

**Tempe City Council  
Regular Council Meeting  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street, Tempe, Arizona  
Thursday, January 29, 2015  
7:30 PM**

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

**1. INVOCATION - Councilmember Granville**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES - Vice Mayor Woods**

**A. Approval of City Council Meeting Minutes**

1. [Regular City Council Meeting - December 4, 2014](#)
2. Executive Session - January 8, 2015
3. [Tempe City Council and Development Review Commission Joint Meeting - September 29, 2014](#)

**B. Acceptance of Board, Commission and Committee Meeting Minutes**

1. [Development Review Commission - December 9, 2014](#)
2. [Development Review Commission Study Session - December 9, 2014](#)
3. [Hearing Officer - December 2, 2014 and January 6, 2015](#)
4. [Historic Preservation Commission - September 11, 2014, October 9, 2014, and December 11, 2014](#)
5. [History Museum and Library Advisory Board - December 3, 2014](#)
6. [Mayor's Youth Advisory Commission - December 2, 2014 and January 6, 2015](#)
7. [Rio Salado Enhanced Services Commission - November 5, 2014](#)
8. [Tempe Fire Public Safety Personnel Retirement Board - December 4, 2014](#)
9. [Tempe Fire and Police Public Safety Personnel Retirement Boards Joint Meeting - December 4, 2014](#)
10. [Tempe Police Public Safety Personnel Retirement Board - December 4, 2014](#)
11. [Transportation Commission - December 9, 2014](#)

**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 December 2014 Report of Claims Paid to be filed for audit.](#)

*Fiscal Impact:* Total payments in December: \$20,837,372.32

- 5A2. [Approve a grant agreement with AARP Experience Corps to accept and disburse a grant for the provision of the Tempe AARP Experience Corps Program.](#)

*Fiscal Impact:* The amount of the grant award through August 31, 2015 is \$45,000. Sufficient budget appropriations for expenditure of this grant were authorized in the Governmental Grants and Donations Fund (Fund 46) as part of the fiscal year 2014-15 adopted budget.

- 5A3. [Approve the creation of one grant funded full-time, benefitted Community Health Coordinator position for the Patient Advocate Service.](#)

*Fiscal Impact:* This position will be funded from the Salt River Pima-Maricopa Indian Community Grant with 100% of the costs of salary and benefits paid by the grant for one year. Sufficient budget appropriation for expenditure of this grant is authorized in the Governmental Grants and Donations Fund (Fund 46) as part of the fiscal year 2014-15 adopted budget.

- 5A4. [Approve the Tempe Diablos Charities Inc. grant award in order to accept and disburse grant funds to Recreation Services for community programming.](#)

*Fiscal Impact:* The amount of the grant award through June 30, 2015 is \$76,300. A sufficient budget appropriation for expenditure of this grant is authorized in the Government Grants and Donations Fund (Fund 46) as part of the fiscal year 2014-2015 adopted budget.

- 5A5. [Approve an amended Subdivision Plat consisting of 93 lots and four tracts for TEMPE VILLAGES UNIT 1, located at 1830 West Village Way. The applicant is Kirk Pangus, Hilgart Wilson LLC.](#)

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

- \*5A6. [Hold a public hearing to recommend the approval of a series 07 beer and wine bar liquor license for Starlett Nail Bar & Lounge, LLC, dba Starlett Nail Bar & Lounge, 2155 East University Drive, Suite #106.](#)

*Fiscal Impact:* N/A

- \*5A7. [Hold a public hearing to recommend the approval of a series 10 beer and wine store liquor license for NACSVC, LLC, dba Food Mart 76 Gas Station, 2309 East University Drive.](#)

*Fiscal Impact:* N/A

**B. Award of Bids/Contracts**

- 5B1. [Approve the utilization of a two-year City of Chandler contract renewal with Bank of America for procurement card services used by all City departments.](#)

*Fiscal Impact:* This is a no cost contract to the City, however, it is anticipated that the City will receive an estimated annual rebate of \$130,000 from Bank of America each contract year. Annual rebates are based upon the aggregate transaction volume of the City and approximately 13 other agencies.

- 5B2. [Approve the utilization of a one-year National Intergovernmental Purchasing Alliance contract sponsored by the City of Tucson with Grainger for a catalog-wide agreement for the purchase of a wide variety of tools, motors, lamps, industrial supplies, and maintenance, repair and operations materials used by most City departments.](#)

*Fiscal Impact:* Total cost of this one-year contract will not exceed \$250,000. Sufficient funds have been appropriated in various funds and cost centers citywide for the anticipated expenditures in the current fiscal year.

- 5B3. [Approve the utilization of a one-year City of Tucson contract with Pioneer Distributing for the purchase of vehicle lubricants utilized for the maintenance of City vehicles by the Public Works and Fire Medical Rescue Departments.](#)

*Fiscal Impact:* Total cost of this contract will not exceed \$75,000. Sufficient funds have been appropriated in the General Fund – cost centers 2363 (Fire; Apparatus Maintenance) and 3262 (Public Works; Fleet Maintenance) – for the anticipated expenditures in the current fiscal year.

- 5B4. [Approve the utilization of a one-year City of Chandler contract with General Security Services Corporation for a home detention program.](#)

*Fiscal Impact:* Total estimated value of the one-year contract is \$160,000, however, there is no direct cost to the City – defendants are responsible for the \$14 per day charge related to the program.

- 5B5. [Approve two-year contract renewals with Foster Electric Motor Service, Inc., The Pump Company, and Weber Water Resources, LLC, for the purchase, maintenance, and repair of equipment and parts for City-owned water well facilities for the Public Works Department.](#)

*Fiscal Impact:* Total combined cost of the contract renewals will not exceed \$700,000 during the two-year renewal period. Sufficient funds have been appropriated in the General Fund – cost center 2554 (Parks Maintenance – Rio Salado), Golf Fund – cost center 2512 (Ken McDonald Golf Course), and Water/Wastewater Fund – cost centers 3015 (Wells) and 3016 (Water Field Facilities) for the anticipated expenditures during the current fiscal year.

- 5B6. [Approve the one-year renewal of contracts with A&P Nursery, Western Tree Company, Mountain States Nursery and Treeland Nurseries, Inc. for the supply and delivery of trees, shrubs, ground cover and flowers to be used by the Public Works Department.](#)

**Fiscal Impact:** Total combined cost of these contracts will not exceed \$55,000 during the one-year contract renewal period. Sufficient funds have been appropriated in General Fund cost centers 2551 (Sports Complex Maintenance), 2552 (Parks Maintenance - Administration), 2553 (Diablo Stadium Maintenance), 2554 (Parks Maintenance – Rio Salado), 2555 (Landscape Maintenance), 2556 (North Parks), 2558 (Cemetery Maintenance), 2559 (South Parks), Golf Fund cost centers 2511 (Rolling Hills Golf Course) and 2512 (Ken McDonald Golf Course), Arts Fund cost center 3611 (TCA Art Park), and various Capital Improvement Funds for the anticipated expenditures in the current fiscal year.

- 5B7. [Award a construction contract to B&F Contracting, Inc. for on-call installation of traffic signal foundations and underground infrastructure as needed at locations throughout the city.](#)

**Fiscal Impact:** The total contract amount is \$345,300. \$90,000, of the funds approved and appropriated in fiscal year 2014/2015 in Capital Improvement Fund No. 6906209, New Signals/Safety Upgrades, will be utilized for this contract. The rest of this contract will be funded by various capital improvement projects utilizing this on-call contract throughout the year, as well as future funds being requested for Traffic Signal Foundations in fiscal year 2015/2016.

- 5B8. [Award a construction contract to Talis Construction Corporation for construction of a multi-use path along the El Paso gas line easement from Rural Road to Mill Avenue.](#)

**Fiscal Impact:** The total contract amount is \$861,961.18 and the project contingency amount is \$86,100. Funds to cover this contract and associated costs are approved and appropriated for fiscal year 2014/15 in Capital Improvement Project No. 6006069, El Paso Natural Gas Line Easement.

- 5B9. [Award job order no. 14 to Builders Guild, Inc. for electrical distribution system improvements at various city facilities.](#)

**Fiscal Impact:** The total job order amount is \$146,897.55 and the project contingency amount is \$14,700. Funds to cover this contract and associated costs are approved and appropriated for fiscal year 2014/15 in Capital Improvement Project No. 6705159, Electrical Improvements.

- 5B10. [Award job order no. 24 to Caliente Construction, Inc. for playground renovations at Kiwanis Park.](#)

**Fiscal Impact:** The total job order amount is \$290,146 and the project contingency amount is \$29,000. Funds to cover this contract and associated costs are approved and appropriated for fiscal year 2014/15 in Capital Improvement Project No. 6306809, Kiwanis Park Playground Replacement and Renovations.

- 5B11. [Award single purchase contracts to FX Tactical, LLC for ballistic vests and Emerging Tactical Solutions, LLC for night vision rifle scopes for the Police Department.](#)

**Fiscal Impact:** Total combined cost including sales tax of these contracts will not exceed \$160,949.21. Sufficient funds have been appropriated in cost centers 2222 (RICO – Police Grants Rollup – State Pass Thru County) and 4552 (RICO – Police Grants Rollup – 2014 UASI) for the anticipated expenditures in the current fiscal year.

- 5B12. [Award one-year contracts with four, one-year renewal options to Artistic Land Management, J.A. Desert Greens Custom Lawn Care, and Somerset Landscape Maintenance for residential landscape services to be overseen by the Community Development Department.](#)

**Fiscal Impact:** There is no fiscal impact to the City for these contracts. Costs for landscape services will be borne by the Tempe residents who agree to utilize the service.

- 5B13. [Approve the Fourth Amendment to the 20-year Solar Services Agreement with SolarCity Corporation and the Third Amendment to the Performance Guarantee Agreement & Limited Warranty Agreement with SolarCity for the development, construction, and maintenance of the Police & Courts Building Complex solar photovoltaic electric generating system.](#)

**Fiscal Impact:** The total cost of the 20-year Solar Services Agreement for the Police & Courts Building complex is estimated at \$558,486.95 – which represents the total 20-year sum that will be paid to SolarCity Corporation based on projected power generation. Due to the lower per kilowatt-hour (kWh) cost associated with the solar production portion of the building's energy demand, the City will realize a net savings over currently approved energy budgets. The 20-year projected Net Present Value energy savings is calculated at \$145,802.

### C. Resolutions

- 5C1. [Adopt a resolution authorizing the Chief of Police or his designee to enter into a Memorandum of Understanding between the Maricopa County Adult Probation Department and the Tempe Police Department to allow for the sharing and analysis of up-to-date probation data. \(Resolution No. R2015.12\)](#)

**Fiscal Impact:** No fiscal impact.

## 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. [Approve the transfer of fiscal year 2014/15 Capital Improvement Program budget appropriation from Federal Grant Contingency, Project No. 6005259, to Rio Salado Multi-Use Path Priest/SR143, Project No. 6004139, to fully fund construction.](#)

**Fiscal Impact:** The transfer will increase budget appropriation by \$52,857 in spending authority for the project. The funding source for this transfer is Transit Tax. The total project construction budget after the transfer will be \$1,001,357.

- 6A2. [Approve the award of a 20-year Solar Services Agreement with SolarCity Corporation for the development, construction and maintenance of three solar photovoltaic electric generating systems to be installed at the Tempe Public Library complex.](#)

**Fiscal Impact:** The total combined cost of the 20-year Solar Services Agreement, also known as the Power Purchase Agreement, is estimated at \$2,944,041. This cost estimate is based on using SolarCity's guaranteed 20-year cost per kilowatt hour for the Tempe Public Library (\$0.077), History Museum (\$0.083), and Pyle Adult Recreation Center (\$0.0990) and multiplying it by the estimated kilowatt hour production of the proposed solar systems over the 20-year period. No capital funds will be used to pay for this project. All funds to pay for this agreement will come from established budgets for electricity expenses.

**B. Ordinances and Items for Introduction and First Hearing**

- \*6B1. [Introduce and hold the first public hearing to amend the Tempe City Code, Section 2-34 relating to the appointment and qualifications of commissioners in the City Court. The second and final public hearing is scheduled for February 12, 2015. \(Ordinance No. O2015.08\)](#)

**Fiscal Impact:** There is no fiscal impact with this Ordinance.

**C. Ordinances and Items for Second Hearing and Final Adoption**

- \*6C1. [Hold the second and final public hearing to adopt an ordinance authorizing a Third Amendment to a Communications Site Lease with American Tower Asset Sub, LLC \(successor in interest to C-Call Corp.\). The cell tower site is located at 735 West Carver Road. \(Ordinance No. O2015.03\)](#)

**Fiscal Impact:** Rent owed for the City property used for the cell tower site under the current amended lease is \$2,831.63 per month excluding taxes. American Tower will pay \$3,300 per month as base rent starting March 1, 2015 as consideration for the City's consent to current subleases with Sprint and Verizon. The base rent will continue to increase by 3.5% annually on each November 1 as required by the amended lease. American Tower is responsible for paying taxes in addition to the base rent.

- \*6C2. [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 178 East Broadway Road, and the execution of an easement agreement memorializing such easement. \(Ordinance No. O2015.05\)](#)

**Fiscal Impact:** No impact on City funds.

- \*6C3.** [Hold the second and final public hearing to adopt a resolution for a General Plan Density Map Amendment from Medium Density \(up to 15 dwelling units per acre\) to Medium-High Density \(up to 25 dwelling units per acre\), and to adopt an ordinance for a Zoning Map Amendment from Multi-Family \(R-2\) to Single-Family \(R1-PAD\) with a Planned Area Development to establish development standards for fifteen new two-story townhomes on .875 gross acres, for 4TH STREET WEST, located at 1301 West Fourth Street. The applicant is Tom Gosciski, TPG Holdings. \(Resolution No. R2015.07\) \(Ordinance No. O2015.06\)](#)

**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.

- \*6C4.** ITEM CONTINUED TO A FUTURE MEETING DATE AT THE REQUEST OF STAFF TO ALLOW FOR ADDITIONAL STAKEHOLDER INPUT ~~Hold the second and final public hearing to adopt an ordinance amending Chapter 7, Tempe City Code, relating to bicycles by adding a new Article VII relating to pedicabs. (Ordinance No. O2015.07)~~

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

## 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).

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](http://www.tempe.gov/tempe11).