

Regular Council Meeting Agenda



REVISED

**Tempe City Council
Regular Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, June 11, 2015
6:00 PM**

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

1. **INVOCATION - Councilmember Arredondo-Savage**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Navarro**
 - A. Approval of City Council Meeting Minutes
 1. [Regular City Council Meeting - April 16, 2015 and May 7, 2015](#)
 2. [City Council Special Meeting - May 21, 2015](#)
 3. Executive Session - May 18, 2015 and May 21, 2015
 - B. Acceptance of Board, Commission and Committee Meeting Minutes
 1. [Development Review Commission - May 12, 2015](#)
 2. [Development Review Commission Study Session - May 12, 2015](#)
 3. [Hearing Officer - April 21, 2015 and May 5, 2015](#)
 4. [History Museum and Library Advisory Board - May 6, 2015](#)
 5. [Historic Preservation Commission - March 12, 2015 and April 9, 2015](#)
 6. [Historic Preservation Commission Archaeologically Sensitive Classification Subcommittee - March 12, 2015](#)
 7. [Mayor's Youth Advisory Commission C.I.T.Y. Project Subcommittee - March 10, 2015](#)
 8. [Parks, Recreation, Golf, and Double Butte Cemetery Advisory Board - April 15, 2015](#)
 9. [Risk Management Trust Board - October 27, 2014](#)
 10. [Transportation Commission - May 12, 2015](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 1. **Cardiocerebral Resuscitation Program and Recognition of Audrey Miller**
 2. **Gary Ells, Fire Medical Rescue Department Deputy Chief, Proclamation**
 3. **Animal Defense League of Arizona, Outdoor Cat Awareness Day**

B. City Manager's Announcements

5. **CONSENT AGENDA**

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

A. **Miscellaneous Items**

- 5A1. [Approve the April 2015 Report of Claims Paid to be filed for audit.](#)

Fiscal Impact: Total payments in April: \$17,133,312.32

- 5A2. [Approve a Right-of-Way Encroachment Agreement between the City of Tempe and Cox Communications Arizona, LLC for the placement of Wi-Fi Access Points \(antennas\) within the right-of-way.](#)

Fiscal Impact: Cox Communications Arizona, LLC will be assessed \$2,000 on an annual basis for the Wi-Fi Access Point Encroachment Permit. Because internet access service is not a cable service, this fee will not be offset against the cable license fees that Cox pays to the City under its cable license.

- 5A3. [Authorize the Mayor to execute a Memorandum of Understanding between the City of Tempe and Tempe Community Council to establish a partnership to meet the human services needs of Tempe.](#)

Fiscal Impact: Sufficient funds of \$1,296,928 have been appropriated within the Human Services Department cost center 3527 (Tempe Community Council) for the 2015/16 fiscal year budget.

- 5A4. [Authorize the Mayor to create eight positions in the Human Services Department to transition Tempe Community Council employees into the City of Tempe.](#)

Fiscal Impact: The total personnel costs for the eight full-time positions are projected to be \$720,000 for fiscal year 2015/16. Sufficient funds have been appropriated within the Human Services Department cost center 3527 (Tempe Community Council) for the 2015/16 fiscal year budget.

- 5A5. [Authorize the Mayor to execute a Memorandum of Understanding to formalize cooperation with the Animal Defense League of Arizona to address the issue of feral or outdoor cats.](#)

Fiscal Impact: There is no direct cost to the City.

B. **Award of Bids/Contracts**

- 5B1. [Approve the utilization of one-year State of Arizona contracts with Brown's Partsmaster, Inc. and Ferguson Enterprises, Inc. for the purchase of plumbing parts and supplies for the Public Works Department.](#)

Fiscal Impact: Total combined cost of these two contracts will not exceed \$350,000 during the one-year contract period. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost centers 3003 (Water Utilities Warehouse), 3013 (Johnny G. Martinez Water Treatment Plant), 3014 (South Tempe Water Treatment Plant), and various funds and cost centers citywide for the anticipated expenditures in the current fiscal year.

- 5B2. [Approve the utilization of a one-year State of Arizona contract with Morphotrak, Inc. for annual hardware and software support for the City's fingerprint system for the Police Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$55,000 during the one-year contract period. Sufficient funds have been appropriated in General Fund – cost center 2256 (Technical Services Admin) for the anticipated expenditures in the current fiscal year.

- 5B3. [Approve the renewal of a one-year contract with CHC Wellness for a wellness program offered to eligible City employees overseen by the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$250,000 during the one-year renewal period. Sufficient funds have been budgeted in the Health Fund – cost center 4167 (Employees) – for the anticipated expenditures in fiscal year 2015/2016.

- 5B4. [Approve the one-year renewal of a contract with LandCorp Arizona, LLC for cleaning services at the Diablo Stadium Complex for use by the Community Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$95,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund cost center 2529 (Recreation – Diablo Stadium) for the anticipated expenditures in the current fiscal year.

