



Minutes Regular City Council Meeting September 24, 2015

Minutes of the Regular Council Meeting of Thursday, September 24, 2015, held at 6:00 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCILMEMBERS PRESENT:

Mayor Mark W. Mitchell
Councilmember Robin Arredondo-Savage
Councilmember Lauren Kuby
Councilmember David Schapira (*participated telephonically*)

Vice Mayor Corey D. Woods
Councilmember Kolby Granville
Councilmember Joel Navarro

STAFF PRESENT:

Andrew Ching, City Manager
Ken Jones, Deputy City Manager – Chief Financial Officer
Steven Methvin, Deputy City Manager – Chief Operating Officer
Ryan Levesque, Deputy Community Development Dir. – Planning
Bill Amato, Police Legal Advisor

Judi Baumann, City Attorney
Brigitta M. Kuiper, City Clerk
Isaac Chavira, Transportation Maintenance Manager
John Rush, Assistant Police Chief
Various Department Heads or their representatives

Mayor Mitchell called the meeting to order at 6:03 p.m.

1. Councilmember Navarro gave the invocation.
2. Mayor Mitchell led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of City Council Meeting Minutes

Motion by Vice Mayor Woods to approve agenda items 3A1 – 3A2; second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 7-0.

1. Executive Session - September 10, 2015
2. City Council Work Study Session - March 26, 2015

B. Acceptance of Board, Commission and Committee Meeting Minutes

Motion by Vice Mayor Woods to accept agenda items 3B1 – 3B11; second by Councilmember Kuby. Motion passed unanimously on a voice vote 7-0.

1. Aviation Commission - August 11, 2015
2. Hearing Officer - September 1, 2015
3. Historic Preservation Commission - August 13, 2015
4. History Museum and Library Advisory Board - June 3, 2015
5. Human Relations Commission - June 9, 2015 and August 11, 2015
6. Mayor's Commission on Disability Concerns - August 3, 2015
7. Mayor's Youth Advisory Commission - May 5, 2015

8. Mayor's Youth Advisory Commission Community Service Project Subcommittee - August 11, 2015
9. Merit System Board - March 2, 2015
10. Tempe Fire Public Safety Personnel Retirement System Board - August 6, 2015
11. Tempe Police Public Safety Personnel Retirement System Board - August 6, 2015

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. *Community Planning Month Proclamation*

Mayor Mitchell invited Community Development staff to the podium, as well as Paul Kent, Development Review Commission Chair, Jan Sell, Board of Adjustment Chair, and Andrea Gregory, Historic Preservation Chair. Mayor Mitchell then read a proclamation declaring October 2015, to be National Community Planning Month in Tempe, Arizona.

2. *Fire Prevention Month*

Mayor Mitchell invited Chief Greg Ruiz, Tempe Fire Medical Rescue Department, to the podium and read a proclamation declaring October 2015, as Fire Prevention Month in Tempe, Arizona.

3. *City of Tempe Board, Commission and Committee Vacancies*

Mayor Mitchell encouraged community members to apply to serve on City of Tempe boards, and commissions, and committees. Several vacancies will need to be filled by the end of the year.

B. City Manager's Announcements

Right-of-Way Landscaping Update

Isaac Chavira, Transportation Maintenance Manager, provided background information and an update on the City's right-of-way landscaping program. The program assists staff in preparing the Capital Improvement Program (CIP) budget and funding is based on a three tier system: A) City entry points and high visibility areas such as downtown; B) minor entry points, arterial roadways; C) lowest level of landscaping. City right-of-way is maintained with vendor contracts and City resources. Commercial right-of-way is regulated by planning and zoning regulations. Mr. Chavira displayed slides illustrating landscaping conditions when the program was initiated, compared to current conditions, and discussed various locations for landscaping reinvestment opportunities.

Councilmembers and staff discussed how the program brings value to neighborhoods and encourages reinvestment. Councilmembers suggested that the Warner Road entrance be placed in Tier A. To address concerns regarding how desert landscaping is maintained and overly formalized, staff will work with the Procurement Division to ensure that training, certifications, and education is part of the contract renewal process.

