

Minutes Regular City Council Meeting February 25, 2016

Minutes of the Regular Council Meeting of Thursday, February 25, 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 Robin Arredondo-Savage
Councilmember Joel Navarro

Vice Mayor Corey D. Woods
Councilmember Kolby Granville
Councilmember David Schapira (*participated telephonically*)

COUNCILMEMBER ABSENT:

Councilmember Lauren Kuby

STAFF PRESENT:

Andrew Ching, City Manager
Ken Jones, Deputy City Manager - Chief Financial Officer
Steven Methvin, Deputy City Manager - Chief Operating Officer
Various Department Heads or their representatives

Judi Baumann, City Attorney
Brigitta M. Kuiper, City Clerk
Don Bessler, Public Works Director

Mayor Mitchell called the meeting to order at 6:06 p.m.

1. Councilmember Navarro 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 Vice Mayor Woods to approve agenda item 3A1; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 6-0.

1. Executive Session - January 28, 2016

B. Acceptance of Board, Commission and Committee Meeting Minutes

Motion by Vice Mayor Woods to accept agenda items 3B1 – 3B14; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 6-0.

1. Aviation Commission - December 8, 2015
2. Development Review Commission - January 12, 2016
3. Development Review Commission Study Session - January 12, 2016
4. Historic Preservation Commission - November 12, 2015 and January 21, 2016
5. Human Relations Commission - December 8, 2015
6. Judicial Advisory Board - October 23, 2014
7. Mayor's Youth Advisory Commission - February 2, 2016
8. Merit System Board - September 9, 2015

9. Tempe Fire Public Safety Personnel Retirement System Board - December 3, 2015
10. Tempe Fire and Police Public Safety Personnel Retirement System Boards Joint Meeting - December 3, 2015
11. Tempe Municipal Arts Commission - January 13, 2016
12. Tempe Police Public Safety Personnel Retirement System Board - January 7, 2016
13. Tempe Sustainability Commission - December 14, 2015
14. Transportation Commission - January 12, 2016

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

Mayor Mitchell welcomed delegates from Kyrgyzstan who are participating in the Open World Leadership program. The delegates met with various staff members, as well as former Mayor, Harry Mitchell.

Marcos de Niza Performing Arts Day Proclamation

Mayor Mitchell read a proclamation declaring February 25, 2016, as Marcos de Niza Performing Arts Day in Tempe, Arizona. He then invited Tahlia Remer, dance teacher, and "Legally Blonde: The Musical" performers Mercedes Zamora, Colleen Jacobson, and Judith Gudau, to the podium. Tickets and show times are available at mdnchoirdrama.org.

B. City Manager's Announcements

City Manager, Andrew Ching, also welcomed delegates from Kyrgyzstan. Various staff members had an opportunity to interact with the delegates about their experiences as Kyrgyzstan government officials, and to exchange ideas.

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 Arredondo-Savage to approve the consent agenda with the exception of item 5B10, which was removed for separate consideration and removing/deleting agenda items 5A3 and 5A4; second by Vice Mayor Woods. Motion passed unanimously on a roll call vote 6-0.

A. Miscellaneous Items

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

Fiscal Impact: Total payments in January: \$17,033,540.83.

- 5A2. Approved a Subdivision Plat for fifteen new two-story townhomes for 4TH STREET WEST, located at 1301 West Fourth Street. The applicant is Tom Goscicki, TPG Holdings.

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

- *5A3. **REMOVED/DELETED AT THE REQUEST OF THE APPLICANT** ~~Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Mill Wings LLC, dba The Wing Counter, 3118 South Mill Avenue.~~

*5A4. ~~REMOVED/DELETED AT THE REQUEST OF THE APPLICANT~~ ~~Hold a public hearing to recommend the approval of a series 01 in state producer's liquor license for Red Mountain Distilling and Spirits LLC, dba Red Mountain Distilling and Spirits, 625 South Smith Road, Suite 25.~~

*5A5. Held a public hearing and recommended the approval of an acquisition of control of a Series 06 bar liquor license for El Hefe 3 LLC dba El Hefe, 640 South Mill Avenue, Suite 110.

Fiscal Impact: N/A

*5A6. Held a public hearing and recommended the approval of an acquisition of control of a Series 06 bar liquor license for Whiskey Row 3 LLC, dba Whiskey Row, 640 South Mill Avenue, Suite 120.

Fiscal Impact: N/A

*5A7. Held a public hearing and recommended the approval of a series 07 beer and wine bar liquor license for World Travel Inns Limited Partnership VII, dba Springhill Suites by Marriott, 1601 West Rio Salado Parkway.

Fiscal Impact: N/A

5A8. Approved appointments to the City of Tempe Fire and Police Public Safety Personnel Retirement System Boards.

