



## Minutes Regular City Council Meeting July 27, 2017

Minutes of the Regular Council Meeting of Thursday, July 27, 2017, 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 (*participated telephonically*)

Councilmember David Schapira

Vice Mayor Robin Arredondo-Savage

Councilmember Randy Keating

Councilmember Joel Navarro

### **STAFF PRESENT:**

Andrew Ching, City Manager

Judi Baumann, City Attorney

Brigitta M. Kuiper, City Clerk

Scott Powell, Economic Development Program Manager

Ken Jones, Deputy City Manager – Chief Financial Officer

Steven Methvin, Deputy City Manager – Chief Operating Officer

Shelly Seyler, Deputy Public Works Director – Transportation

Various Department Heads or their representatives

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

1. Councilmember Schapira gave the invocation.
2. Mayor Mitchell led the audience in the **Pledge of Allegiance**.

### **3. MINUTES**

#### **A. Approval of City Council Meeting Minutes**

**Motion by Councilmember Keating to approve agenda items 3A1 – 3A3; second by Vice Mayor Arredondo-Savage. Motion passed unanimously on a voice vote 7-0.**

1. [Regular City Council Meeting - May 4, 2017](#)
2. [City Council Work Study Session - March 16, 2017 and April 6, 2017](#)
3. Executive Session - June 8, 2017 and June 15, 2017

#### **B. Acceptance of Board, Commission and Committee Meeting Minutes**

**Motion by Councilmember Keating to accept agenda items 3B1 – 3B12; second by Councilmember Navarro. Motion passed unanimously on a voice vote 7-0.**

1. [Tempe Aviation Commission - May 9, 2017 and June 13, 2017](#)
2. [Tempe Aviation Commission Noise Abatement Subcommittee - May 3, 2017, June 9, 2017, and July 5, 2017](#)
3. [Development Review Commission - April 25, 2017, May 9, 2017, and May 23, 2017](#)
4. [Development Review Commission Study Session - April 25, 2017, May 9, 2017, and May 23, 2017](#)
5. [Tempe Fire Public Safety Personnel Retirement System Board - May 4, 2017](#)
6. [Hearing Officer - June 6, 2017, June 20, 2017, and July 5, 2017](#)
7. [Tempe Municipal Arts Commission - May 10, 2017](#)
8. [Parks, Recreation, Golf, and Double Butte Cemetery Advisory Board - May 17, 2017](#)

9. [Tempe Police Public Safety Personnel Retirement System Board - June 1, 2017](#)
10. [Rio Salado Enhanced Services Commission - January 10, 2017 and April 11, 2017](#)
11. [Risk Management Trust Board - June 1, 2016](#)
12. [Transportation Commission - May 9, 2017](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Reports and Announcements

###### 1. Drowning Impact Awareness Month

Mayor Mitchell invited Fire Medical Rescue Chief, Greg Ruiz, to the podium and read a proclamation declaring the month of August, 2017, as Drowning Impact Awareness Month in the City of Tempe.

##### B. City Manager's Reports and Announcements

Brigitta Kuiper, City Clerk, introduced recently hired Deputy City Clerk, Dusty Christopherson.

#### 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 Schapira to approve the consent agenda with the exception of items 5A6 and 5B16, which were removed for separate consideration; second by Vice Mayor Arredondo-Savage. Motion passed unanimously on a roll call vote 7-0.**

##### A. Miscellaneous Items

###### 5A1. [Approved an appointment to the Joint Review Committee.](#)

*Fiscal Impact:* N/A

###### **Joint Review Committee**

Pamela Goronkin (First Full Term) (Joint Tempe/ASU Regular Member)

**Term Expires 07/07/2020**

Appointed

###### 5A2. [Authorized the Mayor to execute a Right-of-Way Use Agreement between the City of Tempe and the United Dairymen of Arizona for a Natural Gas Pipeline. \(Contract #2017-152\)](#)

*Fiscal Impact:* UDA will pay \$2.20 per linear foot of pipeline installed in City right-of-way.

###### 5A3. [Approved the transfer of budget appropriation from the Diablo Stadium Master Plan to the Rio Salado and Tempe Beach Park Master Plan.](#)

*Fiscal Impact:* \$48,000 of fiscal year 2017-18 appropriations will be transferred from Project No. 6308149 (Diablo Stadium Master Plan) to Project No. 6508199 to fund an expanded scope of work related to the Rio Salado and Tempe Beach Park Master Plan.

###### 5A4. [Authorized the Mayor to execute a Small Cell and Distributed Antenna System Right-of-Way Use License Agreement between the City of Tempe and Mobilitie LLC. \(Contract #2017-153\)](#)

*Fiscal Impact:* Fees for the first year of the term of any site license Mobilitie LLC enters into with the City on or before February 9, 2018, will be at the City's current fee structure. For the remainder of the term and for any site licenses entered into after February 9, 2018, the fees will be those set by the City Council to conform to the new legislative

requirements. If fiber and conduit are installed in the right-of-way, Mobilitie will pay the current rate of \$ 2.20 per linear foot of trench annually subject to annual adjustments by the Consumer Price Index as set forth in the Agreement.

- 5A5. [Authorized the Mayor to execute a Small Cell and Distributed Antenna System Right-of-Way Use License Agreement between the City of Tempe and Cox Communications Arizona LLC. \(Contract #2017-154\)](#)

**Fiscal Impact:** Fees for the first year of the term of any site license Cox enters into with the City on or before February 9, 2018, will be at the City's current fee structure. For the remainder of the term and for any site licenses entered into after February 9, 2018, the fees will be those set by the City Council to conform to the new legislative requirements. If fiber and conduit are installed in the right-of-way, Cox will pay the current rate of \$ 2.20 per linear foot of trench annually subject to annual adjustments by the Consumer Price Index as set forth in the Agreement.

- 5A6. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION. Approve the recommended Maryanne Corder Neighborhood Grant Program funding for fiscal year 2017/2018 in the amount of \\$205,370.60 to neighborhood and homeowners' associations for various neighborhood projects.](#)

- 5A7. [Approved a Final Subdivision Plat for McCLINTOCK STATION, located at 1831 East Apache Boulevard. The applicant is Hubbard Engineering.](#)

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

- 5A8. [Approved an Amended Subdivision Plat for CISNEROS RESIDENCE, located at 2516 East Laird Street. The applicant is Miller Land Surveying.](#)

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

- 5A9. [Approved a Condominium Plat for HEARTWOOD MODERN VILLAS TEMPE CONDOMINIUMS, located at 1878 East Southern Avenue. The applicant is Survey Innovation Group, Inc.](#)

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

- \*5A10. [Held a public hearing and recommended the approval of a series 07 beer and wine bar liquor license for B & R Liquors Inc., dba Liquor Express, 1605 East Apache Boulevard.](#)

**Fiscal Impact:** N/A

- \*5A11. [Held a public hearing and recommended the approval of a series 04 in state wholesaler's liquor license for The Armanetti Group LLC, dba The Armanetti Group LLC, 1835 East 6th Street #19.](#)

**Fiscal Impact:** N/A

- \*5A12. [Held a public hearing and recommended the approval of a series 12 restaurant liquor license for Cesar Oscar Reynaldo Castro Tohalino, dba Mas, 1857 North Scottsdale Road, Suite 15.](#)

**Fiscal Impact:** N/A

- \*5A13. [Held a public hearing and recommended the approval of a series 06 bar liquor license for American Multi-Cinema Inc., dba AMC Centerpoint 11, 730 South Mill Avenue.](#)

**Fiscal Impact:** N/A

- \*5A14. [Held a public hearing and recommended the approval of a series 04 in state wholesaler's liquor license for Elevate Your Passion LLC, dba Elevate Your Passion Brewing, 2209 West 1st Street #A-107.](#)

**Fiscal Impact:** N/A

**B. Award of Bids/Contracts**

- 5B1. [Approved an increase in the contract amount with Stanley Convergent Security Solutions for the purchase, repair, installation and upgrades of security systems throughout the City.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$300,000 during the one-year contract renewal period and will increase the contract value from \$200,000 to \$300,000, an increase of \$100,000. Sufficient funds have been appropriated in various City-wide funds and cost centers for the anticipated expenditures.

- 5B2. [Approved an increase in the contract amount with AP Fire Protection, LLC for the inspection, servicing, repairing, and upgrading of fire alarms and fire extinguishers throughout the City.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$300,000 during the one-year renewal period and will increase the contract value from \$99,999 to \$300,000, an increase of \$200,001. Sufficient funds have been appropriated in the General Fund – cost center 1871 (Facilities Services) – along with funds budgeted in various Capital Improvement Program cost centers for the anticipated expenditures in the current fiscal year.

- 5B3. [Approved the utilization of a one-year National Intergovernmental Purchasing Alliance cooperative contract with The Toro Company, represented locally by Simpson Norton Corporation, for the purchase of grounds keeping, golf and sports field maintenance equipment used by the Public Works Department.](#)

**Fiscal Impact:** Total cost of the one-year contract will not exceed \$280,000. Sufficient funds have been appropriated in various citywide cost centers for the anticipated expenditures in the current fiscal year.

- 5B4. [Approved the utilization of one-year State of Arizona contracts with Bingham Equipment Company, John Deere Company, Simpson Norton Corporation, Fleming Trailers, and A to Z Equipment for the purchase of turf and construction equipment used by the Public Works Department.](#)

**Fiscal Impact:** Total combined cost of these contracts will not exceed \$350,000. Sufficient funds have been appropriated in various citywide cost centers for the anticipated expenditures in the current fiscal year.

- 5B5. [Approved the utilization of a one-year Pinal County cooperative contract with Southwest Slurry Seal, Inc. for pavement preservation and maintenance work on City streets and parking lots.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$750,000. Sufficient funds have been appropriated in the Street Improvement CIP Fund in various cost centers for the anticipated expenditures in the current fiscal year.

- 5B6. [Approved the utilization of a one-year National IPA cooperative contract with Thatcher Company of Nevada, Inc. for the purchase of liquid aluminum sulfate for the Public Works Department.](#)

**Fiscal Impact:** Total cost of this one-year contract will not exceed \$600,000. Sufficient funds have been appropriated in the Water and Wastewater Fund – cost centers 3013 (Johnny

G. Martinez Plant) and 3014 (South Tempe Water Plant) for the anticipated expenditures in the current fiscal year.

- 5B7. [Approved ten-month contract renewals with Scott McAlister \(Division I\), Robert A. Butler \(Division II\), and Samantha Herd \(Division III\) to provide court appointed attorney representation for indigent defendants whose cases are filed with the City of Tempe Municipal Court.](#)

**Fiscal Impact:** Total combined cost of these contracts will not exceed \$300,000 during the ten-month contract renewal period. Sufficient funds have been budgeted in the General Fund – Cost Center 1410 (Judicial Division – Administration) – for the anticipated expenditures.

