road.

Fiscal Impact: The construction contract amount is \$724,237, the professional services contract is \$140,505, and the project contingency amount is \$37,000. Funds to cover these contracts and related costs are appropriated for fiscal year 2016/17 in the Capital Improvement Project No. 3207499, Water Treatment Plant Asset Maintenance & Upgrades.

- 5B22.** Approved the utilization of a one-year National Intergovernmental Purchasing Alliance contract issued by the City of Tucson to The Toro Company, represented locally by Simpson Norton Corporation, for the purchase of grounds keeping, golf and sports field maintenance equipment. (Related to Agenda Items 5B23 and 5C14)

Fiscal Impact: Total cost of this one-year contract will not exceed \$345,000. Sufficient funds have been appropriated in the Golf Fund – cost centers 2511 (Rolling Hills Golf Course) and 2512 (Ken McDonald Golf Course) for the anticipated expenditures. Funding for this purchase will be through a third party vendor – lease payments will be made one time per year for four years.

- 5B23.** Awarded a four-year contract to Clayton Holdings, LLC to provide third party tax exempt lease financing services to fund the acquisition of golf course maintenance equipment for the Public Works Department. (Related to Agenda Items 5B22 and 5C14) **(Contract #2016-222)**

Fiscal Impact: Total 4-year cost of this contract is \$395,324.76. This amount is a combination of equipment cost (\$384,199.71) and finance cost (\$11,125.05). Sufficient funds have been appropriated in cost centers 2511 and 2512 (Golf Fund) for the anticipated expenditures in the current fiscal year.

C. Resolutions

- 5C1. Adopted **RESOLUTION NO. R2016.95** authorizing the Mayor to execute an intergovernmental agreement with the City of Phoenix to provide Federal Transit Administration grant funds for the East Valley Bus Operations and Maintenance Facility Building System Improvements and Carbon Dioxide Sensor Replacements. **(Contract #2016-223)**

Fiscal Impact: Grant AZ-2016-010-00 will provide \$1,200,000 in federal funds, which will directly offset budgeted expenditures for East Valley Bus Operations and Maintenance Facility HVAC improvements & CO2 Sensor Replacements. The local match necessary for the grant is \$300,000 and is budgeted in Transit Fund cost center 6006089.

- 5C2. Adopted **RESOLUTION NO. R2016.96** authorizing the Mayor to sign Change Order Number One to extend the term of an intergovernmental agreement with the City of Phoenix for the pass through of federal grant funds for improvements of bus related facilities and equipment at the East Valley Bus Operations and Maintenance Facility and installation of bus pullouts and bus stop furniture on bus route 56. **(Contract #2014-48A)**

Fiscal Impact: The federal and local match funds are already programmed in the Capital Improvement Program (CIP) budget. The total federal grant was \$1,404,100 with a local match requirement of \$433,400. The Intergovernmental Agreement is for the construction of Liquefied Natural Compressed Gas Fuel Pump Expansion CIP #6005809; Route 56 Bus Stop and Pullout Improvements CIP #6003579; and East Valley Bus Operations and Maintenance Facility Building System Carbon Dioxide Sensor Replacement CIP #6006089.

- 5C3. Adopted **RESOLUTION NO. R2016.97** authorizing the Mayor to execute an intergovernmental agreement with the State of Arizona for the design and construction of railroad safety improvements at Elliot Road and Kyrene Road. **(Contract #2016-224)**

Fiscal Impact: Sufficient funds are available in the General Fund CIP #5408041 for Tempe's match of the design and construction totaling \$405,046 with matching federal grant funds of \$2,196,000.

- 5C4. Adopted **RESOLUTION NO. R2016.98** authorizing the Mayor to execute an intergovernmental agreement between the City of Tempe and Arizona State University for the installation, operation, and maintenance of a bike share system. **(Contract #2016-225)**

Fiscal Impact: Sufficient funds are available in Tempe Transit Fund (6201-7405). Arizona State University will pay \$50,000 annually for the program and \$50,000 will be paid annually by the City of Tempe; totaling \$100,000 annually.

