

Regular Council Meeting Agenda



REVISED

**Tempe City Council
Regular Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, February 09, 2017
6:00 PM**

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

1. **INVOCATION - Vice Mayor Arredondo-Savage**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Navarro**
 - A. Approval of City Council Meeting Minutes
 1. [City Council Work Study Session - December 1, 2016 and December 15, 2016](#)
 2. [City Council and Development Review Commission Joint Meeting - December 19, 2016](#)
 3. [City Council and SouthEast Valley Regional Association of Realtors' Government Affairs Committee Joint Meeting - January 4, 2017](#)
 - B. Acceptance of Board, Commission and Committee Meeting Minutes
 1. [Tempe History Museum and Library Advisory Board - January 4, 2017](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Reports and Announcements
 1. What Works Cities Initiative
 2. Tempe Empty Bowls Project
 - B. City Manager's Reports and Announcements
 1. [Tempe City Code update](#)
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 a Memorandum of Understanding between the City of Tempe, Arizona Board of Regents for and on behalf of Arizona State University, NatureWorks, LLC, and DTEEnvironmental to collaborate on a pilot program that will test an in-vessel composter for pre- and post-consumer food waste.](#)

Fiscal Impact: There is no fiscal impact anticipated. In the event an unforeseen expense is incurred, the Memorandum of Understanding agrees to a reimbursement for up to \$12,500 for the City of Tempe's costs associated with its obligations.

- *5A2. [Hold a public hearing to recommend the approval of an acquisition of control of a series 10 beer and wine store liquor license for T&B Holdings LLC, dba Mobil Kwik Corner, 2165 East Baseline Road.](#)

Fiscal Impact: N/A

- *5A3. [Hold a public hearing to recommend the approval of an acquisition of control of a series 10 beer and wine store liquor license for T&B Holdings LLC, dba Mobil Kwik Corner, 2180 East Broadway Road.](#)

Fiscal Impact: N/A

- *5A4. [Hold a public hearing to recommend the approval of an acquisition of control of a series 12 restaurant liquor license for Bzaz1 LLC, dba Blaze, 105 West University Drive.](#)

Fiscal Impact: N/A

- *5A5. [Hold a public hearing to recommend the approval of a series 10 beer and wine store liquor license for Em's Deli & Market LLC, dba Em's Mini Market, 977 East Apache Boulevard.](#)

Fiscal Impact: N/A

- 5A6. [Approve fiscal year 2016-2017 Capital Improvements Program \(CIP\) budget appropriation transfer from Parks Contingency to Tempe Splash Playgrounds. \(Related to Agenda Item 6A2\) \(Item/material added\)](#)

Fiscal Impact: \$500,000 of the fiscal year 2016-2017 appropriations will be transferred from Capital Improvements Program Project #6309863, (Park Contingency) to project #6506931 (Tempe Splash Playgrounds) to fund design and construction costs.

B. Award of Bids/Contracts

- 5B1. [Approve a one-year contract renewal with Phoenix Fence Company to repair existing fencing systems, install new fencing, and provide rental of temporary fencing.](#)

Fiscal Impact: Total cost of this contract will not exceed \$150,000 during the one-year renewal period. Sufficient funds have been appropriated in the General Fund – cost center 1871 (Facility Services) – for the anticipated expenditures.

- 5B2. [Approve a one-year contract renewal with PCL Construction, Inc. to remove and replace sludge collection equipment that is beyond its practical life at the Johnny G. Martinez water plant.](#)

Fiscal Impact: Total cost of this contract will not exceed \$150,000 during the one-year renewal period. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost center 3013 (Johnny G. Martinez Water Plant) – for the anticipated expenditures.

- 5B3. [Approve the one-year renewal of a contract with Graffiti Protective Coatings, Inc. for graffiti abatement services for commercial properties to be overseen by the Community Development Department.](#)

Fiscal Impact: There is no fiscal impact to the City for this contract. Costs for graffiti abatement will be the responsibility of the commercial property owners who agree to utilize the service.

- 5B4. [Approve a nine-month contract renewal with GolfNow LLC for on-line tee time distribution, marketing, website, and mobile development services for Ken McDonald Golf Course and Rolling Hills Golf Course.](#)

Fiscal Impact: As compensation for these services, this contract provides two trade rounds per course per day and the revenue generated by these trade rounds is retained by GolfNow LLC. The value of these trade rounds is estimated at \$102,000 for the nine-month contract period. The City estimates that the marketing services provided by GolfNow LLC will generate approximately \$260,000 in revenue that will be retained by the City during the contract renewal period.

- 5B5. [Award a contract, for a term of up to one-year, to Eaton Sales & Service, LLC for the purchase and installation of replacement fuel tanks at City satellite locations.](#)

Fiscal Impact: Total cost of this contract will not exceed \$240,000. Sufficient funds have been appropriated in the General Governmental CIP Fund – cost center 6708349 (Fuel Tank Replacement) – for the anticipated expenditures.

- 5B6. [Award a professional services contract addendum to Arcadis U.S., Inc. for the Rio Salado Sewer Siphon Relief Study.](#)

Fiscal Impact: The professional services contract is \$193,273. Funds to cover this contract and related costs are appropriated for fiscal year 2016/17 in the Capital Improvement Project No. 3299969, Wastewater Collection System Upgrades and Improvements.

C. Resolutions

- 5C1. [Adopt a resolution authorizing the Mayor to sign a funding agreement with Tempe Neighbors Helping Neighbors for grant funding to provide transportation services for elderly and disabled Tempe residents. \(Resolution No. R2017.20\)](#)

Fiscal Impact: \$10,000 in funding provided by the Transit Fund in Cost Center 3914.

- 5C2. [Adopt a resolution authorizing the Mayor to sign a funding agreement with the Foundation for Senior Living – Tempe for grant funding to provide transportation services for elderly and disabled Tempe residents. \(Resolution No. R2017.21\)](#)

Fiscal Impact: \$20,000 in funding provided by the Transit Fund in Cost Center 3914.

- 5C3. [Adopt a resolution authorizing the Mayor to sign a funding agreement with Tempe Community Action Agency for grant funding to provide transportation services for elderly and disabled Tempe residents. \(Resolution No. R2017.22\)](#)

Fiscal Impact: \$12,000 in funding provided by the Transit Fund in Cost Center 3914.

- 5C4. [Adopt a resolution authorizing the Mayor to sign a funding agreement with The Centers for Habilitation for grant funding to provide transportation services for elderly and disabled Tempe residents. \(Resolution No. R2017.23\)](#)

Fiscal Impact: \$8,000 in funding provided by the Transit Fund in Cost Center 3914.

- 5C5. [Adopt a resolution authorizing the Mayor to sign a Facility Use Agreement with New School for the Arts and Academics for the lease of a portion of a City owned parking lot located at 1208-1246 South Dorsey Lane. \(Resolution No. R2017.24\)](#)

Fiscal Impact: New School for the Arts and Academics will pay the City \$2,676 bi-annually for a total of \$5,352 annual rent.

- 5C6. [Adopt a resolution authorizing the City Manager or designee to negotiate exclusively with Habitat for Humanity Central Arizona an agreement for the purchase and development of market rate, affordable housing on a City-owned residential lot located at 1969 East Don Carlos Avenue. \(Resolution No. R2017.25\)](#)

Fiscal Impact: Financial details will be determined through negotiation of the terms of the Development and Disposition Agreement and subject to City Council approval.

- 5C7. [Adopt a resolution authorizing the City Manager or designee to negotiate exclusively with Habitat for Humanity Central Arizona an agreement for the purchase and development of market rate, affordable housing on a City-owned lot located at 3606 South Roosevelt Street. \(Resolution No. R2017.26\)](#)

Fiscal Impact: Financial details will be determined through negotiation of the terms of the Development and Disposition Agreement and subject to City Council approval.

- 5C8. [Adopt a resolution authorizing the City Manager or designee to negotiate exclusively with Habitat for Humanity Central Arizona an agreement for the purchase and development of affordable housing on a single City-owned residential lot located at 2539 East Victory Drive. \(Resolution No. R2017.27\)](#)

Fiscal Impact: Financial details will be determined through negotiation of the terms of the Development and Disposition Agreement and subject to City Council approval.

- 5C9. [Adopt a resolution authorizing the City Manager or designee to negotiate exclusively with Habitat for Humanity Central Arizona an agreement for the purchase and development of market rate, affordable housing on four City-owned lots located at 647 West 19th Street. \(Resolution No. R2017.28\)](#)

Fiscal Impact: Financial details will be determined through negotiation of the terms of the Development and Disposition Agreement and subject to City Council approval.

- 5C10. [Adopt a resolution authorizing the Mayor to execute the Subgrant Award Agreement between the Arizona Department of Public Safety-Victims of Crime Act, Victim Assistance Grant Program and the City of Tempe to accept and disburse a federal grant for the provision of CARE 7 victim services. \(Resolution No. R2017.29\)](#)

Fiscal Impact: The amount of the grant award through September 30, 2017 is \$137,146. Sufficient budget appropriation for expenditure of this grant was authorized in the Governmental Grants Fund (Fund 46), as part of the Fiscal Year 2016-17 adopted budget. The required match of \$34,287 will be met through volunteer hours provided by community residents.

- 5C11. [Adopt a resolution to approve and authorize the Mayor to execute an Intergovernmental Agreement between the City of Tempe and the Arizona Board of Regents, for and on behalf of Arizona State University and its Julie Ann Wrigley Global Institute of Sustainability for the purpose of the creation of a temporary full-time city position for Sustainability Program Manager. \(Resolution No. R2017.30\)](#)

Fiscal Impact: The total budget for this position is \$102,000, with the City of Tempe contributing \$77,000 and Arizona State University contributing \$25,000. Sufficient budget appropriation for this position was authorized in the General Fund, City Manager cost center 1210, as part of the Fiscal Year 2016-17 adopted budget.

- 5C12. [Adopt a resolution authorizing the Mayor to sign a Cancellation of Operating Agreement for School Crossing with Tempe Elementary School District #3. \(Resolution No. R2017.14\) \(Continued from the January 26, 2017 Regular Council Meeting\)](#)

Fiscal Impact: N/A

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. [Adopt a resolution authorizing the Mayor to sign the fiscal year 2016-2017 Transit Service Intergovernmental Agreement with the Regional Public Transportation Authority for the purchase and supply of transit services. \(Resolution No. R2017.19\)](#)

Fiscal Impact: The gross cost is \$26,158,710 funded with the following applied revenue sources: Tempe Transit Tax \$14,612,568, fare revenue \$4,537,331, federal preventive maintenance \$2,562,402, alternative fuel tax credit, \$462,740 and Proposition 400 funds \$ 3,983,669. Sufficient funding for this Agreement has been appropriated in the Transit Fund (cost center 3914) as part of the fiscal year 2016-2017 adopted budget.

- 6A2.** [Adopt a resolution authorizing a maximum dollar amount for an individual job order of up to two million dollars for the purpose of procuring construction services for a Tempe splash playground to be located at Kiwanis Park located at 6111 South All-America Way. \(Resolution No. R2017.31\) \(Related to Agenda Item 5A6\) \(Item/material added\)](#)

Fiscal Impact: The fiscal impact will be to allow up to a maximum of two million dollars for an individual job order. The specific Job Order Construction contract will be brought back to Council for approval once negotiated.

B. Ordinances and Items for Introduction and First Hearing

- *6B1. [Introduce and hold the first public hearing to adopt an ordinance authorizing the Mayor or his designee to execute documents to transfer title to certain property within the Hayden Ferry Lakeside Development to Cousins Fund II Phoenix IV, LLC. The second and final public hearing is scheduled for February 23, 2017. \(Ordinance No. O2017.12\)](#)

Fiscal Impact: The reconveyance allows the property to be placed back on the tax rolls following expiration of a GPLET lease.

- *6B2. [Introduce and hold 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 over certain City-owned land located west of College Avenue and south of Larkspur Lane, and authorizing the Mayor or his designee to execute an easement agreement and related documents. The second and final public hearing is scheduled for February 23, 2017. \(Ordinance No. O2017.13\)](#)

Fiscal Impact: N/A

- *6B3. [Introduce and hold the first public hearing to adopt an ordinance authorizing the abandonment of an alley dedicated to the City for public use, located near the northwest corner of Ash Avenue and University Drive. The second and final public hearing is scheduled for February 23, 2017. \(Ordinance No. O2017.14\)](#)

Fiscal Impact: N/A

C. Ordinances and Items for Second Hearing and Final Adoption

- *6C1. [Hold the second and final public hearing to adopt an ordinance authorizing the abandonment of an Easement for Public Waterline and Fire Hydrant purposes and an Easement for drainage purposes located on the North side of 1st Street, approximately 800' East of South Hardy Drive. \(Ordinance No. O2017.11\)](#)

Fiscal Impact: N/A

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).

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