

## **ORDINANCE NO. O2019.03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 2, TEMPE CITY CODE, RELATING TO ADMINISTRATION BY AMENDING ARTICLE II, RELATING TO OFFICERS AND EMPLOYEES, BY AMENDING SECTION 2-16 RELATING TO SUPERINTENDENT OF STREETS; BY AMENDING ARTICLE III, RELATING TO DEPARTMENTS, BY AMENDING SECTION 2-131 TO ADD TWO NEW DEPARTMENTS AND REPEAL THE PUBLIC WORKS DEPARTMENT; BY AMENDING SECTION 2-132 RELATING TO THE COMMUNITY DEVELOPMENT DEPARTMENT; BY AMENDING SECTION 2-134 RELATING TO THE COMMUNITY SERVICES DEPARTMENT; BY ADDING SECTION 2-134.2 RELATING TO THE ENGINEERING AND TRANSPORTATION DEPARTMENT; BY ADDING SECTION 2-139.2 RELATING TO THE MUNICIPAL UTILITIES DEPARTMENT; BY REPEALING SECTION 2-144 RELATING TO THE PUBLIC WORKS DEPARTMENT; BY AMENDING CHAPTER 2, ARTICLE V, RELATING TO BOARDS, COMMISSIONS, ETC., BY AMENDING SECTIONS 2-245 AND 2-250 RELATING TO THE TRANSPORTATION COMMISSION; BY AMENDING SECTION 2-375 RELATING TO THE TEMPE SUSTAINABILITY COMMISSION; AND BY AMENDING THE CITY CODE GENERALLY TO UPDATE REFERENCES TO STAFF TITLES AND DEPARTMENTS.**

WHEREAS, Section 4.01 of the City Charter provides authority for the City Council to establish City departments, offices and agencies and to prescribe their functions;

WHEREAS, Section 2.11 of the City Charter requires the passing of an Ordinance to establish, alter or abolish any City department, office or agency or to amend or repeal an Ordinance previously adopted; and

WHEREAS, the purpose of this Ordinance is to make the appropriate conforming changes to the Tempe City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**Section 1.** That Chapter 2, Article II, Section 2-16 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-16. - Superintendent of Streets.**

(a) There is hereby established the office of Superintendent of Streets with all powers and duties as may be permitted by law for such office.

(b) The Superintendent of Streets shall automatically be the person appointed to hold the office of ~~Public Works Director~~ ENGINEERING AND TRANSPORTATION DIRECTOR and any appointment to the office of ~~Public Works Director~~ ENGINEERING AND TRANSPORTATION DIRECTOR shall also carry with it the appointment to the office of Superintendent of Streets.

**Section 2.** That Chapter 2, Article III, Section 2-131 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-131. - Generally.**

(a) Pursuant to Section 4.01 of the City Charter, there is hereby established the following departments and offices:

- (1) Community Development Department;
- (2) Community Services Department;
- (3) Economic Development Office;
- (4) ENGINEERING AND TRANSPORTATION DEPARTMENT;
- ~~(4)~~(5) Fire Medical Rescue Department;
- ~~(5)~~(6) Human Services Department;
- ~~(6)~~(7) Internal Audit Office;
- ~~(7)~~(8) Internal Services Department;
- ~~(8)~~(9) Municipal Budget Office;
- (10) MUNICIPAL UTILITIES DEPARTMENT;
- ~~(9)~~(11) Police Department;
- ~~(10)~~—~~Public Works Department~~;
- ~~(11)~~(12) Strategic Management and Diversity Office;
- ~~(12)~~(13) Sustainability Office.

(b) All of the above departments and offices shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager as provided in Section 4.01(b) of the City Charter.

(c) The departments may establish, with the approval of the City Manager, such divisions and work groups as are deemed by the City Manager to be in the best interest of the City.

**Section 3.** That Chapter 2, Article III, Section 2-132 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-132. - Community Development Department.**

(a) The Community Development Department's responsibilities include planning and directing development and redevelopment activities within the City, code compliance, building safety, neighborhood services, and special projects.

(b) The Community Development Department plans and directs development within the City, including development plan review, permitting and inspections, community planning and zoning, historic preservation, and customer service.

(c) The Community Development Department shall be charged with the responsibility of fairly issuing building permits and fairly applying building codes, zoning ordinances and other development regulatory documents, which are approved by the City Council, as well as responsibility for ensuring compliance with other codes and ordinances as designated by the City Council or the City Manager.

(d) Only to the extent necessary to combine several functions, including inspections, permitting, licensing, planning and zoning services, for an individual project, and its related phases, of development of private property, the authority delegated in this Code to the ~~Public Works Director~~ ENGINEERING AND TRANSPORTATION DIRECTOR and the City Engineer is equally delegated to the Community Development Department Director. The City Manager directs and manages a process that combines these functions, coordinated through the Community Development Department services counter.

**Section 4.** That Chapter 2, Article III, Section 2-134 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-134. - Community Services Department.**

(a) The Community Services Department plans, develops and administers the city's recreation, library and arts and culture programs and services, ~~and~~ manages the operation of special events and the city's community facilities, AND IS RESPONSIBLE FOR THE MAINTENANCE OF PARKS, DIABLO CAMPUS, GOLF COURSES AND PRESERVES.

(b) The Community Services Department is responsible for establishing and recommending to the City Council, and the City Manager, rules and procedures for the successful conduct of business under department supervision and for proposing recommendations that will be set by resolution facility permit fee(s) and usage charges relative to the facilities, programs and services assigned.

**Section 5.** That Chapter 2, Article III, Section 2-134.2 of the Tempe City Code is hereby added to read as follows:

**SEC. 2-134.2 – ENGINEERING AND TRANSPORTATION DEPARTMENT.**

THE ENGINEERING AND TRANSPORTATION DEPARTMENT IS RESPONSIBLE FOR RECOMMENDING AND MANAGING TRAFFIC STUDIES AND DESIGN RELATED TO THE TRAFFIC OPERATIONS AND MAINTENANCE OF THE INTELLIGENT TRANSPORTATION NETWORK AND ASSET PROGRAMS INCLUDING THE SURFACE AND MAINTENANCE OF STREETS, SIDEWALKS AND PATHWAYS, RIGHT-OF-WAY LANDSCAPING AND ALL TRANSIT ACTIVITIES; ENGINEERING MANAGEMENT PROJECTS INCLUDING STUDIES, PROCUREMENT AND CONSTRUCTION, FLOODPLAIN MANAGEMENT, RIGHT-OF-WAY MANAGEMENT AND PERMITTING FOR PUBLIC AND PRIVATE UTILITIES.

**Section 6.** That Chapter 2, Article III, Section 2-139.2 of the Tempe City Code is hereby added to read as follows:

**SEC. 2-139.2 – MUNICIPAL UTILITIES DEPARTMENT.**

THE MUNICIPAL UTILITIES DEPARTMENT IS RESPONSIBLE FOR SOLID WASTE SERVICES INCLUDING RESIDENTIAL, BULK AND COMMERCIAL REFUSE COLLECTION AND DISPOSAL, RECYCLING, MAINTENANCE OF HOUSEHOLD HAZARDOUS WASTE LOCATION; CITY-WIDE FLEET, INCLUDING PROCUREMENT, MAINTENANCE AND DEPLOYMENT OF POOL VEHICLES AND EQUIPMENT; WATER, WASTEWATER, AND STORM WATER UTILITY STUDIES, CHANGES IN FEE(S), SYSTEM MANAGEMENT, WATER RESOURCE MANAGEMENT, WATER QUALITY AND CONSERVATION, OPERATIONS OF WATER TREATMENT FACILITIES, PROVIDING DELIVERY TO ALL CITY WATER USERS, OPERATE THE CITY'S SANITARY AND STORM SEWER SYSTEMS, PROVIDING ENVIRONMENTAL SERVICES, ADMINISTER THE CITY'S INDUSTRIAL PRETREATMENT PROGRAM, ITS STORM AND TREATMENT QUALITY AND REGULATORY ASSURANCE PROGRAMS, AND CONSERVATION ACTIVITIES.

**Section 7.** That Chapter 2, Article III, Section 2-144 of the Tempe City Code is hereby repealed:

**~~Sec. 2-144. – Public Works Department.~~**

~~(a) The Public Works Department plans, develops and administers the city's construction management, is responsible for asset management and associated maintenance for a majority of the city's infrastructure including city parks, golf courses, streets and alleys, the traffic signal and signage system, operating the city's water, wastewater and storm water systems and aviation related services. In addition, the department provides other life essential city services to Tempe businesses and residents including trash, recycling and household hazardous waste collection, and transit operations.~~

~~(b) The Public Works Department is responsible for recommending and managing traffic studies and design related to the traffic operations and maintenance of the intelligent transportation network and asset programs including the surface and maintenance of streets, sidewalks and pathways, right of way landscaping and all transit activities; engineering management projects including studies, procurement and construction, floodplain management, right of way management and permitting for public and private utilities; maintenance of parks, Diablo campus, golf courses and preserves; solid waste services including residential, bulk and commercial refuse collection and disposal, recycling, maintenance of household hazardous waste location; city wide fleet, including procurement, maintenance and deployment of pool vehicles and equipment; water, wastewater, and storm water utility studies, changes in fee(s), system management, water resource management, water quality and conservation, operations of water treatment facilities, providing delivery to all city water users, operate the city's sanitary and storm sewer systems, providing environmental services, administer the city's industrial pretreatment program, its storm and treatment quality and regulatory assurance programs, and conservation activities.~~

**Section 8.** That Chapter 2, Article V, Division 8, Section 2-245 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-245. - Established; composition.**

(a) There is hereby established a Transportation Commission consisting of fifteen (15) members. The commission may include one (1) member who is affiliated with Arizona State University and is not a resident of Tempe and one (1) member who is employed in Tempe and is not a resident of Tempe.

(b) ~~The Director of the Public Works Department~~ ENGINEERING AND TRANSPORTATION DEPARTMENT or a designated staff representative shall serve the Transportation Commission in an advisory capacity.

**Section 9.** That Chapter 2, Article V, Division 8, Section 2-250 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-250. - Powers and duties.**

The Transportation Commission shall have the following powers and duties:

- (1) To suggest to the Mayor and City Council qualified and interested persons eligible for appointment for commission vacancies;
- (2) To consult, through the chairman of the commission, with the ~~Public Works Department~~ ENGINEERING AND TRANSPORTATION DEPARTMENT, as to the items to be included on the agenda of meetings of the commission prior to the preparation and distribution of the agenda by the ~~Public Works Department~~ ENGINEERING AND TRANSPORTATION DEPARTMENT;
- (3) To prepare and submit an annual report to the City Manager and City Council including applicable Council committees;
- (4) To advise and make recommendations to the City Council and to assist city departments and the City Manager to plan and implement a balanced transportation system within Tempe which incorporates all forms of transportation in a unified, interconnected manner and complements land use, making a positive environmental impact through reduction of energy consumption, air pollution and congestion, while promoting economic development and providing mobility for all persons, including elderly and disabled;
- (5) To advise and make recommendations to the City Council and to assist city departments and the City Manager on appropriate performance standards and benchmarks for use in evaluating the city's transportation system and program, based on nationally recognized guidelines and local priorities;
- (6) To advise and make recommendations to the City Council and to assist city departments and the City Manager on transportation plans, projects and ordinances, including but not limited to:
  - a. To recommend and review short and long-range plans and studies for the city's transportation system, including streets, transit, bicycling, pedestrians and demand management;
  - b. To periodically review and update the transportation elements of the city's general plan;
  - c. To provide input and review regional, state and federal transportation plans, projects and issues especially as provided by federal law; and
  - d. To promote and maintain bicycling as a safe and effective mode of travel for recreation, health and transportation.
- (7) To advise and recommend to the City Council and to assist city departments and the City Manager annually on the elements of prioritized, unified operating and capital improvement program budgets for transportation;

- (8) To provide a forum for public hearings and other public involvement mechanisms to assure community-based transportation plans, projects and issues, and to meet all federal and other guidelines for public involvement in transportation projects where applicable; and
- (9) To take any such further actions as may be deemed necessary and appropriate to further the goals of the commission.

**Section 10.** That Chapter 2, Article V, Division 21, Section 2-375 of the Tempe City Code is hereby amended to read as follows:

**Sec. 2-375. - Established; composition.**

(a) There is hereby established the Tempe Sustainability Commission to be composed of eleven (11) members. The commission will bring stakeholders together to share best practices and promote partnerships and collaborations to create sustainability solutions to Tempe's most pressing challenges.

(b) For commission member positions where residency is not required, preference will be given to applicants who are Tempe residents and/or those working in Tempe. The commission will include a member from each of the following parts of the community:

- (1) A sustainability scientist or staff member associated with Arizona State University's Julie Ann Wrigley Global Institute of Sustainability;
- (2) A faculty or staff member of Arizona State University, at-large;
- (3) A representative from a Tempe business recognized as a leader in sustainability;
- (4) A sustainability-industry representative;
- (5) A representative from a business advocacy group;
- (6) A teacher, student, or staff member from a Tempe public high school;
- (7) A representative from the faith community or nonprofit sustainability advocacy group;
- (8) A graduate or doctoral student from Arizona State University (one-year term);
- (9) A student who lives, or attends school in Tempe (one-year term);
- (10) Tempe resident, at-large; and
- (11) Tempe resident, at-large.

(c) In addition to the terms of office as specified in Section 2-182 of this article, terms shall be staggered so that the term of no more than six (6) members shall conclude in any given year. Members (with the exception of students, who serve one-year terms) shall serve two-year terms for no more than three (3) consecutive terms.

(d) The ~~Public Works Director~~ SUSTAINABILITY DIRECTOR or his/her designee shall serve as the Tempe Sustainability Commission staff liaison and in an advisory capacity.

**Section 11.** That the Tempe City Code is hereby amended as follows:

Throughout Tempe City Code Chapter 8, strike “Public Works Director” and insert in place of that term “Municipal Utilities Director”.

Throughout Tempe City Code Chapter 10, strike “City Manager” and “City Manager’s Office” and insert in place of those terms “Engineering and Transportation Director” and “Engineering and Transportation Department”.

Throughout Tempe City Code Chapter 12, strike “Public Works Director” and “Department of Public Works” and insert in place of those terms “Municipal Utilities Director” and “Municipal Utilities Department”.

Throughout Tempe City Code Chapter 13A, strike “Public Works Director” and insert in place of that term “Municipal Utilities Director”.

Throughout Tempe City Code Chapter 14, strike “Public Works” and insert in place of that term “Engineering and Transportation and Municipal Utilities”.

Throughout Tempe City Code Chapter 18, strike “Public Works Department” and insert in place of that term “Engineering and Transportation Department”.

Throughout Tempe City Code Chapter 19, strike “Public Works Director” and insert in place of that term “Engineering and Transportation Director”.

Throughout Tempe City Code Chapter 20, strike “public works projects” and “Public Works Director” and insert in place of those terms “engineering projects” and “Engineering and Transportation Director”.

Throughout Tempe City Code Chapter 22, strike “public works” and insert in place of that term “engineering and transportation”.

Throughout Tempe City Code Chapter 23, strike “Public Works Director” and insert in place of that term “Community Services Director”.

Throughout Tempe City Code Chapter 25, strike “Public Works Director” and “Public Works Department” and insert in place of those terms “Engineering and Transportation Director” and “Engineering and Transportation Department”.



Throughout Tempe City Code Chapter 26A, strike “Public Works Department” and “Public Works Department, Engineering Division” and insert in place of those terms “Engineering and Transportation Department”.

Throughout Tempe City Code Chapter 27, strike “Public Works Director” and “Public Works Department” and insert in place of those terms “Municipal Utilities Director” and “Municipal Utilities Department”.

Throughout Tempe City Code Chapter 28, strike “Public Works Director” and “Public Works Department” and insert in place of those terms “Municipal Utilities Director” and “Municipal Utilities Department”.

Throughout Tempe City Code Chapter 29, strike “Public Works Director” and “Public Works Department” and insert in place of those terms “Engineering and Transportation Director” and “Engineering and Transportation Department”.

Throughout Tempe City Code Chapter 30, strike “Public Works Department, Division of Engineering” and insert in place of that term “Engineering and Transportation Department”.

Throughout Tempe City Code Chapter 31A, strike “Public Works Director” and “Public Works Department” and insert in place of those terms “Engineering and Transportation Director” and “Engineering and Transportation Department”.

Throughout Tempe City Code Chapter 33, strike “Public Works Director” and “Public Works Department” and insert in place of those terms “Municipal Utilities Director” and “Municipal Utilities Department”.

Throughout Tempe City Code Appendix A, Administration, 2-144, strike “Public Works Department” and insert in place of that term “Engineering and Transportation Department”.

Throughout Tempe City Code Appendix A, Sewers and Sewage Disposal, strike “Public Works Department” and insert in place of that term “Municipal Utilities Department”.

Throughout Tempe City Code Appendix A, Solid Waste, strike “Public Works Director” and insert in place of that term “Municipal Utilities Director”.

Throughout Tempe City Code Appendix A, Streets and Sidewalks, strike “Public Works Department” and insert in place of that term “Engineering and Transportation Department”.

**Section 12.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,  
ARIZONA, this 28th day of February, 2019.

/s/  
Mark W. Mitchell, Mayor

ATTEST:

/s/  
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

/s/  
Judith R. Baumann, City Attorney