



## COUNCIL MINUTES

January 25, 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 25, 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 Practitioner William A. Hewett with the Christian Science faith.

Pledge of Allegiance was led by Seth Beeman, Scout Troop # 301.

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 Luna, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the January 11, 2016 Council meeting.

3. Take action on the following contracts:

- \*3-a. Three-Year Term Contract for Presort Mail Services for the Business Services Department. **(Citywide)**

This contract will provide mail presort services for automated first-class mail and standard mail. Presorting the City's mail by geographic location qualifies City mail for commercial discounts on postage, saving the City more than \$137,000 in fiscal year 2015.

The evaluation committee recommends awarding the contract to the highest scored proposal from Pitney Bowes Presort Services, Inc., at \$45,000.00 annually, based on estimated requirements.

- \*3-b. One-Year Renewal Contract for Commercial Printing for the Business Services Department. **(Citywide)**

The Print Services Division of Business Services provides printing services to City Departments to support their programs. This contract is used to print the large quantities of Mesa's Openline newsletters and utility bill inserts.

The Business Services Department and Purchasing recommend authorizing a one-year renewal with Century Graphics at \$78,000.00, based on estimated requirements.

- \*3-c. One-Year Term Contract for Meals for the Police Department Holding Facility. **(Citywide)**

The Police Department's holding facility is a temporary holding area that has a daily population of 40 to 70 detainees. This contract will provide a simple meal for the detainees.

The Police Department and Purchasing recommend awarding the contract to MARC Community Resources Inc. (a private non-profit corporation in Mesa), at \$40,000.00.

- \*3-d. Three-Year Term Contract for an Upgrade, Service and Repairs for Two Thermal Imaging Systems for the Police Department (Single Bid). **(Citywide)**

This purchase is critical to maintain helicopter night patrol aviation operations and surveillance operations. This contract will provide critical equipment and redundancy for the Police Aviation helicopter fleet, as well as provide the service, repair, and upgrade all the Aviation Unit's systems to original equipment manufacturer specifications.

- \*3-e. Three-Year Renewal of the Term Contract for Dust Stabilization for the Environmental Management and Sustainability Department. **(Citywide)**

Maricopa County Air Quality Rules and the Environmental Protection ordinance of the Mesa City Code regulate dust control. The City has over 45 vacant lots, unpaved alleys and numerous miles of unpaved road shoulders in the eastern portion of the City. Activities are conducted throughout the year to stabilize these areas to comply with dust regulations.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing a three-year renewal contract using the Maricopa County cooperative contract with Earthcare Consultants, LLC, at \$300,000.00 annually, based on estimated requirements.

- \*3-f. Three-Year Term Contract for Playground and Park Equipment for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

This contract will provide new and replacement playground and park equipment on an as-needed basis and may include installation for the City's 61 parks and future sites. The equipment consists of playground pieces, trash receptacles, bleachers, tables, player's benches, basketball hoops and grills.

The Parks, Recreation and Commercial Facilities Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Play It Safe Playgrounds & Park Equipment, Inc.; Dave Bang Associates, Inc.; Exerplay, Inc.; PlayCoreWisconsin, Inc., dba GameTime, Inc.; and Arizona Recreation Design, Inc., dba Arizona Recreation; cumulatively not to exceed \$85,000.00 annually, based on estimated requirements.

- \*3-g. Three-Year Term Contract for Bus Shelter Maintenance and Repair Services for Transit Services. **(Citywide)**

This contract will provide annual bus shelter maintenance and repair services at various bus shelters, Bus Rapid Transit (BRT) stations and Park and Ride locations throughout the City. Services to be provided include weekly routine cleaning and maintenance and as-needed, where-needed repairs.

Transit Services and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, A Mind for Detail Inc., dba AMFD (a Mesa business), at \$324,675.00 annually, based on estimated requirements.