- 5B5. [Approve the renewal of a one-year contract with The Environmental Quality Company which provides hazardous materials trained personnel who assist with material collection, segregation and labeling at the City's Household Products Collection Center, and any special hazardous waste collection events sponsored by the City and overseen by the Public Works Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$90,000 during the one-year renewal period. Sufficient funds have been appropriated in the Solid Waste Fund – cost center 3721 (Hazardous Material Safety) – for the anticipated expenditure in the current fiscal year.

- 5B6. [Approve the one-year renewal of contracts with FlexGround, LLC and Robertson Industries for the supply and installation of rubberized playground safety surfacing utilized by the Public Works Department.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$270,000 during the one-year renewal period. Sufficient funds have been appropriated in the Capital Improvement Project (CIP) Park Improvement/Recreation Fund cost center 6305499 (Park Playground Replacement) for the anticipated expenditures in the current fiscal year.

- 5B7. [Approve the renewal of one-year contracts with Asimou & Associates; Bustamante & Associates; Rebecca Covell; Curtis, Goodwin, Sullivan, Udall & Schwab; Gabriel & Ashworth; Green & Baker; Gust Rosenfeld; Helm, Livesay & Worthington; Iafrate & Associates; Kelhoffer Manolio & Firestone; Kutak Rock; Littler Mendelson; Dickinson Wright; Diane M. Miller; Sanders & Parks; Sims Murray; Roger Spencer; and Struck Wieneke & Love to provide legal representation in the event that the use of outside legal counsel becomes necessary.](#)

Fiscal Impact: Total cost of these 18 contracts will not exceed \$250,000 during the one-year renewal period. Sufficient funds have been appropriated in the Risk Management Fund – cost center 2611 (Liability Claims/Risk) – for the anticipated expenditures in the current fiscal year. For representation other than litigation, fees shall be charged back to the department for which services are rendered.

- 5B8. [Approve the renewal of a one-year contract with York Risk Services Group, Inc. for workers' compensation claims third party administrator services managed by the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$65,000 during the one-year renewal period. Sufficient funds are available in the Worker's Comp Fund - cost center 2701 (Worker's Comp) for the anticipated expenditures in the upcoming fiscal year.

- 5B9. [Approve 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 \$110,482.78 during the one-year contract renewal period. Sufficient funds have been appropriated in General Fund cost center - 1991 (IT Administration) for the anticipated expenditures in the current fiscal year.

- 5B10. [Approve a one-year sole source contract renewal for software maintenance and support services with TSC America, dba TATA American International, for the City's business/privilege tax software system for the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$136,817 during the one-year renewal period. Sufficient funds have been appropriated in General Fund cost center 1991 (IT - Administration) for the anticipated expenditures in the current fiscal year.

- 5B11. [Award a one-year contract with three, six-month renewal options to Salt River Project Agricultural Improvement and Power District for the maintenance and operation of the Tempe Town Lake dams, control systems, seepage wells, and make-up water delivery system for the Public Works Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$370,000 during the one-year contract renewal period. (WUD10-129-01) Sufficient funds have been appropriated in the Community Facilities District Fund - cost center 5011 (Community Facilities District Lake Operations) for the anticipated expenditures in the current fiscal year.

- 5B12. [Award a sole source contract to Harris Corporation for the purchase of specialized hardware to be used primarily by the Police Department Criminal Investigations and Special Investigations Bureaus.](#)

Fiscal Impact: The cost of this contract shall not exceed \$55,131. Sufficient funds have been appropriated in cost center 2222 (RICO – State Pass Through County) in the Police RICO and Grants Fund as part of the fiscal year 2014-15 adopted budget.

- 5B13. [Award a two-year contract with three, one-year renewal options to Somerset Contracting for the installation of landscaping and irrigation for right-of-way landscaping projects for the Public Works Department.](#)

Fiscal Impact: Total cost of this contract will not exceed \$800,000 (\$400,000 per year) during the initial two-year contract period. Sufficient funds have been appropriated in the Street Improvement Capital Improvement Fund (CIP) cost center 5406149 (Right-of-Way Landscape Replacement) for the anticipated expenditures in the current fiscal year.

- 5B14. [Award a one-year contract to Flexground, LLC to resurface the reflecting pool at the Tempe Center for the Arts.](#)

Fiscal Impact: Total cost of this contract will not exceed \$160,000 during the one-year contract period. Sufficient funds have been appropriated in the Performing Arts Fund cost center 3612 (TCA Facility Management) for the anticipated expenditures in the current fiscal year.

- 5B15. [Award a three-year contract with two, one-year renewal options to Arizona Republic and Arizona Capitol Times for legal and classified advertising services to be used throughout the City.](#)

Fiscal Impact: Total three-year combined cost for these contracts shall not exceed \$200,000. Sufficient funds have been appropriated in cost centers 1310, 1911, and 1851 (General Fund) for the anticipated expenditures in the current fiscal year.

