



COUNCIL MINUTES

December 8, 2015

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 8, 2015 at 5:51 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Alex Finter

OFFICERS PRESENT

Christopher Brady
Jim Smith
Dee Ann Mickelsen

Mayor Giles excused Councilmember Finter from the entire meeting.

Mayor's Welcome.

Invocation by Minister Les Koel with the Church of Scientology.

Pledge of Allegiance was led by State Representative Kelly Townsend.

Awards, Recognitions and Announcements.

Mayor Giles stated that tonight, the Council is recognizing several members of the Arizona State Legislature. He welcomed Representative Kelly Townsend, who was present in the audience. He explained that the Council would also honor Senator Bob Worsley, who was unable to attend tonight's meeting. He expressed appreciation to the legislators for their support of cities and towns, and particularly the City of Mesa, during the 2015 legislative session.

Mayor Giles, in addition, acknowledged and thanked the following Arizona legislators who were also recipients of the Friends and Champions award, but not present this evening: Representative Justin Olson, Representative Doug Coleman, Representative Bob Robson, Senator Jeff Dial and Senator Andrew Sherwood.

Mayor Giles introduced Dale Wiebusch, representing the Arizona League of Cities and Towns, who would present the award.

Mr. Wiebusch commented that each year, the League presents awards to the legislators who have demonstrated exemplary support with respect to protecting shared revenue and maintaining local control. He stated that tonight, he was pleased to present the Friends and Champions award to Representative Kelly Townsend.

Ms. Townsend addressed the Council and noted that it was a distinct honor to receive this award. She said that "her door was always open" and expressed her willingness to respond to any questions or concerns that her constituents might have.

Mayor Giles thanked Representative Townsend for her advocacy on behalf of the City of Mesa at the state legislature.

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 Luna, that the consent agenda items be approved.

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the November 9, 12 and 23 and December 1 and 3, 2015 Council meetings.

3. Take action on the following liquor license applications:

*3-a. All Pierogi Euro Kitchen

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Euro Kitchen LLC, 1245 West Baseline Road, Suite 101 – Nataliya Koshalko, agent. The previous license held by Tammasak Rojchanakasetchai, Sole Proprietor, reverted back to the state. **(District 3)**

*3-b. Max's Mukhaase

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Max's Mukhaase Restaurant & Catering Services LLC, 1245 West Guadalupe Road, Suite B 7-8 – Maxwell Danso Abiam, agent. There is currently no existing license at this location. **(District 3)**

*3-c. Steak and Stone Steakhouse and BBQ

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Steak and Stone LLC, 2613 North Thunderbird Circle – William David Reay, agent. There is currently no existing license at this location. **(District 5)**

4. Take action on the following contracts:

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

The contract amendment will allow the City to contract directly with Open Counter for the implementation of the business wizard functionality that is part of the project, saving the City Accela pass-through costs.

The dollar-limit increase with Accela will provide a replacement for the PD False Alarms system that is obsolete and failing. Bringing the PD Alarms billing, administered by Business Services, into Accela Automation will put it in the same system as the City's other regulatory licenses and permits providing a single point of license/permit application and online application, renewal and payment abilities.

Business Services, Development Services and Purchasing recommend authorizing a contract amendment to add Open Counter Enterprises as a vendor for the project and a dollar-limit increase to the contract with Accela Inc., in the amount of \$56,610.00, increasing the contract value from \$1,609,111.68 to \$1,665,721.68.

*4-b. Three-Year Term Contract for Fasteners, Hardware and Electrical Supplies for the Fleet Services Department. **(Citywide)**

This contract will provide various supplies, including fasteners, switches, nuts and bolts and related hardware and electrical supplies commonly used for general repairs and maintenance of City vehicles and equipment.

The evaluation committee recommends awarding the contract to the highest-scored proposal from Class C Solutions Group, at \$85,000.00 annually, based on estimated requirements.

*4-c. Purchase of One Additional Light-Duty Truck with Service Body for the Facilities Maintenance Department. **(Citywide)**

This purchase will provide a 2016 Ford 250, regular cab chassis truck with an eight-foot utility bed to support Facilities Maintenance daily operations and maintenance activities at City facilities.

The Fleet Services and Facilities Maintenance Departments and Purchasing recommend authorizing the purchase from the contract with Berge Ford (a Mesa business), at \$38,373.98.

*4-d. One-Year Term Contract for Automotive Transmission Repairs, Services and Replacements for the Fleet Services and Fire and Medical Departments. **(Citywide)**

This contract provides automotive transmission parts and repair and replacement services for the City's heavy-duty vehicles, such as fire apparatus, refuse trucks, heavy-duty trucks and light-duty vehicles. The City of Mesa and Mesa Public Schools served as the lead agencies for this cooperative contract.

The Fleet Services and Fire and Medical Departments and Purchasing recommend authorizing a one-year contract using the Mesa Public Schools cooperative contract with the highest-scored vendors, W.W. Williams, Sun Devil Auto (a Mesa business), and AAMCO (AZ Transmission Systems) (a Mesa business), at \$375,000 annually, based on estimated requirements.

- *4-e. Term Contract for Goodyear Tires for the Materials and Supply Warehouse (for the Fleet Services and Fire and Medical Departments). **(Citywide)**

This contract provides Goodyear brand tires for use by the Fleet Services and Fire and Medical Departments to maintain the City's Fleet and Fire vehicles. Tires are inventoried and ordered as needed by the Materials and Supply Warehouse.

Materials and Supply and Purchasing recommend authorizing a term contract using the Maricopa County cooperative contract with Purcell Tire Company (a Mesa business), at \$267,000 through March 31, 2016; and \$800,000 annually, through March 31, 2019, based on estimated requirements.

- *4-f. Purchase of One Replacement Chevrolet Tahoe Sport Utility Vehicle for the Police Department. **(Citywide)**

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

The Fleet Services and Police Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Midway Chevrolet, at \$40,586.30. This purchase is funded by a Homeland Security Grant.

- *4-g. Purchase of Five Replacement Ford Interceptor Sport Utility Vehicles for the Police Department. **(Citywide)**

The vehicles being replaced have met established criteria and will be sold at auction.

The Fleet Services and Police Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, PFVT Motors, Inc., dba Peoria Ford, at \$169,427.21. This purchase is funded by the Vehicle Replacement Fund.

- *4-h. Dollar-Limit Increase to the Term Contract for Landscape Maintenance for Aquatics Facilities for the Parks, Recreation and Commercial Facilities (PRCF) Department. **(Citywide)**

PRCF has requested this increase due to the steadily increasing public and private use at the Aquatics Facilities, elongating the seasonal time period the facility is in use. It has become necessary to maintain the non-turf landscape at the Aquatics Facilities year-round.

The Parks, Recreation and Commercial Facilities Department and Purchasing recommend authorizing a dollar-limit increase with Artistic Land Management, Inc., of \$30,021.12, for FY 15/16, increasing the annual contract amount from \$38,048.00 to \$68,069.12.

- *4-i. Purchase of a New Eight-Station Challenge Fitness Course for the Parks, Recreation and Commercial Facilities Department (Single Bid). **(Citywide)**

The purchase will provide an outdoor, eight-station Challenge Fitness Course for patrons ages 5 to 12. The course will be located at Eagles Park and will include obstacles and activities that promote a well-rounded youth fitness routine, including aerobic and muscle fitness, balance, speed and flexibility. Installation is not included in this approval.

The Parks, Recreation and Commercial Facilities Department and Purchasing recommend awarding the contract to the single, responsive and responsible bidder, Game Time dba Game Time, c/o Triple M Recreation, at \$48,514.45.

*4-j. Public Safety Training Facility – Burn Facility Expansion. **(District 5)**

The majority of the City's fire calls are in the Class A category, so it is important that a burn facility is designed and maintained to provide this training condition. The need for Class A combustion training and additional training scenarios will be addressed by constructing a new Class A burn building that will be a 4,000 square foot, two-story and designed for Class A combustibles use by installation of a high temperature lining product and the latest design techniques.

Staff recommend that the Council award a contract for this project to the lowest responsible bidder, JE Bowen Construction LLC, in the amount of \$1,467,600.00, which includes the base bid amount along with bid alternatives 1, 2, 3 and 6, and authorize a contingency in the amount of \$146,760.00. Funding is available from the 2013 authorized Public Safety Bond.

*4-k. Three-Year Term Contract for Real Property Appraisal and Review Appraisal Services for the Engineering Department. **(District 4)**

This contract will provide qualified firms to perform appraisal and review appraisal services related to land acquisition for the Gilbert Road Light Rail Extension Project.

The evaluation committee recommends awarding contracts to the highest-scored proposals from Loper and Associates LLC, for appraisal services, and Landpro Valuation LLC (a Mesa business), for review appraisal services, for a total project cost of \$168,900.00, based on estimated requirements.

*4-l. Porter Park Shared-Use Pathway Project. **(District 1)**

The City received federal Transportation Alternative and Safe Routes to School grants to construct a shared-use pathway in the former Mesa Canal alignment starting in the vicinity of Porter Park. This multi-use pathway will provide a safer route for students to the neighboring schools, add to regional connectivity, promote non-vehicular transportation, and transform a former canal and existing alley into a recreational amenity.

Staff recommend that the Council award a contract for this project to the lowest responsible bidder, Visus Engineering Construction, Inc., in the amount of \$1,279,000, and authorize a contingency in the amount of \$127,900.

*4-m. Intelligent Transportation System Radio Communications Equipment Upgrades. **(Citywide)**

The City received a federal Congestion Mitigation and Air Quality (CMAQ) grant to procure radio equipment that will be installed as part of a regular program to upgrade aging equipment throughout the City's Intelligent Transportation System (ITS). The City's radio communications support a wide variety of ITS devices. Upgrading the aging radio equipment will improve ITS communications capabilities and allow for continued efficient management of these devices.

Staff recommend the Council award a contract for this project to the lowest, responsible bidder, RedHawk Solutions, LLC, in the amount of \$159,983.70, and authorize contingency in the amount of \$15,998.37. This project will be funded from a \$243,864.00 Federal Highway Administration CMAQ grant with the required 5.7% (\$13,900.24) match funded by City of Mesa Transportation Local Street Sales Tax.

5. Take action on the following resolutions:

- *5-a. Declaring that the City of Mesa Emergency Manager is designated as the Application Agent for filing applications with the Arizona Department of Emergency and Military Affairs for disaster relief funding. **(Citywide)** – Resolution No. 10720.
- *5-b. Approving the City of Mesa Hazard Mitigation Plan. This five-year plan developed in collaboration with regional partners and the Maricopa County Department of Emergency Management (MCDEM) will be included in MCDEM's 2015 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan. **(Citywide)** – Resolution No. 10721.
- *5-c. Approving and authorizing the City Manager to enter into the First Amendment to the Amended and Restated Intergovernmental Agreement for the TOPAZ Regional Wireless Cooperative (TRWC) to facilitate the admission of the Fort McDowell Yavapai Nation as a member. **(Citywide)** – Resolution No. 10722.
- *5-d. Extinguishing a portion of an Easement for Public Utilities along the Hawes Road alignment south of Southern Avenue. **(District 6)** – Resolution No. 10723.

The applicant has requested the City extinguish a portion of an Easement for Public Utilities in order to accommodate a Verizon Wireless service tower located within the Arizona Department of Transportation right-of-way for the Red Mountain Freeway (SR 202L) and the Superstition Freeway (US 60).

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

- *6-a. Amending Mesa City Code, Title 8 (Health, Sanitation and Environment), Chapter 3 (Solid Waste), Sections 2 and 11, relating to definitions of "Business or Commercial Establishments" and "Residence" in accordance with changes to the Arizona Revised Statutes relating to the regulation of solid waste, with an effective date of July 1, 2016. **(Citywide)** – Ordinance No. 5305.

7. Take action on the following subdivision plats:

- *7-a. "Parkwood Ranch Marketplace" **(District 6)** The 10000 – 10060 block of East Southern Avenue (north side). The northeast corner of East Southern Avenue and North Crismon Road. 5 LC-PAD commercial lots (11.23± ac.). Pros Investments, LLC, owner; Jay E. Mihalek, JMA Engineering Corporation, surveyor.
- *7-b. "Whispering Oaks" **(District 1)** The 1600 block of East Leland Circle (both sides). Located north and west of McKellips and Gilbert Roads. 6 RS-35 PAD single residence lots (4.5± ac.). Robert and Jean Holyoak, owners; David Bohn, Kinetix Engineering, engineer.

Items not on the Consent Agenda

8. Take action on the following resolution:

- 8-a. Approving the name change of the Utilities Building located at 640 North Mesa Drive, to the "Charles K. Luster Building." (**District 4**) – Resolution No. 10724.

Mayor Giles stated that he asked that this item be removed from the consent agenda so that former City Manager Mike Hutchinson could address the Council and provide brief background information regarding Charles K. Luster.

Mr. Hutchinson commented that several months ago, he approached the City with a request to change the name of the Utilities Building to honor Charles K. Luster, who served the City of Mesa for over 42 years. He said that for more than 20 years, he had the pleasure of working with Mr. Luster as his Chief Assistant.

Mr. Hutchinson reported that in 1957, Mr. Luster began his career at the City of Mesa as the City Engineer. He explained that at that time, Mesa had a population of approximately 27,000 people. He stated that during his tenure with the City, Mr. Luster served as its Public Works Director, Assistant City Manager and was eventually appointed City Manager, a position he held for 21 years. He pointed out that when Mr. Luster retired in March 2000, Mesa had a population of approximately 396,000 residents.

Mr. Hutchinson further recounted that Mr. Luster played a key role in the development of much of the City's infrastructure, such as the water and wastewater systems, the creation of various City parks, and the construction of a number of City buildings and two Chicago Cubs' stadiums. He added that Mr. Luster took great pride in the City's public safety services.

Mr. Hutchinson, in addition, remarked that throughout his long career at the City, Mr. Luster worked with many Mayors and Councilmembers, all of whom he admired for their commitment and service to the community. He noted that not only was Mr. Luster a fair minded and ethical person, but he also was instrumental in building the City's personnel system and making the City of Mesa a great place to work for thousands of employees.

Mr. Hutchinson concluded his remarks by thanking Mayor Giles, the City Council and City management for their effort and support in recognizing Mr. Luster for his countless contributions to the City of Mesa.

Vice Mayor Kavanaugh stated that along with Mayor Giles, he had the privilege of working with Mr. Luster between 1996 and 2000. He commented that as "a rookie Councilmember," Mr. Luster was willing to listen to many ideas, ponder them and offer great suggestions. He also acknowledged Mr. Luster's leadership in working with the Council relative to the innovative 1998 Quality of Life tax, which resulted in many wonderful facilities and programs within the community, including the Mesa Arts Center.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Luna, that Resolution No. 10724 be adopted.

Mayor Giles declared the motion carried unanimously by those present and Resolution No. 10724 adopted.

Mayor Giles stated that the Utilities Building renaming ceremony will take place on Thursday, December 10, 2015, 9:30 a.m., at 640 North Mesa Drive. He invited the public, as well as former and current City employees, to attend the event.

9. Items from citizens present.

Mayor Giles stated that he has been handed four speaker cards. He invited Fernando Cordova, a Spanish-speaking interpreter who was prepared to provide translation services, to come forward and inform the citizens in the audience that this was their opportunity to address the City Council, but not to conduct demonstrations. He noted that such activities are appropriate outside of the Council Chambers but not inside. He added that demonstrations that are disruptive, such as cheering or applause, are inappropriate at the Council meeting.

Mr. Cordova read, in English and Spanish, an announcement included on the first page of the agenda as follows: "If assistance or translation is needed in Spanish, please call 48 hours prior to the meeting at 480-644-2767."

Silverio Garcia, Jr., a Phoenix resident, stated that via the internet, he has been following the Council meetings regarding the issues occurring at the Mesa Royale Trailer Park. He noted that the City of Mesa receives federal funds and is therefore obligated to follow various laws, such as Title VI from 1964. He also commented that the City has violated certain laws with respect to the residents of Mesa Royale and indicated that he intends to file a complaint with the U.S. Department of Justice in this regard. He added that at a prior Council meeting when residents came to address the Council, an interpreter was unavailable to provide translation services.

Jesus Lopez, a resident of the Mesa Royale Trailer Park, said that the residents of the community would like to see the matter concerning their homes resolved. He noted that the residents have the right to be relocated or paid federal funds that are designated for people who live along the light rail line.

Irlanda Nez, a resident of Mesa Royale, expressed concerns regarding the safety and security of the park residents. She urged that the City install speed bumps and signs on Pepper Street in order to prevent people from driving at high rates of speed and endangering the children in the area. She further noted that some of the mobile homes in the park have been abandoned and should be removed.

Mayor Giles commented that a total of three speakers is generally permitted to address the Council under this agenda item. He noted, however, that since the audience has been respectful and courteous, he would permit the fourth speaker to come forward at this time.

Rosa Isela Ramirez, a resident of Mesa Royale, stated that the City of Mesa receives federal funds, which are generated through the collection of taxes. She pointed out that the residents at the park pay taxes. She commented, in addition, that the City, the prior owner and the new owner of the park are obligated to pay federal monies to the residents. She referenced Title VI of the Civil Rights Act of 1964 and reiterated that if the City receives federal funds, it should not discriminate against the residents of Mesa Royale.

Mr. Cordova, per the request of Mayor Giles, restated the previous announcement that citizens who are in need of translation services should request such services 48 hours prior to the Council meeting.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:25 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 8th day of December, 2015. 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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