- 5B8. [Approved a one-year contract renewal with Polydyne, Inc. for the purchase of water polymers.](#)

**Fiscal Impact:** Total cost of this one-year contract renewal 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 in the current fiscal year.

- 5B9. [Approved a two-year contract renewal with Hennesy Mechanical Sales, LLC for the purchase of equipment, parts, supplies and maintenance and repair services for the City's 16 Severn Trent De Nora sodium hypochlorite generation disinfection systems located at the water production facilities.](#)

**Fiscal Impact:** Total cost of this two-year contract renewal will not exceed \$450,000. Sufficient funds have been appropriated in the Water / Wastewater Fund - cost center – 3013 (Johnny G. Martinez Plant) and 3014 (South Tempe Water Plant) for the anticipated expenditures in the current fiscal year.

- 5B10. [Approved a one-year contract renewal with Sun Country Truck Equipment for the purchase of utility truck bodies.](#)

**Fiscal Impact:** The total cost of this one-year contract renewal will not exceed \$110,000. Sufficient funds have been budgeted in various funds and cost centers for the anticipated expenditures in the current fiscal year.

- 5B11. [Approved a one-year contract renewal with Pure Technologies US dba Wachs Water Service for water main valve condition assessments and related services.](#)

**Fiscal Impact:** Total cost of this one-year contract renewal will not exceed \$400,000. Sufficient funds have been appropriated in the Water / Wastewater Capital Improvement Project Fund cost center – 3204969 (Rehabilitation or Replacement of Aging Infrastructure) for the anticipated expenditures.

- 5B12. [Approved a one-year contract renewal with Chemtrade Chemicals US, LLC for the purchase of lime-blended alkali to raise the pH of the water to optimize the treatment process.](#)

**Fiscal Impact:** Total cost of this one-year contract renewal will not exceed \$300,000. 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 in the current fiscal year.

- 5B13. **THIS ITEM WAS REMOVED/DELETED AT THE REQUEST OF STAFF.** ~~Approve a one-year contract renewal with TNT Cement Contractors for minor concrete repairs and maintenance at City parks.~~

- 5B14. [Approved a one-year sole source contract renewal for software maintenance and support services with Versaterm, Inc. for the Police Department's integrated public safety system.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$371,508.20 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund – cost center 1991 (IT Administration) for the anticipated expenditures in the current fiscal year.

- 5B15. [Awarded a three-year contract with two, one-year renewal options to Devau Human Resources to provide temporary contract employees to officiate a variety of sporting events sponsored through the Community Services Department. \(Contract #2017-155\)](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$950,000 during the three-year contract term. The vast majority of the cost of this contract represents a pass-through expense to pay the sports officials per the City's established rates. The contractor will be paid approximately \$65,000 per year for their services. Sufficient funds have been appropriated in the General Fund cost center 2528 (Sports Officials) for the anticipated expenditures in the current fiscal year.

- 5B16. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION. Award a one-year contract with four, one year renewal options to Artistic Land Management, Inc. for landscape maintenance services for transit properties.](#)

- 5B17. [Awarded a two-year contract, with three, one-year renewal options with Gabriel & Ashworth, PLLC; Dickinson Wright PLLC; Gust Rosenfeld, P.L.C; Kutak Rock LLP; Iafate & Associates; Ballard Spahr LLP; Broening Oberg Woods & Wilson; Green & Baker, Ltd.; Ball, Santin & McLeran, PLC; Koeller, Nebeker Carlson & Haluck, LLP; The Cavanagh Law Firm, PA; Struck Wieneke & Love, PLC; Littler Mendelson, P.C.; The Deneau Law Firm, PLLC; and Ellman Weinzweig LLC to provide legal representation in the event that the use of outside legal counsel becomes necessary. \(Contract #2017-157\)](#)

**Fiscal Impact:** Total cost of these 15 contracts will not exceed \$200,000 during the two-year contract period. Sufficient funds have been appropriated in the General Fund – cost center 1710 (Legal Services) and cost center 2611 (Liability Claims/Risk) for the anticipated expenditures.

- 5B18. [Awarded a two-year contract with three, one-year renewal options to Glendale Industrial Supply, dba: Unicoa Construction and Industrial Supply, Ferguson Waterworks, AGS Safety & Supply, Safety Glasses USA, Mallory Safety & Supply LLC, Mastermans, Construction Tool & Supply, and Copper State Supply, Inc. for the supply of safety related products to be used throughout the City. \(Contract #2017-158\)](#)

**Fiscal Impact:** The total combined cost of these contracts shall not exceed \$431,498 over the initial two-year period. Sufficient funds have been appropriated in Water / Wastewater Fund cost center 3085 (Water / Wastewater Inventory) for the anticipated expenditures in the current fiscal year.

- 5B19. [Awarded Job Order No. 4 to Hunter Contracting Co. for the playground renovation project at Dwight Park located at 500 West Manhattan Drive. \(Contract #2015-283 JO 4\)](#)

**Fiscal Impact:** The Job Order No. 4 amount is \$233,998.06 and the project contingency amount is \$23,400. Funds to cover this contract and related costs are appropriated for fiscal year 2017/18 in the Capital Improvement Project No. 6305499, Park Playground Infrastructure & Equipment Replacement & Renovation.



- 5B20. [Awarded Job Order No. 8 to ForeSite Design and Construction, Inc., for the lighting and playground improvements project at Svob Park, 2600 West Vineyard Road. \(Contract #2015-282 JO 8\)](#)

**Fiscal Impact:** The Job Order No. 8 amount is \$240,600 and the project contingency amount is \$24,000. Funds to cover this contract and related costs are appropriated for fiscal year 2017/18 in the Capital Improvement Project No. 6303089, Athletic Field Light System Replacement and Project No. 6305499, Park Playground Infrastructure & Equipment Replacement and Renovation.

- 5B21. [Awarded Job Order No. 19 to CSW Contractors, Inc., for Phase 10 of the City-Wide Water Valve Replacements program throughout the City. \(Contract #2015-240 JO 19\)](#)

**Fiscal Impact:** The Job Order No. 19 amount is \$121,310.63 and the project contingency amount is \$12,131.06. Funds to cover this contract and related costs are appropriated for fiscal year 2017/18 in the Capital Improvement Project No. 3299989, Transmission & Distribution Capital Improvements.

- 5B22. [Awarded a professional services contract to Project Engineering Consultants, Ltd., for the flood irrigation infrastructure improvements along East Parkway Boulevard from South College Avenue to South Mill Avenue and along South Mitchell Drive from West 9th Street to West 10th Street. \(Contract #2017-159\)](#)

**Fiscal Impact:** The professional services contract is \$104,696. Funds to cover this contract and related costs are appropriated for fiscal year 2017/18 in the Capital Improvement Project No. 3205899, Flood Irrigation Infrastructure Asset Maintenance.

- 5B23. [Awarded a professional services contract to Dibble & Associates Consulting Engineers, Inc., for the Sanitary Sewer Collection System Rehabilitation Work Area 5 project for The Lakes subdivision bounded from South Lakeshore Drive to McClintock Drive and East Southshore Drive to Baseline Road. \(Contract #2017-160\)](#)

**Fiscal Impact:** The professional services contract is \$138,210. Funds to cover this contract and related costs are appropriated for fiscal year 2017/18 in the Capital Improvement Project No. 3299969, Wastewater Collection System Upgrades and Improvements.

- 5B24. [Awarded a professional services contract to Gannett Fleming, Inc. for the Tempe Town Lake Recovery Well Communications Integration project at 10 recovery wells along Tempe Town Lake. \(Contract #2017-161\)](#)

**Fiscal Impact:** The professional services contract is \$177,092. Funds to cover this contract and related costs are appropriated for fiscal year 2017/18 in the Capital Improvement Project No. 3204409, SCADA Improvements.

- 5B25. [Awarded a professional services contract to Carollo Engineers, Inc., for the Water Treatment Plant Operational Improvement Study for the Johnny G. Martinez Water Treatment Plant located at 255 East Marigold Lane and the South Tempe Water Treatment Plant located at 6600 South Price Road. \(Contract #2017-162\)](#)

**Fiscal Impact:** The professional services contract is \$269,916. Funds to cover this contract and related costs are appropriated for fiscal year 2017/18 in the Capital Improvement Project No. 3207499, Water Treatment Plant Asset Maintenance & Upgrades.

**C. Resolutions**

- 5C1. [Adopted RESOLUTION NO. R2017.80 approving the funding for the 2017-2018 Arts Grants recipients.](#)

**Fiscal Impact:** Total amount of recommended grants funding is \$185,000. The grants are funded from the Municipal Arts Fund. Sufficient budget appropriation for these expenditures was authorized in the fiscal year 2017/18 Capital Improvement Project No. 6699799, Municipal Arts Program.

- 5C2. [Adopted RESOLUTION NO. R2017.81 authorizing the Mayor to sign Change Order No. 2 to extend the term of an Intergovernmental Agreement with the City of Phoenix for the pass through of federal grant funds for improvements to the East Valley Bus Operations and Maintenance Facility. \(Contract #2011-148B\)](#)

**Fiscal Impact:** The federal and local match funds are appropriated in the Capital Improvement Program (CIP) fiscal year 2017/18 budget. The federal grant is \$472,035 with a local match requirement of \$118,009 for a total of \$590,044, EVBOM - Facility Asset Maintenance (East Valley Bus Ops/Maintenance Facility), CIP #6006089.

- 5C3. [Adopted RESOLUTION NO. R2017.82 authorizing the City Manager to execute a contract between Mercy Maricopa Integrated Care and the City of Tempe for the implementation and operation of a Bridge to Permanency Permanent Supportive Housing Program. \(Contract #2017-163\)](#)

**Fiscal Impact:** The City will receive funding in the amount of \$284,915 for the operation of the Bridge to Permanency (Bridges) Program. Funds have been appropriated in Fund 42, cost center 2875 (CDBG CY). There is no fiscal impact on City funds.

- 5C4. [Adopted RESOLUTION NO. R2017.83 adding Arizona Department of Health Services approved ambulance transportation fees associated with the anticipated commencement of emergency medical transportation to the Tempe City Code, Appendix A, Schedule of Fees and Charges.](#)

**Fiscal Impact:** Fiscal year 2017-18 revenue received from City fees for emergency medical transportation (ambulance) service is estimated at \$300,000 and will be deposited into the Emergency Medical Transportation Enterprise Fund (Fund 29); cost center 2991, Emergency Transportation Service Operations.