- 5B16. [Approve the First Amendment to the Solar Services Agreement and Amendment to the Performance Guarantee & Limited Warranty Agreement for the Tempe Museum solar photovoltaic electric generating system and cancel the Solar Services Agreement and Amendment to the Performance Guarantee & Limited Warranty Agreement for the Pyle Adult Center solar photovoltaic electric generating system.](#)

Fiscal Impact: The upfront (out of pocket) capital cost of the revised Library Complex solar project is \$118,920. The total combined payments of the 20-year Solar Services Agreements are estimated at \$2,184,618. This payment total is based on using SolarCity's guaranteed 20-year cost per kWh for the Tempe Public Library (\$0.077) and History Museum (\$0.0731) and multiplying it by the estimated kWh production of the proposed solar systems over the 20-year period. The capital cost of \$118,920 shall come from the proposed Fiscal Year 2015/2016 Capital Improvement Program budget.

C. Resolutions

- 5C1. [Adopt a resolution amending and establishing application fees and compensation for use or occupation of City rights-of-way. \(Resolution No. R2015.53\)](#)

Fiscal Impact: An increase from the current \$2,000 fee to a \$4,000 fee for applications for new or renewed telecommunication licenses and the equivalent \$4,000 fee for applications for right-of-way use agreements with the City of Tempe. The linear foot fee for occupation of the right-of-way not subject to the restrictions of A.R.S. §§ 9-581, 9-582 and 9-583 will be at the same linear foot rate as the interstate telecommunications linear foot fee (\$2.08 per linear foot) unless a different calculation for fair and reasonable compensation is agreed to by the City.

- 5C2. [Adopt a resolution waiving the requirement to underground the installation of additional fiber by Cox Communications Arizona, LLC in areas of existing overhead lines in order to provide higher speed internet access. \(Resolution No. R2015.54\)](#)

Fiscal Impact: No fiscal impact for the City of Tempe.

- 5C3. [Adopt a resolution authorizing the Mayor to execute a First Amendment to the Amended and Restated Conduit Use Agreement between the City of Tempe and CoxCom Inc. \(Resolution No. R2015.55\)](#)

Fiscal Impact: The First Amendment to the Amended and Restated Conduit Use Agreement will have no fiscal impact to the City.

- 5C4. [Adopt a resolution authorizing the Mayor to execute the First Amendment to the Development and Disposition Agreement between the CITY OF TEMPE and HABITAT FOR HUMANITY CENTRAL ARIZONA. \(Resolution No. R2015.57\)](#)

Fiscal Impact: The City recently received a reallocation of federal HOME funds and will be making those funds available to Habitat. The amendment will not alter the financial terms of the Agreement, nor call for the expenditure of any City Funds.

- 5C5. [Adopt a resolution committing to a voluntary recycling and waste reduction program goal for multifamily housing complexes. \(Resolution No. R2015.61\) *Item added*](#)

Fiscal Impact: Expenditures associated with the goal will not exceed \$95,000 in fiscal year 2015-16; those costs were planned as part of staff's ongoing efforts to improve recycling and the solid waste diversion rate and will be offset to some extent by the revenue the City receives from the recyclable material it collects. Sufficient funding is available in the Solid Waste Enterprise Fund, cost centers 3714 and 3717.

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 certain items as determined by the City of Tempe Zoning and Development Code or State law. 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.

Agenda item 6A5 is designated as a quasi-judicial (q-j) item.

A. Miscellaneous Items/Bids/Contracts/Resolutions

- 6A1. [Approve the utilization of one-year State of Arizona contracts with Bill Luke Chrysler Jeep & Dodge, Courtesy Chevrolet, Don Sanderson Ford, Larry Miller Toyota, Midway Chevrolet, Chapman Ford, and San Tan Auto Partners for the purchase of 74 vehicles.](#)

Fiscal Impact: Total combined cost of these contracts will not exceed \$2,800,000. Sufficient funds have been budgeted in various cost centers in the General, Water/Wastewater, Solid Waste, Transit, and Highway User Funds for the anticipated expenditures in fiscal year 2015/2016.

- 6A2. [Award three-year contracts with two, one-year renewal options to Baker & Taylor, Inc. and Midwest Tape, LLC for the purchase of library materials and associated processing and cataloging services for the Tempe Public Library.](#)

Fiscal Impact: Total cost of these contracts will not exceed \$1,250,000 during the three-year contract period. Sufficient funds have been appropriated in the General Fund cost center 2440 (Library) for the anticipated expenditures in the current fiscal year.