- 5C5. Adopted **RESOLUTION NO. R2016.99** authorizing the Chief of Police or designee(s), to execute a grant award 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 enhance the Selective Traffic Enforcement Program Enforcement. **(Contract #2016-226)**

Fiscal Impact: The amount of the total grant award is \$75,000. 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 Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C6.** Adopted **RESOLUTION NO. R2016.100** authorizing the Chief of Police or designee(s), to execute a grant award agreement between the State of Arizona, Department of Homeland Security and the Tempe Police Department to accept federal grant funds to sustain the Tempe Police Tactical Team through training and new equipment. **(Contract #2016-227)**

Fiscal Impact: The amount of the total grant award is \$100,000. 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 Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C7.** Adopted **RESOLUTION NO. R2016.101** authorizing the Chief of Police or designee(s), to accept the Community Grant award from the Walmart Corporation to purchase protection gear for the horses in the Tempe Police Department's Mounted Unit. **(Contract #2016-228)**

Fiscal Impact: The total amount of the grant award is \$1,700. 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 Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C8.** Adopted **RESOLUTION NO. R2016.102** authorizing the Chief of Police or designee(s), to execute a grant award 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 enhance the Occupant Protection Enforcement. **(Contract #2016-229)**

Fiscal Impact: The amount of the total grant award is \$20,000. 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 Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C9.** Adopted **RESOLUTION NO. R2016.103** authorizing the Chief of Police or designee(s), to execute a grant award 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 enhance Loud Party Patrol and DUI Suppression Enforcement. **(Contract #2016-230)**

Fiscal Impact: The amount of the total grant award is \$55,000. 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 Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C10.** Adopted **RESOLUTION NO. R2016.104** authorizing the Chief of Police or designee(s), to execute a grant award agreement between the State of Arizona, Department of Homeland Security and the Tempe Police Department to accept federal grant funds to sustain and enhance the Terrorism Liaison Officer Program. **(Contract #2016-231)**

Fiscal Impact: The amount of the total grant award is \$12,000. 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 Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C11.** Adopted **RESOLUTION NO. R2016.105** authorizing the Chief of Police or designee(s), to execute a grant award 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 for DUI/Impaired Driving Enforcement. **(Contract #2016-232)**

Fiscal Impact: The amount of the total grant award is \$100,000. 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 Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2016-17 adopted budget.

- 5C12.** Adopted **RESOLUTION NO. R2016.106** approving a donation being dispersed through the Arizona Community Foundation to the Tempe Public Library for acquisitions of print books, movies, documentaries and music and authorizing the use of such funds.

Fiscal Impact: The amount of the donation is \$9,800. Acceptance of these funds does not require any matching City funds. Sufficient budget appropriation for expenditure of this grant is authorized in the Restricted Revenues/Donations (Fund 44) as part of the fiscal year 2016-17 adopted budget.

- 5C13.** Adopted **RESOLUTION NO. R2016.107** authorizing the Mayor to execute an intergovernmental agreement between Salt River Pima-Maricopa Indian Community and City of Tempe for the purpose of accepting and disbursing a portion of Salt River Pima- Maricopa Indian Community's 12% gaming proceeds for 2016. **(Contract #2016-233)**

Fiscal Impact: The City of Tempe will receive a one-time amount of \$1,200,000. Of that amount, Tempe will serve as a pass through for \$475,000. Tempe will receive the remaining amount, \$725,000, for government projects and programs. Sufficient budget appropriation for expenditure of this grant was authorized in the Governmental Grants Fund (Fund 46) as part of the fiscal year 2016-17 adopted budget.

- 5C14.** Adopted **RESOLUTION NO. R2016.108** authorizing an equipment lease-purchase agreement and lease schedule with Clayton Holdings, LLC, for the acquisition and lease of golf course equipment for the public benefit. (Related to Agenda Items 5B22 and 5B23) **(Contract #2016-234)**

Fiscal Impact: The cost of this lease-purchase financing shall not exceed \$396,000. Out of this cost, \$11,125.05 is related to financing cost. The remaining cost is for the equipment being lease-purchased. Sufficient funds have been appropriated in Golf Fund cost centers 2511 (Rolling Hills Golf Course) and 2512 (Ken McDonald Golf Course) 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.** Contract renewals with G4S Secure Solutions and Truly Every Assignment Matters, LLC to provide security officer services for City departments.

There was no discussion on agenda item 6A1.

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

- 6A1.** Approved one-year contract renewals with G4S Secure Solutions and Truly Every Assignment Matters, LLC to provide armed and unarmed security officer services for various City departments.

Fiscal Impact: Total combined cost of these one-year renewals shall not exceed \$1,000,000. Sufficient funds have been appropriated in the General Fund – cost centers 2251 (Professional Development Bureau), 2239 (Homeland Security Unit), and 1413 (Court Building Security); Transit Fund – cost centers 3913 (PD Security Transportation Center), and 3912 (PD EVBO and Maintenance Facility); and Water/Wastewater Fund – cost center 3004 (Water Security) for the anticipated expenditures in the current fiscal year.

- 6A2.** **Contracts with Sun Eagle Corporation and Saemisch + Di Bella Architects, Inc. for renovation and infrastructure improvements for the McClintock High School swimming pool, 1830 East Del Rio Drive.**

There was no discussion on agenda item 6A2.

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

- 6A2.** Awarded a construction contract to Sun Eagle Corporation (**Contract #2016-235**) and a professional services contract to Saemisch + Di Bella Architects, Inc. (**Contract #2016-236**) for renovation and infrastructure improvements for the McClintock High School swimming pool located at 1830 East Del Rio Drive. (Related to Agenda Item 5B20)

Fiscal Impact: The construction contract amount is \$2,466,500, the professional services contract is \$56,744, and the project contingency amount is \$246,650. Funds to cover this contract and related costs are appropriated for fiscal year 2016/17 in the Capital Improvement Project No. 6307959, McClintock Pool Infrastructure Equipment Replacement.

- 6A3.** **Contracts with Hunter Contracting Co. and Carollo Engineers, Inc. for the filter rehabilitation at the Johnny G. Martinez Water Treatment Plant, 255 East Marigold Lane; and, for the filter rehabilitation and plant maintenance at the South Tempe Water Treatment Plant, 6600 South Price Road.**

There was no discussion on agenda item 6A3.

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

- 6A3.** Awarded a construction manager at risk construction services contract to Hunter Contracting Co. (**Contract #2016-237**) and a professional services contract to Carollo Engineers, Inc. (**Contract #2016-238**) for the filter rehabilitation at the Johnny G. Martinez Water Treatment Plant at 255 East Marigold Lane and for the filter rehabilitation and plant maintenance at the South Tempe Water Treatment Plant, Phase 2, GMP 3 at 6600 South Price Road.

Fiscal Impact: The construction contract amount is \$2,613,868, the professional services contract is \$80,022, and the project contingency amount is \$131,000. Funds to cover these contracts and related costs are appropriated for fiscal year 2016/17 in the Capital Improvement Project No. 3207499, Water Treatment Plant Asset Maintenance & Upgrades.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. Ordinance authorizing the City to purchase improvements from Childsplay, Inc., transfer real property from Childsplay to the City, and to amend the Development and Disposition Agreement.**

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

- *6B1.** Introduced and held the first public hearing to adopt an ordinance authorizing the City of Tempe to purchase improvements from Childsplay, Inc., and transfer real property from Childsplay to the City, and to further amend the Development and Disposition Agreement. The second and final public hearing was scheduled for November 3, 2016. (*This item was continued from the September 22, 2016 Regular City Council Meeting*) (Ordinance No. O2016.56)

Fiscal Impact: The City of Tempe will pay Childsplay the depreciated value of capital improvements made to the property, less offsets due the City, which totals \$1,948,102.30 payable over five years. This was not part of the fiscal year (FY) 2016/17 budget process; the FY2016/17 payment of \$500,000 will come from the general fund contingency.

- *6B2. Ordinance granting a Power Distribution Easement to Salt River Project Agricultural Improvement and Power District for underground power lines located in Kiwanis Park, and execution of an easement agreement.**

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

- *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 for new underground power lines located near the parking area in Kiwanis Park, along All American Way, and the execution of an easement agreement memorializing such easement. The second and final public hearing was scheduled for November 3, 2016. (Ordinance No. O2016.57)

Fiscal Impact: N/A

- *6B3. Ordinance authorizing the leasing and conveyance of the real property located within Lot 1 of Hanover Mill Avenue, 101 W. 5th Street, and the execution of related lease documents, including a land and improvements lease and a memorandum of lease.**

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

- *6B3.** Introduced and held the first public hearing to adopt an ordinance authorizing the leasing and conveyance of the real property located within Lot 1 of Hanover Mill Avenue, 101 W. 5th Street, and the execution of related lease documents, including a land and improvements lease and a memorandum of lease. The second and final public hearing was scheduled for November 3, 2016. (Ordinance No. O2016.58)

Fiscal Impact: The Amended and Restated Development Agreement for Lots 2 and 3 of Centerpoint Plaza Three (C2004-1281), executed in 2013, provides for a combination of economic incentives, including a Government Property Lease option with the abatement of the Government Property Lease Excise Tax.

- *6B4. Ordinance approving the sale of City-owned land and authorizing the Mayor (or his designee) to execute a development and disposition agreement, deeds, a land and improvements lease, a memorandum of lease and additional documents with Eastline Land Ventures, LLC for a project on Apache Boulevard from Smith Road to River Drive.**

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

Councilmember Granville discussed state legislation related to recycling activity. He requested that consideration be given to including recycling language in development agreements for their duration, or at a minimum, for the length of the Government Property Lease Excise Tax timeframe. After speaking with the applicant's representative, Manjula Vaz, the applicant has agreed to add that language to the development and disposition agreement (DDA) for agenda item 6B4. He asked that Ms. Vaz work with staff on adding recycling language to the DA; for the recycling timeframe to be a minimum of 15 years; and, for the draft language to be distributed to Councilmembers before the second public hearing on this item.

