



Minutes Regular City Council Meeting February 27, 2014

Minutes of the Regular Council Meeting of Thursday, February 27, 2014, 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.

COUNCILMEMBERS PRESENT:

Mayor Mark W. Mitchell

Councilmember Robin Arredondo-Savage

Councilmember Kolby Granville

Councilmember Corey D. Woods

Vice Mayor Onnie Shekerjian

Councilmember Shana Ellis

Councilmember Joel Navarro

STAFF PRESENT:

Andrew Ching, City Manager

Judi Baumann, City Attorney

David Nakagawara, Community Development Director

Jeff Kulaga, Assistant City Manager

Brigitta M. Kuiper, City Clerk

Various Department Heads or their representatives

Mayor Mitchell called the meeting to order 7:44 p.m.

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

1. Regular City Council Meeting - February 13, 2014
2. Executive Session - February 13, 2014
3. City Council Committee of the Whole - September 30, 2013

B. Acceptance of Board, Commission and Committee Meeting Minutes

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

1. Aviation Commission - January 14, 2014
2. Human Relations Commission - January 14, 2014
3. Mayor's Youth Advisory Commission - January 21, 2014
4. Neighborhood Advisory Commission - August 7, 2013, October 2, 2013, November 6, 2013 and December 4, 2013
5. Parks, Recreation and Golf Advisory Board - December 18, 2013
6. Transportation Commission - January 14, 2014

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. Poison Awareness Week

Mayor Mitchell invited Greg Ruiz, Fire Chief, to the podium and read a proclamation declaring the week of March 16, 2014 as Poison Prevention Week.

B. Manager's Announcements

Andrew Ching, City Manager, announced that the Lost Our Home Animal Shelter, an animal crisis shelter, recently partnered with the Tempe Police Department, Tempe City Courts, and the Tempe Union High School District to organize a successful pet food drive that resulted in 10,000 pounds of donated pet food.

5. CONSENT AGENDA

All items listed on the Consent Agenda will be considered as a group and approved with one motion by the City Council, unless an item is removed for separate consideration. Public hearing items are designated by an asterisk (*).

Motion by Vice Mayor Shekerjian to approve the consent agenda with the exception of items 5A2 and 5C3, which were removed for separate consideration; second by Councilmember Woods. Motion passed unanimously on a roll call vote 7-0.

A. Miscellaneous Items

- 5A1. Approved the January 2014 Report of Claims Paid to be filed for audit.

Fiscal Impact: Total payments in January: \$17,077,384.65

- 5A2. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Approve a Final Subdivision Plat and Condominium Plat for 1916 HAYDEN LANE CONDOMINIUMS, located at 1916 East Hayden Lane. The applicant is Brightlake Architecture, LLC.

- *5A3. Held a public hearing and recommended the approval of an acquisition of control of a Series 12 restaurant liquor license for Taco Titan I LLC, dba Fuzzy's Taco Shop, 414 South Mill Avenue #115.

Fiscal Impact: N/A

- *5A4. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for J & H Global Corporation, dba Great Steak & Potato, 2000 East Rio Salado Parkway #1215.

Fiscal Impact: N/A

- *5A5. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Money Sodhi LLC, dba Gus' New York Pizza Lounge, 414 South Mill Avenue #118.

Fiscal Impact: N/A

- *5A6. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for HNJ Tempe Inc., dba Hot N Juicy Crawfish, 740 South Mill Avenue, #185-D.

Fiscal Impact: N/A

- *5A7. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for One Group, LLC, dba McChevron, 475 West Guadalupe Road.

Fiscal Impact: N/A

- *5A8. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Milk and Honey LLC, dba Milk and Honey, 115 West 6th Street.

Fiscal Impact: N/A

- *5A9. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Inland Oceans Operations, LLC, dba Big Surf Waterpark, 1500 North McClintock Drive.

Fiscal Impact: N/A

B. Award of Bids/Contracts

- 5B1. Approved the renewal of one-year contracts with Baker & Taylor, Inc. and Midwest Tape, LLC for the purchase of library books and non-print media for the Tempe Public Library.

