



Minutes Formal City Council Meeting April 12, 2012

Minutes of the Formal Council Meeting of Thursday, April 12, 2012, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Councilmember Robin Arredondo-Savage
Councilmember Mark W. Mitchell
Councilmember Corey D. Woods

Vice Mayor Joel Navarro
Councilmember Shana Ellis
Councilmember Onnie Shekerjian

STAFF PRESENT:

Charlie Meyer, City Manager
Andrew Ching, City Attorney
Dave Heck, Deputy Finance and Technology Director – Technology
Various Department Heads or their representatives

Jeff Kulaga, Assistant City Manager
Brigitta M. Kuiper, City Clerk

Mayor Hallman called the meeting to order at 7:52 p.m.

1. Councilmember Woods gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.

3. MINUTES

A. Approval of Council Meeting and Council Committee Meeting Minutes

Motion by Councilmember Shekerjian to approve the following COUNCIL MEETING AND COUNCIL COMMITTEE MEETING MINUTES; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 7-0.

1. Formal Council Meeting - March 22, 2012
2. Issue Review Session - February 2, 2012, February 16, 2012, March 8, 2012
3. Executive Session - March 8, 2012, March 22, 2012
4. Education Partnerships Council Committee - January 9, 2012
5. Sports, Tourism, Recreation, Arts & Cultural Development Council Committee - February 1, 2012
6. Housing & Social Service Programs Council Committee - February 14, 2012

B. Acceptance of Committee, Board & Commission Meeting Minutes

Motion by Councilmember Shekerjian to accept the following COMMITTEE, BOARD AND COMMISSION MEETING MINUTES; second by Councilmember Woods. Motion passed unanimously on a voice vote 7-0.

1. Human Relations Commission - January 10, 2012, February 14, 2012
2. Commission on Disability Concerns - February 2, 2012

3. Transportation Commission - February 14, 2012
4. Double Butte Cemetery Advisory Committee - February 15, 2012
5. Parks, Recreation & Golf Advisory Board - February 15, 2012
6. Mayor's Youth Advisory Commission - February 21, 2012, March 6, 2012
7. Development Review Commission - February 28, 2012
8. Hearing Officer - March 6, 2012, March 20, 2012

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. *Wally Ziemann Recognition*
Mayor Hallman presented Wally Ziemann a certificate of appreciation for his community volunteerism efforts in donating 2,000 books to the Tempe Family Resource Center, as his Eagle Scout project.
3. *Appreciation Plaque to Tempe Police from U.S. Secret Service* (this agenda announcement was taken out of order)
Mayor Hallman invited United States Secret Service Agent, Kevin Rice, to the podium to make an announcement. Agent Rice commended Police Chief Ryff on his professionalism in representing Tempe. The Tempe Police Department was presented a Certificate of Appreciation for their assistance during Governor Romney's recent visit to Arizona.
2. *National Engineers Week Foundation Awards – Tempe Town Lake Pedestrian Bridge*
Mayor Hallman announced that Tempe Town Lake Pedestrian Bridge received an Outstanding Engineering Achievement Award from the National Engineers Week Foundation. Andy Goh, Deputy Public Works Director, and Chris Kabala, Senior Civil Engineer of Tempe's Engineering Division; Daniel Heller, VP of T.Y. Lin International, and Adam Gordon, Project Manager of PCL Construction, were called to the podium and acknowledged for their contributions to this project.
4. *National Public Safety Telecommunicators Week*
Mayor Hallman read a proclamation honoring City of Tempe employees who take calls in the 911 call center. Director Brenda Buren, Commander Fran Santos, Communications Supervisor Diane Campbell and Dispatcher Jenn Klassen were called to the podium and acknowledged for their work in the 911 call center.

B. Manager's Announcements – None.

5. AGENDA

All items in these minutes identified with an asterisk (*) **are public hearing items**. All items listed on the agenda are approved with one City Council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA** items.

Motion by Councilmember Woods to approve the Agenda with the exception of item 5B6 which was removed for separate consideration and agenda item 5E4 which was removed/deleted from the agenda; second by Councilmember Mitchell. Motion passed on a roll call vote 7-0.

Regarding agenda item 5B5 and at the request of Mayor Hallman, Andrew Ching, City Attorney, explained that TATA is the proper name of the founder of TATA American International; the company was founded in India in 1868.

A. Miscellaneous Items

- *A1. Held a public hearing and recommended the approval of a Series 03 domestic microbrewery liquor license for Hop Knot Brewing, LLC, dba Four Peaks Brewery, 2401 South Wilson Street.