4 Take action on the following resolutions:

- \*4-a. Approving and authorizing the City Manager to enter into an Agreement with the United States Marshal's Service to accept \$64,255 for the reimbursement of police personnel overtime expenses in the Violent Offender Unit relating to a Joint Law Enforcement Operations Task Force. **(Citywide)** – Resolution No. 10732.
- \*4-b. Approving and authorizing the City Manager to accept and expend funds made available through a grant agreement with the United States Department of Agriculture and the Arizona Cotton Research and Protection Council in the amount of \$25,000 for the Arizona Museum of Natural History. **(Citywide)** – Resolution No. 10733.

5. Take action on the following recommendation from the Audit, Finance and Enterprise Committee:

- \*5-a. Accepting the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2015.

6. Introduction of the following ordinances and setting February 8, 2016 as the date of the public hearing on these ordinances:

- \*6-a. **Z15-045 (District 6)** The 10000 to 11000 block of East Guadalupe Road (north side). Located west of Signal Butte Road on the north side of Guadalupe (17± acres). PAD Modification. This request will allow for the reduction of the required minimum garage width for Lots 140 – 143, 175 – 220 and 299 – 403 within Mulberry Parcels 2 and 3. Paul R. Dugas, Blandford Homes, applicant; Desert Vista 100, LLC, owner.

Staff Recommendation: Approval with conditions

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

- \*6-b. An ordinance to acknowledge receipt of the report and recommendations of the Independent Commission on Compensation for Elected Officials (ICCEO) and to increase the compensation for the Offices of Mayor and City Council as recommended by the ICCEO by amending Ordinance No. 5196.

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

- \*7-a. Amending Section 10-3-13 of the Mesa City Code pertaining to traffic control devices within the City limits to add flashing yellow arrows as a traffic control signal legend as recommended by the Transportation Advisory Board. **(Citywide)** – Ordinance No. 5306.

- \*7-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)** – Ordinance No. 5307.

- \*7-c. **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 – Ordinance No. 5308.

Staff Recommendation: Approval with conditions

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

- \*7-d. **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 – Ordinance No. 5309.

Staff Recommendation: Approval with conditions

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

- \*7-e. **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 – Ordinance No. 5310.

Staff Recommendation: Approval with conditions

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

### **Items not on the Consent Agenda**

8. Discuss, receive public comment, and take action on the following ordinance and resolution relating to the property located at 2600 East Southern Avenue:

Mayor Giles stated that the Council would take public comment on items 8-a and 8-b together since they relate to the same development. He also noted that at a prior meeting, Councilmember Finter declared a potential conflict of interest with respect to those items and would refrain from discussion/consideration of such matters.

- 8-a. **Z15-041 (District 2)** Ordinance. 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 – Ordinance No. 5311.

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 Thompson, that Ordinance No. 5311 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried unanimously by those voting and Ordinance No. 5311 adopted.

- 8-b. A resolution approving and authorizing the City Manager to enter into a Development Agreement with Shelley and Michael McKown to facilitate the development of a banquet and conference center and associated outdoor activities and entertainment on property zoned Office Commercial located at 2600 East Southern Avenue. **(District 2)** – Resolution No. 10734.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that Resolution No. 10734 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried unanimously by those voting and Resolution No. 10734 adopted.

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

- 9-a. **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 – Ordinance No. 5312.

Staff Recommendation: Approval with conditions

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

Rodney Cole, a Mesa resident, stated that two weeks ago, he addressed the Council regarding this item. He explained that he had voiced concerns relative to privacy issues, and in particular, the possibility of the condo windows having clear access/view into his backyard. He commented that he subsequently met with the applicant and developer, who assured him that steps would be taken to ensure greater privacy, including the addition of awnings on the windows and enhanced landscaping. He further remarked that since his neighborhood consists of one-story homes, he had suggested to the applicant and developer that they consider constructing the two-story buildings closer to the existing homes, as opposed to the three-story buildings, in an effort to prevent a “wall effect” from the taller structures.

David Brown, a Mesa resident, expressed support for the proposed development. He stated that the multi-residence project is, in his opinion, the highest and best use for a challenging parcel of land, which has languished undeveloped for many years and become “a dumping ground.” He added that the proposed development would enhance the home values in the existing neighborhood, strengthen an aging retail center and bring new homes and families to the area.