Fiscal Impact: Total combined cost of these contracts will not exceed \$300,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund - cost center 2440 (Library) for the anticipated expenditures in the current fiscal year.

- 5B2. Awarded a construction contract to AJP Electric, Inc. for replacement of the electrical back-up generators at Fire Station Number 3 at 5440 South McClintock Drive and Station Number 4 at 300 East Elliot Road. **(Contract #2014-36)**

Fiscal Impact: The total contract amount is \$93,830 and the project contingency amount is \$9,383. Funds to cover this construction contract and related costs are appropriated for fiscal year 2013/14 in Capital Improvement Project No. 6799779, Emergency Capital Repairs.

- 5B3. Awarded a construction contract to AJP Electric, Inc. for safety improvements at the Union Pacific Railroad crossing on Fifth Street. **(Contract #2014-37)**

Fiscal Impact: The total contract amount is \$135,400.40 and the project contingency amount is \$13,500. Funds to cover this construction contract and related costs are appropriated for fiscal year 2013/14 in Capital Improvement Project No. 5401901, Railroad Safety Improvements. This project is fully funded by a Highway Safety Improvement Program Section 130 grant through the Federal Highway Administration.

C. Resolutions

- 5C1. Adopted **RESOLUTION NO. R2014.16** establishing the polling places and districts for the May 20, 2014 Special Election.

Fiscal Impact: N/A

- 5C2.** Adopted **RESOLUTION NO. R2014.17** to adopt the Land Use Assumptions and the Infrastructure Improvement Plan, both dated February 4, 2014, that will be used as the basis to calculate Water and Wastewater Development Fees.

Fiscal Impact: No impact on City funds.

- 5C3.** **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Adopt a resolution authorizing the City Manager to extend the closing date under the Development and Disposition Agreement with 529 Tempe, LLC for the sale of the City-owned property at 903 South Rural Road. (Resolution No. R2014.18)

- 5C4.** Adopted **RESOLUTION NO. R2014.19** authorizing the Mayor to sign a Memorandum of Understanding between the City of Tempe and Maricopa County Community College District for negotiations to jointly explore a potential collaboration that will support the construction and use of additional buildings and facilities on the City-owned property adjacent to the Tempe Center for the Arts that will expand potential uses of the Tempe Center for the Arts and meet the expanding needs of the District. (**Contract #2014-38**)

Fiscal Impact: The Memorandum of Understanding will result in no fiscal impact to the City.

- 5C5.** Adopted **RESOLUTION NO. R2014.20** authorizing the issuance of one or more series of The Industrial Development Authority of the City of Tempe, Arizona Lease Revenue Refunding Bonds (Arizona State University/ASU Foundation Project) in an original aggregate principal amount not to exceed \$45,000,000.

Fiscal Impact: The City is not obligated for any payments with respect to the bonds.

- 5C6.** Adopted **RESOLUTION NO. R2014.21** supporting the restoration of Arizona Highway User Revenue Fund distribution to cities, towns, counties, and state highways.

Fiscal Impact: There is no cost to the City to adopt this resolution.

- 5C7.** Adopted **RESOLUTION NO. R2014.22** supporting the Governor's Fiscal Year 2015 budget recommendation for Arizona State University at the Tempe Campus.

Fiscal Impact: N/A

CONSENT AGENDA ITEMS REMOVED FOR SEPARATE CONSIDERATION:

5A2. Final Subdivision Plat and Condominium Plat for 1916 HAYDEN LANE CONDOMINIUMS.

Councilmember Granville noted that this project consists of condominiums and does not have a crime free multi-housing designation, which is required of many multi-housing projects. Staff was asked to explain how crime free multi-housing is designated by the City. David Nakagawara, Community Development Director, stated that the Crime Free Multi-housing Program has mandatory requirements that are applied strictly to multi-family, rental type properties; this is an owner-occupied project, which is not eligible for this designation. The Crime Free Multi-housing Program includes construction and design elements that are encouraged for all types of construction.

Councilmembers and staff discussed density associated with apartments and the greater ability to renovate and place restrictions on these properties by requiring a crime free multi-housing designation. Staff was asked to provide a Friday Information Packet memorandum to the City Council regarding what the City can do to encourage coordinated renovations to aging, dense condominium properties, as well as information regarding private property rights.

Motion by Councilmember Navarro to approve agenda item 5A2; second by Vice Mayor Shekerjian. Motion passed unanimously on a roll call vote 7-0.

- 5A2.** Approved a Final Subdivision Plat and Condominium Plat for 1916 HAYDEN LANE CONDOMINIUMS, located at 1916 East Hayden Lane. The applicant is Brightlake Architecture, LLC.

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

The following conditions of approval apply:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Community Development Department on or before February 27, 2015. Failure to record the plat within one year of City Council approval shall make the plat null and void.
2. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.
3. An easement shall be dedicated for the existing SRP waterline, subject review prior to receiving building permits.

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- 5C3. Resolution extending the closing date under the Development and Disposition Agreement with 529 Tempe, LLC.**

Councilmember Ellis declared a potential conflict of interest on agenda item 5C3.

Motion by Councilmember Arredondo-Savage to approve agenda item 5C3; second by Councilmember Navarro. Motion passed on a roll call vote 6-0-1 with Councilmember Ellis abstaining.

- 5C3.** Adopted **RESOLUTION NO. R2014.18** authorizing the City Manager to extend the closing date under the Development and Disposition Agreement with 529 Tempe, LLC for the sale of the City-owned property at 903 South Rural Road.

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

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 at this meeting.

A. Miscellaneous Items/Bids/Contracts/Resolutions – None.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. Ordinance amending Chapter 27, Article II of the Tempe City Code relating to Sewers and Sewage Disposal.**

Mayor Mitchell introduced the ordinance and opened the public hearing.

There was no discussion or public comment on agenda item 6B1.

- *6B1. Introduced and held the first public hearing to adopt an ordinance amending Chapter 27, Article II of the Tempe City Code relating to Sewers and Sewage Disposal. The second and final public hearing was scheduled for March 20, 2014. (Ordinance No. O2014.11)

Fiscal Impact: N/A

- *6B2. **Ordinance amending Chapter 33, Article II, of the Tempe City Code, relating to Domestic Water Service and Article III, relating to Water for Irrigation.**

Mayor Mitchell introduced the ordinance and opened the public hearing.

There was no discussion or public comment on agenda item 6B2.

- *6B2. Introduced and held the first public hearing to adopt an ordinance amending Chapter 33, Article II, of the Tempe City Code, relating to Domestic Water Service and Article III, relating to Water for Irrigation. The second and final public hearing was scheduled for March 20, 2014. (Ordinance No. O2014.12)

Fiscal Impact: N/A

- *6B3. **Ordinance granting a Power Distribution Easement to Salt River Project Agricultural Improvement and Power District.**

Mayor Mitchell introduced the ordinance and opened the public hearing.

There was no discussion or public comment on agenda item 6B3.

- *6B3. Introduced and held the first public hearing to adopt an ordinance authorizing the granting of a Power Distribution Easement to Salt River Project Agricultural Improvement and Power District for new underground power lines located near the parking area in Kiwanis Park at 6015 South All American Way. The second and final public hearing was scheduled for March 20, 2014. (Ordinance No. O2014.13)

Fiscal Impact: No impact on City funds.

- *6B4. **Ordinance amending Chapter 2, Article III and Chapter 14, Article I of the Tempe City Code relating to Administration, Fire Prevention and Protection.**

Mayor Mitchell introduced the ordinance and opened the public hearing.

There was no discussion or public comment on agenda item 6B4.

- *6B4.** Introduced and held the first public hearing to amend Chapter 2, Article III and Chapter 14, Article I of the Tempe City Code relating to Administration, Fire Prevention and Protection and the City Code generally, by amending the relevant sections to reflect the updated name from Tempe Fire Department to Tempe Fire Medical Rescue Department and also by designating the chief of the fire department as the chief of the Fire Medical Rescue Department. The second and final public hearing was scheduled for March 20, 2014. (Ordinance No. O2014.14)

Fiscal Impact: The estimated cost for updating equipment to reflect the updated name is \$10,000 over a five-year period. Sufficient budget appropriation exists in the Fire Department's existing General Fund budget, cost center 2310, to cover these costs. No additional funds are being requested.

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. Ordinance amending Chapter 9 of the Tempe City Code relating to Civil Defense and Emergency Services.**

Mayor Mitchell opened the public hearing.

There was no discussion or public comment on agenda item 6C1.

Motion by Councilmember Arredondo-Savage to approve agenda item 6C1; second by Councilmember Woods. Motion passed unanimously on a roll call vote 7-0.

- *6C1.** Held the second and final public hearing and adopted **ORDINANCE NO. O2014.09** amending Chapter 9 of the Tempe City Code relating to Civil Defense and Emergency Services.

Fiscal Impact: N/A

- *6C2. Ordinance amending Chapter 2, Administration of the Tempe City Code, by adding Article VIII, relating to Human Relations.**

Mayor Mitchell opened the public hearing.

There was no discussion or public comment on agenda item 6C2.

Motion by Councilmember Woods to approve agenda item 6C2; second by Councilmember Arredondo-Savage. Motion passed unanimously on a roll call vote 7-0.

- *6C2.** Held the second and final public hearing and adopted **ORDINANCE NO. O2014.10** amending Chapter 2, Administration of the Tempe City Code, by adding Article VIII, relating to Human Relations.

Fiscal Impact: There is no direct fiscal impact to the City as a result of this Ordinance. Existing staff will provide the administration of the Ordinance.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Woods

- Free tax preparation for individuals and families that make less than \$52,000 annually is available at Landings Credit Union, 2800 South Mill Avenue - Saturday, March 1, 2014, and Wednesday, March 5, 2014; closed for

spring break and reopens Saturday, March 22, 2014. Also available at this location: sign up for the Affordable Care Act (deadline is Monday, March 31, 2014), assistance with the Free Application for Federal Student Aid (FASFA) forms; and food stamp resources.

Vice Mayor Shekerjian

- Sunday, March 2, 2014 – Tempe Community Market, 620 North Mill Avenue, 8:00 a.m. Thanked Cindy Gentry and members of the Tempe Community Action Agency for their coordination of this event.
- Sunday, March 2, 2014 – Harvest for Humanity Field Market.
- Condolences to the Gooch family on the loss of a family member.
- Announced her daughter is expecting a son.

Councilmember Ellis

- Saturday, March 8, 2014 – Tempe Cares event at the LoPiano Bosque.
- Happy birthday to her father, Vice Mayor Shekerjian and Councilmember Arredondo-Savage.

Councilmember Arredondo-Savage

- Proud to live in Tempe and be involved in the passage of the anti-discrimination ordinance.
- Happy birthday to Vice Mayor Shekerjian.
- Saturday, March 1, 2014 – Play Day at Kiwanis Park.

Councilmember Navarro

- Proud to be involved in the passage of the anti-discrimination ordinance. Thanked staff, Tempe Chamber of Commerce, and Tempe boards and commissions that took part in the process.

Councilmember Granville

- Thanked staff and his colleagues for the passage of the anti-discrimination ordinance.

Mayor Mitchell

- Friday, February 28, 2014 – Los Angeles Angels spring training game at Tempe Diablo Stadium.
- Thanked City staff for their coordination of the Character Area public meeting. The next meeting is scheduled for Monday, March 3, 2014.
- Thanked staff and his colleagues for the passage of the anti-discrimination ordinance.

8. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled

David Lucier, Tempe, thanked Councilmembers for their service to the City of Tempe and for their support of military veterans by including them in the anti-discrimination ordinance.

The meeting adjourned at 8:10 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 February 27, 2014, by the Tempe City Council, Tempe, Arizona.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk