



Regular Council Meeting Agenda

Tempe City Council Regular Council Meeting Harry E. Mitchell Government Center Tempe City Hall - City Council Chambers 31 East 5th Street, Tempe, Arizona Thursday, June 06, 2019 6:00 PM

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

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. MEETING MINUTES - Councilmember Keating

A. Approval of City Council Meeting Minutes

1. [City Council Regular Meeting - April 25, 2019](#)
2. [City Council Executive Session - April 25, 2019](#)

B. Acceptance of Board, Commission and Committee Meeting Minutes

1. [Tempe Family Justice Commission - April 16, 2019 and April 30, 2019](#)
2. [Parks, Recreation, Golf, and Double Butte Cemetery Advisory Board - April 17, 2019](#)
3. [Risk Management Trust Board - May 30, 2018](#)
4. [Transportation Commission - May 14, 2019](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Reports and Announcements

1. 2019 Juneteenth Proclamation

B. City Manager's Reports and 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 a Final Subdivision Plat for KHAN ON SPENCE, located at 1117 East Spence Avenue. The applicant is Palmer Architects, Ltd.](#)

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

- *5A2. [Hold a public hearing to recommend the approval of a series 11 hotel/motel liquor license for 1875 E University Owner LLC, dba Tempest Hotel, 1375 East University Drive.](#)

Fiscal Impact: N/A

- *5A3. [Hold a public hearing to recommend the approval of a License agent change of a series 12 restaurant license for Claim Jumper Acquisition Company LLC, dba Claim Jumper Restaurant, 1530 West Baseline Road.](#)

Fiscal Impact: N/A

- *5A4. [Hold a public hearing to recommend the approval of an acquisition of control of a series 12 restaurant license for Claim Jumper Acquisition Company LLC, dba Claim Jumper Restaurant, 1530 West Baseline Road.](#)

Fiscal Impact: N/A

- *5A5. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Ramen Time Inc., dba Ramen Time, 1857 North Scottsdale Road.](#)

Fiscal Impact: N/A

- *5A6. [Hold a public hearing to recommend the approval of a series 12 restaurant liquor license for Sauce Tempe LLC, dba Sauce Pizza & Wine, 705 South Myrtle Avenue #101.](#)

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1. [Approve a one-year contract renewal with United Fire Equipment Company for turnout clothing and gear for the Tempe Fire Medical Rescue Department.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$130,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund cost center 2340 (Fire - Emergency Services) for the anticipated expenditures in the current fiscal year.

- 5B2. [Approve the utilization of a one-year Strategic Alliance for Volume Expenditures \(SAVE\) cooperative contract with Thatcher Company of Arizona, hosted by the City of Mesa for the purchase of liquid aluminum sulfate for the Municipal Utilities - Water Utilities Division.](#)

Fiscal Impact: Total cost of this one-year contract will not exceed \$840,000. 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.

- 5B3. [Approve a two-year contract renewal with Standard Printing Company, Inc. for automated processing, printing and inserting of water utility bills for the Internal Services Department.](#)

Fiscal Impact: Total combined cost of this renewal shall not exceed \$175,000 during the two-year contract period. Sufficient funds have been appropriated in the Water and Wastewater Fund cost center – 1841 (Customer Services) for the anticipated expenditures in the current fiscal year.

- 5B4. [Approve a one-year contract renewal with MISCOWater for Siemens sludge removal parts on an as needed basis for the Water Utilities Division.](#)

Fiscal Impact: Total cost of this one-year contract renewal will not exceed \$250,000. Sufficient funds are available in the Water Wastewater Fund - cost center 3013 (Johnny G. Martinez Plant) for the anticipated expenditures in fiscal year 2019/20.

- 5B5. [Approve a three-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 three-year contract will not exceed \$402,000 during the three-year contract renewal period. Payments will be made on an annual basis. Sufficient funds have been appropriated in the General Fund – cost center 1991 (IT Administration) for the anticipated expenditures in the current fiscal year.

- 5B6. [Approve 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 \$386,000 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.

- 5B7. [Approve one-year contract renewals with West Yost Associates, Quantum Integrated Solutions, Inc., and Arcadis US, Inc. to provide on-site routine and emergency maintenance, and certified instructor training services for the Water Utilities Division.](#)

Fiscal Impact: The total combined cost of these contracts shall not exceed \$250,000 during the contract period. Sufficient funds have been appropriated in Water and Wastewater Fund – cost centers 3013 (Johnny G. Martinez Plant), and 3014 (South Tempe Water Plant) for the anticipated expenditures in fiscal year 2019-20.

- 5B8. [Approve a one-year contract renewal with Evoqua Water Technologies, LLC for the purchase of odor controlling chemical and dispensing services used to treat wastewater for the Water Utilities Division.](#)

Fiscal Impact: Total cost of this one-year contract renewal will not exceed \$250,000. Sufficient funds have been appropriated in the Water and Wastewater Fund cost center – 3035 (Wastewater Field Facilities) for the anticipated expenditures in fiscal year 2019-20.

- 5B9. [Approve the utilization of a one-year State of Arizona contract with Goodyear Tire and Rubber Company for the purchase of tires and tubes.](#)

Fiscal Impact: Total cost of this contract will not exceed \$110,000. Sufficient funds have been appropriated in the General Fund – cost center 3264 (Fleet Services Inventory) – for the anticipated expenditures for the 2019-2020 fiscal year.

- 5B10. [Award a professional services contract to Brown and Caldwell, Inc. for the Odor Control – Kyrene Interceptor project located along Kyrene Road from Elliot Road to Baseline Road.](#)

Fiscal Impact: The professional services contract is \$159,509. Funds to cover this contract and related costs are appropriated for fiscal year 2018/19 in the Capital Improvement Project No. 3223019F, Odor Control – Kyrene Interceptor.

- 5B11. [Approve a change order allowance to the construction contract to Sunland Asphalt and Construction, Inc. for a street preservation project in the neighborhood bound by the US 60 Freeway to Baseline Road, and McClintock Drive to Price Road.](#)

Fiscal Impact: The construction change order allowance amount is \$334,327.10. Funds to cover this contract and related costs are appropriated for fiscal year 2018/19 in Capital Improvement Project No 5499741, Arterial Resurfacing (B).

- 5B12. [Approve a change order allowance to the construction contract for AJP Electric, Inc. for the construction of the Highline Canal Multi-Use Path located from the Mineral Road alignment south to the Knox Road alignment.](#)

Fiscal Impact: The construction change order allowance amount is \$323,706.15. Funds to cover this contract and related costs are appropriated for fiscal year 2018/19 in Capital Improvement Project No. 6006071A, Highline Canal Multi-Use Path.

C. Resolutions

- 5C1. [Adopt a resolution authorizing the Memorandum of Understanding between the Tempe Supervisors' Association \(TSA\) and the City of Tempe, effective July 1, 2016 to June 30, 2021, as amended June 6, 2019. \(Resolution No. R2019.46\)](#)

Fiscal Impact: The amendment to the Memorandum of Understanding includes potential increases in deferred compensation and uniform credit of approximately \$40,000, consistent with the 2017-2022 long range budget forecast for increases in total personnel costs.

- 5C2. [Adopt a resolution to replace the existing Tempe City Code, Appendix A, Schedule of Fees and Charges, Chapter 14, Fire Prevention and Protection, relating to the fees for permits, inspection, and administrative services, with a restructured Schedule of Fees and Charges that includes a perpetual, automatic annual fee adjustment at the beginning of each fiscal year based on a published Consumer Price Index \(CPI\) provided through the City of Tempe's Municipal Budget Office. \(Resolution No. R2019.47\)](#)

Fiscal Impact: Adoption of the restructured Schedule of Fees and Charges will result in an anticipated increase in cost recovery for labor times associated with permit review and inspections and will also establish a more equitable method for fee assessment based on project size, complexity, and task completion times. The

inclusion of a perpetual, automatic annual fee adjustment will account for fluctuations in future economies.

- 5C3. [Adopt a resolution authorizing the Mayor or designee\(s\), to execute an Intergovernmental Agreement between the Phoenix Police Department and the Tempe Police Department memorializing parties' agreement to work together to assist the Arizona Internet Crimes Against Children Task Force and to accept grant funds to assist in the investigation, prosecution, and deter the possession, production and distribution of unlawful images depicting minors and utilization of the internet to seek children as sexual victims. \(Resolution No. R2019.48\)](#)

Fiscal Impact: The Tempe Police Department could receive up to \$10,000 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 2019-20 adopted budget.

- 5C4. [Adopt a resolution authorizing the Mayor to sign a Use Agreement with INRIX, Inc., utilizing an Arizona Department of Transportation contract, for a traffic engineering software system allowing access to obtain comprehensive traffic data, congestion monitoring and performance. \(Resolution No. R2019.49\)](#)

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 appeals. 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

- q-j *6A1. [Hold a public hearing for an appeal of the Development Review Commission's decision to approve a Use Permit to allow a second story for a single-family residence rebuild for 13TH STREET RESIDENCE, located at 25 East 13th Street. The appellant is Karyn Gitlis. \(This is a quasi-judicial item.\)](#)

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

- 6A2. [Approve the utilization of one-year State of Arizona contracts with IES Commercial, Inc., Gruber Technical, Inc., Premise One, Inc., Graybar Electric, Inc., Anixter, Inc., and Aspen Communications for data and telecommunications cabling, fiber optic installation and repair services in City buildings and streets in alignment with the capital improvement plans for traffic, sewer, and water projects.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$1,000,000 during the contract period. Sufficient funds have been appropriated in the General Fund – cost center 1993 (Information Technology – Network Engineering), Capital

Improvement Project No.6908779 (Future Fiber Network Expansion), and other City-wide cost centers as needed for the anticipated expenditures.