Mayor Giles pointed out that the site plan that is subject to the Council’s vote tonight is different from the one that was originally submitted several weeks ago.

Planning Director John Wesley confirmed Mayor Giles’ statement. He explained that based on feedback from the existing neighbors, staff further reviewed the manner in which the parking was distributed on the site and the proposed use of the adjacent parking in the commercial center. He noted that in an effort to address the neighbors’ concerns, the applicant has redesigned the site to locate all of the required parking within the boundaries of the development. He added that a majority of the parking is along the west and south sides of the property.

Councilmember Richins commented that two weeks ago, he voted against the introduction of this item. He explained that his reasoning behind that action was that typically when unresolved issues occur between neighbors and developers, the Council would defer the introduction of an ordinance. He stated that if negotiations take place that change something in the ordinance, such ordinance would be reintroduced at a later time. He also remarked that he had the opportunity to meet with the applicant to discuss the placement of the windows in the condos and was assured they would not be "view windows," which could cause privacy concerns for the existing neighbors. He further noted that he appreciated the revised parking considerations that have been implemented. He added that for those reasons, he would support the project.

Vice Mayor Kavanaugh stated that about four years ago, this neighborhood became part of his district. He explained that since that time, he has spent a considerable amount of time working with Mr. Brown and the other neighbors. He commended City staff for their efforts and hard work in assisting the neighborhood, Ranch West, in becoming a registered neighborhood. He acknowledged that the proposed site of the development was a very challenging lot, which was originally designed for multiplex cinemas. He also thanked the applicant for coming forward and working with City staff, his office and the neighbors to develop a project that would be an asset to the community.

Vice Mayor Kavanaugh, in addition, recognized the City's Transportation staff, who listened to the neighbors' concerns and worked on restriping Jacinto Avenue to create a shared bike lane, parking lane, and also monitored traffic signaling in the area to determine whether modifications should be made. He further commented that several months ago, the Council approved a tribal grant to help make improvements at the retention basin that is located across the street from the proposed development.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Luna, that the zoning case and the amended site plan be approved and Ordinance No. 5312 adopted.

Carried unanimously.

10. Items from citizens present.

Heather Scantlebury, a Mesa resident, thanked the Council for adopting an ordinance tonight that will designate the Phil Isley House, which she owns, as a historic landmark. (See item 7-e) She cited a series of problems she encountered during the historic landmark designation process. She noted, for instance, that there are certain elements in the City Code that do not serve to protect Mesa's history, but rather encourage to destroy it. She also stated that the City lacks staff members who are knowledgeable and work to promote historic preservation in the community. She further spoke regarding various building code regulations and fire and life safety issues that are difficult to adhere to as it relates to the renovation of her property.

Janice Gennevois, Chairperson of the Historic Preservation Board, stated that she and two of her fellow boardmembers have met with Mayor Giles and City Manager Christopher Brady to discuss the importance of the City of Mesa hiring a full-time Historic Preservation Officer. She explained that although the City cannot afford such a position at this time, Mayor Giles and Mr. Brady liked the Board's suggestion of using a contractor to perform such duties. She also highlighted examples of the loss of historic integrity that has occurred at the previous site of The Landmark Restaurant including, but not limited to, the removal of the historic sign, the stuccoing of the original brick and damage to the wooden window casings. She urged the Council to set a line item budget to procure a Historic Preservation Officer or a contract staff member to address these important issues and prevent future damage to historic properties in Mesa.

Ms. Gennevois, in addition, stated that Wendy Mack-Allred, a member of the Historic Preservation Board, had intended to address the Council, but was unable to attend tonight's meeting. She stated that she had a copy of Ms. Mack-Allred's prepared remarks and would read them on her behalf as follows: the Mesa Preservation Foundation and the Historic Preservation Board are working to create a sign ordinance in an effort to protect and save the historic signs along Main Street; recently, the historic El Rancho neon sign was damaged beyond repair; private individuals are interested in purchasing the Buckhorn Baths sign; and the Historic Preservation Board would propose that the City create a historic neon sign park where the signs could be located and preserved or, as an alternative, a light rail stop could be designed that would incorporate the historic signs.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:17 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 25<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

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