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**CONSENT AGENDA ITEMS REMOVED FOR SEPARATE CONSIDERATION:**

- 5A6. **Recommended Maryanne Corder Neighborhood Grant Program funding for fiscal year 2017/2018.**

Councilmember Granville noted several park projects that received reduced funding, or were denied funding. He recommended adding \$50,000 to the budget for the Maryanne Corder Neighborhood Grant Program (Program), and distributing the funding based on project priorities that promote community building efforts.

Mayor Mitchell agreed with the need to increase Program funding, but expressed concern about its impact on the City's budget.

Ken Jones, Deputy City Manager – Chief Financial Officer, stated that since the Fiscal Year 2017-2018 Budget has already been established, increasing Program funding would require moving funds from another source. Funds in the General Fund Contingency budget could be transferred to the Program or staff could provide a list of funding options at a future City Council meeting.



Councilmembers discussed possibly adding the following agenda item to the September 1, 2017 City Council Retreat: Maryanne Corder Neighborhood Grant Program, including funding options, program implementation and neighborhood engagement, a five-year comparison between grant awards and application, and an outreach plan for the neighborhood and homeowners' associations that do not apply for grants. Councilmember Kuby also noted that Arizona State University Engineering Projects in Community Service Program (EPICS) students have expressed interest in working with neighborhoods in applying for grants.

Councilmember Kuby requested a retreat topic on the Innovation Opportunity Fund which provides \$500,000 for innovative projects which could be a possible funding source.

**Motion by Councilmember Navarro to approve agenda item 5A6; second by Vice Mayor Arredondo-Savage. Motion passed unanimously on a roll call vote 7-0.**

- 5A6.** Approved the recommended Maryanne Corder Neighborhood Grant Program funding for fiscal year 2017/2018 in the amount of \$205,370.60 to neighborhood and homeowners' associations for various neighborhood projects.

**Fiscal Impact:** Funds in the amount of \$175,000 have been appropriated in the Community Development Department's 2017/2018 General Fund adopted budget (cost center 1215) and funds in the amount of \$30,370.60 have been appropriated in the Public Works Department's 2017/2018 Water/Wastewater Fund adopted budget (cost center 3052) for the anticipated expenditures.

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- 5B16. Contract with Artistic Land Management, Inc. for landscape maintenance services for transit properties.**

Councilmember Kuby expressed support for the integrative pest control management approach and inquired about the products used by the contractor and the desert landscaping and horticultural training they receive.

Shelly Seyler, Deputy Public Works Director – Transportation, explained that staff periodically visit the transit properties, conduct unscheduled inspections, and work with landscape contractors to ensure compliance with the applicable product protocols. The contract requires an on-staff arborist to help with landscape trimming; staff will verify whether desert landscaping and horticultural training for the landscape crew is identified in this contract.

**Motion by Councilmember Kuby to approve agenda item 5B16; second by Councilmember Schapira. Motion passed unanimously on a roll call vote 7-0.**

- 5B16.** Awarded a one-year contract with four, one year renewal options to Artistic Land Management, Inc. for landscape maintenance services for transit properties. **(Contract #2017-156)**

**Fiscal Impact:** Total cost of this contract will not exceed \$350,000 during the one-year contract term. Sufficient funds have been appropriated in the Transit Fund cost centers 3914 (Transit Operations - EVBOM), 3915 (Transportation Center), 3917 (Bus Stop and Bikeway Maintenance), and 3921 (Light Rail Operations) for the anticipated expenditures in the current fiscal year.

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## 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. Letter of Reprimand for a violation of the Council Code of Conduct.

**Motion by Councilmember Keating to approve agenda item 6A1; second by Councilmember Navarro.**

Councilmember Kuby spoke in opposition to issuing a letter of reprimand to Councilmember Granville because he showed regret and remedied the situation by removing the offending language in the social media post. She expressed concern that the proposed action may have freedom of speech implications, and recommended an advisory letter instead.

Councilmember Schapira agreed with Councilmember Kuby on opposing the letter of reprimand, and expressed concern regarding the amount of taxpayer funds spent on this issue. He suggested developing new procedures to address this type of situation.

Vice Mayor Arredondo-Savage discussed the importance of reviewing the complaint and investigation findings to determine the appropriate disciplinary action. She stated that she supports moving forward with a letter of reprimand and issuing a formal apology to the impacted Tempe resident. She noted that Councilmembers should always treat all people with respect and dignity.

Councilmember Schapira agreed that treating everyone with respect is important, and stated that voting no on this item does not oppose this belief.

**Motion to approve agenda item 6A1 passed on a roll call vote 4-2-1, with Councilmembers Kuby and Schapira voting no, and Councilmember Granville abstaining.**

#### 6A1. [Considered and approved a Letter of Reprimand for a violation of the Council Code of Conduct adopted by Resolution No. 2009.126.](#)

*Fiscal Impact:* N/A

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#### 6A2. **Notice of Intent to enter into a retail development tax incentive agreement with MUFG Union Bank, N.A. for the addition of new highly specialized functions at The Grand at Papago Park Center located at 1100 block of West Washington Street.**

Mayor Mitchell explained that before the City can approve or enter into this development agreement, the City Council must make specific findings as required by State Statute and obtain an independent third-party verification, to include a financial analysis of the impact of the development agreement. The City must also find that, absent the incentive, MUFG Union Bank would not have chosen Tempe for their expansion.

