

LEGAL ACTION SUMMARY

**Tempe City Council
Regular Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, September 04, 2014
7:30 PM**

[MEETING VIDEO](#)

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

1. **INVOCATION - Councilmember Ellis**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Granville**

A. Approval of City Council Meeting Minutes

1. [City Council Special Meeting - July 17, 2014](#)
2. [Issue Review Session - March 20, 2014](#)
3. [Executive Session - August 14, 2014](#)

APPROVED

B. Acceptance of Board, Commission and Committee Meeting Minutes

1. [Development Review Commission - July 22, 2014 and August 12, 2014](#)
2. [Development Review Commission Study Session - July 22, 2014 and August 12, 2014](#)
3. [Hearing Officer - August 5, 2014](#)
4. [Historical Museum Advisory Board - April 10, 2014](#)
5. [Library Advisory Board - June 10, 2014](#)
6. [Mayor's Youth Advisory Commission C.I.T.Y. Project Subcommittee - August 4, 2014](#)
7. [Transportation Commission - July 8, 2014](#)

ACCEPTED

4. **REPORTS AND ANNOUNCEMENTS**

- A. Mayor's Announcements
- 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 June 2014 and July 2014 Reports of Claims Paid to be filed for audit.](#)

Fiscal Impact: Total payments in June: \$18,630,803.61 and total payments in July: \$18,852,803.79.

APPROVED

- 5A2. [Approve the Tempe Diablos Charities, Inc. grant award in order to accept and spend grant funds to provide the 2015 YouthFest Courage Awards and the Tempe Top Teens Recognition Dinner.](#)

Fiscal Impact: The amount of the grant award for fiscal year 2015 is \$14,500. Sufficient budget appropriations for expenditure of this grant were authorized in the Governmental Grants and Donations Fund (Fund 46, cost center 2452) as part of the fiscal year 2015 adopted budget. City staff will assist in planning and overseeing the recognition event within the current Community Services and Human Services General Fund budget allocations for fiscal year 2015.

APPROVED

- 5A3. [Approve the Tempe Diablos Charities, Inc. grant award in order to accept and spend grant funds to provide the Tempe AARP Experience Corps Program.](#)

Fiscal Impact: The amount of the grant award through June 30, 2015 is \$30,000. Sufficient budget appropriations for expenditure of this grant were authorized in the Governmental Grants and Donations Fund (Fund 46, cost center 2499) as part of the fiscal year 2015 adopted budget. City staff will assist in administering the grant within the current Community Services General Fund budget allocations for fiscal year 2015.

APPROVED

- 5A4. [Approve the Tempe Experience Corps Affiliate Agreement between AARP Experience Corps and the City of Tempe to provide the Tempe AARP Experience Corps Program through August 31, 2016.](#)

Fiscal Impact: No funds are associated with the Agreement, which allows Tempe to provide the AARP affiliated Experience Corps early literacy tutoring program in Tempe elementary schools. Funds provided by grant awards for this project are in the Governmental Grants and Donation Fund (Fund 46, cost centers 2499, 2429, and 2417) and are part of the fiscal year 2015 adopted budget. Sufficient appropriations for expenditures of these grant awards are budgeted in these cost centers and are part of the fiscal year 2015 adopted budget.

APPROVED

- *5A5. [Hold a public hearing to recommend the approval of a Series 07 beer and wine bar liquor license for Gus's Pizza, LLC, dba Gus's New York Pizza, 829 South Rural Road.](#)

Fiscal Impact: N/A

APPROVED

- *5A6. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Rota, Inc., dba OPA Life Greek Cafe, 227 East Baseline Road, Suite J7.](#)

Fiscal Impact: N/A

APPROVED

- *5A7. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Pie in Your Eye LLC, dba Revo Pizzabar, 200 East 5th Street, Suites 1-2 & 115-117.](#)

Fiscal Impact: N/A

APPROVED

B. Award of Bids/Contracts

- 5B1. [Approve the utilization of a one-year State of Arizona Western States Contracting Alliance contract with Lowe's and a one-year Maricopa County Cooperative contract with Home Depot for store-wide purchase agreements for maintenance, repair, operating materials, tools, and supplies used primarily by the Public Works Department.](#)

Fiscal Impact: Total combined cost of these two contracts will not exceed \$150,000 during the one-year contract period. Sufficient funds have been appropriated in various funds and cost centers Citywide for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B2. [Approve the utilization of a one-year National Intergovernmental Purchasing Alliance contract issued by the City of Tucson to Network Services Company, a nationwide consortium of janitorial suppliers including the City's current provider – Waxie Janitorial Supply – for the purchase of janitorial supplies used by the Public Works Department.](#)

Fiscal Impact: Total cost of the one-year contract will not exceed \$250,000. Sufficient funds have been appropriated in the General Fund – cost center 3271 (Custodial Service) - for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B3. [Approve the renewal of one-year contracts with RWC International, Midway Chevrolet, Empire Southwest, Jacobsen West, Arizona Machinery, and Simpson Norton for the purchase of reconditioned or certified used vehicles and equipment to be managed by the Public Works Department.](#)

Fiscal Impact: Total cost of these six contracts will not exceed \$100,000 during the one-year renewal period. Sufficient funds have been appropriated in various funds and cost centers for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B4. [Approve the utilization of a one-year City of Tucson contract with PSC Mobile for the purchase of Panasonic Toughbook PC's, tablet PC's, accessories, related services, and microwave communications equipment for the Fire Medical Rescue Department, Police Department, and other City departments on an as-needed basis.](#)

Fiscal Impact: Total cost of this contract will not exceed \$300,000 during the one-year contract period. Sufficient funds have been appropriated in General Fund – cost center 1991 (IT Administration) and various Citywide operating and capital improvement cost centers for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B5. [Approve the utilization of a one-year State of Arizona contract with Knowledge Services for information technology consulting services to be used on an as-needed basis by the Internal Services Department.](#)

Fiscal Impact: Total cost of this contract shall not exceed \$500,000 during the one-year contract period. Sufficient funds have been appropriated in various Citywide operating and capital improvement cost centers for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B6. [Approve one-year contract renewals with ProForce Law Enforcement, San Diego Police Equipment Co. Inc., and Adamson Police Products for the supply of ammunition for the Police Department.](#)

Fiscal Impact: Total combined cost of these contracts shall not exceed \$350,000 over the one-year renewal period.

APPROVED

- 5B7. [Approve the utilization of a one-year State of Arizona contract with Cox Arizona Telecom, LLC, for data and internet services utilized by all City departments.](#)

Fiscal Impact: Total cost of the one-year contract will not exceed \$110,000. Sufficient funds have been appropriated in General Fund - cost centers 1991 (IT Administration) and 2440 (Library), Golf Fund – cost center 2513 (Ken McDonald Business Operations), and Water/WasteWater Fund – cost center 3006 (Eisendrath House Maintenance) for the anticipated expenditures in the current fiscal year.

APPROVED

- 5B8. [Award a professional services design contract to Wilson Engineers, LLC for design of a new groundwater production and recovery well to be located at 8690 South McClintock Drive.](#)

Fiscal Impact: The contract amount is \$262,620. Funds are approved and appropriated in fiscal year 2014/15 to cover this contract and related costs in Capital Improvement Project No. 3200019, New Production Wells.

APPROVED

- 5B9. [Approve an extension of the lease agreement and authorizing the Mayor to execute the first lease extension between the City of Tempe and Arizona Public Service for the parcel of land located at 1320 East University Drive for the purpose of operating the existing Household Products Collection Center.](#)

Fiscal Impact: The agreement calls for the City to pay \$1 per year. Sufficient funds have been appropriated in Solid Waste Operating Budget Cost Center 3721.

