



# COUNCIL MINUTES

January 11, 2016

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 11, 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 Pastor Jason Anderson with the Living Word Bible Church.

Pledge of Allegiance was led by Richard McBride, Scout Troop # 457.

Awards, Recognitions and Announcements.

Councilmember Luna recognized David Jaffe, Westwood High School International Baccalaureate Program student, who shadowed him today.

### 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.

Mayor Giles stated that a few citizens have requested that item 6-d be removed from 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 of previous meetings as written.

Minutes from the October 8, November 19, December 8 and December 10, 2015 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Fountain of the Sun Community Association

This is a one-day charitable event to be held on Sunday, February 21, 2016 from 3:30 p.m. to 8:00 p.m., at 540 South 80<sup>th</sup> Street. **(District 5)**

\*3-b. St. Timothy Catholic Church

This is a one-day religious event to be held on Saturday, February 13, 2016 from 6:00 p.m. to 10:00 p.m., at 1730 West Guadalupe Road. **(District 3)**

\*3-c. Circle K Store #3463

A convenience store and gas station is requesting a new Series 9 Liquor License for Circle K Stores, Inc., 9228 East Guadalupe Road – Kim Kwiatkowski, agent. The existing license held by Circle K Stores, Inc., will revert back to the State. **(District 6)**

\*3-d. Comunidad Latina

A grocery store that sells general merchandise is requesting a new Series 10 Beer & Wine Store License for Comunidad Latina LLC, 1616 East Main Street, Suite 128 – Gilda R. Schwendener Ralon, agent. There is currently no existing license at this location. **(District 4)**

\*3-e. La Casa de Juana

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12 Restaurant License for Monte Vista Resources LLC, 1976 West Southern Avenue, Suite 102 – Eduardo Rivera Chavez, agent. There is currently no existing license at this location. **(District 3)**

\*3-f. Mellow Mushroom Pizza

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for MM Stapley LLC, 1665 South Stapley Drive – Jay Peter Beskind, agent. There is currently no existing license at this location. **(District 3)**

\*3-g. Rita's Restaurant & Cantina

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12 Restaurant License for Rita's Restaurant & Cantina LLC, 1264 West University Drive – Ever Sanchez Loera, agent. There is currently no existing license at this location. **(District 3)**

4. Take action on the following contracts:

- \*4-a. Dollar-Limit Increase to the Term Contract for Luminaires and Components for Streetlight Lamps for the Materials and Supply Warehouse (for Transportation and Facilities Maintenance). **(Citywide)**

The increase is requested to purchase new, energy efficient LED streetlights to replace 70-watt and 100-watt high pressure sodium local/residential streetlights, to save energy and reduce maintenance costs.

The Business Services Department, Transportation Department and Purchasing recommend authorizing a dollar-limit increase of \$140,000 with Independent Electric Supply/ESSCO, Voss Electrical Co, dba Voss Lighting, Wesco Distribution, dba Brown Wholesale Electric, and Wesco Distribution Inc., increasing the contract amount from \$355,000 to \$495,000 annually, based on estimated requirements.

- \*4-b. Purchase of a Replacement Cross-Over Vehicle for the Fire and Medical Department. **(Citywide)**

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

The Fire and Medical Department and Purchasing recommend authorizing the purchase from the contract with Courtesy Chevrolet, at \$27,744.45. This purchase is funded by the Capital-General Fund.

- \*4-c. Purchase of One Addition Chevrolet Tahoe for the Fire and Medical Department. **(Citywide)**

This vehicle will be for the Terrorism Liaison Officer in the Emergency Management Division, who is responsible for the acquisition, management and dissemination of intelligence data. This position is a critical role serving as an immediate link in the field to Anti Counter Terrorism Information Center resources and also supports the Department of Homeland Security National Infrastructure Protection Plan.

The Fire and Medical Department and Purchasing recommend authorizing the purchase from the contract with Midway Chevrolet, at \$39,225.04. This purchase is funded by the State Homeland Security Grant Program.

- \*4-d. Purchase of One Replacement Light-Duty Super Cab Pickup Truck for the Fire and Medical Department. **(Citywide)**

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

The Fire and Medical Department and Purchasing recommend authorizing the purchase from the contract with Berge Ford (a Mesa business), at \$28,340.03. This purchase is funded by the Capital - General Fund.

\*4-e. Purchase of Four Replacement Sedans for the Police Department. **(Citywide)**

Three vehicles being replaced have met established criteria and will be retired and sold at auction. The fourth vehicle is replacing a vehicle that was damaged beyond repair.

The Fleet Services Department, Police Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Berge Ford (a Mesa business), at \$103,900.12. This purchase is funded by the Vehicle Replacement Fund.

\*4-f. Purchase of Four Replacement Light Duty Pickup Trucks for the Police Department. **(Citywide)**

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

The Fleet Services Department, Police Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Berge Ford (a Mesa business), at \$115,853.69. This purchase is funded by the Vehicle Replacement Fund.

\*4-g. Purchase of Two Replacement Sedans for the Police Department. **(Citywide)**

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

The Fleet Services Department, Police Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Midway Chevrolet, at \$38,987.58. This purchase is funded by the Vehicle Replacement Fund.

\*4-h. Purchase of Two Replacement Light-Duty Cab and Chassis Vehicles with Utility Beds for the Transportation and Parks, Recreation and Commercial Facilities Departments. **(Citywide)**

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

The Fleet Services, Transportation, and Parks, Recreation and Commercial Facilities Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Courtesy Chevrolet, at \$95,739.19. The replacement vehicles are funded by the Local Street Sales Tax and Vehicle Replacement Funds.

\*4-i. Purchase of One Replacement Sewer Cleaning (Eductor) Truck for the Water Resources Department. **(Citywide)**

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

The Fleet Services and Water Resources Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, AZ Wastewater Industries, Inc., at \$399,332.10. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- \*4-j. Dollar-Limit Increase to the Term Contract for Barricade Rental Services for the Transportation, Energy Resources and Water Resources Departments. **(Citywide)**

The increase is needed to pay for the remaining open invoices that Transportation, Energy Resources and Water Resources incurred with Trafficade Service, Inc., prior to the contract expiring.

The Transportation, Energy Resources and Water Resources Departments and Purchasing recommend authorizing a dollar-limit increase of \$186,000 with Trafficade Service, Inc., increasing the contract amount from \$960,000 to \$1,146,000.

- \*4-k. One-Year Term Contract for Water Testing Supplies for Coliform Bacteria and E. Coli for the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide testing supplies for coliform bacteria and E. Coli in drinking water samples.

Water Resources and Purchasing recommend awarding a one-year contract to the sole source vendor, IDEXX Distribution Inc., at \$50,000 annually, based on estimated requirements.

- \*4-l. One-Year Term Contract for Repair and Maintenance Parts for Severn Trent Chlorine System for the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide repair and maintenance parts for the Severn Trent chlorine system at the Brown Road Water Treatment Plant and for equipment at well sites throughout the City.

Water Resources and Purchasing recommend awarding a one-year contract to the sole source vendor, McCarthy Integrated Systems LLC, at \$120,000 annually, based on estimated requirements.

- \*4-m. One-Year Term Contract for Analytical Equipment Components and Related Supplies for the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide analytical equipment components including sensors, probes, cables and related supplies for the Endress+Hauser analytical equipment at the City's water and wastewater treatment plants.

Water Resources and Purchasing recommend awarding a one-year contract to the sole source vendor, Instrumentation and Controls LLC, at \$50,000 annually, based on estimated requirements.

- \*4-n. One-Year Term Contract for Repair Parts for Screw Centrifugal Pumps for the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide repair parts for the large screw centrifugal pumps at the Greenfield Water Reclamation Plant. These repair parts are manufactured by Hayward Gordon and are only distributed through Hayward Gordon.

The Water Resources Department and Purchasing recommend awarding a one-year contract to the sole source vendor, Hayward Gordon, at \$50,000, based on estimated requirements.

- \*4-o. Purchase of One Replacement and Five Spare Filter Underdrain Systems and Associated Equipment for the Brown Road Water Treatment Plant (BRWTP) as requested by the Water Resources Department (Sole Source). **(Citywide)**

The five spare filters will eliminate the 16-week lead time for the job-order contractor (JOC) working on the replacement of failing underdrains at the Brown Road Water Treatment Plant (BRWTP). Recently an underdrain failed at BRWTP so it is imperative that an order is placed for a new filter underdrain to replace the failed unit and to order several spare units so that they are on hand and can be installed by the JOC immediately upon failure. These filters will eventually be used as a backup for all filters at the BRWTP and at the new Signal Butte Water Treatment Plant.

The Water Resources Department and Purchasing recommend awarding the contract to the sole source vendor, AWI, at \$450,000.

- \*4-p. Purchase of Ten Automated Side Loading (ASL) Refuse Trucks, including Nine Replacement Vehicles and One Addition for the Environmental Management and Sustainability Department. **(Citywide)**

The nine vehicles being replaced have met established criteria and will be retired and sold at auction. The addition is a programmed increase that will increase the fleet from 45 to 46. It will allow current service levels to be maintained, keep up with the City's growth and maintain a proper spare ratio to an industry standard of 20% of available units. Today, Environmental Management and Sustainability is providing service for approximately 296,000 barrels operating with 45 trucks.

The Fleet Services and Environmental Management and Sustainability Departments and Purchasing recommend authorizing the purchase from the contract with Rush Truck Center of Arizona Inc., at \$3,722,458.67. This purchase is funded by the Utility Replacement Extension and Renewal Fund and the Solid Waste Development Fee.

- \*4-q. Purchase of One Replacement Light-Duty Cab and Chassis Service Body Vehicle for the Transportation Department (Single Response). **(Citywide)**

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

The Fleet Services and Transportation Departments and Purchasing recommend awarding the contract to the single, responsive and responsible bidder, Berge Ford (a Mesa business), at \$53,316.06. This purchase is funded by the Local Street Sales Tax Fund.

- \*4-r. Purchase of a Replacement Front-End Loader for the Transportation Department. **(Citywide)**

The vehicle being replaced has exceeded life cycle replacement criteria and will be traded in at value.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the National IPA/City of Tucson cooperative contract with Empire Southwest, LLC (a Mesa business), at \$167,828.66. This purchase is funded by the Highway User Revenue Fund.

- \*4-s. One-Year Renewal of the Term Contract for T-Shirts, Artwork and Graphics for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

This contract provides a pre-qualified list of suppliers for the purchase of t-shirts, artwork and graphics for the City. The shirts are furnished for recreational event participants, volunteers, administrative staff and other officials.

The Parks, Recreation and Commercial Facilities Department and Purchasing recommend authorizing renewal with the pre-qualified vendors: Captum Technologies, LLC; Koehler Parker, Inc., dba LogoWear Express; Surf and Ski Enterprise, dba Surf and Ski (a Mesa business); and Vida Ventures, Inc., dba Rainbow Graffixx (a Mesa business), cumulatively not to exceed \$47,000 annually.

- \*4-t. Compressed Natural Gas Infrastructure Improvements. **(Citywide)**

The Environmental Management and Sustainability Department is in the process of converting their collection fleet to CNG fueled vehicles to reduce overall operational costs for refuse collection and to reduce emissions of carbon dioxide and nitrogen oxides. The City's existing CNG fueling infrastructure at the 6<sup>th</sup> Street Service Center and East Mesa Service Center, initially installed in 1994, have insufficient capacity to meet the needs of a fully converted Solid Waste CNG fleet.

Staff recommends that Council award a contract for this project to Caliente Construction, Inc., in the amount of \$3,288,792.72, based upon a GMP of \$2,989,811.56, plus an additional \$298,981.16 (10%) as a change order allowance. This allowance will only be utilized for approved change orders. Funding is available from the 1994 Solid Waste Bond Program.

- \*4-u. Val Vista Water Transmission Main Project – Phase 3. **(District 1)**

The City of Mesa has initiated a three-phase project to build a new water transmission main to deliver water from the Val Vista Water Treatment Plant. The new Val Vista Water Transmission Main will serve as a dedicated water main for the City of Mesa to fulfill the requirements of an Intergovernmental Agreement with the City of Phoenix.