Scott Powell, Economic Development Program Manager, stated that attracting and retaining businesses in Tempe is a highly competitive process; staff worked with MUFG Union Bank representatives over the past year. Rounds Consulting Group, a third-party economic firm in Tempe, has conducted an economic impact analysis and concluded that the tax incentive offered to MUFG Union Bank is approximately \$1.15 million, and that the projected five-year revenue of \$2.4 million for Tempe exceeds the tax incentive amount.

Motion by Councilmember Granville to approve agenda item 6A2, to adopt a Notice of Intent to enter into a retail development tax incentive agreement with MUFJ Union Bank, N.A. for the addition of new highly specialized functions at The Grand at Papago Park Center located at 1100 block of West Washington Street; and that the findings show that the incentive presented will raise more revenue than the benefit of the tax incentive to Union Bank; and that Union Bank would not locate at this site without this incentive; second by Vice Mayor Arredondo-Savage. Motion passed unanimously on a roll call vote 7-0.

- 6A2. [Adopted a Notice of Intent to enter into a retail development tax incentive agreement with MUFJ Union Bank, N.A. for the addition of new highly specialized functions at The Grand at Papago Park Center located at 1100 block of West Washington Street.](#)

*Fiscal Impact:* Adoption of the Notice of Intent has no fiscal impact.

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- 6A3. **Contract renewal with IT Partners for Hewlett Packard enterprise servers and related products, accessories and services that are used by the Internal Services Department to support numerous software applications throughout the City.**

There was no discussion on agenda item 6A3.

Motion by Councilmember Keating to approve agenda item 6A3; second by Councilmember Schapira. Motion passed unanimously on a roll call vote 7-0.

- 6A3. [Approved a two-year contract renewal with IT Partners for Hewlett Packard enterprise servers and related products, accessories and services that are used by the Internal Services Department to support numerous software applications throughout the City.](#)

*Fiscal Impact:* Total cost of this contract will not exceed \$3,000,000 during the two-year contract renewal period. Sufficient funds have been appropriated in the General Fund – cost center 1991 (IT Administration), 1995 (IT – Systems Administration) and various City-wide funds and cost centers for the anticipated expenditures.

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- 6A4. **Contract renewal with Rush Truck Centers of Arizona, Inc. for the purchase of refuse vehicles.**

There was no discussion on agenda item 6A4.

Motion by Councilmember Navarro to approve agenda item 6A4; second by Vice Mayor Arredondo-Savage. Motion passed unanimously on a roll call vote 7-0.

- 6A4. [Approved a one-year contract renewal with Rush Truck Centers of Arizona, Inc. for the purchase of refuse vehicles.](#)

*Fiscal Impact:* The total cost of this one-year contract renewal will not exceed \$1,932,000. Sufficient funds have been budgeted in the Solid Waste Fund – cost center 3713 (Residential) and 3714 (Commercial) – for the anticipated expenditures in the fiscal year.

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**6A5. Contract with F2 Industries, LLC to provide powder activated carbon for the removal of organic carbon used by the City's water treatment plants.**

There was no discussion on agenda item 6A5.

**Motion by Vice Mayor Arredondo-Savage to approve agenda item 6A5; second by Councilmember Keating. Motion passed unanimously on a roll call vote 7-0.**

**6A5. [Awarded a one-year contract with four, one-year renewal options to F2 Industries, LLC to provide powder activated carbon for the removal of organic carbon used by the City's water treatment plants. \(Contract #2017-164\)](#)**

**Fiscal Impact:** The total combined one-year cost of this contract shall not exceed \$1,500,000. 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 in the current fiscal year.

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

**\*6B1. Ordinance authorizing the abandonment of a 20' easement for access and public utility purposes located at the southwest corner of Carver Road and 71st Street.**

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

**\*6B1. [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of a 20' easement for access and public utility purposes located at the southwest corner of Carver Road and 71st Street. The second and final public hearing was scheduled for August 17, 2017. \(Ordinance No. O2017.41\)](#)**

**Fiscal Impact:** N/A

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**\*6B2. Ordinance amending Chapter 13, Tempe City Code, relating to Candidate Contribution Limits.**

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

Councilmember Kuby stated that she believes that requiring candidates for City elected office to clearly disclose to the public any campaign contributions from lobbyists registered with the City, promotes a more transparent campaign finance process. This information will be accessible and searchable on the City of Tempe website making it easier for the public to find.

**\*6B2. [Introduced and held the first public hearing to adopt an ordinance amending Chapter 13, Tempe City Code, relating to Candidate Contribution Limits, to make conforming changes to the Code required by state law changes, and to add a requirement for candidate committees to disclose contributions made by a registered lobbyist. The second and final public hearing was scheduled for August 17, 2017. \(Ordinance No. O2017.42\)](#)**

**Fiscal Impact:** N/A

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

- \*6C1. Ordinance authorizing the abandonment of the remaining portion of a Water Line Easement, located on Baseline Road, East of Rural 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 Granville to approve agenda item 6C1; second by Councilmember Schapira. Motion passed unanimously on a roll call vote 7-0.**

- \*6C1. [Held the second and final public hearing and adopted ORDINANCE NO. O2017.37 authorizing the abandonment of the remaining portion of a Water Line Easement, located on Baseline Road, East of Rural Road.](#)**

***Fiscal Impact:*** N/A

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- \*6C2. Ordinance authorizing the leasing and conveyance of the real property within the Graduate Hotel located at 225 E. Apache Boulevard and the execution of related lease documents, including a land and improvements lease and a memorandum of lease.**

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 Granville to approve agenda item 6C2; second by Councilmember Navarro. Motion passed unanimously on a roll call vote 7-0.**

- \*6C2. [Held the second and final public hearing and adopted ORDINANCE NO. O2017.39A authorizing the leasing and conveyance of the real property within the Graduate Hotel located at 225 E. Apache Boulevard and the execution of related lease documents, including a land and improvements lease and a memorandum of lease.](#) *City Clerk's Note: The number O2017.39 was assigned to two ordinances. This ordinance, authorizing the leasing and conveyance of the real property within the Graduate Hotel, has been renumbered to O2017.39A. (Contract #2017-165)***

***Fiscal Impact:*** The Developer will pay an annual administrative fee to the City of \$41,945 during the ten (10) year lease term when the GPLET will be "zero", fifty (50) years after the original certificate of occupancy was issued on August 31, 1970. The administrative payments to the City will be in years 2020-2027.

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- \*6C3. Resolution authorizing a General Plan Projected Land Use Map and Projected Density Map Amendment, resolution waiving the accompanying Development Plan Review application, and ordinance for a Zoning Map Amendment to MU-Ed for ASU ATHLETIC FACILITIES DISTRICT PLANNING AREA. The applicant is Gammage and Burnham PLC.**

Manjula Vaz, Gammage & Burnham P.L.C., applicant representative, provided an overview of the Arizona State University (ASU) Athletic Facilities District (AFD) boundaries, the proposed General Plan Amendment, the Text Amendment addressing development standards and design principles for the AFD, and the public engagement process. City staff will be involved in the process to modify portions of the AFD to make the density designation consistent with the

General Plan designation. Ms. Vaz reviewed development principles for the AFD, including sustainability, complete streets, transit oriented, and integrated street networks.

In response to an inquiry, Ms. Vaz noted that the private streets will be accessible to the public.

Mayor Mitchell opened the public hearing.

Trevor Barger, Tempe resident and downtown Tempe property owner representative, stated that he supports developing the AFD into a dense urban community, and requests the City Council approve the addition of eight conditions of approval that he previously presented to the City Council at the June 15, 2017 Regular Council Meeting. Mr. Barger summarized his requested conditions relating to the property's zoning application timeline for approval, ASU's responsibility to address the school, social and open space needs to support the mix of uses for the residences, ASU's responsibility to address resident and student traffic in the Downtown Tempe areas of 5th Street to McClintock Drive, Rio Salado and Rural Road Intersection, and the University and Rural Road Intersection. Mr. Barger also requests the Joint Review Committee (JRC) use the same public notice requirements as the Development Review Commission (DRC) and the City Council.

Kim Gaffney-Loza, Tempe resident, stated that she believes the requested zoning is needed to help developers obtain funding. She expressed concerns regarding traffic impacts to area businesses, the lack of restrictions on density and building height, and inconsistency with the vision for Tempe.

Phil Yates, Tempe resident, expressed concerns that more community involvement is needed on the AFD project. The public input process should have been more open, and the project advertised more widely.

Mayor Mitchell stated that the AFD's public input process included meetings before the DRC and meetings with stakeholders, including ASU and community members.

In response to inquiries, Ms. Vaz stated that the AFD project was discussed at the following public meetings: a City Council Issue Review Session, a City Council/ASU Joint Meeting, a neighborhood meeting, meetings with the North Tempe Neighborhood Association, and several DRC and JRC meetings. Another public meeting is scheduled for August, 2017. Ms. Vaz noted that the applicant is willing to discuss any outstanding issues or questions and will solicit public feedback regarding the AFD's street network, and, will work with City staff to enhance the notification procedures.

Councilmembers discussed the importance of reaching out to the community about the traffic circulation plans, the need to refine the notification procedures, support for density along Tempe Town Lake and in the downtown area, and that public engagement will continue throughout this zoning process.

Councilmember Navarro suggested discussing minimum and maximum building heights in the downtown area at the next City Council Retreat.

Deb Gain-Braley, Tempe resident, voiced concerns regarding adverse impacts to traffic in the area, parking at Tempe Marketplace, and public safety services. She also expressed concerns about the costs for road repairs, and new infrastructure for water, storm drains, and other public utilities.

Deborah Zajac, Tempe resident, stated that although she is not opposed to the AFD project, she expressed concern that more information is needed about the zoning conditions, payment for City services, and other related issues. The City and ASU should work together to outline all the project details more clearly before the zoning is modified.

Mayor Mitchell closed the public hearing. He thanked everyone for their comments, and noted that the downtown Tempe/AFD traffic study is in progress. Mayor Mitchell asked Ms. Vaz to address the speakers' concerns.

Ms. Vaz provided an overview of the AFD zoning process:

1. Rezoning application will rezone all properties within the AFD to Mixed Use Educational (MU-Ed) Zoning.
2. Text Amendment will establish the development standards and design principles within the AFD Zoning Overlay,



- subject to the standard public involvement process.
3. Building heights within the AFD will be addressed through the public process.
  4. City staff will review all AFD development applications.
  5. The traffic study will identify the needed traffic improvements, which are also subject to the City's review process.

Councilmember Granville stated that although he is not concerned about the long-term quality of the AFD project or its Master Plan, he is opposed to approving the zoning map amendment at this time, due to concerns regarding the City's negotiating capacity with ASU related to density, traffic, and other city services for an additional 15,000 residents. Councilmember Granville prefers the City's negotiations with ASU occur prior to the rezoning process, and suggested the City impose a flat fee over the next two years.

Vice Mayor Arredondo-Savage conveyed appreciation for the work of City staff, ASU, and others in the AFD master planning process. She stated that she supports moving forward with the project because it will benefit the community as a whole, and looks forward to continuing work on this 30-year project. She noted that City and ASU staff are working on a traffic study to mitigate congestion, and noted the importance of incorporating findings from the Urban Core Planning Study into the development of the AFD.

Councilmember Navarro commended the work of Catellus Development Corporation developing a similar master planned community project in Austin, Texas, and said he is confident that Catellus will transform the AFD into a high-quality development. Councilmember Navarro stated that he supports moving forward with the AFD project because it will be a unique, walkable, livable, and attractive community. He noted that opportunities will be available to address traffic and other concerns.

Councilmember Kuby stated that planned transportation improvements in the downtown area include enhancements to arterial streets, a new grid for interior circulation, and an interconnected bicycle network with protected bike lanes. She looks forward to the area transforming into a technologically advanced, sustainable, mixed-use, and connected community.

Councilmember Schapira discussed how the AFD project involved an extensive public process, which generated considerable feedback and changes. He expressed appreciation for ASU's willingness to negotiate with the City and the community, and for accommodating certain recommended changes.

Mayor Mitchell thanked everyone involved in the AFD master planning process, and noted that the City values its partnership with ASU. He stated that the AFD will be appropriately zoned to accommodate the desired density and MU-Ed Zoning. The development applications will be reviewed based on appropriate design guidelines, as part of a public involvement process. The City, ASU, and the community will continue to work together to address various issues and concerns.

**Motion by Vice Mayor Arredondo-Savage to adopt a resolution authorizing a General Plan Projected Land Use Map and Projected Density Map Amendment; second by Councilmember Navarro. Motion passed on a roll call vote 6-1, with Councilmember Granville voting no.**

**Motion by Councilmember Keating to adopt a resolution to waive the Development Plan Review application; second by Vice Mayor Arredondo-Savage. Motion passed on a roll call vote 6-1, with Councilmember Granville voting no.**

**Motion by Councilmember Keating to adopt an ordinance for a Zoning Map Amendment to MU-Ed for ASU Athletic Facilities District Planning Area; second by Councilmember Navarro. Motion passed on a roll call vote 6-1, with Councilmember Granville voting no.**

- \*6C3.** [Held the second and final public hearing and adopted RESOLUTION NO. R2017.76 authorizing a General Plan Projected Land Use Map and Projected Density Map Amendment, adopted RESOLUTION NO. R2017.77 waiving the accompanying Development Plan Review application, and adopted ORDINANCE NO. O2017.40 for a Zoning Map Amendment to MU-Ed for ASU ATHLETIC FACILITIES DISTRICT PLANNING AREA. The applicant is Gammage and Burnham PLC.](#)

**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.

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- \*6C4. Public hearing to receive public comment and resolution regarding the Annual Community Development Block Grant and Home Investment Partnerships Program Action Plan for Fiscal Year 2017-2018.**

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

**Motion by Councilmember Keating to approve agenda item 6C4; second by Vice Mayor Arredondo-Savage. Motion passed unanimously on a roll call vote 7-0.**

- \*6C4.** [Pursuant to federal law, held the second and final of two public hearings to receive public comment and adopted RESOLUTION NO. R2017.43 regarding the Annual Community Development Block Grant and Home Investment Partnerships Program Action Plan for Fiscal Year 2017-2018.](#)

**Fiscal Impact:** The City will receive Federal funding in the amounts of \$1,459,537 in Community Development Block Grant (CDBG) funds and \$331,711 in HOME funds, which have been appropriated as part of the FY18 adopted budget in cost center 2875.

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## **7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

Councilmember Schapira

The City was presented with the Everyday Heroes Award at the Arizona Child Abuse Prevention Conference, in recognition of the Tempe PRE (Preschool Resource Expansion) Program.

Vice Mayor Arredondo-Savage

Welcomed Tempe Sister Cities Youth Delegates to Tempe.

Welcomed educators, staff members, students, and parents back to school.

Councilmember Navarro

Wednesday, August 9, through Saturday, August 12, 2017 – He and Vice Mayor Arredondo-Savage will host the National League of Cities' Hispanic Elected Local Officials (HELO) 2017 Annual Leadership Retreat.

Councilmember Kuby

The City will receive nearly \$300,000 from Mercy Maricopa Integrated Care for the operation of the Bridge to Permanency Program; recognized Councilmembers and City staff for their support.

Mayor Mitchell

Recognized Kay Savard, Deputy City Clerk, for her 30 years of service to the City.  
Saturday, July 29, 2017 – McClintock Pool grand reopening celebration.

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## 8. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled

Mario Martinez, Tempe resident, discussed the second ethics violation by Councilmember Granville, and expressed his gratitude to everyone involved in the investigation and resolution. He stated that Councilmember Granville should accept full responsibility for his actions, which have cost taxpayers over \$20,400 in legal fees to date. Mr. Martinez stated that he believes Councilmember Granville should help pay these costs, either financially or by performing community service as restitution.

***The meeting adjourned at 7:43 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 July 27, 2017, by the Tempe City Council, Tempe, Arizona.

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Mark W. Mitchell, Mayor

ATTEST:

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Brigitta M. Kuiper, City Clerk