- 6A3. [Award a three-year contract with two, one-year renewal options to Applied LNG Technologies, LLC for the supply of liquefied natural gas to support the City's transit fleet operation at the East Valley Bus Operations and Maintenance Facility. **Material revised**](#)

Fiscal Impact: Total cost of this contract will not exceed \$8,000,000 during the initial three-year contract period. Sufficient funds have been appropriated in the Transit Fund cost center 3914 (Transit Operations) for the anticipated expenditures in the current fiscal year.

- 6A4. [Approve the annual excess insurance renewal program for fiscal year 2015/2016 to include excess property, primary and excess liability, crime, excess workers' compensation, environmental pollution, and network security and privacy insurance purchased through the City's insurance broker, Marsh USA.](#)

Fiscal Impact: The total premium for the fiscal year shall not exceed \$1,220,000. Sufficient funds have been appropriated in the Risk Management Fund - cost center 2621 (Risk Management) and Workers' Compensation Fund - cost center 2701 (Workers' Comp) for the anticipated expenditures in fiscal year 2015/2016.

- q-j *6A5. [Hold a public hearing for an Appeal of the decision by the Development Review Commission to approve a Development Plan Review, a Use Permit to allow tandem parking, and a Use Permit Standard to increase the maximum building height, for a project consisting of two new apartment buildings containing 19 units for 5TH & HARDY APARTMENTS, located at 1000 West 5th Street. The appellant is William Connelly. At the request of the Appellant, this item was continued from the May 21, 2015 Regular Council Meeting.](#)

Fiscal Impact: None

- *6A6. [Hold a public hearing on the proposed Land Use Assumptions and Infrastructure Improvement Plan related to Police Facilities, Fire Facilities, Street Facilities, and Park and Recreational Facilities Development Fees. **Material added/revised**](#)

Fiscal Impact: No impact on City funds.

- *6A7. [Hold a public hearing for a review of the Zoning Map Amendment and Planned Area Development Overlay for direction to permit a time extension or initiate a reversion of prior entitlements for MILLER-CURRY TOWNHOMES, located at 1245 North Miller Road.](#)

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

- *6A8. [Hold a public hearing to adopt a resolution approving the fiscal year 2015-2016 annual assessment for the City of Tempe Downtown Tempe Enhanced Services Improvement District, ruling on objections, making corrections, approving a new district map, and approving modified assessments. \(Resolution No. R2015.56\)](#)

Fiscal Impact: The annual assessment for City owned property within the District for fiscal year 2015/2016 is \$123,299.49. Sufficient budget appropriation for the City's annual assessment was included as part of Community Development's recommended fiscal year 2015/16 General Fund budget, cost center 2712.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to approve an ordinance amending Tempe City Code, Chapter 2, Article V, by adding a new Division 21, relating to the establishment of the Tempe Sustainability Commission. The second and final public hearing is scheduled for June 25, 2015. \(Ordinance No. O2015.24\)](#)

Fiscal Impact: There is no direct cost to the City.

- *6B2. [Introduce and hold the first public hearing to approve an ordinance amending Tempe City Code, Chapter 2, Article V, by adding a new Division 22, relating to the establishment of the Tempe Family Justice Commission. The second and final public hearing is scheduled for June 25, 2015. \(Ordinance No. O2015.25\)](#)

Fiscal Impact: There is no direct cost to the City.

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance authorizing a Zoning Map Amendment, Planned Area Development, and a Development Plan Review for 423 multi-family units and commercial uses for MCCLINTOCK STATION, located at 1831 East Apache Boulevard. The applicant is Manjula Vaz of Gammage & Burnham, PLC. The second and final public hearing is scheduled for June 25, 2015. \(Ordinance No. O2015.26\)](#)

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

- *6B4. [Introduce and hold the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay and a Development Plan Review for a new mixed-use development for commercial, hotel and 453 multi-family units with a maximum height of 240 feet for 7TH STREET MIXED USE, located at 110 East University Drive. The applicant is Darin Sender, Sender Associates, Chtd. The second and final public hearing is scheduled for June 25, 2015 \(Ordinance No. O2015.28\) **Material added/revised**](#)

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

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance authorizing the granting of an Irrigation Easement to Salt River Project Agricultural Improvement and Power District over certain City-owned land located near the intersection of Priest Drive and Warner Road, and authorizing the Mayor to execute an easement agreement. \(Ordinance No. O2015.22\)](#)

Fiscal Impact: No impact on City funds.

- *6C2. [Hold the second and final public hearing to adopt an ordinance authorizing the granting of a reciprocal easement to LMC Apache Terrace Holdings, LLC over certain City-owned land located near the southeast corner of Dorsey Lane and Apache Boulevard, and authorizing the Mayor or his designee to execute a reciprocal easement agreement and related documents. \(Ordinance No. O2015.23\)](#)

Fiscal Impact: No impact on City funds. Developer will construct and maintain the driveway.

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 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.**