Staff recommends awarding the first of two GMPs to Garney Construction in the amount of \$15,722,544.84, which includes a 2.5% contingency for phase 3 of this project. Funding is available from the 2014 authorized Water Bond.

- \*4-v. Fiesta Sports Park. **(District 3)**

In 2012, Mesa voters approved a Parks Bond Program. Included in this bond program was the conversion of the grounds surrounding the former Powell Jr. High School into a new park. The project, now titled Fiesta Sports Park, is programmed with four new lighted youth baseball/softball fields including a new parking lot, central restroom and concessions building, and small playground.

Staff recommends awarding the contract for this project to D.L. Withers Construction in the amount of \$4,307,562.25, based upon a GMP of \$4,102,440.24, plus an additional \$205,122.01 (5%) as a change order allowance. This allowance will only be utilized for approved change orders. Funding is available from the 2012 Parks Bond Program.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to enter into a contract with the Arizona Department of Public Safety to accept federal Victims of Crime Act (VOCA) grant funds in the amount of \$334,944. The funds will be used to implement improvements, including increased victim advocate assistance and other services to crime victims, in the Victim Services Unit of the Mesa Prosecutor's Office. **(Citywide)** – Resolution No. 10726.
- \*5-b. Approving and authorizing the City Manager to enter into a Maintenance Agreement with Sun Quorum LLC Pavilion Management Company, of the Hilton hotel, located on Holmes Avenue east of Alma School Road. The Agreement requires the City install electric infrastructure and decorative lights to decorate eighteen existing palm trees located in the Holmes Avenue right-of-way. The maintenance of the lights and infrastructure will be the responsibility of the hotel owners. **(District 3)** – Resolution No. 10727.
- \*5-c. Approving and authorizing the City Manager to enter into Amendment No. One to Intergovernmental Agreement 11-167E with the Arizona Department of Transportation to revise the City's maintenance responsibilities to include landscape maintenance of two areas located along Ellsworth Road and Ray Road at SR 24. **(District 6)** – Resolution No. 10728.
- \*5-d. Approving and authorizing the City Manager to enter into Amendment No. One to Intergovernmental Agreement 14-004187-I with the Arizona Department of Transportation to detail the responsibilities of the construction, subsequent ownership, and maintenance of the Rio Salado Multiuse Path in Northwest Mesa. **(District 1)** – Resolution No. 10729.
- \*5-e. Extinguishing an Ingress and Egress Easement and a portion of a Roadway Easement along the McKellips Road alignment west of Ellsworth Road. **(District 5)** – Resolution No. 10730.  
  
The property owner is requesting that the City extinguish the easements to accommodate future development.
- \*5-f. Approving the street name change from East 6<sup>th</sup> Place to East Athletics Way, from North Center to a point 1,430 feet east of North Center Street. **(District 4)** – Resolution No. 10731.

6. Introduction of the following ordinances and setting January 25, 2016 as the date of the public hearing on these ordinances:

- \*6-a. Amending Section 10-3-13 of the Mesa City Code pertaining to traffic control devices within the city limits of Mesa to add flashing yellow arrows as a traffic control signal legend as recommended by the Transportation Advisory Board. **(Citywide)**



- \*6-b. Amending Sections 10-4-3 and 10-4-4 of the Mesa City Code to increase speed limits from 40 MPH to 45 MPH on a portion of Signal Butte Road from Baseline Road to Guadalupe Road as recommended by the Transportation Advisory Board. **(District 6)**
- \*6-c. **Z15-034 (District 4)** 412 North Macdonald. Located north of University Drive and east of Country Club Drive (0.5± acre). Rezone from DR-1-HD to DR-1-HD-HL. This request will allow for historic landmark designation. Heather Scantlebury, applicant and owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0: Boardmembers Dahlke and Astle, absent)

- 6-d. See: **(Items not on the Consent Agenda)**

- \*6-e. **Z15-038 (District 3)** 1126 West Medina Avenue and 2345 and 2355 South Alma School Road. Located south of Baseline Road on the east side of Alma School Road (5.4± acres). Rezoning from OC to RSL-4.0 PAD and OC-PAD with Site Plan Modification. This request will allow for the development of a small lot single-residence subdivision. Mike Hare, Ashland Properties, applicant; Munter GST EX Family TR/Munter Non-ex Mar TR II, Desert Schools Federal Credit Union, Terradyne, LLC, owners.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0, Boardmembers Dahlke and Astle, absent)

- \*6-f. **Z15-040 (District 1)** 205 East McKellips Road. Located on the south side of McKellips Road and west of Mesa Drive (5.1± acres). Rezoning from LC to ID-2 and Site Plan Review. This request will allow for the development of a large vehicle rental facility, mini-storage facility and outdoor RV and boat storage. Ralph Pew, Pew & Lake, PLC, applicant; Paul and Douglas Stecker, trustees; Margaret Mulhern Revocable Trust, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0; Boardmembers Dahlke and Astle, absent)

7. Take action on the following subdivision plat:

- \*7-a. "Estates at 32<sup>nd</sup> Street" **(District 1)** The 3200-3300 blocks of East McKellips Road (north side). Located north and east of McKellips Road and 32<sup>nd</sup> Street. 46 RS-35 PAD single residence lots (37± ac.). Land Holdings Investment Co., LLC, owners; Josh Hannon, EPS Group, engineer.

8. Take action on the following liquor license application:

- \*8-a. AMC Theatres Mesa Grande 24

A multi-screen movie theatre is requesting a new Series 6 Bar License for America Multi-Cinema Inc., 1645 South Stapley Drive – Andrea Dahlman Lewkowitz, agent. There is currently no existing license at this location. (District 3)

**Items not on the Consent Agenda**

**8. Take action on the following liquor license application:**

\*8-a. See: **(Items on Consent Agenda)**

**9. Introduction of the following ordinance and setting January 25, 2016 as the date of the public hearing on this ordinance:**

6-d. **Z15-039 (District 3)** 2200 through 2300 blocks of East Jacinto Avenue (south side). Located north of Baseline Road and east of Gilbert Road (5.4± acres). Rezoning from LC to RM-3-PAD and Site Plan Review. This request will allow for the development of a multi-residence project. Jeff Welker, Welker Development Resources, applicant; Genica Arizona, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0, Boardmembers Dahlke and Astle, absent)

Penny Calton, a Mesa resident, addressed the Council relative to this item. She informed the Council that she had shared her concerns with the Planning and Zoning Board prior to this meeting. She reported that the number of actual garages and parking spaces fall short of those listed on the site plan, which will force guests to park outside of the complex on the neighboring streets. She requested that two access gates be added, one on the south side and one on the north side, to allow for a balance of off-site parking. She added that privacy was another issue with the site plan. She stated that she would prefer a two-story complex that would blend into the community better and avoid the privacy issues entirely.

Rodney Cole, a Mesa resident, addressed the Council relative to this item. He stated that he lives on the corner lot closest to the proposed development and was concerned with privacy issues. He indicated that the height and angle of the new complex would allow views into his back yard and impede an hour of sunlight from his property. He suggested that a two-story condo could alleviate all of the neighbors' concerns relating to privacy, daylight and parking.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that approval of Zoning Case Z15-039, as recommended by the Planning and Zoning Board, be approved.

Mayor Giles called for the vote.

Upon tabulation of votes, it showed:

AYES – Giles-Luna-Glover-Kavanaugh-Finter-Thompson  
NAYS – Richins

Mayor Giles declared the motion carried by majority vote.

- 9-a. **Z15-041 (District 2)** 2600 East Southern Avenue. Located on the north side of Southern Avenue and west of Lindsay Road (1.43± acres). Rezoning from RS-43 to OC and Site Plan Review. This request will allow for the development of a banquet and conference center. Reese L. Anderson, Pew & Lake, PLC, applicant; Shelley and Michael McKown, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0: Chair Johnson, absent)

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that approval of Zoning Case Z15-041, as recommended by the Planning and Zoning Board, be approved.

Mayor Giles called for the vote.

Upon tabulation of votes, it showed:

AYES – Giles-Luna-Glover-Kavanaugh-Richins-Thompson

ABSTAIN – Finter

Mayor Giles declared the motion carried by majority vote of those voting.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:09 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 11<sup>th</sup> day of January, 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