APPROVED

- 5B10. [Award one-year contracts with four, one-year renewal options to Drake Equipment and Western Truck Equipment Company, Inc., for the purchase and installation of vehicle bodies overseen by the Public Works Department.](#)

Fiscal Impact: Total combined cost of these two contracts shall not exceed \$250,000 during the initial one-year contract period. Sufficient funds have been appropriated in various funds and cost centers for the anticipated expenditures in fiscal year 2014/2015.

APPROVED

C. Resolutions - None

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 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.

A. Miscellaneous Items/Bids/Contracts/Resolutions

- 6A1. [Award a one-year contract to Badger Water, Inc. for the purchase of five-eighths of an inch through ten inches lead-free commercial and residential water meters for the Public Works Department.](#)

Fiscal Impact: Total cost of the one-year contract will not exceed \$1,500,000. Sufficient funds have been appropriated in the Water/Wastewater Fund - cost centers 3085 (Water/Wastewater Inventory), Water/Wastewater Capital Improvement Project Fund - 3209319 (Small Meter Replacement 2" and Under), and 3299999 (Distribution System Fittings) for the anticipated expenditures in the current fiscal year.

APPROVED

- 6A2. [Approve an increase in the contract amount with Oracle Corporation for additional software support fees and new licenses for the City's enterprise level applications that include PeopleSoft Financials, Human Resources Management, and Enterprise Learning Management.](#)

Fiscal Impact: Increase the contract amount by \$120,000 from \$901,929 to \$1,021,929. Sufficient funds are available in General Fund cost center 1991 (IT Administration) for the anticipated expenditures in the current fiscal year.

APPROVED

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment of part of an existing waterline easement located near the southeast corner of Elliot Road and Priest Drive. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.40\)](#)

Fiscal Impact: No impact on City funds.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B2. [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment and sale of certain City-owned land and City-owned right-of-way at the southeast corner of 55th Street and Broadway Road. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.41\)](#)

Fiscal Impact: The amount of \$59,000 from the purchase of the property will be deposited in the General Fund.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance authorizing the Mayor to execute a Development and Disposition Agreement with Habitat for Humanity Central Arizona for the conveyance of one vacant City-owned parcel of real property, located at 1937 East Don Carlos Avenue. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.42\)](#)

Fiscal Impact: The \$10 sales proceeds will be deposited into Community Development Block Grant fund cost center 2875.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B4. [Introduce and hold the first public hearing to adopt an ordinance to transfer unencumbered budget appropriation from the Community Services Department to the Community Development Department for neighborhood programs. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.43\)](#)

Fiscal Impact: The transfer of fiscal year 2014-15 unencumbered budget appropriation from the Community Services Department to the Community Development Department will be cost neutral to the City. No increase in overall City budget appropriation is being requested. The amount of the transfer is \$480,000 in General Fund budget appropriation.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B5. [Introduce and hold the first public hearing to adopt an ordinance to transfer unencumbered budget appropriation from the Community Services Department to the City Manager's Office for Tempe 311 and Communication and Media Relations functions. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.44\)](#)

Fiscal Impact: The transfer of the fiscal year 2014-15 unencumbered budget appropriation from the Community Services Department to the City Manager's Office will be cost neutral to the City. No increase in overall City budget appropriation is being requested. The amount of the transfer is \$1,460,000 in General Fund budget appropriation and \$765,000 in Governmental Grants and Donations Fund budget appropriation.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B6. [Introduce and hold the first public hearing to adopt an ordinance to transfer unencumbered budget appropriation from the Community Services Department, the Community Development Department, and the Internal Services Department to the Human Services Department for social services, Section 8 Housing programs, and Community Development Block Grant/HOME programs. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.45\)](#)

