



## COUNCIL MINUTES

September 12, 2016

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 12, 2016 at 5:45 p.m.

### COUNCIL PRESENT

John Giles  
Alex Finter  
Christopher Glover  
Dennis Kavanaugh  
David Luna  
Dave Richins  
Kevin Thompson

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Jim Smith  
Dee Ann Mickelsen

Mayor's Welcome.

Invocation by Reverend Robert (Bob) Saik with the Episcopal Church of the Transfiguration.

Pledge of Allegiance was led by Cal Roberts, Troop 356.

Awards, Recognitions and Announcements.

Mayor Giles announced that the City of Mesa received three awards at the recent 2016 Arizona Forward Environmental Awards dinner.

Vice Mayor Kavanaugh stated that he and other Councilmembers attended the awards dinner where Mesa was recognized in three major areas. He reported that the Fiesta District Streetscape Program received a merit award called the Governor's Award for Arizona's Future and its photo is now displayed on the cover of Landscape Architect Magazine. He added that Mesa was also recognized for winning the category of Art in Public Places on behalf of the Valley Metro Public Art Program Northwest and Central Mesa Extensions. He explained that the artwork displayed at each end of the extension tells a story about the different communities of the City of Phoenix and the City of Mesa, and has earned the prestigious Crescordia Award.

Councilmember Luna accepted the award on behalf of Mesa for Site Development in Parks and Trails for Desert Arroyo Park located in District 5. He provided a brief description of the site and indicated that the park was developed by input from elementary school students.

Mayor Giles thanked staff and the community who worked on these projects.

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.

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

Carried unanimously.

\*2. Approval of minutes from previous meetings as written.

Minutes from the August 18, 22 and 29 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Bikers Against Child Abuse Inc.

This is a one-day charitable event to be held on Saturday, October 8, 2016 from 11:00 a.m. to 11:00 p.m., at 922 South Country Club Drive. **(District 4)**

\*3-b. Christ the King Roman Catholic Parish Mesa

This is a one-day religious event to be held on Saturday, October 22, 2016 from 4:00 p.m. to 10:00 p.m., at 1551 East Dana Avenue. **(District 4)**

\*3-c. Cortney's Place

This is a one-day charitable event to be held on Tuesday, October 25, 2016 from 10:30 a.m. to 9:00 p.m., at 7555 East Eagle Crest Drive. **(District 5)**

4. Take action on the following contracts:

\*4-a. Two-Year Renewal of the Term Contract for Heavy Duty Truck Parts and Repair Services for the Fleet Services Department. **(Citywide)**

This contract provides a full line of parts, accessories and services for the City's heavy duty trucks, construction and industrial fleet and equipment parts, services and accessories.

The Fleet Services Department and Purchasing recommend authorizing a two-year renewal using the Maricopa County cooperative agreement with Empire Southwest, LLC (a Mesa business); Drake Equipment; Kenz & Leslie of Arizona; Lubrication Equipment and Supply Company, Norwood Equipment, Inc.; PTO Sales; and RDO Equipment; not to cumulatively exceed \$150,000, based on estimated requirements.

\*4-b. Three-Year Term Contract for Compressed Natural Gas (CNG) Station Maintenance for the Environmental Management and Sustainability Department. **(Citywide)**

This contract will provide the maintenance, parts and repairs of the CNG station being built at 730 North Mesa Drive, including compressors, dispensers, storage, and all other associated parts/equipment. The contractor will also provide semi-annual training relating to maintenance requirements of the CNG station for City employees.

The Environmental Management and Sustainability Department, Energy Resources Department and Purchasing recommend awarding the contract to the highest-scored proposal, Trillium Transportation Fuels, LLC, at \$125,000 annually, based on estimated requirements.

- \*4-c. Three-Year Term Contract for Pest Control Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide routine and additional pest control services at City facilities. Interior and exterior services are needed to maintain and avoid common pests.

The Parks, Recreation and Community Facilities Department and Purchasing recommends awarding the contract to the lowest, responsible and responsive bidder, Bug Off Pest Control LLC, at \$28,550 annually, based on estimated requirements.

- \*4-d. Three-Year Term Contract for Landscape Maintenance Services – Aquatic Facilities for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide landscape maintenance services for City aquatic facilities. The aquatic facilities include those at Brimhall, Carson, Fremont, Kino, Shepherd and Stapley Jr. High Schools; and Mesa and Skyline High Schools. Tasks performed include cleaning, irrigation, sprinkler system maintenance, trimming, mowing, weed control and fertilization depending on whether the area is turf, desert or a combination of both.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Agave Environmental Contracting, Inc., at \$53,700 annually, based on estimated requirements.

- \*4-e. Three-Year Term Contract for Gasoline and Diesel Fuel for Citywide Departments as requested by the Fleet Services Department. **(Citywide)**

The City of Mesa bid this contract cooperatively as the lead agency. This contract will provide gasoline and diesel fuel for the City of Mesa, Mesa Unified School District, Town of Gilbert, Gilbert Public Schools, Tempe Union High School District and the City of Glendale. The solicitation was done as a reverse auction.

The Fleet Services Department and Purchasing recommend awarding the contract to the overall lowest, responsive and responsible bidder, Western States Petroleum, Inc., at \$6,800,000 annually, based on estimated requirements.

- \*4-f. Three-Year Term Contract for Crack Seal Services for the Transportation Department. **(Citywide)**

This contract will provide crack seal materials and full crack seal application services on residential, collector and arterial streets, intersections and parking lots.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, Cactus Asphalt, a Division of Cactus Transport, Inc. (Primary); and Vincon Engineering Construction LLC (Secondary) (a Mesa business); not to exceed \$1,020,018.62 annually, based on estimated requirements.

- \*4-g. Purchase of One Replacement Mini Digger Derrick Truck with Extended Reach for the Energy Resources Department. **(Citywide)**

This purchase will provide a mini Digger Derrick specialty truck for working in backyards and along backyard lot lines, in order to safely reach longer distribution poles and higher mounted electric distribution equipment for electric utility installations. The existing unit does not have the capability to handle the City's larger poles and will be retired and sold at auction.

The Fleet Services Department, Energy Resources Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, NESCO Rentals, at \$153,093.60. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- \*4-h. Purchase of One Replacement Heavy Duty Truck with a Telescopic 50' Pole Setting Derrick and Flatbed Body for the Energy Resources Department. **(Citywide)**

The vehicle being replaced has met established replacement criteria and will be retired and sold at auction.

The Fleet Services Department, Energy Resources Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Altec Industries, Inc., at \$304,569.41. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- \*4-i. Transfer Station No. 3 Upgrade Project. **(District 1)**

This project will increase the capacity of Transfer Station No. 3 from 24 million gallons per day (MGD) to 32 MGD, which is designed to convey potable water from the Val Vista Water Treatment Plant to the City of Mesa Falcon Field water service zone. This upgrade will also improve the reliability of the station for the Central Arizona Project anticipated canal dry-ups.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Garney Companies, Inc., in the amount of \$5,495,000 and authorize a change order allowance in the amount of \$549,500. This project is funded by the 2010 and 2014 authorized Water Bonds.

- \*4-j. Pre-Construction Services Contract for Fiber Network Expansion – Segment 1. **(Districts 1 and 4)**

The Fiber Network Expansion Project was included in the 2013 Public Safety Bond. The project purpose is to expand the communication infrastructure to several public safety facilities and communication sites by expanding Mesa's existing fiber optic network system. This segment of the fiber network expansion will connect the Communications Building to the Police Firing Range and Fire Station 211.

Staff recommends awarding the pre-construction services contract to CS Construction, Inc., at the Construction Manager at Risk for this project in the amount of \$36,229. This project is funded by the 2013 authorized Public Safety Bonds.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to enter into a modification of the Intergovernmental Agreement with the Arizona Department of Revenue (ADOR) for the administration, collection, and licensing of transaction privilege, use, severance, jet fuel, and rental occupancy taxes. **(Citywide)** – Resolution No. 10840

In 2013, the State passed House Bill 2111 (Tax Simplification) to make ADOR the central point for the administration and collection of transaction privilege tax and other affiliated taxes. HB 2111 included language requiring cities/towns to enter into Intergovernmental Agreements (IGA) with ADOR for the uniform administration, collection, audit and licensing of the taxes. Mesa entered into its IGA with ADOR in June 2015. The IGA reflects the new processes established by HB 2111 as well as the operational points negotiated between the cities/towns and ADOR. The IGA requires an annual review of the agreement by representatives of the cities/towns and ADOR. As a result of the first annual review, modifications to the language of the IGA are being proposed.

- \*5-b. Approving and authorizing the submittal of two grant applications with the Arizona Department of Transportation for the purchase of two PM-10 certified street sweepers for FY2017, and authorizing the City Manager to execute such documents as may be necessary to accept the grants, if awarded. **(Citywide)** – Resolution No. 10841

Under the conditions of the federal Congestion Mitigation and Air Quality (CMAQ) Improvement Program, recipients of the grant are required to provide a 5.7% local match to the federal funds that are awarded. This local match and any needed additional options will be funded by the Environmental Compliance Fee in the Transportation Department's FY 17/18 operations budget. The grants would allow the Transportation Department to purchase two new PM-10 certified sweepers to replace two sweepers that are at the end of their useful life.

- \*5-c. Canvassing, declaring and adopting the results of the Primary Election held on August 30, 2016. **(Citywide) (CONTINUED TO THE SEPTEMBER 15, 2016 SPECIAL COUNCIL MEETING)**

6. Introduction of the following ordinances and setting September 26, 2016 as the date of the public hearing on these ordinances:

- \*6-a. **Z16-036 (District 1)** 2626 East University Drive. Located west of Lindsay Road on the north side of University Drive (1.16± acres). Rezoning from OC-PAD to NC-PAD, PAD Modification; and Site Plan Review. This request will allow repurposing of the existing building to an outpatient surgical facility. Jack Hollingsworth, Array Architecture & Interiors, applicant; Tower Investments, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 7-0)

- \*6-b. **Z16-034 (District 6)** 3117 South Signal Butte Road with a connection south of East Pampa Avenue to the future extension of South Willow Wood. Located south of Guadalupe Road and east of Signal Butte Road (15± acres). Rezoning from RS-6-PAD to RM-2-PAD-PAD; and Site Plan Review. This request will allow development of a multi-residential project. Tim Nielsen, applicant; RAF Investments, LLC, Guadalupe/Signal Butte 36 Investments LLLP, Sunland Springs Apts LLC/Meridian Prop/ETAL, owners.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- \*6-c. **Z16-039 (District 6)** 7800 block of East Baseline Road (north side). Located east of Sossaman Road on the north side of Baseline Road (2.7± acres). Rezone from RS-6 and OC to RM-3-PAD; and Site Plan Review. This request will allow a multi-residential development. Reese Anderson, Pew & Lake, P.L.C., applicant; Light in the Desert Southern Baptist Church and Baseline Road Southern Baptist Church, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

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

- \*7-a. Amending Sections 105.1.2 and 503.1.1 of the 2006 International Fire Code, as adopted in Title 7, Chapter 2, Section 3 of the Mesa City Code. **(Citywide)**

The amendment to Section 105.1.2 clarifies the Department's intent to collect emergency contact information on all inspectable occupancies through the Fire Safety Operational Permit process (does not apply to single residential dwellings). The amendment to Section 503.1.1 more clearly sets forth the availability of alternative means of fire protection when a fire access road is not within 150 feet. – Ordinance No. 5352

8. Take action on the following subdivision plats:

- \*8-a. "Eastmark Development Unit 6 South Parcels 6-1 and 6-2" **(District 6)** The 10400-10600 blocks of East Point Twenty-Two Boulevard (north side). 153 PCD single residence lots (25.58 acres). DMB Mesa Proving Grounds, LLC, developer. Daniel Hemken, P.E., Hoskin Ryan Consultants, Inc., engineer.
- \*8-b. "Eastmark Development Unit 6 South Parcels 6-7 and 6-8" **(District 6)** The 10300-10400 blocks of East Point Twenty-Two Boulevard (north side). 113 PCD single residence lots (44.21 acres). DMB Mesa Proving Grounds, LLC, developer. Daniel Hemken, P.E., Hoskin Ryan Consultants, Inc., engineer.

**Items not on the Consent Agenda**

**9. Conduct a public hearing on the creation of the Southwest Redevelopment Area and take action on the resolutions creating the Southwest Redevelopment Area and expanding the City's Central Business District.**

9-a. Conduct a public hearing on the creation of the Southwest Redevelopment Area.

Mayor Giles announced that this is the time and place for a public hearing regarding the proposed creation of the Southwest Redevelopment Area.

Scott Jackson, a Mesa resident, stated that he is representing Verde Fiesta I, LLC, who owns the Macy's and Dick's/Best Buy buildings at the Fiesta Mall. He requested that the Council support the Southwest Redevelopment Area in an effort to rebrand and remarket the area.

Christopher Nickerson, a Mesa resident and Director of Physicians Integration and Business Development Center for Banner Desert Medical Center and Cardon Children's Hospital near the Fiesta Mall area. He indicated that many physicians have left the area and relocated to a nicer area near Chandler Regional Medical Center and it concerns him that citizens now have less access to healthcare in the Fiesta District. He requested that the Council support the Southwest Redevelopment Area in an effort to attract physicians back to the area.

Mayor Giles declared the public hearing closed.

9-b. A resolution finding and declaring the necessity for the creation of the Southwest Redevelopment Area. **(Districts 3 and 4) (2/3 vote required)** – Resolution No. 10842

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that Resolution No. 10842 be approved.

9-c. A resolution approving the expansion of the existing Central Business District to include the proposed Southwest Redevelopment Area. **(Districts 3 and 4)** – Resolution No. 10843

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that Resolution No. 10843 be approved.

**10. Items from citizens present.**

There were no items from citizens present.

**11. City Manager's update on current events including, but not limited to, an update on FAQs related to the Mesa Royale Mobile Home Park.**

There was no discussion on this item.

**12. Adjournment.**

Without objection, the Regular Council Meeting adjourned at 6:02 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 12<sup>th</sup> day of September, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

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