COMMENTS James Matthew Scussel is the Agent for this application.
DOCUMENT NAME 20120412fsap02 202844 – LIQ LIC (0210-02)

- *A2. Held a public hearing and recommended the approval of a Series 07 beer & wine bar liquor license for Hop Knot Brewing, LLC, dba Four Peaks Brewery, 2401 South Wilson Street.

COMMENTS James Matthew Scussel is the Agent for this application.
DOCUMENT NAME 20120412fsap01 202844– LIQ LIC (0210-02)

- *A3. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Chutney's LLC, dba Chutneys, 1801 East Baseline Road, #104.

COMMENTS Anand Sabapathy is the Agent for this application.
DOCUMENT NAME 20120412fsap03 202159 LIQ LIC (0210-02)

- *A4. Held a public hearing and recommended the approval of a Series 09 liquor store liquor license with sampling privileges for ASAD Enterprises LLC, dba Devil's Liquor, 1858 East Apache Boulevard.

COMMENTS H.J. Lewkowitz is the Agent for this application.
DOCUMENT NAME 20120412fsap04 202729 – LIQ LIC (0210-02)

- *A5. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Devils Den Sports Bar & Grill, LLC, dba Devils Dens Sports Bar & Grill, 4 East University Drive.

COMMENTS Randy D Nations is the Agent for this application.
DOCUMENT NAME 20120412fsap05 202493 LIQ LIC (0210-02)

- *A6. Held a public hearing and recommended the approval of a Series 07 beer & wine bar liquor license for Public House Tempe, LLC, dba World of Beer, 526 South Mill Avenue #101.

COMMENTS Randy D. Nations is the Agent for this application.
DOCUMENT NAME 20120412fsap06 202631– LIQ LIC (0210-02)

B. Award of Bids/Contracts

- B1. Approved the renewal of two License Agreements with the Salt River Project Agricultural Improvement and Power District (SRP) for access to three City of Tempe groundwater monitoring wells located on SRP property. **(Contract #2012-39) (Contract #2012-40)**

COMMENTS These License Agreements with SRP provide access for City of Tempe staff to collect monthly groundwater level data at three City of Tempe monitoring wells located on SRP property. Two groundwater monitor wells at the SRP Kyrene Generating Station in south Tempe

are used to collect groundwater level data for the Tempe Ken McDonald Golf Course Groundwater Recharge Project. One groundwater monitor well on SRP property near the SRP Grand Canal in north Tempe is used to collect groundwater level data in the vicinity of the Salt River and Tempe Town Lake.

DOCUMENT NAME 20120412pwek01 WATER MANAGEMENT ADMIN (0811-13)

- B2. Approved a one-year contract renewal with Somerset Landscape Maintenance, Inc. for landscape maintenance services for use by the Public Works Department.

COMMENTS Total cost of this contract shall not exceed \$420,000 during the one-year contract renewal period.

DOCUMENT NAME 20120412fslg11 PURCHASES (1004-01)

- B3. Approved a one-year contract renewal with NEC Unified Solutions, Inc. for the purchase of Cisco voice over internet protocol (VOIP) and data networking equipment and services that are used by various departments throughout the City.

COMMENTS Total cost of this contract will not exceed \$500,000 during the one-year contract renewal period.

DOCUMENT NAME 20120412fstg03 PURCHASES (1004-01)

- B4. Approved a one-year sole source contract renewal for annual software maintenance and support with Oracle Corporation for the City's enterprise and department level applications and databases which include PeopleSoft Financials, Human Resources/Payroll, Tax and License and Utility Billing as well as other systems throughout the City.

COMMENTS Total cost of this contract will not exceed \$795,112 during the one-year contract renewal period.

DOCUMENT NAME 20120412fstg05 PURCHASES (1004-01)

- B5. Approved a one-year sole source contract renewal for annual software maintenance and support with TSC America, dba TATA American International for the City's business/privilege tax software system for the Finance and Technology Department.

COMMENTS Total cost of this contract will not exceed \$129,180 during the one-year contract renewal period.

DOCUMENT NAME 20120412fstg06 PURCHASES (1004-01)

- B6. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Request approval of a one-year contract renewal with IT Partners for the purchase of Hewlett Packard enterprise servers and related products, accessories and services that are used by the Finance and Technology Department to support numerous applications for various City departments.

- B7. Approved a one-year contract renewal with IES Commercial, Inc. for data and telecommunications cabling and fiber optic installation and repair services in City buildings and streets.

COMMENTS Total cost of this contract shall not exceed \$250,000 during the one-year contract renewal period.