Fiscal Impact: The transfer of the fiscal year 2014-15 unencumbered budget appropriation from the Community Services Department, the Community Development Department, and the Internal Services Department to the Human Services Department will be cost neutral to the City. No increase in overall City budget appropriation is being requested. The amount of the transfer is \$1,680,000 in General Fund budget appropriation, \$825,000 in Governmental Grants and Donations Fund budget appropriation, \$9,500,000 in Section 8 Housing budget appropriation, and \$3,625,000 in Community Development Block Grant (CDBG)/Home Investment Partnership Program (HOME) budget appropriation.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B7. [Introduce and hold the first public hearing to adopt an ordinance to transfer unencumbered budget appropriation from the Internal Services Department to the Municipal Budget Office for City budget related functions. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.46\)](#)

Fiscal Impact: The transfer of the fiscal year 2014-15 unencumbered budget appropriation from the Internal Services Department to the Municipal Budget Office will be cost

neutral to the City. No increase in overall City budget appropriation is being requested. The amount of the transfer is \$255,000 in General Fund budget appropriation.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B8. [Introduce and hold the first public hearing to adopt an ordinance to transfer unencumbered budget appropriation from the Public Works Department to the Community Development Department for engineering functions related to private development. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.47\)](#)

Fiscal Impact: The transfer of the fiscal year 2014-15 unencumbered budget appropriation from the Public Works Department to the Community Development Department will be cost neutral to the City. No increase in overall City budget appropriation is being requested. The amount of the transfer is \$245,000 in General Fund budget appropriation.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B9. [Introduce and hold the first public hearing to adopt an ordinance to transfer unencumbered budget appropriation from the former Human Resources Department to the Internal Services Department for human resources related functions. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.48\)](#)

Fiscal Impact: The transfer of the fiscal year 2014-15 unencumbered budget appropriation from the former Human Resources Department to the Internal Services Department will be cost neutral to the City. No increase in overall City budget appropriation is being requested. The amount of the transfer is \$3,375,000 in General Fund budget appropriation.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

- *6B10. [Introduce and hold the first public hearing to adopt an ordinance to transfer unencumbered budget appropriation from the Internal Services Department to the City Manager's Office for the Deputy City Manager/Chief Financial Officer position and support staff. The second and final public hearing is scheduled for September 11, 2014. \(Ordinance No. O2014.49\)](#)

Fiscal Impact: The transfer of the fiscal year 2014-15 unencumbered budget appropriation from the Internal Services Department to the City Manager's Office will be cost neutral to the City. No increase in overall City budget appropriation is being requested. The amount of the transfer is \$190,000 in General Fund appropriation.

THE SECOND PUBLIC HEARING WAS SCHEDULED FOR SEPTEMBER 11, 2014

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance amending Chapter 2, Article V, Division 2 of the Tempe City Code, relating to the Historical Museum and Library Advisory Board, and Chapter 14A relating to Historic Preservation. \(Ordinance No. O2014.36\)](#)

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

ADOPTED

- *6C2. [Hold the second and final public hearing to adopt a Resolution for a General Plan Land Use Map Amendment, an Ordinance for a Zoning Map Amendment, and a request for an Amended Planned Area Development consisting of a new restaurant and retail building for SHOPS AT FOUNTAINHEAD \(PL140094\), located at 1537 West Broadway Road. The applicant is Justin Gregonis, Vertical Design Studios. \(Resolution No. R2014.114, Ordinance No. O2014.37\)](#)

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.

ADOPTED

- *6C3. [Hold the second and final public hearing to adopt an ordinance approving the sale of approximately 11 acres of City-owned land located on the south bank of Tempe Town Lake \(Pier 202\), and authorizing the Mayor or his designee to execute a deed and related documents necessary or appropriate to effect the sale and other transactions. \(Ordinance No. O2014.39\)](#)

Fiscal Impact: The sales price for the property is \$17,625,000 (\$35.74/square-foot).

THIS ITEM WAS CONTINUED TO A COUNCIL MEETING WITHIN 120 DAYS

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

1. [Darlene Justus, Rolling Hills Hotel at Papago Park](#)

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).

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.