Mayor Mitchell announced that agenda items 6C1 and 6C2 have been removed/deleted from the agenda at the request of the applicant and that agenda items 6C3 and 6C4 will be taken out of order.

- *6C3. Ordinance for a Zoning Map Amendment, Planned Area Development Overlay, resolution authorizing a General Plan Projected Density Map Amendment, and a Development Plan Review for BROADSTONE LAKESIDE, 500 West 1st Street.**

Mayor Mitchell opened the public hearing.

Charles Huellmantel, applicant representative, displayed an illustration and provided background information about the Broadstone Lakeside site (site) in relation to neighboring properties, Regatta Point and 525 Town Lake (525). The site has been used for a series of industrial uses over the years and is now situated between two residential properties. The applicant and neighbors have worked together to achieve a high quality product. He outlined the following modified conditions of approval that both parties have agreed to: Zoning Map Amendment and Planned Area Development Overlay, Condition #5: reduced the project density from 168 units at 70 dwelling units per acre to 150 units at 62.5 dwelling units per acre, with a minimum of 248 parking spaces; and, Condition # 7: added vehicular garage access on First Street. The Development Plan Review, Condition #3 was also modified as follows: removed 11 parking spaces on Lakeside Drive and agreed that the applicant will design, permit, and pay up to \$25,000 to construct and install a traffic control gate system at Regatta Point.

Jennifer Spade, Tempe, voiced support for the project changes and thanked the applicant, Vice Mayor Woods, and Councilmember Kuby for their assistance during the negotiation process. This project will enhance the neighborhood and increase property values; it is a significant improvement from a vacant, industrial lot. Mr. Huellmantel also thanked Vice Mayor Woods and Councilmember Kuby for their participation in the negotiation process.

Mayor Mitchell closed the public hearing.

Councilmembers, Ryan Levesque, Deputy Community Development Director – Planning, and Mr. Huellmantel discussed the positive negotiation process with Regatta Point residents to overcome serious objections raised by the neighbors about the project. It is important that this project complement the area and that it fits the vision. Councilmember Arredondo-Savage voiced concern that this is an excessive modification to the General Plan 2040 and that Councilmembers did not receive the new conditions until today, leaving little time to make an informed decision. She asked if staff and other property owners within proximity of the project have reviewed the new conditions of approval. In response to this concern, Mr. Levesque stated that staff had previously recommended denial of this project based on its proposed density. However, staff has reviewed and supports the new conditions primarily because of the reduced density, and now recommends approval of the project. Staff continues to be in support of the building elevations, quality of building materials, and the project design. Mr. Huellmantel added that he discussed the new stipulations with the 525 residents to the west of the site, and they are comfortable with the changes; he was able to explain to 525 residents why Regatta Point residents felt First Street vehicular access to the project was important.

Councilmembers continued discussions about how making changes to the General Plan 2040 requires a super majority vote of the City Council, which gives residents more bargaining power in the process. Five Councilmembers must vote in favor of a change in order to amend the General Plan. Councilmembers voiced support for the project because it is less dense and it has the support of residents. The City Council listens to the concerns of residents to ensure quality projects in the community. Councilmembers acknowledged the development team for compromising with residents.

Motion by Vice Mayor Woods to approve a General Plan Amendment with modified conditions of approval for agenda item 6C3; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 7-0.

Motion by Vice Mayor Woods to approve a Zoning Map Amendment and a Planned Area Development Overlay with modified conditions of approval for agenda item 6C3; second by Councilmember Granville. Motion passed unanimously on a roll call vote 7-0.

Motion by Vice Mayor Woods to approve a Development Plan Review with modified conditions of approval for agenda item 6C3; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 7-0.

- *6C3.** Held the second and final public hearing and adopted **ORDINANCE NO. O2015.42**, *with modified conditions*, for a Zoning Map Amendment from GID to MU-4 and a Planned Area Development Overlay, for BROADSTONE LAKESIDE, located at 500 West 1st Street, for a new four-story mixed-use development containing 168 units and co-work office space; held a public hearing and adopted **RESOLUTION NO. R2015.90** authorizing a modified General Plan Projected Density Map Amendment from Medium to High Density (up to 25 du/ac) to High Density-Urban Core (more than 65 du/ac) (*Note: the General Plan Amendment requires an affirmative vote of at least two-thirds (2/3) of the City Council; therefore, a Council vote of 5 of 7 is required for approval*); and, approved a Development Plan Review, *with modified conditions*. The applicant is Huellmantel & Affiliates. (*This item was continued from the September 10, 2015 Regular Council Meeting.*)

Fiscal Impact: While these resolution and ordinance changes do 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.

The conditions of approval as presented in the agenda packet apply, with the following exceptions:

The following General Plan Projected Density Map Amendment condition of approval was modified to read as follows:

Condition #1: The General Plan Projected Density Map Amendment from Medium to High Density (up to 25 du/ac) to High Density (up to 65 du/ac).

The following Zoning Map and Planned Area Development Overlay Amendments conditions of approval were modified to read as follows:

Condition #5: The maximum density shall be no greater than 62.5 du/ac and 150 units with at least 248 parking spaces.

Condition #7: The developer must receive approval of the final Traffic Impact Study from the Traffic Engineering prior to issuance of a building permit and the site plan must allow for vehicular garage access on 1st Street.

The following Development Plan Review condition of approval was modified to read as follows:

Condition #3: The 11 parking spaces in the north surface parking lot along Lakeside Drive shall be removed and the applicant shall work with Regatta Point and City Staff to create gated access into Regatta Point's Lakeside Drive entrance which the applicant will have designed, permitted and pay up to \$25,000 to have the gate system constructed and installation.

Vice Mayor Woods began serving as meeting Chair. Mayor Mitchell left the meeting and began participating telephonically at 6:41 p.m.

- *6C4.** Ordinance amending Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic making it unlawful to operate a motor vehicle while using a mobile electronic device, if such driving constitutes a risk to that person or others.

Vice Mayor Woods opened the public hearing. There was no public comment on agenda item 6C4. Vice Mayor Woods closed the public hearing.

Councilmember Arredondo-Savage stated that she, Vice Mayor Woods, and Councilmember Granville participated on the working group that studied the proposed ordinance; the working group did not reach a consensus. Her primary concern is creating an ordinance that differs from the City of Phoenix ordinance. She is interested in what is happening on a nationwide level, including challenges from a law enforcement perspective due to inconsistency in laws among various

jurisdictions. While there is a need for a distracted driving ordinance, her preference would be to mirror what is being done on a more regional level, including looking at how area cities are addressing this issue.

Councilmember Kuby voiced support for the ordinance and stated that Tempe is a university town with a disproportionate share of younger drivers. Traffic accidents are the leading cause of death for people 24 and older. She discussed various studies and statistics and stated that distracted driving is an epidemic. This ordinance will save lives.

Councilmember Granville voiced support for the ordinance and discussed various studies and statistics that demonstrate that distracted driving is an epidemic. Tempe has a biking population and a disproportionate number of younger drivers, as it is home to Arizona State University (ASU). While the working group did not reach a consensus, it did agree that the topic of distracted driving is of community-wide concern and should be considered by all Councilmembers; it should also be addressed at the state level. He noted that driving while distracted is six times more dangerous than driving drunk; this ordinance will save lives. Lessons learned from other jurisdictions can protect Tempe residents.

Councilmember Kuby asked if demographic information could be gathered on individuals being ticketed to address profiling concerns. Andrew Ching, City Manager, stated that he could work with the Police Department to see if this could be accomplished. Judi Baumann, City Attorney, cautioned that the discussion should be about items listed on the meeting agenda.

Councilmember Schapira voiced support for this ordinance and discussed a recent police training session regarding fair and impartial treatment where the issue of recording demographics was raised. He reviewed the current practices of the Tempe Police Department regarding collecting demographic information. Under this ordinance, officers will not be able to pull someone over for any reason other than they were already allowed to pull someone over for. His preference is that this be a secondary offense. He compared the arguments being raised about distracted driving to a 2007 legislative bill concerning vehicle ignition interlock devices; he provided statistics on the impacts of the 2007 legislation. His hope is that more municipalities will adopt these types of bans and that behaviors will change because of the law. He acknowledged concerns raised and emphasized that data will be collected and reviewed. This ordinance will save lives.

Councilmember Navarro discussed a committee process to look into demographic impacts and requested clarification regarding the secondary offense. John Rush, Assistant Police Chief, explained that risky driving when no impairment is found, combined with the use of a cell phone while driving, would both be conditions that have to exist for a citation to be issued, per the proposed ordinance. If an officer observes a driver texting without the presence of risky driving behavior, a traffic stop would not occur.

Mayor Mitchell noted that he is concerned about distracted driving; he has teenagers and Tempe is home to ASU. His primary concerns are about enforceability and that the proposed ordinance differs from the City of Phoenix ordinance. Consideration should be given to implementing a law similar to the Phoenix ordinance, to provide uniformity. He would also like to work with partners to take a regional approach to implementing statewide legislation. Arizona is one of few states that does not have a texting while driving ban.

Vice Mayor Woods questioned if a ticket would be issued if a driver was weaving. Assistant Chief Rush responded that if the driver was not found to be in violation of Title 28 or other state laws, no ticket would be issued. Vice Mayor Woods voiced concern about the differing ordinance provisions among various cities and how that is confusing to people.

Bill Amato, Police Legal Advisor, stated the working group researched various ordinances and statutes nationwide to determine what would be the best use of police resources. Phoenix Police Department officials indicated that their ordinance is not useful for enforcement purposes; few citations are being issued. Staff used the State of Oklahoma distracted driving ordinance as a model to draft Tempe's ordinance, which is significantly different than the City of Phoenix ordinance.

Councilmembers and Mr. Amato discussed the confusion caused by having inconsistent distracted driving laws among cities and towns. Councilmembers voiced a preference to have a state statute that would provide statewide uniformity in how the law applies to distracted driving; currently there is inaction at the state level. The proposed ordinance will allow

police officers to take enforcement action when warranted, due to driving behavior in situations that officers previously would not have been allowed to cite a driver. This law will not allow officers to pull someone over that they previously could not pull over. Discussion continued regarding how the Tempe law would be applied if a driver were pulled over and not driving under the influence offense was found. The City serves as an incubator of good ideas. This ordinance will save lives.

Motion by Councilmember Kuby to amend the ordinance by making the first traffic stop be a warning, and not an offense.

Councilmember Kuby requested legal guidance if the ordinance amendment is possible. Ms. Baumann stated that the amendment would require enough of a substantive change that it would warrant another public hearing. Councilmember Kuby withdrew her motion to amend the ordinance.

Mr. Amato stated that typically when a new ordinance is passed the Police Department may issuing warnings versus citations, for a period of time.

Motion by Councilmember Granville to approve agenda item 6C4; second by Councilmember Kuby. Motion passed on a roll call vote 4-3 with Mayor Mitchell, Vice Mayor Woods, and Councilmember Arredondo-Savage voting no.

- *6C4. Held the second and final public hearing and adopted **ORDINANCE NO. O2015.43** amending Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by adding a new Section 19-55, making it unlawful for any person to operate a motor vehicle while using a mobile electronic device, if such driving constitutes a risk to that person or others.

Fiscal Impact: This ordinance would result in the assessment of a \$100 fine plus penalty for the first incident, a \$250 fine plus penalty for a second incident, and a \$500 fine plus penalty for all subsequent incidents within a 24-month period.

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.

Motion by Councilmember Arredondo-Savage to approve the consent agenda; second by Councilmember Granville. Motion passed unanimously on a roll call vote 7-0.

A. Miscellaneous Items

- 5A1. Approved the August 2015 Report of Claims Paid to be filed for audit.

Fiscal Impact: Total payments in August: \$18,985,596.46.

- *5A2. Held a public hearing and recommended the approval of a Series 09S sampling liquor store license for Asad Enterprises LLC, dba Devil's Liquor, 1858 East Apache Boulevard.

Fiscal Impact: N/A

- *5A3. Held a public hearing and recommended the approval of a series 12 restaurant liquor license for Bacus Bros. LLC, dba Bacus Bros Hot Dogs & Beer, 414 South Mill Avenue, Suite #114.

Fiscal Impact: N/A

- *5A4. Held a public hearing and recommended the approval of an Off-Track Wagering license for TP Racing, LLLP, dba Turf Paradise, located at Kolby's Corner Pockets Billiards, 1301 East University Drive, Suite #112.

Fiscal Impact: N/A

- *5A5. Held a public hearing and recommended the approval of an Off-Track Wagering license for TP Racing, LLLP, dba Turf Paradise, located at Dos Gringos Grille, 8000 South Priest Drive.

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1. Approved the utilization of a two-year State of Arizona contract with CenturyLink, Inc. for local and long distance telephone and data services.

Fiscal Impact: Total cost of the two-year contract will not exceed \$800,000. Sufficient funds have been appropriated in General Fund cost center 1991 (IT Administration), Highway User Revenue Fund cost centers 3821 (Transportation Administration) and 3825 (Signal System), and Transit Special Revenue Fund cost center 3914 (Transit Operations) for the anticipated expenditures.

- 5B2. Approved the utilization of a six-month State of Arizona contract with Bridgestone/Firestone of North America, Inc. for the purchase of tires and tubes.

Fiscal Impact: Total cost of this contract will not exceed \$125,000. Sufficient funds have been appropriated in the General Fund – cost center 3264 (Fleet Services Inventory) – for the anticipated expenditures in the current fiscal year.

- 5B3. Approved the utilization of one-year State of Arizona contracts with PFVT Motors for the purchase of vehicles.

Fiscal Impact: Total cost of these contracts will not exceed \$200,000. Sufficient funds have been appropriated in the General Fund – cost center 3261 (Fleet Services), and the Water/Wastewater Fund – cost center 3022 (Distribution and Collection), for the anticipated expenditure in the current fiscal year.

- 5B4. Approved 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.

Fiscal Impact: Total cost of this contract shall not exceed \$700,000 during the one-year contract period. Sufficient funds have been appropriated in various Citywide operating and capital improvement cost centers for the anticipated expenditures.

- 5B5. Approved the utilization of a two-year State of Arizona contract with Cox Arizona Telecom, LLC, for data and internet services.

Fiscal Impact: Total cost of the two-year contract will not exceed \$220,000. 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.

- 5B6. Approved the utilization of a one-year City of Chandler contract with East Valley Disaster Services, Inc. for remediation and restoration services.

Fiscal Impact: Total cost of the one-year contract will not exceed \$75,000. Sufficient funds have been appropriated in Risk Management Fund – cost center 2611 (Liability Claims/Risk) for the anticipated expenditures.

- 5B7. Approved the renewal of a one-year contract with Caid Industries for the purchase of modular traffic signal poles and mast arms.

Fiscal Impact: Total cost of this contract shall not exceed \$250,000 during the contract renewal period. Sufficient funds have been appropriated in the Traffic Signal CIP Fund – cost center 6906209 (New Signals/Safety Upgrade) – for the anticipated expenditures in the current fiscal year.

- 5B8. Approved the renewal of a one-year contract with SealMaster of Arizona for the purchase of a polymer modified asphalt emulsion sealcoating.

Fiscal Impact: Total cost of this contract shall not exceed \$125,000 during the contract renewal period. Sufficient funds have been appropriated in the Highway User Revenue Fund – cost center 3813 (Construction) – for the anticipated expenditures in the current fiscal year.

- 5B9. Approved the renewal of a one-year contract with Freightliner of Arizona for the purchase of a single 10 cubic yard dump truck.

Fiscal Impact: Total cost of this contract shall not exceed \$142,000. Sufficient funds have been appropriated in the Highway User Revenue Fund – cost center 3813 (Construction) – for the anticipated expenditures in the current fiscal year.

- 5B10. Approved a one-year contract renewal with First Data Government Solutions, LP for an Interactive Voice Response/Interactive Web Response system that allows for automated payment processing services.

Fiscal Impact: Total cost of this one-year contract will not exceed \$400,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund cost center – 1831 (Accounting) and Water/Wastewater Fund – 1841 (Finance: Customer Services) for the anticipated expenditures.

- 5B11. Approved an increase in the contract amount with The Toro Company, represented locally by Simpson Norton Corporation, for the purchase of grounds keeping, utility, golf, and sports field maintenance equipment.

Fiscal Impact: Total spending on this contract will not exceed \$220,000 and will change the contract amount, previously approved by Council, from \$165,000 to \$220,000, an increase of \$55,000. Sufficient funds have been appropriated in various cost centers for the anticipated expenditures in the current fiscal year.

- 5B12. Awarded one-year contracts with four, one-year renewal options to Police Ordnance Company, Inc. and Lawmen's & Shooters' Supply for the purchase of less lethal launchers for the Police Department. (Contract #2015-203A-B)

Fiscal Impact: Total one-year combined cost of these contracts shall not exceed \$80,000. Sufficient funds have been appropriated in the Police Grants & Restrictive Revenue Fund, cost center 2286 (Senate Bill 1398 – Police Department Safety Equipment) for the anticipated expenditures in the current fiscal year.

- 5B13. Awarded job order no. 16 to MGC Contractors, Inc. for sewer line repairs on McClintock Drive south of Apache Boulevard.

Fiscal Impact: The total job order amount is \$124,580.37 and the project contingency amount is \$12,500. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3299969, Collection and Pump Replacement and Repair.

- 5B14. Awarded job order no. 19 to PCL Construction, Inc. for the installation of a 66-inch butterfly valve and spool at the South Tempe Water Treatment Plant.

Fiscal Impact: The total job order amount is \$215,210.13 and the project contingency amount is \$21,500. Funds to cover this job order contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3204969, Water System Rehabilitation or Replacement of Aging Infrastructure.

- 5B15. Awarded a Construction Manager at Risk construction services contract to PCL Construction, Inc. for the final phase of repair to the raw water aqueduct at the Johnny G. Martinez Water Treatment Plant. **(Contract #2015-204)**

Fiscal Impact: The construction services contract amount is \$284,496 and the project contingency amount is \$13,000. Funds to cover this contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3204959, Johnny G. Martinez Water Treatment Plant Water Aqueduct Rehabilitation.

C. Resolutions

- 5C1. Adopted **RESOLUTION NO. R2015.96** authorizing the Mayor to sign amendment one to the intergovernmental agreement with the Arizona Board of Regents, for and on behalf of Arizona State University, to provide funding to Tempe for existing urban and neighborhood circulator services. **(Contract #2014-196A)**

Fiscal Impact: Arizona State University (ASU) will contribute a total of \$889,190 to the operation of urban (FLASH) and neighborhood circulator bus services (Orbit) in fiscal year 2015-16. ASU is fully funding the FLASH system at the net operating cost of \$758,540 and contributing \$130,650 to the total net operating cost of the Orbit Mars.

- 5C2. Adopted **RESOLUTION NO. R2015.100** authorizing the Chief of Police or his designee(s), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance loud party patrol and DUI suppression enforcement. **(Contract #2015-205)**

Fiscal Impact: The amount of the total grant award is \$60,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C3. Adopted **RESOLUTION NO. R2015.101** authorizing the Chief of Police or his designee(s), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance the Selective Traffic Enforcement Program. **(Contract #2015-206)**

Fiscal Impact: The amount of the total grant award is \$80,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C4. Adopted **RESOLUTION NO. R2015.102** authorizing the Chief of Police or his designee(s), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance DUI / impaired driving enforcement. **(Contract #2015-207)**

Fiscal Impact: The amount of the total grant award is \$100,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

- 5C5. Adopted **RESOLUTION NO. R2015.103** authorizing the Chief of Police or his designee(s), to execute a grant award agreement between the State of Arizona, Governor's Office of Highway Safety and the Tempe Police Department to accept funding for overtime and employee related expenses to enhance the Occupant Protection Enforcement relating to vehicle occupant restraint which includes seat belts, infant car seats, and booster seats. **(Contract #2015-208)**

Fiscal Impact: The amount of the total grant award is \$20,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Grants and Restricted Revenue Fund (Fund 45) as part of the fiscal year 2015-16 adopted budget.

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.

A. Miscellaneous Items/Bids/Contracts/Resolutions

- 6A1. Contract option to purchase two replacement emergency response vehicles from Emergency Vehicle Group, Inc.

There was no discussion on agenda item 6A1.

Motion by Councilmember Arredondo-Savage to approve agenda item 6A1; second by Councilmember Navarro. Motion passed unanimously on a roll call vote 7-0.

- 6A1.** Approved a contract option to purchase two replacement emergency response vehicles from Emergency Vehicle Group, Inc. for the Fire Medical Rescue Department.

Fiscal Impact: Additional spending will not exceed \$1,200,000. This contract was solicited and approved with additional purchase options and sufficient funds have been appropriated in the Fire Protection Capital Improvement Project fund cost center 5603619 (Fire Apparatus Replacement) for the anticipated expenditure in the current fiscal year.

- 6A2.** Contract with TASER International, Inc. for the purchase of a digital evidence and body-worn camera solution.

There was no discussion on agenda item 6A2.

Motion by Councilmember Arredondo-Savage to approve agenda item 6A2; second by Councilmember Navarro. Motion passed unanimously on a roll call vote 7-0.

- 6A2.** Awarded a five-year contract to TASER International, Inc. for the purchase of a digital evidence and body-worn camera solution for the Police Department. **(Contract #2015-209)**

Fiscal Impact: Total five-year cost of this contract (including tax) shall not exceed \$1,867,474. Sufficient funds have been appropriated in the Police Protection Capital Improvement Project Fund, cost center 5507179 (Digital Evidence / BWC Project) for the anticipated expenditures in the current fiscal year.

- 6A3.** Contracts with B&F Contracting, Inc. and Brown and Caldwell, Inc. for emergency sewer line repair and rehabilitation on First Street from Priest to Hardy Drives.

There was no discussion on agenda item 6A3.

Motion by Councilmember Arredondo-Savage to approve agenda item 6A3; second by Councilmember Navarro. Motion passed unanimously on a roll call vote 7-0.

- 6A3.** Awarded a construction contract to B&F Contracting, Inc. **(Contract #2015-210)** and a professional services consultant contract to Brown and Caldwell, Inc. **(Contract #2015-212)** for emergency sewer line repair and rehabilitation on First Street from Priest to Hardy Drives.

Fiscal Impact: The construction contract amount is \$961,952.66, professional services consultant contract amount is \$97,099, and the project contingency amount is \$100,000. Funds to cover this contract and related costs are appropriated for fiscal year 2015/16 in Capital Improvement Project No. 3299969, Collection System and Pump Station Replacement and Repair.

- 6A4.** Transit Service Agreement amendment two to an intergovernmental agreement with the Regional Public Transportation Authority for transit services.

There was no discussion on agenda item 6A4.

Motion by Councilmember Arredondo-Savage to approve agenda item 6A4; second by Councilmember Navarro. Motion passed unanimously on a roll call vote 7-0.

- 6A4.** Adopted **RESOLUTION NO. R2015.97** authorizing the Mayor to sign fiscal year 2015-2016 Transit Service Agreement amendment two to an intergovernmental agreement with the Regional Public Transportation Authority for the purchase and supply of transit services. **(Contract #2013-82B2)**

Fiscal Impact: The gross cost is \$24,765,415 funded with the following applied revenue sources: Tempe Transit Tax \$13,669,977, fare revenue \$5,048,800, federal preventive maintenance \$2,550,670, and Proposition 400 funds \$3,495,968. Sufficient funding has been approved for fiscal year 2015-2016 in Operating Budget cost center 3914, accounts 6620, 6624, and 6626.

- 6A5.** Operations Funding Agreement with Valley Metro Rail, Inc. for light rail transit services.

There was no discussion on agenda item 6A5.

Motion by Councilmember Arredondo-Savage to approve agenda item 6A5; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 7-0.

- 6A5.** Adopted **RESOLUTION NO. R2015.98** authorizing the Mayor to sign the annual Operations Funding Agreement between the City of Tempe and Valley Metro Rail, Inc. for light rail transit services for fiscal year 2015-2016. **(Contract #2015-211)**

Fiscal Impact: The gross cost is \$9,728,453 funded with the following applied revenue sources: Transit Tax \$5,819,794, fare revenue \$3,429,453, federal preventive maintenance funds \$287,662, and advertising revenue \$191,544. Sufficient funding has been approved for fiscal year 2015-2016 in Operating Budget cost center 3921, accounts 6625 and 6798.

- 6A6.** Resolution authorizing amendment two to the intergovernmental agreement with the Regional Public Transportation Authority for Dial-a-Ride and mobility services.

There was no discussion on agenda item 6A6.

Motion by Councilmember Schapira to approve agenda item 6A6; second by Councilmember Kuby. Motion passed unanimously on a roll call vote 7-0.

- 6A6.** Adopted **RESOLUTION NO. R2015.99** authorizing the Mayor to sign amendment two to the intergovernmental agreement between the Regional Public Transportation Authority and the City of Tempe for Dial-a-Ride and mobility services. **(Contract #2014-17B)**

Fiscal Impact: Net cost to Tempe is estimated to be \$180,182. Gross cost of Tempe's Dial-a-Ride and mobility programs is \$1,256,689. Funding sources include: Regional Proposition 400 funding (\$856,888 - 68%), federal funds (\$22,400 - 2%), fare revenue (\$197,219 - 16%), and Tempe Transit Tax funds (\$180,182 - 14%). Funding for Tempe's local share is provided by the TRANSIT FUND in cost center 3914.

B. Ordinances and Items for Introduction and First Hearing - None.

C. Ordinances and Items for Second Hearing and Final Adoption

*6C1. **THIS AGENDA ITEM HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT.** Ordinance for an Amended Planned Area Development Overlay and a Development Plan Review consisting of a new mixed use development containing 272 apartment units and 5,071 square feet of retail space within a six story, 84' 5" high building for SOUTHBANK LOT 6, located at 1190 East Vista del Lago Drive. The applicant is Huellmantel & Affiliates. (Ordinance No. O2015.39) (Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote (6 of 7) is required for approval.) *(At the request of the applicant, this item was continued from the August 13, 2015 and August 27, 2015 Regular Council Meetings.)*

6C2. **THIS AGENDA ITEM HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT.** Ordinance for an Amended Planned Area Development Overlay and approve a Development Plan Review consisting of a new mixed use development containing 273 apartment units, 4,500 square feet of retail space, and 1,130 square feet of office space within four live work units within a five-story, 69' 6" high building for SOUTHBANK LOT 1, located at 1200 East Rio Salado Parkway. The applicant is Huellmantel & Affiliates. (Ordinance No. O2015.38) (Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote (6 of 7) is required for approval.) *(At the request of the applicant, this item was continued from the August 13, 2015 and August 27, 2015 Regular Council Meetings.)*

Clerk's Note: Agenda items 6C3 and 6C4 were considered earlier in the meeting; see pages 2-4.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Schapira

- Thanked everyone for their well wishes for his recovery. He continues to be an ASU fan.

Councilmember Kuby

- Wednesday, September 30, 2015, Poverty in Tempe Fact vs. Folklore event, Arizona State University, Memorial Union, Pima Room.
- Monday, October 5, 2015, Arizona State University event on Plastic Pollution, Dianna Cohen, Wrigley speaker.

Councilmember Arredondo-Savage

- Saturday, September 26, 2015, Fiesta Playground grand opening event.
- Saturday, September 26, 2015, El Paso Gas Line Multi-use Path grand opening event.
- Saturday, September 26, 2015, College Connect event at the Tempe Public Library.
- Happy birthday to her niece and nephew.

Councilmember Navarro

- Concerts will be held at the Tempe Town Lake this weekend.

Councilmember Granville

- October 20, 24, and 28, 2015, Conversations with Kolby events.
- Wednesday, September 30, 2015, Bike Corral opening event, a Tempe Leadership Class project.
- Saturday, October 3, 2015, Tour de Fat event.
- October 9 – 11, 2015, Oktoberfest event.

8. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled – None.

The meeting adjourned at 7:20 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 Regular City Council meeting of September 24, 2015, by the Tempe City Council, Tempe, Arizona.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk