



COUNCIL MINUTES

April 7, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 7, 2014 at 5:45 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dennis Kavanaugh
David Luna
Dave Richins
Scott Somers*

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

(*Councilmember Somers participated in the meeting through the use of telephonic equipment.)

Invocation by Pastor Rick Thiemke, Red Mountain Christian Center.

Pledge of Allegiance was led by Marian Burianek.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Councilmember Luna recognized Anna Guzman and Alberto Carrazco, students of the Jo Wilson Leadership Institute at Benedictine University. He stated that the students were shadowing him today to learn about leadership.

Conservation Specialist Donna DiFrancesco addressed the Council and reported that on Friday, April 25, 2014, the City of Mesa will celebrate Arbor Day. She highlighted some of the activities that City staff and other volunteers will participate in, such as conducting a tree planting at the new Botanical Walk; reading "The Lorax" by Dr. Seuss to third graders at various Mesa Public Schools; and promoting how trees help to clean the air and reduce heating and cooling costs. She added that for the fourth consecutive year, Mesa has been named a Tree City USA community by the Arbor Day Foundation.

Laura Azevedo, a student intern in the Development and Sustainability Department, read the Proclamation declaring April 25, 2014 as Arbor Day.

Volunteer Coordinator Michelle Alvis reported that the City of Mesa has thousands of volunteers who participate in a variety of roles in many City departments. She explained that such activities include, but

are not limited to, building museum exhibits, working with emergency responders, and coaching and officiating youth sports. She stated that in 2013, volunteers donated approximately 260,000 hours of service to the City, equating to more than \$5 million of value to the community.

Each Councilmember cited examples of the type of volunteer activities that occur in specific City departments.

Mayor Smith commented that many volunteers also serve on the City's various boards and commissions. He noted that during their service in such a capacity, the individuals share their knowledge, experience and expertise on numerous subjects, from which staff and the City as a whole benefit.

Mayor Smith indicated that many volunteers were present in the audience and invited them to stand and be recognized.

Mayor Smith further remarked that people who choose to volunteer gain a sense of commitment, pride in the community, and most importantly, help to "Build a Better Mesa." He also said that he has issued a Proclamation declaring April 6 through 12, 2014 as National Volunteer Week.

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

Carried unanimously.

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

Minutes from the January 30, February 10, 13 and 24, and March 17 and 20, 2014 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Arizona Community Foundation

This is a one-day charitable event to be held on Friday, April 25, 2014, from 6:00 p.m. to 9:00 p.m., at 845 South Crismon Road. **(District 6)**

*3-b. Every Kid Counts, Inc.

This is a two-day charitable event to be held on Saturday, April 26, 2014, from 11:00 a.m. to 2:00 a.m. and Sunday, April 27, 2014, from 11:00 a.m. to 9:00 p.m., at 1300 South Country Club Drive. **(District 3)**

*3-c. Luke-Greenway Post No. 1 The American Legion

This is a one-day fraternal event to be held on Saturday, April 12, 2014, from 12:00 p.m. to 10:30 p.m., at 4155 East Virginia Street. **(District 5)**

*3-d. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, April 18, 2014, from 5:00 p.m. to 11:00 p.m., at Macdonald Street from Main to Pepper. **(District 4)**

*3-e. Pro's Ranch Market – Phoenix 7

A grocery store is requesting a new Beer & Wine Store License with Sampling Privileges for Pro's Ranch Market – Phoenix 7, 1118 East Southern Avenue, CNG Ranch LLC – Andrea Dahlman Lewkowitz, agent. The previous license held at this location by Provenzano's, LLC will revert back to the State. **(District 4)**

4. Take action on the following off track betting license applications:

*4-a. Turf Paradise, TP Racing LLLP

New Off Track Betting License for Turf Paradise, TP Racing LLLP to telecast at 3rd Base Inc., JJ Madisons, located at 430 North Power Road. Applicant: Vincent Acri Francia. **(District 2)**

*4-b. Turf Paradise, TP Racing LLLP

New Off Track Betting License for Turf Paradise, TP Racing LLLP to telecast at Glenbeigh Inc., O'Kelley's Sports Bar & Grill, located at 2120 West Guadalupe Road, Suite 19. Applicant: Vincent Acri Francia. **(District 3)**

5. Take action on the following bingo application:

*5-a. Mesa Village Bingo

Karen Cousineau, applicant, 2701 East Allred Avenue. **(District 2)**

6. Take action on the following contracts:

*6-a. Three (3)-Year Term Contract for Trailer Parts, Automotive Lighting, Mirrors and Safety Supplies for the Fleet Services Department. **(Citywide)**

This contract will provide trailer parts, automotive and truck lighting parts, mirrors and safety supplies for the City's diverse fleet of passenger cars, patrol sedans, pickups and utility vans, plus an assortment of small engine equipment.

Fleet Services and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidders: Auto Safety House LLC; CLF Warehouse, Inc.; RWC International Ltd.; FleetPride (a Mesa business); and Parts Authority LLC; at \$325,000 annually, based on estimated requirements.

- *6-b. Three (3)-Year Term Contract for Original Equipment Manufacturer and Aftermarket Refuse Body and Sweeper Body Parts for the Fleet Services Department. **(Citywide)**

This contract will provide Original Equipment Manufacturer (OEM) and aftermarket parts for Wayne, Heil, Scorpion, G & H, Pioneer, Leach, Galbreath, Safety Vision and Labrie refuse bodies and Schwarze street sweepers.

Fleet Services and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidders: Arizona Refuse Sales; Balar Holding, dba Balar Equipment; Lacial Equipment, Inc.; McNeilus Truck & Mfg.; Southwest Sweeper Sales Inc.; Wastebuilt Southwest, LLC, dba Stepp Equipment; Wastequip Mfg. Co., LLC; Wayne Engineering; and Western Refuse & Recycling Eq., Inc.; at \$850,000 annually, based on estimated requirements.

- *6-c. Three (3)-Year Term Contract for Phlebotomy Services for the Police Department. **(Citywide)**

The contract will provide phlebotomist services as required by the Police Department. Technicians draw blood samples from suspected impaired motor vehicle operators and/or persons involved in other criminal investigations. Additional services such as urine sampling, exposure draw and delivery of samples to a laboratory for testing are included as needed.

Police and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidder, Desert Testing Services, LLC (a Mesa business), at \$135,000 annually, based on estimated requirements.

- *6-d. Purchase of Two (2) Replacement Sedans for the Fire and Medical Department. **(Citywide)**

Fire and Medical, Dispatch and Deployment has requested the purchase of two sedans in lieu of a replacement pickup truck that has met established criteria and will be sold at auction. The allotted funds for the replacement truck will cover the cost of the two sedans.

Fire and Medical and Purchasing recommend authorizing the purchase from an existing Mesa contract with Courtesy Chevrolet, at \$42,452.34. This purchase is funded by the Fire and Medical budget.

- *6-e. Dollar-Limit Increase to the Term Contract for Fire Protective Clothing for the Fire and Medical Department. **(Citywide)**

The increase is needed to purchase turnouts for 18 firefighter recruits who started the academy in early March. Replacement of turnout clothing is also required due to unanticipated liner delamination during advanced inspections occurring in garments that are eight and nine years of age. The City replaces turnouts that are older than ten years.

Fire and Medical and Purchasing recommend authorizing a dollar-limit increase of \$150,000 with United Fire Equipment Company, from \$220,000 to \$370,000, based on estimated requirements.

- *6-f. Three (3)-Year Term Contract for Alkyd Thermoplastic Striping Material for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract will provide alkyd thermoplastic striping material used for pavement striping of streets and crosswalks for street maintenance and construction for the City. This thermoplastic material lasts much longer than traffic paint. Mesa has taken the lead in bidding this contract as a cooperative contract that includes estimated quantities for the cities of Mesa, Glendale and Yuma.

Business Services, Transportation and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidder, Sherwin Williams Company, at \$197,600 annually, based on estimated requirements.

- *6-g. Purchase of One (1) Replacement Light-Duty Cab and Chassis Service Body Vehicle for the Transportation Department. **(Citywide)**

This purchase will provide one replacement extended-cab truck equipped with a stake body for use in Transportation Field Operations. The replacement vehicle has met established criteria and will be sold at auction.

Fleet Services, Transportation and Purchasing recommend authorizing the purchase from an existing Mesa contract with Berge Ford (a Mesa business), at \$48,155.16. This purchase is funded by the Vehicle Replacement Fund.

- *6-h. Three (3)-Year Term Contract for Mechanical Couplings for the Materials and Supply Warehouse (for the Energy Resources Department) (Single Bid). **(Citywide)**

Gas Utility uses mechanical fittings to connect polyethylene pipe in the City's natural gas system for new construction projects and the maintenance and repair of existing gas utilities. Only the Lycofit fitting, as manufactured R.W. Lyall, is approved for use in the City of Mesa's natural gas distribution system.

Business Services, Energy Resources and Purchasing recommend awarding the contract to the qualified single bidder, R.W. Lyall & Company, Inc., at \$33,000 annually, based on estimated requirements.

- *6-i. Three (3)-Year Term Contract for Meter Set Assemblies for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

Gas Utility uses meter set assemblies, which include the preassembled gas regulator, steel piping and meter bar, in the City's natural gas distribution system for new construction projects and the maintenance and repair of existing gas utilities.

Business Services, Energy Resources and Purchasing recommend awarding the contract to the qualified single bidder, R.W. Lyall & Company, Inc., at \$103,000 annually, based on estimated requirements.

- *6-j. Three (3)-Year Term Contract for Riverview and Player Development Facilities Maintenance Equipment for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

This contract will provide facilities maintenance equipment required for City maintenance of the new facilities at Riverview Park and Baseball Player Development areas, including motorized rakes; tow-behind, backpack and handheld blowers; a motorized aerator; string trimmers; walk-behind edger/trimmers; a motorized trash pump; and walk-behind mowers.

Parks, Recreation and Commercial Facilities and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidders: A & G Turf Equipment, Inc., at \$5,940.59; Jacobsen West, at \$64,016.13; R & R Products, Inc., at \$1,459.19; Simpson Norton Corporation, at \$7,252.44; and Tempe Power Equipment, LLC, at \$3,010.74; for the combined total award of \$81,679.09. This purchase is funded by Enterprise Capital Project Funds, Cubs' Spring Training Facility.

7. Take action on the following resolutions:

*7-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Superior for vehicle/fire apparatus maintenance and repair services to be performed by the Mesa Fire Department Maintenance Division. **(Citywide)** – Resolution No. 10410.

*7-b. Approving and authorizing the City Manager to enter into a Solar Services Agreement and a Performance Guarantee Agreement with Solar City for the purchase and sale of solar services through the finance, design, installation, operation and maintenance of a solar panel system for the Red Mountain Police Substation. **(District 2)** – Resolution No. 10411.

The agreements authorize the purchase of solar energy for twenty (20) years at \$0.061 per kilowatt hour from Solar City, as well as the granting of an associated license to Solar City for the construction, operation and maintenance of a solar facility of approximately 169 DC kW on the property.

*7-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County and the Town of Queen Creek to cost share in the development of a Design Concept Report (DCR) for the intersection of Germann Road and Sossaman Road. **(District 6)** – Resolution No. 10412.

The purpose of the DCR will be to define a recommended configuration and/or grade separation of Germann and Sossaman Roads in the vicinity of the Union Pacific Railroad. It will also allow further stakeholder and public vetting of potential alternatives prior to the identification of a preferred configuration and associated Right-of-Way.

The total estimated cost of the DCR is \$150,000 with the City's share to be one-third or \$50,000.

*7-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community for the sharing of radio communications sites and facilities. **(Citywide)** – Resolution No. 10413.

- *7-e. Approving the Third Substantial Amendment to the Annual Action Plan for FY 2011-2012 and authorizing the City Manager to amend, sign and submit the Amendment to the U.S. Department of Housing and Urban Development. **(Citywide)** – Resolution No. 10414.
- *7-f. Approving the First Substantial Amendment to the Annual Action Plan for FY 2012-2013 and authorizing the City Manager to amend, sign and submit the Amendment to the U.S. Department of Housing and Urban Development. **(Citywide)** – Resolution No. 10415.
- *7-g. Approving the First Substantial Amendment to the Annual Action Plan for FY 2013-2014 and authorizing the City Manager to amend, sign and submit the Amendment to the U.S. Department of Housing and Urban Development. **(Citywide)** – Resolution No. 10416.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the City Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the City Clerk before Council votes on the Consent Agenda.

- *8-a. **Z14-011 (District 3)** Located at the northwest corner of Dobson Road and Broadway Road (2.14± acres). Site Plan Review and Special Use Permit to allow a vehicle service station. This request will allow the development of a retail store and vehicle service station – Ordinance No. 5209.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 5-0, Boardmembers Hudson and Johnson absent.)

- *8-b. **Z14-003 (District 4)** 345 South Shouse. Located west of the northwest corner of Broadway Road and Gilbert Road (1± acre). Rezone from RM-3 to RM-3-BIZ and Site Plan Modification. This request will allow the development of a multi-residence townhome development – Ordinance No. 5210.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 5-0, Boardmembers Hudson and Johnson absent.)

- *8-c. **Z14-013 (District 6)** The 8600 block of East Desert Lane (south side) and the 8600 block of East Medina Avenue (north side). Located east of Hawes Road and south of Baseline Road (7.2± acres). Rezone from AG to RSL4.5-PAD. This request will allow the development of single residences (PLN2013-00616) – Ordinance No. 5211.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 5-0, Boardmember Hudson and Johnson absent.)

9. Take action on the following subdivision plat:

- *9-a. "The Groves of Hermosa Vista II" (**District 1**) 2000 to 2100 blocks of East Mallory Street (south side) and the 2100 block of East Menlo Circle (west end). Located on the SEC of Old Gilbert Road and Mallory Street. 11 RS-15 lots (4± acres). Brent C. Berge and Deborah I. Berge, owners; Traver Jones, Kimley-Horn and Associates, Inc., engineer.

10. Adoption of the following Notice of Intention and setting May 19, 2014 as the date of the public hearing:

- *10-a. Notice of Intention to Adjust Utility Rates.

Items not on the Consent Agenda

11. Conduct a public hearing and take action on the following Minor General Plan Amendment and ordinance that was introduced at a prior Council meeting:

- 11-a. **GMinor14-003 (District 5)** 529 South Hawes Road. Located south of Broadway Road on the east side of Hawes Road (3.4± acres). Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use Designation from MDR 6-10 to MDR 10-15. This request will allow the development of townhomes – Resolution No. 10417.

Staff Recommendation: Adoption

P&Z Recommendation: Adoption (Vote: 5-0, Boardmembers Hudson and Johnson absent.)

Mayor Smith announced that this is the time and place to conduct a public hearing regarding **GMinor14-003 (District 5)** 529 South Hawes Road. Located south of Broadway Road on the east side of Hawes Road (3.4± acres). Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use Designation from MDR 6-10 to MDR 10-15. This request will allow the development of townhomes.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

(See Council action on this matter under item 11-b.)

- 11-b. **Z14-010 (District 5)** 529 South Hawes Road. Located south of Broadway Road on the east side of Hawes Road. (3.4± acres) Rezoning from R-3-PAD to R-3-PAD and Site Plan Modification. This request will allow the modification of the proposed residential development and the associated PAD Ordinance – Ordinance No. 5212.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 5-0, Boardmembers Hudson and Johnson absent.)

Mayor Smith stated that items 11-a and 11-b will be voted on in one motion.

It was moved by Councilmember Luna, seconded by Councilmember Glover, that Resolution No. 10417 and Ordinance No. 5212 be adopted.

Carried unanimously.

12. Conduct a public hearing on the License and Use Agreement with Matheson Tri-Gas, Inc., and take action on the following resolution:

- 12-a. A resolution approving and authorizing the City Manager to enter into a Right-of-Way License with Matheson Tri-Gas, Inc., for the installation, operation and maintenance of an industrial pipeline for conveyance of nontoxic, nonflammable gas, such as nitrogen gas, within the City right-of-way and easements for industrial users. The proposed non-exclusive agreement has a 25-year combined term. **(District 6)** – Resolution No. 10418.

Mayor Smith announced that this is the time and place for a public hearing regarding a resolution approving and authorizing the City Manager to enter into a Right-of-Way License with Matheson Tri-Gas, Inc. for the installation, operation and maintenance of an industrial pipeline for conveyance of nontoxic, nonflammable gas, such as nitrogen gas, within the City right-of-way and easements for industrial users. The proposed non-exclusive agreement has a 25-year combined term.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

It was moved by Councilmember Richins, seconded by Councilmember Glover, that Resolution No. 10418 be adopted.

Carried unanimously.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:19 p.m.

ALEX FINTER, 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 7th day of April 2014. 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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