

Formal Council Meeting Agenda



FINISHED

**Tempe City Council
Formal Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, November 03, 2011
7:30 PM**

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

1. **INVOCATION - Vice Mayor Navarro**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Arredondo-Savage**

A. Approval of Council Meeting and Council Committee Meeting Minutes

1. [Formal Council Meeting - October 20, 2011](#)
2. Executive Session - October 20, 2011
3. [City Council Summit - October 6, 2011](#)

APPROVED

B. Acceptance of Committee, Board & Commission Meeting Minutes

1. [Double Butte Cemetery Advisory Board - August 17, 2011](#)
2. [Board of Adjustment - August 24, 2011](#)
3. [Commission on Disability Concerns - September 1, 2011](#)
4. [Parks, Recreation and Golf Advisory Board - September 21, 2011](#)
5. [Mayor's Youth Advisory Commission - October 4, 2011](#)
6. [Special Events Task Force - October 18, 2011](#)

ACCEPTED

4. **REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

1. **City of Tempe PrintShop & Mail Services - Pitney Bowes Most Improved Quality Award**
2. **Outstanding Bicycle Program/Outstanding Trip Reduction Coordinator**

B. Manager's Announcements

5. AGENDA

All items listed on the 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.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. 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.

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).

A. Miscellaneous Items

- A1. [Request approval for the Public Works Department to transfer \\$290,000 in funding from the Residential Surface Treatment capital project to the Street Reconstruction and Improvements capital project to provide sufficient funding for reconstruction of Hardy Drive between Southern Avenue and Broadway Road.](#)

COMMENTS

This reallocation of CIP funds will allow the city to fund the reconstruction of Hardy Drive between Southern Avenue and Broadway Road.

DOCUMENT NAME

20111103pwss01 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5499711

APPROVED

B. Award of Bids/Contracts

- B1. [Request approval of a one-year renewal of contracts with Proforce Law Enforcement and San Diego Police Equipment Company, Inc. for the purchase of ammunition for the Police Department.](#)

COMMENTS

Total amount not to exceed \$175,000 during this renewal period.

DOCUMENT NAME

20111103fsmg12 PURCHASES (1004-01)

APPROVED

- B2. [Request approval to utilize a six-month Arizona Department of Transportation contract with ITS Engineers and Constructors of Utah, Inc. for the purchase and installation of wireless communications, video detection and CCTV monitoring equipment at eight intersections for the Transportation Division of the Public Works Department.](#)

COMMENTS Total value of this contract will not exceed \$452,958 for the six month contract term.
DOCUMENT NAME 20111103fslg01 PURCHASES (1004-01)

APPROVED

- B3. [Request approval of a one-year contract renewal with Aquatic Consulting and Testing for water quality sampling, testing, aquatic weed control and insect monitoring services for use by the Public Works Department.](#)

COMMENTS Total cost of this contract shall not exceed \$300,000 during the one-year renewal period.
DOCUMENT NAME 20111103fsts02 PURCHASES (1004-01)

APPROVED

- B4. [Request approval to utilize a one-year City of Glendale contract with Badger Meter, Inc. for the purchase of 5/8" through 2" lead free residential water meters for the Public Works Department.](#)

COMMENTS Total cost of this contract shall not exceed \$800,000 during the one-year term.
DOCUMENT NAME 20111103fsts03 PURCHASES (1004-01)

APPROVED

- B5. [Request approval of one-year contract renewals with Accuvant, Inc. and Securis Group, LLC for the purchase of information technology security products, services and accessories for the Finance and Technology Department.](#)

COMMENTS Total combined amount of these contracts will not exceed \$400,000 during the one year renewal.
DOCUMENT NAME 20111103fsts04 PURCHASES (1004-01)

APPROVED

- B6. [Request approval to utilize a six-month State of Arizona contract with Motorola Solutions Inc. to purchase two-way radios, parts and related repair and maintenance services for the municipal and public safety radio systems.](#)

