



COUNCIL MINUTES

September 26, 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 26, 2016 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Christopher Glover

OFFICERS PRESENT

John Pombier
Jim Smith
Dee Ann Mickelsen

Mayor Giles excused Councilmember Glover from the entire meeting.

Mayor's Welcome.

Invocation by Reverend David C. Rennick with First United Methodist Church.

Pledge of Allegiance was led by Nick Peters, Scout Troop # 451.

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.

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

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the August 29 and September 12, 2016 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Queen of Peace Catholic Church

This is a one-day religious event to be held on Sunday, November 20, 2016 from 9:00 a.m. to 8:00 p.m., at 141 North Macdonald. **(District 4)**

*3-b. Tipsy Cactus Taproom and Bottle Shop

A taproom and bottle shop is requesting a new Series 7 Beer and Wine Bar License for Franko Hayes Enterprises LLC, 2722 South Alma School Road, Suite 1 – Sean Michael Hayes, agent. This is a person-to-person and location transfer. **(District 3)**

*3-c. U-Stop

A convenience store is requesting a new Series 9 Liquor Store License for Guru Ramdas Ji LLC, 5207 East Main Street – Lauren Kay Merrett, agent. This is a person-to-person transfer. The existing license held by Singh Brothers LLC will transfer to the new applicant. **(District 2)**

*3-d. Jesse's Food Mart

A grocery store with a gas station is requesting a new Series 10 Beer and Wine Store License for Jesse's Food Mart LLC, 1959 East Broadway Road – Jaswinder Singh, agent. The existing license held by LPT Retail Management Services will revert back to the State. **(District 4)**

*3-e. 3 Brothers Food Mart

A grocery store with a gas station is requesting a new Series 10 Beer and Wine Store License for 3 Brothers Food Mart LLC, 3565 East Broadway Road – Jaswinder Singh, agent. The existing license held by LPT Retail Management Services will revert back to the State. **(District 2)**

4. Take action on the following contracts:

*4-a. Three-Year Term Contract for Pavement Marking Materials for the Transportation Department. **(Citywide)**

This contract will provide preformed, heat-fused thermoplastic pavement marking materials and high build, fast dry, no track waterborne traffic paint materials.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Centerline Supply West; and American Traffic Products, Inc.; cumulatively not to exceed \$210,310 annually, based on estimated requirements.

*4-b. Purchase of Two Additional Chevrolet Tahoes for the Police Department. **(Citywide)**

This purchase will provide two police patrol vehicles that will support six of the twelve new police positions that Council approved for this fiscal year. They will add officer back up support for the Light Rail Bike Patrol officers to assist in the transport of suspects

detained by those officers, and will also be used to support the Crisis Response Team officers.

The Fleet Services Department, Police Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Midway Chevrolet, at \$81,258.32. This purchase is funded by the Capital – General Fund.

- *4-c. Three-Year Term Contract for an Audible Panic System as requested by the Police Department. **(Citywide)**

This contract will provide the Forensic Services division a Lynx emergency notification system that has the ability to send notifications to a wide range of recipients simultaneously. Lynx uses physical duress buttons, virtual duress buttons, or triggers from other devices resulting in mass notifications via cellular phone calls, LED signs, audible alerts and pop up messages on workstation monitors. This system is also compatible and interacts with the City's current C-Cure safety and security systems already in place.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsible and responsible bidder, Tyco Integrated Security, LLC, at \$100,000 annually, based on estimated requirements. The initial purchase is grant funded by Arizona Criminal Justice Commission (\$23,986) and the Police Department operating budget (\$14,014).

- *4-d. One-Year Renewal of the Term Contract for Original Equipment Manufacturer (OEM) Heavy-Duty Truck Repair Services for the Fleet Services Department. **(Citywide)**

Fleet Services provides preventative maintenance for heavy-duty repairs for a fleet of approximately 200 heavy-duty trucks. This contract provides OEM heavy-duty truck repair parts and services for the following American LaFrance, Case, Caterpillar, Cummins, DaDee Manufacturing (Scorpion Solid Waste Truck), Detroit Diesel, Freightliner and Heil.

The Fleet Services Department and Purchasing recommend authorizing the renewal with Freightliner of Arizona & Western States Fire Equipment; Cummins Rocky Mountain, LLC (a Mesa business); Arizona Refuse Sales, LLC; W.W. Williams Southwest, Inc.; and RWC International, Ltd.; cumulatively not to exceed \$712,000.00 annually, based on estimated requirements.

- *4-e. Three-Year Term Contract for General Motors OEM Auto and Light Duty Truck Parts for the Fleet Services Department. **(Citywide)**

This contract will provide genuine OEM parts to support the City's fleet of General Motors sedans, light duty trucks and vans. The City currently maintains a fleet of Chevrolet/GM vehicles including 128 automobiles and 474 vans and light duty trucks.

The Fleet Services Department and Purchasing recommend awarding the contract to Earnhardt Buick GMC Inc., dba Earnhardt Buick GMC (Primary) (a Mesa business); and Courtesy Chevrolet ISUZU Medium Truck (Secondary); at \$150,000 annually, based on estimated requirements.

- *4-f. Purchase of Three Replacement and One Additional Tilt Trailers, Two Replacement Backhoes and One Vibratory Compactor Roller for the Transportation, Energy Resources, and Parks, Recreation and Community Facilities Departments as requested by the Fleet Services Department. **(Citywide)**

The three equipment tilt trailers, two backhoes, and one compactor roller, have reached or exceeded life cycle replacement due to age and its high maintenance costs, and it will be retired and sold at auction.

The Fleet Services, Transportation, Energy Resources, and Parks Recreation and Community Facilities Departments and Purchasing recommend authorizing the purchase using the City of Tucson/National Intergovernmental Purchasing Alliance cooperative contract with Empire Southwest, LLC (a Mesa business), at \$474,023.47. This purchase is funded by the Utility Replacement Extension and Renewal Fund, Local Streets Sales Tax Fund and the Vehicle Replacement Fund.

- *4-g. Three-Year Term Contract for Ultraviolet Wastewater Disinfection Parts for the Water Resources Department. **(Citywide)**

This contract will provide quality lamps, ballasts, wiper assemblies and lamp sleeve assemblies that fit and operate the disinfection system for wastewater at the Northwest Water Reclamation Plant.

The Water Resources Department and Purchasing recommend authorizing the contract to the lowest, responsive and responsible bidders, UV Inc.; and DC Front and Associates, Inc.; cumulatively not to exceed \$90,000 annually, based on estimated requirements.

- *4-h. Three-Year Term Contract for GEA Westfalia Centrifuge Parts and Service for the Water Resources Department (Sole Source). **(Citywide)**

This contract provides for the purchase of GEA Westfalia centrifuge parts, repair and maintenance services essential to effectively and safely operate all Westfalia Separator Decanters; five located at the Greenfield and four at the Northwest Water Reclamation Plants.

The Water Resources Department and Purchasing recommend authorizing the contract with the sole source vendor/contractor, GEA Mechanical Equipment US, Inc., at \$400,000 annually, based on estimated requirements.

- *4-i. One-Year Renewal of the Term Contract for Emergency Response, Non-Emergency Response and Household Hazardous Waste Event Support for the Environmental Management and Sustainability Department. **(Citywide)**

This contract provides services for three scopes of work: emergency response cleanup and disposal; non-emergency response cleanup and disposal; and on-site technical support, containerization, transport and disposal of materials collected at Household Hazardous Waste (HHW) events.

The Department is currently working with Engineering on a proposal for a permanent City HHW collection facility. If the facility becomes a reality it would either significantly reduce or possibly eliminate the need for the HHW event support portion of this contract.

A one-year renewal will allow a decision to be made about constructing and operating a permanent HHW collection facility.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing the renewal with Kary Environmental Services, Inc. (a Mesa business); Environmental Response, Inc.; and Clean Harbors Environmental Services, Inc.; cumulatively not to exceed \$580,000 annually, based on estimated requirements, with funding as follows: Environmental Management and Sustainability Department operating budget, at \$455,000 from the HHW portion of the Mesa Green and Clean Fee, and \$80,000 from the Environmental Compliance Fee; the Police Department, at approximately \$26,000 through the General Fund; Energy Resources, at approximately \$12,000 through the Enterprise Fund – Electric Sub Fund; and Fire and Medical, at \$7,000 through the General Fund.

- *4-j. Contract Amendment and Dollar-Limit Increase to the Contract for the Purchase of the Replacement Development Information Management Enterprise Solution. **(Citywide)**

Council previously approved the purchase of a Development Information Management Enterprise Solution (DIMES) to replace the current system that is used for the land development process (Tidemark), the special regulatory licensing system (COMET) and the Police Department Alarms database. The complexity of the project and the competing needs for staff resources have caused the project timeline to be extended. The majority of the change order is for additional hours for Accela Inc. to assist staff with the remainder of the project implementation, which includes script writing, report development, data conversion, acceptance testing and training.

Development Services, Business Services and Purchasing recommend authorizing an amendment and a dollar-limit increase to the contract with Accela Inc. and Open Counter Enterprises in the amount of \$157,090, increasing the dollar-limit from \$1,665,721.68 to \$1,822,811.68 including contingency. This project is funded by the Development Services Technology Improvement Fee.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Agreement with the U.S. Department of Justice, Drug Enforcement Administration (DEA), to assign Mesa Police Officers to the Phoenix DEA Task Forces in exchange for \$35,506 in overtime funding. **(Citywide)** – Resolution No. 10845.

- *5-b. Vacating portions of the right-of-way on West University Drive and North Dobson Road adjacent to 1955 West University Drive. **(District 3)** – Resolution No. 10846.

Small portions of the right-of-way that are no longer needed by the City are being vacated to accommodate proposed signage for a convenience store.

- *5-c. Extinguishing a portion of a 20-foot Public Utilities and Facilities Easement and a portion of an Easement for Roadway located at 8350 East Baseline Road. **(District 6)** - Resolution No. 10847.

The property owner has requested the City extinguish a portion of a Public Utilities and Facilities Easement and a portion of an Easement for Roadway that will conflict with the development of a 325-unit class “A” apartment development.

6. Discuss, receive public comment, and take action on the following 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. – Ordinance No. 5353.

Staff Recommendation: Approval with conditions

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

- *6-b. **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. – Ordinance No. 5354.

Staff Recommendation: Approval with conditions

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

- *6-c. **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. – Ordinance No. 5355.

Staff Recommendation: Approval with conditions

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

7. Take action on the following subdivision plat:

- *7-a. "54th Street Business Park" **(District 2)** The 5300 to 5400 blocks of East Main Street (south side). Located east of Higley Road on the south side of Main Street. 8 GC commercial lots (6.93 Acres). EML 54th Street, LLC, developer; William H. Standage, Standage and Associates, Ltd., surveyor.

Items not on the Consent Agenda

8. Items from citizens present.

Mary Kim Titla, member of the San Carlos Apache Tribe, explained that she is the Executive Director for a non-profit organization called United National Indian Tribal Youth (UNITY). She announced that she was attending on behalf of a student at Mesa Community College who is requesting that the City of Mesa consider declaring the second Monday of October as

Indigenous People's Day. She stated that the declaration would allow Mesa to take the lead of other cities in recognizing that:

- Indigenous people of the lands that would later become known as the Americas, have occupied these lands since time immemorial; and that
- Mesa was built upon the homelands of the villages of the indigenous people of this region; and that
- Mesa will value the many contributions made to our community through the indigenous people such as knowledge, labor, technology, science, philosophy, arts and the deep ancestral and cultural contribution that has substantially shaped the character of the City of Mesa; and that
- The City will promote equality for all indigenous people and honor our nation's indigenous heritage, history and contributions; and that
- The City will further encourage its schools and students to teach about indigenous history and will encourage businesses, organizations and public institutions to recognize Indigenous People's Day.

Ms. Titla thanked the Council for the opportunity and requested that the recognition be considered at the next Council meeting.

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

Yolanda Triana, a Mesa resident, informed the Council that the Mesa Royale residents attended the meeting held on September 22, 2016 with the City of Mesa Transit Services Department regarding the light rail. She indicated that the meeting representatives reported that the light rail has benefited the residents in the area and she noted that Mesa Royale is being affected. She stated that the law is to protect the residents, no matter their legal status or nationality, and claimed that Mesa and the property owner(s) are violating the residents' right to a place to live.

Hilario Triana, a Mesa resident, stated that the Mesa Royale residents have rights and have not been respected by the City of Mesa. He suggested that Mesa is not working in compliance with the prerequisites established by federal law, which requires Mesa to have a relocation plan in place for the Mesa Royale residents.

Mayor Giles thanked Mr. and Ms. Triana for their comments and notified the audience that flyers related to Mesa Royale Frequently Asked Questions could be found at the back of the room for their convenience.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:04 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 26th day of September, 2016. 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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