Fiscal Impact: N/A

Fire Public Safety Personnel Retirement System Board
Bill Munch (Partial Term)

Term Expires 05/31/2017
Appointment

Police Public Safety Personnel Retirement System Board
Bill Munch (Partial Term)

Term Expires 05/31/2017
Appointment

B. Award of Bids/Contracts

5B1. Approved the renewal of a one-year contract with Phoenix Fence Company to repair existing fencing systems, install new fencing, and provide rental of temporary fencing.

Fiscal Impact: Total cost of this contract will not exceed \$125,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund – cost center 3241 (Facility Services) – for the anticipated expenditures.

5B2. Approved the one-year renewal of a contract with Graffiti Protective Coatings, Inc. for graffiti abatement services for commercial properties to be overseen by the Community Development Department.

Fiscal Impact: There is no fiscal impact to the City for this contract. Costs for graffiti abatement will be the responsibility of the commercial property owners who agree to utilize the service.

5B3. Approved the renewal of a contract with PCL Construction, Inc. to remove existing sludge collection equipment and install new sludge collection equipment.

Fiscal Impact: Total cost of this contract will not exceed \$150,000. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost center 3013 (Johnny G. Martinez Water Plant) – for the anticipated expenditures in fiscal year 2015/2016.

- 5B4. Approved the one-year renewal of a contract with EyeMed Vision Care to provide a vision care program for eligible City employees and their dependents.

Fiscal Impact: Total cost of this contract will not exceed \$200,000 during the one-year renewal period which will begin on July 1, 2016. Sufficient funds have been budgeted in the Health Fund – cost centers 4167 (Employees) and 4169 (Cobra Participants) – for the anticipated expenditures in the upcoming fiscal year. The City pays 100% of the employee cost for vision insurance and 50% of dependent coverage cost. The City cost is approximately \$150,000 per year with the employee paying \$50,000 for dependent coverage.

- 5B5. Approved a one-year sole source contract renewal for software maintenance and support services with Accela, Inc. for the City's enterprise-wide permitting software solution.

Fiscal Impact: Total cost of this contract will not exceed \$111,521.31 during the one-year contract renewal period. Sufficient funds have been appropriated in General Fund cost center – 1991 (IT Administration) for the anticipated expenditures.

- 5B6. Approved an amended and restated contract for the provision of emergency ambulance transportation services for a six-year term with American Medical Response. **(Contract #2016-45)**

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

- 5B7. Awarded a two-year contract with two, two-year renewal options to Xylem Water Solutions U.S.A. Inc. for the maintenance and repair of ultra violet disinfection systems. **(Contract #2016-46)**

Fiscal Impact: Total combined cost of this contract shall not exceed \$600,000 during the two-year contract period. 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.

- 5B8. Awarded a two-year contract with two, two-year renewal options to Integrated Process Technologies for the maintenance, repair, and purchase of Limitorque actuators. **(Contract #2016-47)**

Fiscal Impact: Total cost of this contract shall not exceed \$450,000 during the two-year contract period. 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.

- 5B9. Awarded job order no. 5 to Caliente Construction, Inc. for the replacement of the back-up generator at the Police/Courts Building at 120 East Fifth Street.

Fiscal Impact: The total job order amount is \$324,793 and the project contingency amount is \$32,000. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 5507679, Electrical Improvements – Main Police Department Generator Replacement.

- 5B10. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Award job order no. 1 to Valley Rain Construction Corporation for the assembly and installation of the floating dock which is to replace the existing concession dock located on the south shore of Tempe Town Lake.

C. Resolutions

- 5C1. Adopted **RESOLUTION NO. R2016.15** authorizing the City Manager, or designee, to negotiate exclusively with DMB Associates, Inc., an agreement for the purchase and development of approximately 1.40 acres of City-owned land located on East Apache Boulevard.

Fiscal Impact: Financial details will be determined through negotiation of the terms of the Development and Disposition Agreement and subject to City Council approval.

- 5C2. Adopted **RESOLUTION NO. R2016.16** authorizing the City Council to approve and the Mayor to execute Amendment No. One to an Intergovernmental Agreement with the Arizona Department of Transportation to turn over maintenance responsibilities to the City of Mesa for a segment of the Rio Salado Path. **(Contract #2014-112A)**

Fiscal Impact: N/A

CONSENT AGENDA ITEM REMOVED FOR SEPARATE CONSIDERATION:

- 5B10. Job order with Valley Rain Construction Corporation for the assembly and installation of a floating dock, to replace the concession dock, south shore of Tempe Town Lake.**

Councilmember Granville discussed how there are times when the City uses job order contracts for certain projects, while other times the procurement process is utilized. He noted that this is a relatively complicated project and asked staff to explain why the lowest bid was not selected for this project.

Don Bessler, Public Works Director, discussed the advanced technology and engineering involved in the Town Lake dam replacement. He stated that replacement of the concession dock is also a complicated project that entails consideration of electrical features and ADA accessibility. To save money, staff divided the procurement into a bifurcated process where the dock was procured under a separate Request for Proposals (RFP). There were two respondents to the RFP and of the two, only one vendor submitted a best and final offer. Draining the Town Lake impacts the timeline of how the dock is procured and installed. The dock will be manufactured at an off-site facility and then assembled in Tempe's wet marina.

Motion by Councilmember Granville to approve agenda item 5B10; second by Vice Mayor Woods. Motion passed unanimously on a roll call vote 6-0.

- 5B10.** Awarded job order no. 1 to Valley Rain Construction Corporation for the assembly and installation of the floating dock which is to replace the existing concession dock located on the south shore of Tempe Town Lake.

Fiscal Impact: The total job order amount is \$208,759.94 and the project contingency amount is \$21,000. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 6206009, Community Facilities District Infrastructure Replacement.

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 – None.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. **Ordinance for a Reversion of the Zoning Map Amendment for 501 WEST 1ST, 501 West 1st Street.**

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

- *6B1. Introduced and held the first public hearing to adopt an ordinance for a Reversion of the Zoning Map Amendment from current zoning district of MU-3 (PAD) Mixed Use Planned Area Development Overlay District to GID General Industrial District (original zoning) for 501 WEST 1ST, located at 501 West 1st Street. The applicant is City of Tempe. The second and final public hearing was scheduled for March 17, 2016. (Ordinance No. O2016.13)

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

- *6B2. **Ordinance for a Reversion of the Zoning Map Amendment for 2150 SOUTHERN CAMPUS MASTERPLAN, 2150 East Southern Avenue.**

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

- *6B2. Introduced and held the first public hearing to adopt an ordinance for a Reversion of the Zoning Map Amendment of prior entitlements for 2150 SOUTHERN CAMPUS MASTERPLAN, from current zoning district of MU-2 (PAD) Mixed Use Medium Density with a Planned Area Development Overlay District to R/O Residential Office, CSS, Commercial Shopping and Service and R1-6, Single Family Residential Districts (original zoning), located at 2150 East Southern Avenue. The applicant is City of Tempe. The second and final public hearing was scheduled for March 17, 2016. (Ordinance No. O2016.14)

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

- *6B3. **Ordinance for a Reversion of the Zoning Map Amendment, 800 West University Drive.**

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

- *6B3. Introduced and held the first public hearing to adopt an ordinance for a Reversion of the Zoning Map Amendment of prior entitlements for 800 WEST from current zoning district of R-4 (PAD) Planned Area Development Overlay to R-4 Multi-Family Residential District (original zoning), located at 800 West University Drive. The applicant is City of Tempe. The second and final public hearing was scheduled for March 17, 2016. (Ordinance No. O2016.15)

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

- *6B4. **Ordinance for an Amended Planned Area Development Overlay for THE MOTLEY, 1221 East Apache Boulevard.**

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

- *6B4. Introduced and held the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay consisting of a 5-story mixed-use development for THE MOTLEY (formerly THE HAYDEN AT DORSEY STATION), located at 1221 East Apache Boulevard to increase the number of units from 395 units to 399. The applicant is Charles Huellmantel, Huellmantel & Affiliates. The second and final public hearing was scheduled for March 17, 2016. (Ordinance No. O2016.16)

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

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. **Resolution authorizing a General Plan Projected Density Map Amendment; an ordinance for a Zoning Map Amendment and a Planned Area Development Overlay; and, a development plan review for CRESCENT RIO, 700 West 1st Street.**

Mayor Mitchell opened the public hearing.

Charles Huellmantel, applicant representative, stated that the applicant is withdrawing their application for this project. He noted that a lot of work went into the proposed project. The applicant met with neighbors to discuss their concerns about the project; no consensus was reached. At this point, it is unknown whether or not the applicant will bring forward another proposed project for this location. He thanked the City Council, staff, and the neighbors for their time and efforts.

- *6C1. *Withdrawn, at the request of the applicant, a 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); hold the second and final public hearing to adopt an ordinance for a Zoning Map Amendment from GID to MU-4 and a Planned Area Development Overlay; and, approve a development plan review for CRESCENT RIO consisting of a new mixed-use development containing ~~356~~ 315 units and 5 live-work units, located at 700 West 1st Street. The applicant is Charles Huellmantel, Huellmantel & Affiliates. (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.) This item was continued from the January 14, 2016 and January 28, 2016 Regular Council Meeting at the request of the applicant. (Ordinance No. O2016.03) (Resolution No. R2016.01)*

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

- The Tempe Opportunities Brochure is available; classes begin on March 14, 2016.

Councilmember Arredondo-Savage

- Saturday, February 27, 2016 – that last College Connect workshop, Tempe Public Library.
- Thursday, March 3, 2016 – Geeks' Night Out event, City Hall; a video promoting the event was displayed.

Vice Mayor Woods

- Thanked Presiding Judge MaryAnne Majestic and various City staff for the 10 year anniversary of Tempe's Homeless Court.

8. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled – None.

The meeting adjourned at 6:30 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 February 25, 2016, by the Tempe City Council, Tempe, Arizona.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk