



COUNCIL MINUTES

September 23, 2019

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 23, 2019 at 5:56 p.m.

COUNCIL PRESENT

John Giles
Mark Freeman
Jennifer Duff
Francisco Heredia
David Luna
Kevin Thompson

COUNCIL ABSENT

Jeremy Whittaker

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor Giles excused Councilmember Whittaker from the entire meeting.

Mayor's Welcome.

Invocation by Pastor Jacob Boessling with La Mesa Ministries.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Mayor Giles presented a short summer recap video about some of the fun and interesting things that happened around the City during the summer months.

United States Conference of Mayor's representative Jocelyn Bogan stated 150 cities submitted applications for this award that go through a competitive process. She explained a panel of judges select ten award recipients representing small, medium and large cities with creative and innovative ideas. She pointed out the City's Community Court Program was chosen because of the Mayor's leadership in support of the type of diversion initiative. She commented the program encourages Mayor's to deepen their connections with citizens in addressing homelessness.

Waste Management Area Director for Public Sector Services, Julie Barretta congratulated Mayor and Council for receiving the 2019 City Livability Award.

Mayor Giles recognized Mesa's Golden Rule Student of the Month, Emily Cardullo who attends Heritage Academy. He stated she painted a mural and made a music video of the golden rule.

Mayor Giles proclaimed September 15 through October 15 as National Hispanic Heritage Month in Mesa.

Councilmembers Heredia and Luna presented the proclamation to the Mesa Hispanic Network, Mesa en Espanol, Mesa Association of Hispanic Citizens, and East Valley Spanish Chamber of Commerce. Councilmembers also co-shared a speech with insight and interesting facts of Mesa that led up to proclaiming National Hispanic Heritage Month.

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 Freeman, seconded by Councilmember Luna, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Heredia-Luna-Thompson
NAYS – None
ABSENT – Whittaker

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the July 1, August 26, September 5 and September 9, 2019 Study Sessions and September 9, 2019 Regular Council meeting.

3. Take action on the following liquor license applications:

3-a. **See: Items not on the Consent Agenda**

4. Take action on the following contracts:

*4-a. Dollar-Limit Increase to the Term Contract for Industrial Supplies for the Materials and Supply Warehouse (for Citywide Departments). **(Citywide)**

Multiple departments use this citywide contract to perform their work. There has been an overall increase in spending across all City departments and this increase is needed to get through the contract term, ending 12/31/2019. The contract will be rebid at the end of its term.

The Business Services Department and Purchasing recommend increasing the dollar-limit using the City of Tucson / Omnia Partners (formerly National IPA) cooperative contract with Grainger by \$196,000, from \$500,000 to \$696,000 annually, for Year 5 of the term contract.

*4-b. Dollar-Limit Increase to the Term Contract for Fire Protection Equipment Maintenance and Repair Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This increase is needed for repair proposals found during the semi-annual inspections and remaining 5-year inspections for several sites that need to be completed by 10/1/2019. In addition, Facilities Maintenance also completed a major project of installing radio dialers at various City facilities.

The Parks, Recreation and Community Facilities Department recommend increasing the dollar-limit with Metro Fire Equipment, Inc., by \$80,000 for Year 1, from \$276,700 to \$356,700.

- *4-c. Purchase of 20 Chevrolet Tahoes (11 Replacements and 9 Additions) for the Police Department. **(Citywide)**

This purchase will provide 20 Chevrolet Tahoes, marked and unmarked, for Police Department use. Of the 11 vehicles that are being replaced: 2 vehicles are being replaced due to vehicles damaged beyond repair; 1 vehicle has met established criteria and will be either traded, auctioned, sold, or deployed to special uses as part of the ongoing vehicle replacement program; and 8 vehicles will be for the refurbishment pool. The 9 vehicle additions are allocated for approved FY20 personnel additions. A GM plant shutdown is scheduled for September 2019 to retool the Tahoe model and could last 6 to 9 months.

The Fleet Services Department, Police Department, and Purchasing recommend authorizing the purchase from the existing contract with Midway Chevrolet at \$810,519, plus additional capacity of \$355,000 for unanticipated, if needed purchases, for the combined total of \$1,165,519. The purchase is funded by the Vehicle Replacement Fund and Public Safety Sales Tax.

- *4-d. One-Year Renewal to the Term Contract for Streetlight Pole Painting Services for the Transportation Department. **(Citywide)**

This contract provides streetlight pole painting services of existing luminaires, poles, and pole skirts. Work is performed on an as-needed, where-needed, basis. The City does not supply any materials or labor for these painting services.

The Transportation Department and Purchasing recommend authorizing the renewal with OLS Restoration, Inc., at \$80,000 annually, based on estimated usage.

- *4-e. Dollar-Limit Increase to the Term Contract for Information Technology Solutions and Services for Various Departments throughout the City. **(Citywide)**

The City is in Year 2 of this new contract and the City's expenditures have increased more than estimated. Mesa, as the lead agency, partnered with the National IPA (now Omnia Partners) and led the solicitation and contract. This contract provides the City with a full range of information technology solution products and utilizing this agreement provides the City an efficient and cost-effective contract opportunity. Purchases made through this contract provide the City increased rebates as lead agency and through the P-card program.

The Business Services Department and Purchasing recommend increasing the dollar-limit with CDW Government LLC; and SHI International Corp.; for Years 2 through 5, from \$3,100,000 to \$6,000,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-f. Three-Year Term Contract with Two Years of Renewal Options for Heavy-Duty Original Equipment Manufacturer (OEM) Cab/Chassis Parts for the Fleet Services Department. **(Citywide)**

This contract will provide heavy-duty OEM cab/chassis parts to maintain the City's assorted fleet of approximately 175 medium and heavy-duty vehicles. OEM replacement parts are critical when requesting repairs and warranty from dealers. Parts purchased under this contract will be installed by Fleet Services.

The Fleet Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders of each section (manufacturer): Rush Truck Centers of Arizona, dba Rush Truck Center Phoenix; Freightliner of Arizona, LLC, dba Velocity Truck Centers; Inland Kenworth, Inc.; RWC International, dba RWC Group; and Cummins Inc., dba Cummins Sales and Service (a Mesa Business); at \$700,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-g. Three-Year Term Contract with Two Years of Renewal Options for Sewer, Manhole, Siphon Cleaning, Video, and Repair Services for the Water Resources Department (Single Response). **(Citywide)**

This contract will provide a contractor to perform cleaning and internal video inspections of sewer mains, sewer manholes, siphons, documentation of findings, cured in place point repairs of sewer mains which are trenchless options for extending the useful life of sewer mains, and emergency repairs.

An evaluation committee recommends awarding the contract to the single, responsive, and responsible proposal from Hoffman Southwest Corp., dba Professional Pipe Services (Pro-Pipe), at \$600,000, annually with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Three-Year Term Contract with Two Years of Renewal Options for Large Water Meters, Related Equipment and Parts for the Water Resources Department. **(Citywide)**

This contract will provide fire system cold-water meters, fire system non-mechanical cold-water meters, compound cold-water meters, non-mechanical cold-water meters, and commercial/industrial service and parts.

An evaluation committee recommends awarding the contract to the highest-scored proposals from Core and Main, LP; Ferguson Enterprises, LLC, dba Ferguson Waterworks; Mountain States Pipe and Supply, dba MSPS; and Badger Meter, Inc., dba National Meters and Automation; at \$250,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-i. Purchase of 12 Mobile Gas Pressure Recording Devices (Replacements) for the Energy Resources Department (Sole Source). **(Citywide)**

Energy Resources currently has an aging inventory of 25 mobile electronic gas pressure recording devices. These recorders are used by Energy Resources to collect gas pressure data for verifying hydraulic modeling predictions, meeting regulatory requirements, monitoring system sensitivity during maintenance operations, monitoring

pressure sensitive areas in cold weather events, and troubleshooting system pressure issues.

The Energy Resources Department and Purchasing recommend awarding the contract to the sole source vendor, Abriox, Inc., at \$33,272.50, based on estimated requirements. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- *4-j. Multiple Amendments and a Contract Value Increase to the Term Contracts for Solid Waste Disposal, Recyclable Material Processing, and Vegetative Waste Processing Services as requested by the Environmental Management and Sustainability Department. **(Citywide)**

The requested increase is due to refuse, green, and recycle fee increases based on the agreement.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing a contract amendment and a three-year renewal with Republic Services, dba Allied Waste Transportation, Inc.; a contract amendment and one-year renewal with two years of renewal options with United Fibers, LLC; and a contract dollar-limit increase of \$760,000 for the agreement (includes all vendors and covers all Solid Waste Disposal, Recyclable Material Processing, and Vegetative Waste Processing Services), to \$9,010,000 annually, based on estimated usage.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Governor's Office of Highway Safety DUI Abatement Council to accept \$50,000 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime and employee related expenses to enhance DUI Enforcement throughout the City. **(Citywide)** – Resolution No. 11397
- *5-b. Designating the Chief Fiscal Officer with the authority to annually submit the City's Expenditure Limitation Report to the Arizona Auditor General on behalf of the City Council, as required by state statute. **(Citywide)** – Resolution No. 11398
- *5-c. Staff is requesting approval to continue negotiations to acquire certain undeveloped property located in the 1300 block of North Power Road (APN: 218-04-013B) of approximately 8.38 acres for the construction of the Northeast Public Safety Facility, and in order to avoid construction delays, authorization and direction to staff, that fee title, or other interests in and possession of this property be acquired by the City of Mesa through eminent domain, as a matter of public necessity. **(District 5)** – Resolution No. 11399

6. Introduction of the following ordinances and setting October 7, 2019 as the date of the public hearing on these ordinances:

- *6-a. **ZON18-00687 (District 5)** Within the 1600 through the 1800 blocks of North Higley Road (east side) and 5200 through the 5300 blocks of East McLellan Road (north side). Located south of McKellips Road on the east side of Higley Road (21± acres). Modification of an approved PAD and associated conditions of approval. This request will allow amendment to the existing landscaping requirements. Villas at Alta Mesa Property Owner's Association, applicant; Multiple Owners.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0)

- *6-b. Amending Title 10 (Traffic), Chapter 1 (Bicycles and Skateboards), Sections 1 through 21 of the Mesa City Code, and adding new Sections 22 and 23 to the code. The changes include minor updates and revisions, removing obsolete items, and incorporating Shared Active Transportation Vehicles. **(Citywide)**

7. Discuss, receive public comments, and take action on the following ordinances:

- *7-a. **See: Items not on the Consent Agenda**

- *7-b. **ZON19-00357 (District 5)** Within the 8000 through 8100 blocks of East McKellips Road (south side). Located west of Hawes Road on the south side of McKellips Road (40± acres). Rezone from RS-35 to RS-15-PAD; and Site Plan Review. This request will allow for the development of a single-residence subdivision. Alex Caraveo, Coe & Van Loo Consultants, applicant; Desert Vista 100, LLC, owner. – Ordinance No. 5528

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-1)

- *7-c. **ZON19-00403 (District 5)** Within the 5600 block of East Longbow Parkway (south side). Located north of McDowell Road and west of Recker Road (3.2± acres). A Council Use Permit (CUP) to allow a hotel use in the Airport Overflight Area-2 (AOA-2); a Bonus Intensity Zone Overlay (BIZ) to allow modifications to the Light Industrial (LI) development standards; and Site Plan Review. Matthew Kosednar, Allen + Philp Partners, applicant; Longbow Hotel Associates I, LLC, owner. – Ordinance No. 5529

Staff Recommendation: Approval with conditions

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

- *7-d. **ZON19-00304 (District 6)** Within the 6000 through 6300 blocks of South Power Road. Located south of Williams Field Road between the northbound and southbound lanes of Power Road (11± acres). Rezone from RM-4-BIZ and LC-BIZ-CUP to RM-4-PAD; and Site Plan Review. This request will allow for a multiple residence development. Sean Lake, Pew and Lake, PLC, applicant; Power Road Gateway, LLC, owner. – Ordinance No. 5530

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda

- 3-a. Hidalgo Carniceria Y Panaderia

A grocery store is requesting a new Series 10 Beer and Wine Store License for Hidalgo Carniceria Y Panaderia LLC, 1416 East Broadway Road – Alva Christina Tovar, agent. There is no existing license at this location. **(District 4)**

Bill Edwards a Mesa resident expressed concern related to a liquor store in this neighborhood. He explained he would like further information regarding the plans for the store and the need to sell liquor.

Khalid Mahboob, a Mesa business owner of Super Dollar Discount who has sold beer, wine and liquor for 12 years and is located 350 feet from this store. He expressed this store would harm his business. He stated there are many competing convenience stores on Broadway Road within a one-mile radius and voiced another liquor license is not needed in this area.

City Attorney Jim Smith explained the City is providing a recommendation to the State Board for liquor licenses and there are 12 factors that the State takes into consideration before allowing a liquor license to be approved. He listed a few key factors in the approval process which are: owning of the land, nature of the proposed business, vehicle traffic, and the impact of the business in a residential neighborhood.

In response to a question from Vice Mayor Freeman in regard to there being too many liquor licenses in one area, Mr. Smith was unsure if the State has provided regulations for that specific area.

Alex Montezuma spoke on behalf of Juan Carlo Garcia, applicant for the liquor license had stated competition is good for other businesses and clarified the license he applied for is for a convenience store and there will be no consumption of alcohol on the premises.

Councilmember Duff commented she appreciated the concern that has been brought forward on the liquor license. She expressed confidence and support for the liquor license for the store and stated it is a different character of business and that there is no direct competition.

Councilmember Thompson agreed that competition in the market is a good thing and he does not foresee any issues. He stated the market will decide if there are too many liquor stores in one area.

It was moved by Vice Mayor Freeman, seconded by Councilmember Luna that the new Series 10 Beer and Wine Store License for Hidalgo Carniceria Y Panaderia LLC, 1416 East Broadway Road be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Heredia-Luna-Thompson

NAYS – None

ABSENT – Whittaker

Mayor Giles declared the motion carried unanimously by those present.

7-a. **ZON19-00322 (District 3)** Within the 1600 through 1700 blocks of South Dobson Road (west side) and within the 2000 block of West Isabella Avenue (north side). Located west of Dobson Road south of US 60 (10± acres). Rezone from LC-PAD to RM-4-PAD; and Site Plan Review. This request will allow for the development of a multiple residence development. Brennan Ray, Burch & Cracchiolo, PA, applicant; TIC Dobson Ranch, LLC Etal, owner.) – Ordinance No. 5531

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-1)

Jo Ann Precup, a Mesa resident expressed concern with population density and parking when the apartment complex is completed. She mentioned there will not be enough parking for the amount of people who will be living in these apartments if they are at full occupancy.

Brennan Ray, on behalf of the applicant Alliance Residential commented the amount of density and parking in the area is going to be appropriate for the employment opportunities that exist north of the U.S. 60 freeway. He stated there has been a downward trend across the country in parking requirements for urban, low and midrise buildings.

In response to multiple questions from Mayor Giles, Mr. Ray confirmed the average lease rate is between \$1000.00 and \$2200.00 which includes all high-end amenities, such as resort style pools, spas, outdoor kitchens, and dog parks.

Councilmember Heredia asked Mr. Ray to explain how apartments in this location will be a positive outcome.

Mr. Ray explained that staff had spoken to the Dobson Ranch Homeowners Association and went door to door asking residents about creating apartments where the Dobson Ranch Inn currently stands. He pointed out that residents were in favor of building apartments but were also concerned with vehicle traffic, property values and crime rates, but overall the feedback was very supportive.

In response to a question from Vice Mayor Freeman, Mr. Ray stated the Dobson Ranch Inn had 220 rooms.

Councilmember Luna commented that a new development will bring positive change to the area.

Councilmember Thompson expressed concern regarding the schools in the area being overpopulated and hoped that staff is looking at all aspects of that issue.

It was moved by Vice Mayor Freeman, seconded by Councilmember Heredia that Ordinance No. 5531 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Heredia-Luna-Thompson

NAYS – None

ABSENT – Whittaker

Mayor Giles declared the motion carried unanimously by those present.

8. Items from citizens present.

Ben Alexander, a Mesa resident and former Mesa police officer and a Veteran of the Marine Corps explained that he was injured in 2014 causing injuries which resulted in opening a Workers Compensation claim that resulted in denial. He has since tried to reopen the claim which he had been told will be denied because a decision was not able to be made within the 21-day time frame required by State Statute. He stated he was unhappy with the medical providers he was referred to and asks the City to show good faith and come to an agreement soon so he can feel whole again.

Charita Michelle Ford, a Mesa resident wanted to bring attention to Mesa apartment complexes not being strict with occupancy laws. Ms. Ford spoke from a recent experience where an individual was using her address fraudulently and would like to make everyone aware for the safety of the community.

Doreen Moreno, a Mesa resident mentioned she was here in support of Ben Alexander and her daughter who will be a future Police officer for the City. She expressed concern that her daughter may be in the same situation one day and go through the same type of scrutiny and not get the help she deserves for putting her life on the line for citizens.

Dale Bunch, a Mesa resident who was doing research at the Main Library stated he was asked to leave and was suspended from the library for violating rules of conduct. He stated he is under the impression that he has not harmed anyone or done anything wrong to receive this type of treatment.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:03 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 23rd day of September 2019. 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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