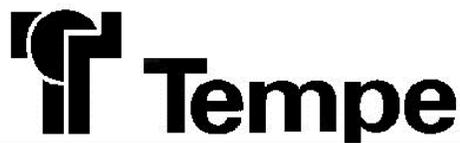


Regular Council Meeting Agenda



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, December 17, 2015
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 - Vice Mayor Woods**
 - A. Approval of City Council Meeting Minutes
 1. Executive Session - December 3, 2015
 2. [City Council Work Study Session - October 1, 2015](#)
 3. [City Council Special Meeting - November 19, 2015](#)
 4. [Tempe City Council and Tempe Chamber of Commerce Joint Meeting - November 23, 2015](#)
 - B. Acceptance of Board, Commission and Committee Meeting Minutes
 1. [Aviation Commission - November 10, 2015](#)
 2. [Board of Adjustment - April 22, 2015](#)
 3. [Development Review Commission - September 22, 2015](#)
 4. [Development Review Commission Study Session - September 22, 2015](#)
 5. [Hearing Officer - October 20, 2015 and November 17, 2015](#)
 6. [Historic Preservation Commission - October 8, 2015](#)
 7. [Mayor's Commission on Disability Concerns - November 2, 2015](#)
 8. [Mayor's Youth Advisory Commission - November 17, 2015](#)
 9. [Municipal Arts Commission - June 24, 2015, September 9, 2015, and October 14, 2015](#)
 10. [Parks, Recreation, Golf and Double Butte Cemetery Advisory Board - June 17, 2015](#)
 11. [Tempe Fire and Police Public Safety Personnel Retirement Board - November 5, 2015](#)
 12. [Tempe Fire Public Safety Personnel Retirement Board - November 5, 2015](#)
 13. [Tempe Police Public Safety Personnel Retirement Board - November 5, 2015](#)
 14. [Transportation Commission - August 11, 2015](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 1. **Board, Commission, and Committee (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 October 2015 Report of Claims Paid to be filed for audit.](#)

Fiscal Impact: Total payments in October: \$20,974,069.98

- 5A2. [Approve a Capital Improvements Program budget appropriations transfer in fiscal year 2015/16 from Park Improvements - Contingency Fund to increase spending authority for an approved project in the Park Improvements/Recreation Program capital budget.](#)

Fiscal Impact: \$780,000 of the \$6 million fiscal year 2015/16 appropriations will be transferred from Capital Improvement Project No. 6307299, Park Improvements – Contingency Fund, to Capital Improvement Project No. 6305499, Park Playground Infrastructure and Equipment Replacement. Total Capital Improvement Program appropriations will not increase as a result of the transfer. The funding source for the increase in the project budget is reserved cash in the General Fund from receipts of lease payments, parking revenue, and land sales associated with development agreements.

- 5A3. [Approve the Tempe Diablos Charities, Inc., grant award in order to accept and spend grant funds that enable the City of Tempe-Kid Zone Enrichment Program to provide Science, Technology, Engineering, and Math education at all of the before and after school sites in Tempe.](#)

Fiscal Impact: The amount of the grant award through June 30, 2016, is \$15,000. Sufficient budget appropriations for expenditure of this grant were authorized in the Restricted Revenue and Donations Fund (Fund 44, cost center 44424) as part of the fiscal year 2015-16 adopted budget.

- 5A4. [Approve a Condominium Plat for HANOVER MILL AVENUE GARAGE CONDOMINIUM, located at 101 West 5th Street. The applicant is Mill Avenue Apartments Limited Partnership.](#)

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

- 5A5. [Approve an Amended Subdivision Plat for ONE HUNDRED MILL, located at 100 South Mill Avenue. The applicant is Michael Brekka, Douglas Wilson Companies.](#)

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

- 5A6. [Approve an Amended Subdivision Plat for MERIDIAN @ 101, located at 2148 East Apache Boulevard. The applicant is Sydney Elvidge, Metro/Land Consultants.](#)

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

- 5A7. [Approve an Amended Subdivision Plat for COYOTE CROSSING, located at 3900 South Kyrene Road. The applicant is Tessa Jones-Daley, the PHACTORY.](#)