Manjula Vaz, applicant representative, stated that the applicant supports adding general recycling language into the DDA. She noted that the City Council has approved the Planned Area Development for this project, which includes a recycling component.

Councilmember Granville noted that his preference is to include recycling as part of future development negotiation processes.

- *6B4.** Introduced and held the first public hearing to adopt an ordinance approving the sale of City-owned land and authorizing the Mayor (or his designee) to execute a development and disposition agreement, deeds, a land and improvements lease, a memorandum of lease and additional documents with Eastline Land Ventures, LLC with respect to the project to be constructed along Apache Boulevard from Smith Road to River Drive. The second and final public hearing was scheduled for November 3, 2016. (Ordinance No. O2016.59)

Fiscal Impact: The City will convey the City-owned land to Eastline Land Ventures, LLC at the price stated in the development and disposition agreement (development agreement). The development agreement provides for a 15-year government property lease with no abatement of the Government Property Lease Excise Tax. The development

agreement also provides for the sale of City-owned land and right-of-way within the project area.

***6B5. Ordinance granting an easement for a building encroachment to Tempe 425 Mill, LP, 425 South Mill Avenue.**

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

- *6B5.** Introduced and held the first public hearing to adopt an ordinance authorizing the granting of an easement for a building encroachment to Tempe 425 Mill, LP over certain public right of way located at 425 South Mill Avenue. The second and final public hearing was scheduled for November 3, 2016. (Ordinance No. O2016.60)

Fiscal Impact: The property owner is required to pay a one-time payment of \$2,400 to the City upon execution of the easement. The funds will be deposited in the General Fund, Cost Center 2712 (Community Development), Account 4413 (Streets, Easements, Alley Abandonments).

***6B6. Ordinance amending Tempe City Code Chapter 26A, Article I, related to Procurement, Sections 26A-1 through 26A-22, and Chapter 26A, Article II, related to Materials Management, Sections 26A-50 through 26A-52.**

Mayor Mitchell introduced the ordinance and opened the public hearing. There was no discussion or public comment on agenda item 6B6. The public hearing was closed.

- *6B6.** Introduced and held the first public hearing to adopt an ordinance amending Tempe City Code Chapter 26A, Article I, related to Procurement, Sections 26A-1 through 26A-22, and Chapter 26A, Article II, related to Materials Management, Sections 26A-50 through 26A-52. The second and final public hearing was scheduled for November 3, 2016. (Ordinance No. O2016.61)

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

***6B7. Ordinance for a Zoning Map Amendment for DANARI TEMPE LLC, 1401 South Siesta Lane.**

Mayor Mitchell introduced the ordinance and opened the public hearing. There was no discussion or public comment on agenda item 6B7. Mayor Mitchell closed the public hearing.

- *6B7.** Introduced and held the first public hearing to adopt an ordinance for a Zoning Map Amendment for DANARI TEMPE LLC, located at 1401 South Siesta Lane, from General Industrial District (GID) and Transportation Overlay District to GID. The applicant is Lewis Roca Rothgerber & Christie. The second and final public hearing was scheduled for November 3, 2016. (Ordinance No. O2016.62)

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

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. Ordinance authorizing the abandonment of ingress-egress easements for Refuse Collection and Emergency City Vehicles and easements for Bike Path and Lighting, Storm Sewer, Refuse Collection, and City Emergency Services, northwest corner of Tempe Town Lake and Scottsdale Road.**

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

- *6C1.** Held the second and final public hearing and adopted **ORDINANCE NO. O2016.52** authorizing the abandonment of an Ingress-Egress Easement for Refuse Collection and Emergency City Vehicles, an Easement for Bike Path and Lighting, an Easement for Storm Sewer and an Easement for Refuse Collection and City Emergency Services, at the northwest corner of Tempe Town Lake and Scottsdale Road.

Fiscal Impact: N/A

- *6C2. Ordinance authorizing the abandonment of an easement for roads, streets, alleys, and public utility purposes, northwest corner of Tempe Town Lake and Scottsdale Road.**

Mayor Mitchell opened the public hearing. There was no discussion or public comment on agenda item 6C2. Mayor Mitchell closed the public hearing.

Motion by Councilmember Kuby to approve agenda item 6C2; second by Councilmember Keating. Motion passed unanimously on a roll call vote 6-0.

- *6C2.** Held the second and final public hearing and adopted **ORDINANCE NO. O2016.53** authorizing the abandonment of a 40' easement for roads, streets, alleys and public utility purposes located at the northwest corner of Tempe Town Lake and Scottsdale Road.

Fiscal Impact: N/A

- *6C3. Ordinance authorizing the partial abandonment of a maintenance easement for Recovery Well #1, northwest corner of Tempe Town Lake and Scottsdale Road.**

Mayor Mitchell opened the public hearing. There was no discussion or public comment on agenda item 6C3. Mayor Mitchell closed the public hearing.

Motion by Councilmember Navarro to approve agenda item 6C3; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 6-0.

- *6C3.** Held the second and final public hearing and adopted **ORDINANCE NO. O2016.54** authorizing the partial abandonment of a Maintenance Easement for Recovery Well #1 on the northwest corner of Tempe Town Lake and Scottsdale Road.

Fiscal Impact: N/A

***6C4. Amended Planned Area Development Overlay and Development Plan Review for THE PIER, 1190 East Vista Del Lago Drive.**

Mayor Mitchell opened the public hearing and called upon the applicant to make a statement.

Darin Sender, Sender Associates, thanked the City Council for consideration of this request.

There was no public comment on agenda item 6C4. Mayor Mitchell closed the public hearing.

Councilmember Granville discussed a project in the Maple Ash neighborhood that includes tandem parking, which does not function well. He stated that he will be voting no on agenda item 6C4 because this project will be adding units, not adding all of the parking required, and increasing the amount of tandem parking.

Motion by Councilmember Navarro to approve agenda item 6C4; second by Councilmember Keating. Motion passed on a roll call vote 5-1 with Councilmember Granville voting no.

***6C4.** Held the second and final public hearing and adopted **ORDINANCE NO. O2016.55**, an Amended Planned Area Development Overlay and approved a Development Plan Review for two new 24-story buildings consisting of a mixed-use 586-unit multi-family with retail and restaurant uses for THE PIER, located at 1190 East Vista Del Lago Drive. The applicant is Sender Associates, Chartered.

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

Councilmember Granville

- Commended staff for developing a webpage outlining resources for homeless individuals.
- Approximately 20 households are participating in the Neighborhood Libraries Program; program funding is available.
- Acknowledged Tempe Preparatory School audience members.
- Wished his sister happy birthday.
- Saturday, October 29, 2016 – Facebook Live event.

Vice Mayor Arredondo-Savage

- Acknowledged her niece.
- Wished her son happy birthday.
- Saturday, November 19, 2016 – College Connect event, Tempe Public Library.
- Saturday, October 29, 2016 – Bike Safety Recycle A Bicycle event, REI store.

Councilmember Navarro

- Saturday, October 29, 2016 – Old Settlers Day event, Arizona Community Church.
- Saturday, November 5, 2016 – *Java with Joel* event to discuss housing trends with Mark Stapp, Executive Director Masters of Real Estate Development, Arizona State University (ASU).

Councilmember Kuby

- ASU School of Sustainability monthly sustainability film series. Racing to Zero playing at the Valley Art Theater; register on-line to attend.
- Tuesday, November 8, 2016 – Tempe Special Bond Election. Tempe has five bond questions on the ballot. Early voting on Saturday and weekdays, Tempe Public Library.

Councilmember Keating

- Thanked Police Department representatives for an invitation to a recognition ceremony to acknowledge new police officers, volunteers, and staff members.
- Thanked Canal Park Neighborhood Association for inviting him to speak at their meeting.

Mayor Mitchell

- Welcomed newly-hired Mayoral Aide, Alec Thomson.
- Saturday, October 29, 2016 – Recycle, Replenish, and Renew event, Holy Spirit Catholic Church.
- Saturday, October 29, 2016 – Rolling Hills Golf Course grand reopening event.
- Saturday, October 29, 2016 – Salt River Project Highline Canal pathway dedication, Town of Guadalupe.
- Happy 30th anniversary to Someburros restaurant.
- Saturday, October 29, 2016 – Old Settlers Day event, Arizona Community Church.

8. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled

Joe Geusic, Gilbert, spoke in opposition of [Arizona] Proposition 205, creating a statutory right to use marijuana. He voiced concerns about impacts to the education and court systems, employers, police and fire personnel, the community, and the State of Arizona. He discussed the composition of a regulatory board; the 500' distance requirement from schools, churches, and hospitals; and, to reverse this ballot measure, it would need to be placed on a ballot.

The meeting adjourned at 7:05 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 October 27, 2016, by the Tempe City Council, Tempe, Arizona.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk