



COUNCIL MINUTES

July 9, 2018

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 9, 2018 at 5:48 p.m.

COUNCIL PRESENT

John Giles
David Luna
Mark Freeman
Christopher Glover
Francisco Heredia
Kevin Thompson
Jeremy Whittaker

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor's Welcome.

Invocation by Pastor Richard Schleier with St. Peter Lutheran Church.

Pledge of Allegiance was led by Vice Mayor Luna.

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Giles stated item 5-c will be removed from the consent agenda.

It was moved by Councilmember Glover, seconded by Vice Mayor Luna, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes from a previous meeting as written.

Minutes from the July 2, 2018 Council meeting.

3. Take action on the following contracts:

- *3-a. One-Year Term Contract for EZ IO Needles for the Mesa Fire and Medical Department (Sole Source) **(Citywide)**

This contract will provide intraosseous (IO) needles for Mesa Fire and Medical paramedics. IO needles establish an effective means to deliver fluids and medications to patients in critical condition.

The Mesa Fire and Medical Department and Purchasing recommend awarding the contract to the sole source vendor, Arrow International, Inc., at \$63,271, based on estimated usage.

- *3-b. One-Year Term Contract for Locks, Door Hardware and Other Parts as requested by the Parks Recreation and Community Facilities Department **(Citywide)**

This contract will provide locks, door hardware and other parts to be used when performing repairs or replacements in City facilities.

The Parks Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Intermountain Lock and Security, at \$75,000, based on estimated usage.

- *3-c. Dollar-Limit Increase to the Term Contract for Park Playground and Aquatics Facility Poured-In-Place Surfacing and Synthetic Turf Repairs, Maintenance and Installation for the Parks, Recreation and Community Facilities Department **(Citywide)**

This contract is for supply, installation, maintenance and repairs to the rubberized playground safety surfacing and synthetic turf in the City's park playground systems, splash pad and aquatic facilities. The increase is requested to cover expenses for projects in various parks. The department has infrastructure funding available at this time to bring aging playground surfacing to ASTM standards for impact attenuation and this contract increase is needed to complete that work.

The Parks, Recreation and Community Facilities Department and Purchasing recommend increasing the dollar-limit with Flexground, LLC, by \$100,000, from \$200,000 to \$300,000, based on estimated usage.

- *3-d. One-Year Renewal to the Term Contract for Refuse Container Bin Lids for the Environmental Management and Sustainability Department **(Citywide)**

This contract provides replacement of damaged lids used for commercial metal bin refuse containers, and ensures Solid Waste has a supply of lids to meet the maintenance requirements of the City's bin inventory.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing the renewal contract with Plastic Recovery Technology, dba PRT, at \$30,500, based on estimated usage.

- *3-e. Purchase of Four Heavy Duty Trucks with Solid Waste Roll-Off Container Systems (Three Replacements and One Addition) for the Environmental Management and Sustainability Department **(Citywide)**

The vehicles being replaced are part of the ongoing vehicle replacement program managed by Fleet Services. The vehicles have met established criteria and will be either traded, auctioned, sold, or deployed to special uses. The new vehicle will be used for Solid Waste daily operations to keep up with increased demand.

The Fleet Services and the Environmental Management and Sustainability Departments and Purchasing recommend authorizing the purchase from the existing contract with Freightliner of Arizona, LLC., at \$1,142,041.83. This purchase is funded by the Solid Waste Utility Replacement Extension and Renewal and Capital Enterprise Funds.

*3-f. Purchase of Replacement Network Hardware and Services for the Information Technology Department **(Citywide)**

This purchase will upgrade aging network security equipment that provide firewalls to guard Mesa's computing network and block unauthorized access or activities. This lifecycle upgrade will enable the City to take advantage of increased network speeds, improved reliability, increased capacity for future growth and projected maintenance savings of \$36,000 annually.

Information Technology and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Enterprise Networks Solutions, Inc. (a Mesa business), at \$278,937.96.

*3-g. Three-Year Term Contract for a Fiber and Conduit Management System as requested by the Information Technology, Engineering, and Transportation Departments **(Citywide)**

The City currently maintains approximately 468 miles of fiber and conduit in the 160 square miles of planning area. This Fiber and Conduit Management System will be instrumental in the development of a fiber and conduit management plan that will be used to guide the feasibility, planning, budgeting, and capacity of City resources. The plan will also be used to support decision making when the City receives requests for rental and in-kind development of fiber and conduit resources within its boundaries.

An evaluation committee recommends awarding the contract to the highest-scored proposal, 3-GIS LLC, at \$224,930, plus contingency of \$23,198.60 and estimated sales tax of \$7,056, for the three-year project total of \$255,184.60.

*3-h. Three-Year Term Contract for Polyethylene Natural Gas Pipe and Fittings for the Materials and Supply Warehouse (for the Energy Resources Department) **(Citywide)**

This contract will provide the polyethylene natural gas pipe and fittings the Gas Utility uses for newly installed intermediate natural gas mains and services, and to replace aging infrastructure.

The Business Services and Energy Resources Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Border States; Georg Fischer Central Plastics LLC; and Western Water & Gas Products LTD; at \$832,000 annually, based on estimated usage.

- *3-i. Purchase of One Vacuum Excavator Truck (Addition) for the Energy Resources Department as requested by the Fleet Services Department **(Citywide)**

This purchase will provide Energy Resources with a vacuum excavator truck to access and repair underground utilities using hydro-excavation. The department currently rents a vacuum excavator truck, as needed.

The Fleet Services and Energy Resources Departments and Purchasing recommend authorizing the purchase using the National Joint Powers Alliance (NJPA) cooperative contract with Norwood Equipment Inc., at \$275,189.48. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- *3-j. Purchase of a Replacement Transformer for the Robson East Substation as requested by the Energy Resources Department **(District 4)**

This purchase will provide a new 28MVA 69kV-12.47kV power transformer to replace the existing 43-year-old transformer that is in service at the Robson East bay of the Robson Substation. The replacement is needed to maintain the safe and reliable supply of 12kV and lower voltage distribution to City electric customers.

Energy Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Virginia Transformer Corp, at \$596,721.31. This purchase is funded by the Electric CIP Budget.

- *3-k. One-Year Term Contract for Replacement and Stock Filter Membrane Panels for the Water Resources Department (Sole Source) **(Citywide)**

This contract will provide replacement and stock filter panels, miscellaneous filter parts and hardware for the Greenfield Water Reclamation Plant (GWRP) Tertiary Disc Filters.

Water Resources and Purchasing recommend awarding the contract to the sole source vendor, Veolia Water Technologies, Inc., dba Kruger Water Technologies, at \$85,000, based on estimated usage. This contract is funded by the GWRP Joint Venture partners - Mesa 41.8%, Gilbert 39.8%, and Queen Creek 18.4%.

- *3-l. Purchase of an Engine Lathe for the Maintenance Shop at the Signal Butte Water Treatment Plant as requested by the Water Resources Department **(District 6)**

This purchase will provide an engine lathe for the maintenance shop at the Signal Butte Water Treatment Plant.

Water Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Tornquist Machinery Company, at \$42,873.60.

- *3-m. Main Street and Lindsay Road Sewer Replacement Project **(District 2)**

The scope of this project was included in the scope of a previous project that was awarded in May 2017, which included the installation of an 18-inch sewer on Lindsay Road from Main Street to Broadway Road. When the work reached the Main Street and Lindsay Road intersection, conflicts with existing utilities and concrete pavement under the roadway were encountered and the cost to adjust the new sewer along with the removal of the concrete pavement exceeded the contract amount and the change order

allowance, at which time, the contract was terminated. This project will include installing a 12-inch and 15-inch sewer pipe on Main Street from east of the Eastern Canal to Lindsay Road.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Achen-Gardner Construction, LLC, in the amount of \$1,758,772.50, and authorize a change order allowance in the amount of \$175,877.25 (10%), for a total amount of \$1,934,649.75. This project is funded by 2014 authorized Wastewater bonds.

*3-n. Signal Butte Park Phase I - Pre-Construction Services (**District 6**)

Pre-construction services for phase one of Signal Butte Park include proposed trails and pathways, off-street parking area, lighting in the parking area and along specific paths, one large ramada, three small ramadas, a restroom, Wi-Fi coverage, and additional landscaping, or, if funds are available, a proposed small turf area and small playground, instead of the additional landscaping.

Staff recommends awarding the pre-construction services contract to Valley Rain Construction Corporation as the CMAR for this project, in the amount of \$27,247.11. This project is funded by 2012 authorized Parks bonds.

*3-o. Kleinman Park Playground Improvements - 710 South Extension Road (**District 4**)

In 2016, the City renovated portions of Kleinman Park including the softball field and tennis and pickleball courts; however, playground equipment was not part of the project improvements. This project includes all new play features including swings, slides, climbing features and a zipline, as well as, new ADA ramps and benches, which will enhance the accessibility of the playground.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, SDB, Inc., in the amount of \$311,327.10, and authorize a change order allowance in the amount of \$31,132.71 (10%), for a total amount of \$342,459.81. This project is funded by a HUD Community Development Block Grant, a Salt River Pima-Maricopa Indian Community Grant, and the Parks, Recreation and Community Facilities operating budget.

4. Take action on the following resolutions:

*4-a. Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Criminal Justice Commission to accept \$100,000 in grant funds to be used for training, software and equipment for the Police Department's Forensic Services Division. (**Citywide**) – Resolution No. 11186.

*4-b. Approving and authorizing the City Manager to enter into a Second Amendment to the CMC Steel Development Agreement with Commercial Metals Company for the development known as CMC Steel, located at 11444 East Germann Road. The Second Amendment extends the deferment period for certain off-site improvements along Meridian Road for another 10 years and adds another in-lieu alternative for the off-site improvements. (**District 6**) – Resolution No. 11187.

*4-c. Approving and authorizing the City Manager to enter into a Second Amendment to the Development Agreement for the development commonly known as The GRID, for City-owned property generally located at the southwest corner of Main Street and Pomeroy and property located at 34 South Pomeroy. The Second Amendment revises the development compliance dates and the permit fee payment schedule. **(District 4)** – Resolution No. 11188.

*4-d. Extinguishing a portion of a City utilities and facilities easement located at 855 West Southern Avenue. **(District 3)** – Resolution No. 11189.

The property owner has requested the City extinguish a portion of the City utilities and facilities easement to accommodate an additional apartment building to the Southern Avenue Villas Apartments within their proposed development.

*4-e. Extinguishing two easements for public utilities located at 7055 East Mallory Street **(District 5)** – Resolution No. 11190.

The residential property owner has requested the City extinguish two easements for public utilities that will conflict with a proposed detached garage.

*4-f. Extinguishing a drainage easement known as Tract “C” of Mesa Desert Heights II located in the 2900 block of North Kashmir Circle. **(District 5)** – Resolution No. 11191.

The property owner has requested the City extinguish the existing drainage easement, which is no longer needed for drainage purposes, to expand their patio and storage area with a concrete slab.

5. Discuss, receive public comment, and take action on the following ordinances:

*5-a. **ZON18-00375 (District 4)** The 0 block of South Mesa Drive (east side), the 400 block of East Main Street (south side), the 0 block of South Udall (both sides) and the 0 block of South LeSueur (west side). Located at the southeast corner of Main Street and Mesa Drive (6± acres). Rezone 4± acres from T5MS and T4NF to T5MSF; and 2± acres from T4NF-HD and T4N-HD to T5MSF-HD. This request will allow for a mixed-use development. City Creek Reserve, Inc, applicant; Land Equity Investors LLC and Presiding Bishop of the Church of LDS, owner. – Ordinance No. 5456.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

*5-b. An ordinance repealing the existing Chapter 41 of Title 11 of the Mesa City Code entitled “Sign Regulations” in its entirety, and adopting the “2018 Sign Code”, a public record of the City of Mesa, as Chapters 41 through 50 of Title 11, the Zoning Ordinance of the Mesa City Code. **(Citywide)** – Ordinance No. 5457.

Staff Recommendation: Approval

P&Z Board Recommendation: Approval (Vote: 6-1)

*5-c. See: **Items not on the Consent Agenda.**

6. Take action on the following subdivision plats:

- *6-a. "Casa Sole Vita" (**District 5**) The 500 block of South Hawes Road (east side). Located south of Broadway Road on the east side of Hawes Road. 42 RM-3-PAD lots (3.8 ± acres). Sunset Capital, LLC, developer; Michael J. Thompson, Helix Engineering, LLC, surveyor.
- *6-b. "Baseline Assemblage" (**District 2**) The 4700 through 4800 blocks of East Baseline Road (north side). Located east of Greenfield Road on the north side of Baseline Road. 1 RM-3 PAD lot (21.8 ± acres). Baseline Gateway Apartments, LLC, developer; James A. Loftis, 3 Engineering, surveyor.
- *6-c. "Eastmark Commercial" (**District 6**) The 9200 to 9700 blocks of East Ray Road (north side) and the 4900 to 5100 blocks of South Ellsworth Road (east side). Located on the northeast corner of Ellsworth and Ray Roads. 4 PCD commercial lots (129.9 ± acres). Queen Creek Unified School District, DMB Mesa Proving Grounds, LLC, and Eastmark Multi-family, LLC., developer; Kenneth P. Converse, Hoskin Ryan Consultants, Inc., surveyor.
- *6-d. "Eastmark DU5 Parcels 5-1 and 5-2" (**District 6**) The 3800 to 4000 blocks of South Everton Terrace (west side) and the 3800 to 4000 blocks of South Eastmark Parkway (east side). Located south of Elliot Road and west of Signal Butte Road (52± acres). 2 PCD industrial lots. DMB Mesa Proving Grounds, LLC, developer; Jody Allen Stone, Hoskin Ryan Consultants, Inc., surveyor.

Items not on the Consent Agenda

5. Discuss, receive public comment, and take action on the following ordinance:

- *5-c. Adding Chapter 21 to Title 5, Business Regulations, of the Mesa City Code, regarding the licensing of structured sober living homes. (**Citywide**) – Ordinance No. 5458.

Priscilla Crosswhite, a Mesa resident, stated the Arizona Republic published only a portion of the comments she made at the July 2, 2018 Council Meeting regarding sober living homes. She expressed concern with the size of the sober living home on Pomeroy and the number of men proposed to live within the home. She provided her original statement from the previous meeting and noted she cares for individuals addicted to drugs. She stated the difference between treatment facilities and sober living homes is that sober living homes are a business for profit. She thanked staff for creating the ordinance and requested the ordinance include the number of sober living homes allowed in a neighborhood. She added studies have proven that sober living homes are less effective when the homes are near one another. She asked Council to show the same support to homeowners as shown to investors of the sober living homes.

Michael Harris, CEO and founder of the Valjean Society, Inc., encouraged the adoption of the sober living home ordinance. He stated the sober living home operated by his non-profit is abundantly sufficient to house four to five men. He added the ordinance will create a more positive environment with the community and allow operators in the industry to succeed.

Joseph Valenzuela, a Mesa resident, stated the sober living home ordinance is an improvement, however wished the ordinance established a sober living home at four residents instead of five or more.

Mayor Giles acknowledged the interim ordinance is not the long-term solution but is the best outcome until the state creates permanent regulations. He noted the state has up to two years to establish the regulations and encouraged residents that are passionate about the topic to contact individuals at the state level to urge regulations be drafted as quickly as possible.

It was moved by Councilmember Whittaker, seconded by Councilmember Thompson, that Ordinance No. 5458 be approved.

Carried unanimously.

7. Items from citizens present.

There were no items from citizens present.

8. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:10 p.m.

JOHN GILES, MAYOR

ATTEST:

DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 9th day of July, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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