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

- *5A8. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Warner Kilt, LLC, dba Tilted Kilt Pub & Eatery, 1617 West Warner Road.](#)

Fiscal Impact: N/A

- *5A9. [Hold a public hearing to recommend the approval of a series 06 bar liquor license for Mad Hatter Brew Pub, LLC, dba Mad Hatter Brew Pub, 502 South College Avenue, Suite 103.](#)

Fiscal Impact: N/A

- *5A10. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Steve's Espresso, LLC, dba Steve's Espresso, 1801 East Baseline Road, Suite 102.](#)

Fiscal Impact: N/A

- *5A11. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Cornbread Ventures LP, dba Z'Tejas Grill, 20 West 6th Street.](#)

Fiscal Impact: N/A

- *5A12. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Zu Izakaya LLC, dba Zu Izakaya Asian Kitchen Bar, 2210 North Scottsdale Road.](#)

Fiscal Impact: N/A

- *5A13. [Hold a public hearing to recommend the approval of a series 09 liquor store license for Bhatt Enterprises, LLC, dba Jerry's Drive In Liquor, 1217 South Rural Road.](#)

Fiscal Impact: N/A

- *5A14. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for FPUN LLC, dba Fired Pie, 414 West University Drive.](#)

Fiscal Impact: N/A

- *5A15. [Hold a public hearing to recommend the approval of an acquisition of control of a series 12 restaurant liquor license for Ziegler's NYPD, LLC, dba New York Pizza Dept, 222 South Mill Avenue, Suite 127.](#)

Fiscal Impact: N/A

- 5A16. [Approve a Ground Lessor's Consent Agreement with the Valley of the Sun Young Men's Christian Association \(YMCA\) and KS Statebank located at 7070 South Rural Road.](#)

Fiscal Impact: There is no fiscal impact to the City for the Consent Agreement.

- 5A17.** [Approve \(re\)appointments to various City of Tempe boards, commissions, and committees.](#)
[Material revised](#)

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1.** [Approve the utilization of a one-year National Intergovernmental Purchasing Alliance Company 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 \$250,000. Sufficient funds have been appropriated in various funds and cost centers City-wide for the anticipated expenditures in the current fiscal year.

- 5B2.** [Approve the renewal of a one-year contract with Liberty Mutual Insurance Company to provide employees with a voluntary, employee funded, group policy for auto, home, and umbrella insurance coverage.](#)

Fiscal Impact: There is no cost to the City; all premiums are paid by participating employees. There are approximately 65 employees participating in the current contract based on payroll deduction information.

- 5B3.** [Approve a six-month contract renewal with Atlasta Catering Service, Inc. for concession and licensed beverage sales services at the Tempe Center for the Arts.](#)

Fiscal Impact: There is no cost to the City for this contract. The Contractor compensates the City with commission revenues and annual listing fees.

- 5B4.** [Approve two-year contract renewals with Foster Electric Motor Service, Inc. and Weber Water Resources, LLC, for the maintenance, repair, and purchase of large capacity vertical turbine water pumps for the Public Works Department.](#)

Fiscal Impact: Total combined cost of the two-year renewals will not exceed \$600,000. Sufficient funds have been appropriated in the Water/Wastewater Fund - cost centers 3013 (Johnny G. Martinez Plant), 3014 (South Tempe Water Plant), 3016 (Water Field Facilities), 3034 (Kyrene Water Reclamation Plant), and 3035 (Wastewater Field Facilities) for the anticipated expenditures.

- 5B5.** [Award a construction contract to Contractors West, Inc. for fiber optic installation and improvements to the intelligent transportation system on Elliot, Guadalupe, and Warner Roads.](#)

Fiscal Impact: The construction contract amount is \$374,953 and the project contingency amount is \$37,000. Funds to cover this contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 6906171, Fiber Optic Installation and ITS Improvements – Elliot, Guadalupe, and Warner Roads.

- 5B6.** [Award a construction contract to DNG Construction, Inc. for security upgrades at the Police mounted unit facility at Kiwanis Park maintenance yard at 6300 South All America Way.](#)

Fiscal Impact: The construction contract amount is \$135,149.20 and the project contingency amount is \$15,000. Funds to cover this contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 5507279, Police Mounted Security Upgrade at Kiwanis Maintenance Yard.

5B7. [Award job order no. 2 to Caliente Construction, Inc. for exterior building restoration at City Hall.](#)

Fiscal Impact: The total job order amount is \$317,694.69 and the project contingency amount is \$31,700. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 6707589, City Hall – Exterior Repair and Study.

5B8. [Award a professional services consultant contract to Dibble CM, LLC for construction management and inspection services for relocation of a 30-inch waterline at the southeast corner of Scottsdale Road and Playa Del Norte Drive.](#)

Fiscal Impact: The professional services consultant contract amount is \$80,830. 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.

5B9. [Award a construction manager at risk construction services contract with Hunter Contracting Co. and a professional services consultant contract to Carollo Engineers, Inc. for filter rehabilitation at the Johnny G. Martinez Water Treatment Plant.](#)

Fiscal Impact: The construction services contract amount is \$548,425.32, the professional services contract amount is \$78,267, and the project contingency amount is \$54,800. Funds to cover these contracts and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3205889, Filter Rehabilitation at Water Treatment Plants.

5B10. [Award a one-year contract with four, one-year renewal options to Arizona Elevator Solutions to provide for the inspection, testing, certification, repair, and upgrading of City elevators.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$150,000. Sufficient funds have been budgeted in the General Fund – cost center 3241 (Facility Services) – for the anticipated spending in the current fiscal year.

5B11. [Award a one-year contract with four, one-year renewal options to ETC Institute to conduct resident and employee satisfaction surveys.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$77,000. Sufficient funds have been budgeted in the General Fund – cost center 3526 (Non-Department Expense: FIT) – for the anticipated spending in the current fiscal year.

5B12. [Award a one-year contract with four, one-year renewal options to Otto Environmental Systems for the purchase of 96-gallon refuse containers.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$175,000. Sufficient funds have been budgeted in the Solid Waste Fund – cost center 3713 (Residential) – for the anticipated spending in the current fiscal year.

C. Resolutions

- 5C1. [Adopt a resolution authorizing the Chief of Police or his designee\(s\), to execute the Memorandum of Understanding between the Firehouse Subs Public Safety Foundation and the Tempe Police Department to accept grant funds to purchase equipment that will assist in arson investigations. \(Resolution No. R2015.128\)](#)

Fiscal Impact: The amount of the total grant award is \$3,285.09. 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 2015-16 adopted budget.

- 5C2. [Adopt a resolution authorizing the Mayor or his designee\(s\), to execute an Intergovernmental Agreement between the City of Phoenix and the City of Tempe Police Department to join the Arizona Internet Crimes Against Children Task Force and to accept potential grant funds for equipment and/or training to assist in the investigation of internet crimes against children. \(Resolution No. R2015.129\)](#)

Fiscal Impact: The Tempe Police Department could receive up to \$20,000 in grant funding. This potential grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this potential grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C3. [Adopt a resolution approving and authorizing the Mayor to execute an intergovernmental agreement with Tempe Elementary School District No. 3 for the construction of a multi-use field at Escalante Park. \(Resolution No. R2015.130\)](#)

Fiscal Impact: A \$100,000 grant was awarded to Tempe Elementary School District No. 3 by the National Football League's Grassroots Foundation Program to be used for the construction of a multi-use field at Escalante Park. City of Tempe will receive the grant funds from Tempe Elementary School District No. 3 and will manage all aspects of the construction project under the terms of the Intergovernmental Agreement. Sufficient budget appropriation for expenditure of the grant exists in the Capital Improvement Project No. 6307921, Infrastructure Improvements - Escalante Park.

- 5C4. [Adopt a resolution approving the Addendum to United Arizona Employees Association Memorandum of Understanding July 1, 2015 - June 30, 2017 specific to Article III, Section 3-2 - Overtime. \(Resolution No. R2015.131\)](#)

Fiscal Impact: N/A

- 5C5. [Adopt a resolution establishing the polling places and voting districts for the March 8, 2016 election and designating that election as the City's General/Special Election. \(Resolution No. R2015.132\)](#)

Fiscal Impact: N/A

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 ForeSite Design & Construction, Inc., Hunter Contracting Company, and Valley Rain Construction Corporation to perform infrastructure improvements at various City parks.](#)

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.

- 6A2. [Approve the renewal of a one-year contract with United Healthcare Insurance Company for a Medicare Advantage Health Maintenance Organization, Medicare Supplement and Medicare Prescription Drug plan for Medicare eligible retirees.](#)

Fiscal Impact: Total cost of this contract will not exceed \$2,300,000 during the one-year contract period. Sufficient funds have been appropriated in the Health Fund – cost center 4168 (Retirees) – for the anticipated expenditures in the current fiscal year.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment of a certain water line easement in the vicinity of South Cedar Street and East Apache Boulevard to facilitate development of the project at 1221 East Apache Boulevard. The second and final public hearing is scheduled for January 14, 2016. \(Ordinance No. O2016.01\)](#)

Fiscal Impact: N/A

- *6B2. [Introduce and hold the first public hearing to amend Chapter 14 of the Tempe City Code, relating to Fire Prevention and Protection by adopting updated local amendments to the 2012 Edition of the International Fire Code. The second and final public hearing is scheduled for January 14, 2016. \(Ordinance No. O2016.02\)](#)

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

- *6B3.** [Introduce and hold the first public hearing to adopt a resolution authorizing a General Plan Projected Density Map Amendment from Medium to High Density \(up to 25 du/ac\) to High Density-Urban Core \(more than 65 du/ac\), adopt an ordinance for a Zoning Map Amendment from GID to MU-4 and a Planned Area Development Overlay, and a development plan review for CRESCENT RIO, consisting of a new mixed-use development containing 356 units and 5 live-work units, located at 700 West 1st Street. The applicant is Charles Huellmantel, Huellmantel & Affiliates. The second and final public hearing is scheduled for January 14, 2016. \(Note, the General Plan Amendment requires an affirmative vote of at least two-thirds \(2/3\) of the City Council; therefore a Council vote of 5 of 7 is required for approval.\) \(Ordinance No. O2016.03; Resolution No. R2016.01\) **Material revised**](#)

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

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1.** [Hold the second and final public hearing to adopt an ordinance authorizing the abandonment of certain public utility easements in the vicinity of 2nd Street and Mill Avenue to facilitate development of the project at Mill Avenue and Rio Salado Parkway. \(Ordinance No. O2015.57\)](#)

Fiscal Impact: N/A

- *6C2.** [Hold the second and final public hearing to adopt an ordinance granting a Utility Easement to Arizona Public Service Company over certain City-owned land to serve the VELA at Town Lake residential project located at 555 North College Avenue. \(Ordinance No. O2015.58\)](#)

Fiscal Impact: N/A

- *6C3.** [Hold the second and final public hearing to adopt an ordinance authorizing the abandonment of a non-exclusive easement for a traffic control device located on Rio Salado Parkway west of Scottsdale Road. \(Ordinance No. O2015.59\)](#)

Fiscal Impact: N/A

- *6C4.** [Hold the second and final public hearing to adopt an ordinance for a Zoning and Development Code Text Amendment for DOWNTOWN PARKING STANDARDS, consisting of changes to general parking ratios specific to properties with the zoning of City Center District, and establishing an alternate standard for parking requirements in the downtown. The applicant is the City of Tempe. \(Ordinance No. O2015.60\)](#)

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

- *6C5.** [Hold the second and final public hearing to adopt a resolution to authorize the Mayor to execute the settlement agreement and all related documents between the City of Tempe and Tempe Investors, LLC, regarding the matter of *Tempe Investors, LLC, v. City of Tempe*. \(Resolution No. R2015.127\) **Material added**](#)

Fiscal Impact: No fiscal impact to the City.

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

1. Darlene Justus, North Tempe Neighborhood Association - Save Papago Park, Papago Park Preserve

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.**