COMMENTS Total cost of this contract shall not exceed \$2,600,000 during the five-month contract period.
DOCUMENT NAME 20111103fsts05 PURCHASES (1004-01)

APPROVED

- B7. [Request approval to increase the contract amount with Wist Office Products for office supplies for use by all City departments.](#)

COMMENTS The value of the increase is \$350,000. If approved the contract

DOCUMENT NAME amount will increase from \$400,000 to \$750,000.
20111103fslg07 PURCHASES (1004-01)

APPROVED

- B8. [Request approval to award a sole source contract to the firm of Remotec, Inc., for the upgrade of the City's existing Remotec F6A bomb squad robot for the Police Department.](#)

COMMENTS Total amount not to exceed \$112,010 for this single project award.
DOCUMENT NAME 201111103fsmg11 PURCHASES (1004-01)

APPROVED

- B9. [Request approval to award one-year contracts with four, one-year renewal options to Battery Giant, Electric Supply and Wist Office Products for the furnishing of batteries to be used throughout the City.](#)

COMMENTS Total combined costs of these contracts between all participating agencies will not exceed \$250,000 over the one- year contract. The City's portion of this cost will not exceed \$40,000.
DOCUMENT NAME 20111103fsmg06 PURCHASES (1004-01)

APPROVED

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action

- *C1. [Introduction and first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay for The Fairfield At Tempe located at 708 South Lindon Lane. The second and final public hearing is scheduled for November 17, 2011.](#)

COMMENTS Request for FAIRFIELD AT TEMPE (PL110251) (Larry R. Norris, Charles H. Cook Christian Training School, property owner; David Coble, Coe & Van Loo Consultants, Inc., applicant) consisting of a 304 unit apartment community including 321,725 s.f. building area on +/- 14.73 net acres, located at 708 S. Lindon Lane in the R-3R PAD, Multi-Family Residential Limited District and the R-4 PAD, Multi-Family Residential District. The request includes the following: PAD11011- (Ordinance No. 2011.48) - Amended Planned Area Development Overlay on +/- 14.73 net acres to modify development standards including a maximum building height increase from 30'-0" to 40'-0" and a front yard setback reduction from 20'-0" to 10'-0" to allow a tall front yard fence in the R-3R District and reduce the minimum separation requirement between pedestrian pathways to sleeping areas from 10' to 8' for portions of the site.
DOCUMENT NAME 20111103cdsl01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2011.48

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER 17, 2011

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. [Second and final public hearing to adopt an ordinance amending Chapter 5, Article III of the Tempe City Code relating to Large Parties, Gatherings or Events, by amending Section 5-30 through 5-33 relating to Nuisance Parties and Unlawful Gathering.](#)

COMMENTS This ordinance amends Chapter 5 of the Tempe City Code by amending the existing Article III related to large parties, gatherings or events, by retitling the Article “Nuisance Parties and Unlawful Gatherings”. The changes keep intact the previous restrictions for large parties, renaming them “nuisance parties”, and adding a new category of “unlawful gatherings”.

DOCUMENT NAME 20111103caac01 TCC CH 5 – AMUSEMENTS (0503-05)
ORDINANCE NO. 2011.56

ADOPTED WITH AMENDMENTS

- *D2. [Second and final public hearing to adopt an ordinance for an Amended Planned Area Development Overlay for 323 VETERANS WAY located at 323 East Veterans Way.](#)

COMMENTS Request for 323 VETERANS WAY (PL100181) (Core Campus Communities Tempe I LLC, property owner; Gammage & Burnham, applicant) consisting of an 18-story and 16-story mixed-use building with two towers, including 423 dwelling units, 23,400 square feet of commercial/retail/restaurant space, 6,171 square feet of amenity space, and two levels of structured parking. Total gross floor building area of approximately 500,000 square feet. The site is 1.62 acres in size and is located at 323 East Veterans Way, in the MU-4, Mixed-Use High Density District with a Planned Area Development Overlay and within the Transportation Overlay. The request includes the following:

PAD11009 (ORDINANCE NO. 2011.45) – Amended Planned Area Development Overlay modifying the development standards for Phase I and II, for, an increase in the maximum allowed density from 364 to 423 units, an increase in the maximum allowed height for Phase II, Tower II from 170 feet to 183 feet, a reduction in required parking from 820 to 166 spaces, and deletion of previous conditions #5, #6, #9 and modification to condition #7 for PAD06005, located on 1.62 acres.

DOCUMENT NAME 20111103cdrf02 PLANNED DEVELOPMENT (0406) ORDINANCE
NO. 2011.45

ADOPTED

- *D3. [Second and final public hearing to adopt an ordinance for a Historic Overlay for the Barnes \(Conway\) House located at 1203 South Ash Avenue.](#)

COMMENTS Request for BARNES (CONWAY) HOUSE (PL110250) (Matthew and Jacqueline Conway property owners; Tempe Historic Preservation Office, applicant) consisting of Historic designation and listing in the Tempe Historic Property Register of one (1) lot on approximately 0.24 acres located at 1203 South Ash Avenue in the R-3R, Multi-

Family Residential Restricted District. The request includes the following: HPO11006 (Ordinance No. 2011.26) – Historic Designation consisting of one (1) lot.

DOCUMENT NAME 20111103cdjn01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2011.26

ADOPTED

- *D4. [Second and final public hearing to adopt an ordinance abandoning a public utility easement south of Apache Boulevard, between Normal Avenue and McAllister Avenue](#)

COMMENTS Pursuant to Resolution 904, the City previously abandoned a portion of the Apache Boulevard right-of-way but retained a public utility easement.

DOCUMENT NAME 20111103pwko06 ABANDONMENT (0901) ORDINANCE NO. 2011.52

ADOPTED

- *D5. [Second and final public hearing to adopt an ordinance abandoning a waterline easement south of Baseline Road, between Rural Road and College Avenue.](#)

COMMENTS The San Marquis Apartment project is being constructed at 577 E. Baseline Road. Waterline easements were dedicated by the previous owners for business developments at the site. The developments have been relocated and a new residential complex is being constructed. The new development has removed the existing waterlines and is installing new waterlines to serve the project. New easements will be dedicated with the project

DOCUMENT NAME 20111103pwko07 ABANDONMENT (0901) ORDINANCE NO. 2011.53

ADOPTED

- D6. THE SECOND PUBLIC HEARING FOR THIS AGENDA ITEM HAS BEEN RESCHEDULED TO THE NOVEMBER 17, 2011 FORMAL COUNCIL MEETING
Second and final public hearing to adopt an ordinance for a Planned Area Development Overlay, including Use Permits and Development Plan Review for DISCOVERY BUSINESS CAMPUS located at 2100 East Elliot Road. The second and final public hearing is scheduled for November 17, 2011.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER 17, 2011

E. Resolutions

- E1. [Request adoption of a resolution to accept grant funding from the State of Arizona - Department of Homeland Security.](#)

COMMENTS The grant award totals \$501,000.

DOCUMENT NAME 20111103pdmk01 POLICE DEPARTMENT ADMIN (0606-02) RESOLUTION NO. 2011.99

ADOPTED

- E2. [Request adoption of a resolution to enter into an Intergovernmental Agreement between the City of Tempe and the Kyrene Elementary School District No. 28, which details the agreed upon respective responsibilities of the School Resource Officer grant program.](#)

COMMENTS The award amount is \$96,411.10.
DOCUMENT NAME 20111103pdmk03 POLICE DEPT ADMIN (6060200) RESOLUTION NO. 2011.101

ADOPTED

- E3. [Request adoption of a resolution to enter into an Intergovernmental Agreement between the City of Tempe and the Tempe Elementary School District No. 3, which details the agreed upon respective responsibilities of the School Resource Officer grant program.](#)

COMMENTS The award amount is \$87,876.50.
DOCUMENT NAME 20111103pdmk04 POLICE DEPT ADMIN (6060200) RESOLUTION NO. 2011.102

ADOPTED

- E4. [Request adoption of a resolution to enter into an Intergovernmental Agreement between the City of Tempe and the Tempe Union High School District, which details the agreed upon respective responsibilities of the School Resource Officer grant program.](#)

COMMENTS The award amount is \$440,132.70.
DOCUMENT NAME 20111103pdmk02 POLICE DEPT ADMIN (6060200) RESOLUTION NO. 2011.100

ADOPTED

- E5. [Request approval to adopt a resolution amending Tempe City Code Appendix A - Large Parties, Gatherings or Events, by adding a new fee structure for Unlawful Gatherings.](#)

COMMENTS This resolution amends Tempe City Code Appendix A by adding fees related to the newly created category of "Unlawful Gatherings".
DOCUMENT NAME 20111103caac02 MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2011.98

ADOPTED

- E6. [Request adoption of a resolution to accept grant funding from the State of Arizona Department of Homeland Security for the Tempe Fire Department for the Sheltering, Search and Volunteer Reception Center Management.](#)

COMMENTS For fiscal year 2011 State Homeland Security Grant Program Award in the amount of \$24,960 for the continued enhancement of the Sheltering, Search and Volunteer Reception Center Management (Community Emergency Response Team, C.E.R.T).
DOCUMENT NAME 20111104fdta05 FIRE/PARAMEDIC ADMIN (0605-01)

RESOLUTION NO. 2011.108

ADOPTED

- E7. [Request adoption of a resolution to accept grant funding from the State of Arizona Department of Homeland Security for the Tempe Fire Department Rapid Response Team.](#)

COMMENTS For fiscal year 2011 Urban Area Security Initiative Grant Program Award in the amount of \$128,000 for the Tempe Fire Department Rapid Response Team.
DOCUMENT NAME 20111103fdta01 FIRE/PARAMEDIC SERVICES ADMIN (0605-01)
RESOLUTION NO. 2011.104

ADOPTED

- E8. [Request adoption of a resolution to accept grant funding from the State of Arizona Department of Homeland Security for the Tempe Fire Department Terrorism Liaison Officer.](#)

COMMENTS For fiscal year 2011 Urban Area Security Initiative Grant Program Award in the amount of \$46,600 for the Tempe Fire Department Terrorism Liaison Officer.
DOCUMENT NAME 20111103fdta02 FIRE/PARAMEDIC SERVICES ADMIN (0605-01)
RESOLUTION NO. 2011.105

ADOPTED

- E9. [Request adoption of a resolution to accept grant funding from the State of Arizona Department of Homeland Security for the Tempe Fire Department for the All Hazards Incident Management Teams Equipment Support Project.](#)

COMMENTS For fiscal year 2011 State Homeland Security Grant Program Award in the amount of \$462,400 for the continued enhancement of the Central Region All Hazards Incident Management Teams equipment support. Of this amount, approximately \$160,000 of the equipment will remain in Tempe.
DOCUMENT NAME 20111103fdta03 FIRE/PARAMEDIC SERVICE ADMIN (0605-01)
RESOLUTION NO. 2011.106

ADOPTED

- E10. [Request adoption of a resolution to accept grant funding from the State of Arizona Department of Homeland Security for the Tempe Fire for the AHIMT Communications Equipment Project.](#)

COMMENTS For fiscal year 2011 State Homeland Security Grant Program Award in the amount of \$30,000 for the enhancement of communications equipment for the Tempe Fire Department communications vehicle.
DOCUMENT NAME 20111103fdta04 FIRE/PARAMEDIC ADMIN (0605-01)
RESOLUTION NO. 2011.107

ADOPTED

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

7. 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 five-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. Citizens concerns regarding policing
2. Richard Lukesh - Concerns with the Police Department

B. Unscheduled

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.

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