- 6A3. [Award a construction contract to AJP Electric, Inc. for the Intersection Improvements – Rural Road and Southern Avenue project located at 809 East Southern Avenue.](#)

Fiscal Impact: The construction contract amount is \$1,756,413.10 and the project contingency amount is \$175,641.31. Funds to cover this contract and related costs are appropriated for fiscal year 2018/19 in the Capital Improvement Project No. 5407821, Rural + Southern Intersection Improvements.

- *6A4. [Hold a public hearing to adopt a resolution levying the Fiscal Year \(FY\) 2019-2020 annual assessment for the City of Tempe Downtown Tempe Enhanced Services Improvement District, approving the tentative budget of the District for the FY 2019/2020, making corrections, approving a new district map, approving modified assessments, and setting the date for, and giving of notice of, a public hearing to receive objections on the assessments and tentative budget. The public hearing is scheduled for June 27, 2019. \(Resolution No. R2019.50\)](#)

Fiscal Impact: The annual assessment for City owned property within the District for Fiscal Year (FY) 2019/2020 is \$134,425.92. Sufficient budget appropriation for the City's annual assessment was included as part of Community Development's recommended FY 2019/20 General Fund budget, cost center 2712.

- 6A5. [Adopt a resolution authorizing an unassigned fund balance transfer in the amount of \\$1.6 million from the General Fund to the Emergency Medical Transportation Enterprise Fund, and repayment of those funds, together with interest, back to the General Fund within a period of 15 years. \(Resolution No. R2019.51\)](#)

Fiscal Impact: \$1,600,000 will be transferred in fiscal year 2019-20 in the form of an advance from the General Fund to the Emergency Medical Transportation Enterprise Fund (EMTF) to be repaid over a 15 year period through annual combined principal and interest payments approximating \$127,000. The initial interest rate for the advance is 2.25%, which is a variable rate to be reviewed and adjusted annually. The source of repayment is user fees from the City's emergency medical transportation service.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to adopt an ordinance approving the conveyance of certain unimproved City-owned land with an addresses of 1443 South Rita Lane and 1444 South Rita Lane to Newtown Development Corporation and authorizing the Mayor to execute a development and disposition agreement, one or more deeds and other related documents necessary to affect such conveyance and related transactions. The second and final public hearing is scheduled for June 27, 2019. \(Ordinance No. O2019.16\)](#)

Fiscal Impact: The purchase price for the land is \$10.00 per parcel and will be paid to the City's Community Development Block Grant (CDBG) program when the land is conveyed. The land was purchased with CDBG funding to facilitate the development of affordable housing. Therefore, the proceeds are required to be incorporated back into the CDBG program.

- *6B2. [Introduce and hold the first public hearing to adopt an ordinance authorizing the Mayor to execute deeds, leases and other documents pursuant to the Development Disposition Agreement between Farmer Arts LLC and the City of Tempe. The second and final public hearing is scheduled for June 27, 2019. \(Ordinance No. O2019.17\)](#)

Fiscal Impact: The City will receive a twenty-five thousand-dollar (\$25,000) payment upon the closing of Parcel 2.

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 23, Article III, Division 2 of the Tempe City Code relating to park rules, park and building use permit, by amending Section 23-56, relating to when required; consideration of applications. The second and final public hearing is scheduled for June 27, 2019. \(Ordinance No. O2019.18\)](#)

Fiscal Impact: None

- *6B4. [Introduce and hold the first public hearing to adopt an ordinance authorizing to establish a permit process and fee when filming for a commercial purpose on City property. The second and final public hearing is scheduled for June 27, 2019. \(Ordinance No. O2019.19\)](#)

Fiscal Impact: While this ordinance change does not directly impact revenue, the permit process and fee will result in the collection of set established fees, including an application fee of \$50.00, a permit fee of \$25.00 per day, and a late application fee of \$100.00.

- *6B5. [Introduce and hold the first public hearing to adopt an ordinance repealing Chapter 7, Bicycles and Light Motorized Vehicles from the Tempe City Code. The second and final public hearing is scheduled for June 27, 2019. \(Ordinance NO. O2019.21\).](#)

Fiscal Impact: None

- *6B6. [Introduce and hold the first public hearing to adopt an ordinance amending and expanding Chapter 19, Tempe City Code concerning Motor Vehicles and Multimodal Traffic. The second and final public hearing is scheduled for June 27, 2019. \(Ordinance No. O2019.22\)](#)

Fiscal Impact: None

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance for an Amended Planned Area Development Overlay and a Development Plan Review including a landscape plan for THE GRAND AT PAPAGO PARK CENTER, located at 1151 West Washington Street. The applicant is Papago Park Center. \(The first public hearing was held on May 9, 2019.\) \(Ordinance No. O2019.15\)](#)

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

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

B. Unscheduled

Legal Advice: If necessary, the City Council may vote to recess or 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).

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