DOCUMENT NAME 20120412fstg08 PURCHASES (1004-01)

- B8. Approved a one-year contract renewal with Heinfeld, Meech & Company, P.C. for professional financial statement audit services for the Finance and Technology Department and other City departments on an as-needed basis.
- COMMENTS** Total cost of this contract shall not exceed \$150,000 during the one-year contract renewal period.
- DOCUMENT NAME** 20120412fst09 PURCHASES (1004-01)
- B9. Approved one-year contract renewals with Stantec Consulting, Inc., Willdan, Bureau Veritas, and Madara Engineering for plan review and building inspection services for use by the Community Development Department.
- COMMENTS** Total combined costs of these contracts to be paid by the applicants shall not exceed \$125,000 during the one-year contract renewal period.
- DOCUMENT NAME** 20120412fslg12 PURCHASES (1004-01)
- B10. Approved a one-year contract renewal with PMT Ambulance for emergency medical transportation services to support the Fire Department.
- COMMENTS** There is no cost to the City for this contract.
- DOCUMENT NAME** 20120412fslg01 PURCHASES (1004-01)
- B11. Awarded a contract to Empire Machinery for the purchase of a front end loader to be used by the Public Works Department. **(Contract # C2012-47)**
- COMMENTS** Total cost of this contract will not exceed \$275,000.
- DOCUMENT NAME** 20120412fsta02 PURCHASES (1004-01)
- B12. Approved the utilization of four-month State of Arizona contract extensions with Corporate Job Bank, Randstad NA, Staffmark Investments, LLC, Kelly Services and AppleOne Employment Services for temporary staffing services utilized throughout the City.
- COMMENTS** The total cost of these combined contracts will not exceed \$350,000 during the four-month contract period.
- DOCUMENT NAME** 20120412fsta14 PURCHASES (1004-01)
- B13. Awarded a professional services design contract with AMEC Environmental & Infrastructure, Inc. for street improvements on Hardy Drive between Broadway Road and University Drive. **(Contract #2012-41)**
- COMMENTS** Total cost for the design services contract is \$157,945.
- DOCUMENT NAME** 20120412pwr03 STREETScape THEME (0809-07) PROJECT NO. 6004371
- B14. Awarded job order no. 7 to Caliente Construction, Inc. for relocation of the Information Technology Division's training center.
- COMMENTS** Total amount of job order no. 7 is \$135,289 and the project contingency amount is \$7,500.
- DOCUMENT NAME** 20120412pwr04 ENGINEERING ADMINISTRATION (0803-02) PROJECT NO. 6799771

- B15. Authorized the Mayor to execute a Wired Telecommunications License and Right-of-Way Use Agreement between XO Communications Services LLC and the City of Tempe. **(Contract #2012-42)**

COMMENTS XO Communications Services LLC ("XO") was granted a five-year license in 2006 for use of the City's rights-of-way to provide intrastate telecommunication services. This license expired on October 18, 2011 and has been in a 180 day holdover term, which will expire on April 15, 2012. Under Sections 31A-10(a) and 31A-14 of the Tempe City Code, XO needs to have a license in order to continue providing services and/or do any work in the right-of-way.

DOCUMENT NAME 20120412pwws07 XO COMMUNICATIONS (0802-29)

- B16. Awarded a one-year contract with four, one-year renewal options to Connected Bits, LLC, for the development of a Smart Phone Application that will integrate with the City's Customer Relations Management/311 software. **(Contract #2012-43)**

COMMENTS Total combined cost of this one-year contract shall not exceed \$54,000.

DOCUMENT NAME 20120412fsmg13 PURCHASES (1004-01)

C. **Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action** - None.

D. **Ordinances and Items for Second Hearing/Final Adoption**

- *D1. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.15** abandoning a waterline easement south of Apache Boulevard, between Rural Road and Terrace Rd.

COMMENTS The District Apartment project is being constructed at 941 E Apache Blvd. A Waterline easement was dedicated for water and fire line service for the future relocation of the Baers Den bar and restaurant. The site has gone through a redesign and the location of the waterline has been changed. A new easement will be dedicated by the developer to provide access to public waterlines which will be constructed for the project.

DOCUMENT NAME 20120412pwko04 ABANDONMENT (0901) ORDINANCE NO. 2012.15

- *D2. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.17** authorizing the Mayor to execute a development and disposition agreement with Core Campus Tempe I LLC, a Delaware limited liability company ("Core Campus Communities") with regard to The Hub student housing development located at 323 East Veterans Way. **(Contract #2012-44)**

COMMENTS The Development Agreement authorizes a six-year Government Property Lease and abatement of the GPLET during the term of the lease. In addition, the Development Agreement provides for the sale to Core Campus Communities of a triangular-shaped parcel (ROW Parcel) located at the Southeast corner of College Avenue and

Veterans Way. Public Works has determined that the ROW Parcel is no longer needed due to a change in the alignment of the light-rail that occurred after the property was dedicated to City.

DOCUMENT NAME 20120412cdaws01 DEVELOPMENT PROJECT (0406) ORDINANCE NO. 2012.17

- *D3. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.18**, for the sale of City of Tempe property located at 508 West Brown. (**Contract #2012-45**)

COMMENTS Staff has concluded negotiation with the high bidder, Mr. Tom Garretson, for the execution of a purchase and sale agreement for the property at a price of \$121,200.00, less closing costs. The property is a single family home previously utilized as a day care facility and no longer needed in that capacity.

DOCUMENT NAME 20120412cdtj01 REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2012.18

- *D4. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.19** amending Chapter 27, Article I, Tempe City Code, relating to Sewers - Pretreatment, by amending section 27-22, relating to Additional Pretreatment Measures.

COMMENTS This ordinance will amend the City Code provision that allows the establishment of enforceable requirements for the installation and maintenance of grease traps and other pretreatment infrastructure for non-residential users of Tempe's sanitary sewer system. The amendment will (i) clarify that the requirements will be implemented by rules and procedures approved by Council resolution; and (ii) allow for development of rules to be submitted to Council that may include new programs that would enhance protection of City infrastructure from fats, oils and grease generated by the restaurant industry.

DOCUMENT NAME 20120412DM01 WASTEWATER MANAGEMENT ADMIN (0812-01) ORDINANCE NO. 2012.19

E. Resolutions

- E1. Adopted **RESOLUTION NO. 2012.35** accepting the Federal Emergency Management Agency and Department of Homeland Security FY2011 Assistance to Firefighters Grant.

COMMENTS FEMA and DHS have awarded a grant to the Tempe Fire Department in the amount of \$251,200 to be used for a mobile driving simulator. The mobile driving simulator will enhance the Department's defensive driver's program and be used to protect the health and safety of the public and firefighting personnel.

DOCUMENT NAME 20120412fdgr01 FIRE/PARAMEDIC SERVICE ADMIN (0605-01) RESOLUTION NO. 2012.35

- E2. Adopted **RESOLUTION NO. 2012.38** to enter into an Intergovernmental Agreement with the State of Arizona through Department of Public Safety to fund one new sworn officer position to enhance efforts to address criminal activities of street gangs. **(Contract #2012-46)**

COMMENTS N/A
DOCUMENT NAME 20120412pdmk01 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.38

- *E3. Adopted **RESOLUTION NO. 2012.39** setting a public hearing to allow for public comment and consideration of the application for a cable license by Qwest Broadband Services Inc. dba CenturyLink.

COMMENTS This resolution directs the City Clerk to make the application available for review and sets the public hearing for 7:30 p.m. Thursday, May 10, 2012 in the Harry E. Mitchell Government Center, Tempe City Hall – City Council Chambers, 31 E. 5th St., Tempe, AZ.
DOCUMENT NAME 20120412cajn01 COMMUNICATION (1002-00) RESOLUTION NO. 2012.39

- *E4. **THIS ITEM WAS REMOVED/DELETED FROM THE AGENDA.** Hold a public hearing to obtain citizen comment pursuant to federal law and request adoption of a resolution approving the City of Tempe Housing Authority's Annual Plan for Fiscal Year 2012-2013.

AGENDA ITEM(S) REMOVED FOR SEPARATE CONSIDERATION:

- B6. Approved a one-year contract renewal with IT Partners for the purchase of Hewlett Packard enterprise servers and related products, accessories and services that are used by the Finance and Technology Department to support numerous applications for various City departments.

COMMENTS Total cost of this contract shall not exceed \$1,500,000 during the one-year contract renewal period.
DOCUMENT NAME 20120412fst07 PURCHASES (1004-01)

Councilmember Shekerjian requested that this item be removed for separate consideration because it exceeds \$1 million; she asked staff to explain its funding source. Dave Heck, Deputy Finance and Technology Director – Technology, stated that this contract is used to purchase Hewlett Packard hardware, networking services and supply storage solution products.

Motion by Councilmember Shekerjian to approve agenda item 5B6; second by Councilmember Woods. Motion passed on a roll call vote 7-0.

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Future Issue Review Session item: Discussion to formally designate the Carl Hayden Campus for Sustainability

7. PUBLIC APPEARANCES

- A. Scheduled – None.

B. Unscheduled – None.

The meeting adjourned at 8:21 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 Formal City Council meeting of April 12, 2012, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk