



## COUNCIL MINUTES

July 8, 2013

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 8, 2013 at 5:45 p.m.

### COUNCIL PRESENT

Scott Smith  
Christopher Glover  
Dina Higgins  
Dennis Kavanaugh  
Dave Richins  
Scott Somers\*

### COUNCIL ABSENT

Alex Finter

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

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

Mayor Smith excused Vice Mayor Finter from the entire meeting.

Invocation by Reverend Virgil Brainard, Church of God.

Pledge of Allegiance was led by Councilmember Glover.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

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

Mayor Smith stated that with respect to item 5-f, which relates to acquiring property along the Central Mesa Light Rail Extension, the City's number one priority is to purchase property from the landowners through negotiated prices. He acknowledged staff for their efforts and hard work in this regard. He noted, however, that in limited cases, staff may not be successful in such negotiations and indicated that 5-f authorizes staff, if all other efforts have been exhausted, to proceed with condemnation.

Mayor Smith also commented that item 5-g, which relates to ordering and calling a Special Bond Election, was modified at an earlier Study Session today. He explained that the resolution that was discussed last week and up until today's Study Session included three items concerning Public Safety, Streets and a Spring Training Experience. He advised that the Spring Training Experience item has been removed and stated that the revised resolution consists of \$51.7 million in Public Safety Bonds and Street and Highway Bonds in the amount of \$79,100,000.

Mayor Smith further remarked that regarding item 8-a, he received speaker cards from two citizens who, although they did not wish to address the Council, were in support of the matter and did not want it removed from the consent agenda. He stated that those individuals include Jeff Brugos, President of the Las Sendas Community Association, and Barbara Carpenter. He also advised Planning Director John Wesley that he had some design suggestions with respect to lighting in the courtyards, which he would discuss with him at a later time. He added that his suggestions would not impact Council action on item 8-a.

Mayor Smith called for the vote.

Mayor Smith declared the motion carried unanimously by those present.

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

Minutes from the April 15 and 25, June 13 and 17 and July 1, 2013 Council meetings.

3. Take action on the following liquor license application:

\*3-a. Modern Grove

New Restaurant License for Modern Grove, 1958 East Brown Road, Suite 103, Modern Grove Gilbert and Brown, LLC – Navayogasingam Thuraisingam, agent. This is an existing building with no previous liquor license at this location. **(District 1)**

4. Take action on the following contracts:

\*4-a. One-Year Term Contract for Replacement Refuse Solid Waste Bin Lids for the Solid Waste Management Department. **(Citywide)**

Solid Waste Management and Purchasing recommend awarding a one-year contract to the lowest, responsive and responsible bidder, Impact Plastics, at \$29,000 annually, based on estimated requirements.

- \*4-b. Six-Month Contract Extension and Dollar-Limit Increase to the Term Contract for Custodial Services for Secured City Buildings as requested by Facilities Maintenance. **(Citywide)**

Facilities Maintenance and Purchasing are requesting a six-month contract extension while the City issues a Request for Proposals that will consolidate Custodial Services for Secured and Non-Secured City Buildings. The dollar-limit increase of \$425,000 is required for expenses through the extension period.

Facilities Maintenance and Purchasing recommend authorizing a six-month extension and dollar-limit increase of \$425,000 with GCA Services Group (a Mesa business), based on estimated requirements.

- \*4-c. Three-Year Term Contract for On-Site Refuse Truck Washing Services for the Solid Waste Management Department. **(Single Bid) (Citywide)**

The City maintains both an off-site (drive thru) vehicle washing contract for City vehicles and an on-site (mobile) washing contract for the City's refuse trucks. This contract will provide weekly on-site washing services. The work will be performed by a crew with a mobile washing unit.

Solid Waste Management and Purchasing recommend awarding the three-year contract to the single bidder, Concrete Patrol, LLC, at \$60,000 annually, based on estimated requirements.

- \*4-d. One-Year Renewal of the Term Contract for Jet Aviation Fuel for the Police Department. **(Citywide)**

This contract provides Jet "A" Aviation fuel for the Police Aviation Unit. The Unit operates three helicopters based at their facility located at the Falcon Field Airport in northeast Mesa. The Unit's estimated annual fuel usage is 70,000 gallons. The vendor offered to renew the contract without a change in their mark-up and has maintained this mark-up through the initial three-year term.

Police and Purchasing recommend authorizing a one-year renewal with Mercury Fuels, Inc., at \$175,000 annually, based on estimated requirements.

- \*4-e. Purchase of Engine Overhaul Parts and Service for the Police Aviation Unit's P210. **(Sole Source) (Citywide)**

The Police Department's P210 airplane engine has reached the maximum flight hours, requiring an overhaul and is out of service. Due to the sophistication of the engine and the overhaul work required, a lengthy bidding process followed. After receiving recommendations by other aircraft maintenance companies, and because the facility is in state, sole source, Chandler based, FAA certified repair station, Aircraft Engine Specialists, is recommended.

Police and Purchasing recommend awarding the contract to the sole source vendor, Aircraft Engine Specialists, at \$69,800.50.

- \*4-f. Purchase of a New Gas Chromatograph Mass Spectrometer to Replace a Leased Instrument for the Police Department. **(Sole Source) (Citywide)**

This contract will provide an Agilent Gas Chromatograph Mass Spectrometer (GC/MS) for Forensic Services. The instrument has the capacity for a full range of testing related to any evidence submitted to the Crime Laboratory that may contain a controlled substance or prescription drug. The Controlled Substance Unit is currently using a four-year old, leased gas chromatograph mass spectrometer manufactured by Agilent Technologies. By purchasing the new GC/MS, Forensic Services will be able to validate the new instrument prior to the end of the lease agreement for the current instrument. Police anticipates buying a second instrument upon lease expiration so the Unit can maintain two instruments, function more efficiently and provide uninterrupted service. The new system will allow the Controlled Substance Unit to continue to function in an efficient manner with the appropriate technology.

Police and Purchasing recommend awarding the contract to the sole source vendor, Agilent Technologies, at \$125,226.92. This purchase is fully funded by the Intergovernmental Agreement with the Town of Gilbert for Lab Regionalization Services.

- \*4-g. Purchase of a New Gas Chromatograph Triple Quadrupole Mass Spectrometer to Replace a Leased Instrument for the Police Department. **(Sole Source) (Citywide)**

This contract will provide an Agilent 7000B Gas Chromatograph Triple Quadrupole Mass Spectrometer (GC/MSMSMS) for the laboratory. The new system will allow testing for a wide range of drugs in both blood and urine. The Unit currently has two leased Agilent Gas Chromatograph Mass Spectrometer (GC/MS) systems validated for urine drug testing and one leased Agilent Two-Dimensional GC/MS system dedicated solely to blood cannabinoid confirmations. The upgrade of one leased unit to GC/MSMSMS will give the Unit the ability to meet the ever-increasing demand for blood and drug analysis.

Police and Purchasing recommend awarding the contract to the sole source vendor, Agilent Technologies, at \$174,926.12. This contract is funded by the Governor's Highway Safety grant, at \$87,500, and the Police operating budget, at \$87,426.12.

- \*4-h. One-Year Renewal of the Term Contract for Water Wastewater Laboratory Services for the Water Resources Department. **(Citywide)**

This contract provides analytical testing of water quality and wastewater for compliance by qualified licensed environmental laboratories to ensure the City is compliant with continually changing federal, state and local regulations.

Water Resources and Purchasing recommend authorizing a one-year renewal using the City of Tempe cooperative contract with multiple vendors: Aquatic Consulting & Testing, Inc., at \$5,000; Bio-Aquatic Testing, Inc., at \$30,000; Legend Technical Services of Arizona, Inc., at \$5,000; Eurofins Eaton Analytical, Inc., at \$50,000; and Test America Laboratories, Inc., at \$50,000; based on estimated annual requirements, for the combined total award of \$140,000.

- \*4-i. Purchase of New Furniture for the Cubs' Spring Training Facility, Engineering Department. **(Citywide)**

In November 2010, City of Mesa voters approved and authorized the City to expend funding to design and construct a City-owned baseball stadium, training and practice facility for the Chicago Cubs. The Facility will be used for the Cactus League spring training baseball games. This request provides for the furniture category of FFE (furniture, fixtures and equipment) to be installed in this project, which includes furniture for the suites, offices and party deck, including indoor and outdoor tables, chairs and stools. Additional purchase packages for the project will be brought forth to Council at future meetings.

Engineering and Purchasing recommend authorizing the purchase using the Tri-University (Arizona Board of Regents/Arizona State University, University of Arizona, and Northern Arizona University) cooperative contract with Target Commercial Interiors, at \$400,000, including applicable tax, assembly, installation and contingency. This purchase is funded by the Spring Training Bond Fund.

\*4-j. Central Mesa Light Rail Extension, City-Funded Utility Improvements. **(Districts 3 and 4)**

On June 27, 2011, the City Council approved entering into a Design and Construction Agreement for the development of the Central Mesa Light Rail Extension (CME) project. This project will extend the existing light rail system from the current end-of-line station at Sycamore and Main Street in Mesa to a new end-of-line station east of Mesa Drive on Main Street, approximately three miles.

This approved Design and Construction Agreement includes a process for the City to add City-funded improvements to the project. These improvements typically include upgrades to City utilities and other facilities that are located adjacent to or within the new light rail facilities, but are not being impacted directly by the project. The improvements are referred to as Concurrent Non-Project Activities (CNPA), which must be funded by the City.

Energy Resources recommends the proposed improvements in the amount of \$3,623,182.00. Funding for this CNPA is available from the Electric Enterprise Capital Fund.

5. Take action on the following resolutions:

\*5-a. Approving and authorizing the City Manager to accept funding made available through the 2013 Byrne Justice Assistance Grant Program. Funds in the amount of \$127,177 will be used to purchase fingerprint identification technology for the Police Department. **(Citywide)** – Resolution No. 10303.

\*5-b. Approving and authorizing the City Manager to execute the First Supplement to Trust Indenture and Joint Payment Agreement regarding the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). **(Citywide)** – Resolution No. 10304.

The LCR MSCP is a 50-year environmental mitigation program and agreement between the U.S. Federal Government and the states of Arizona, California and Nevada. The MSCP's goal is to provide a balance between the current and future utilization of the LCR's water and power resources and the protection and conservation of threatened and

endangered species and their habitats within or near the LCR in compliance with the Endangered Species Act.

- \*5-c. Approving and authorizing the City Manager to execute an Agreement with the Salt River Pima-Maricopa Indian Community for the treatment of wastewater for the estimated payment to the City of approximately \$1.2 to \$1.5 million per year. **(Citywide)** – Resolution No. 10305.
- \*5-d. Approving and authorizing the City Manager to execute the Intergovernmental Agreement with the Arizona Department of Health Services for reimbursement to the Fire and Medical Services Department at \$25 per child or adult for providing childhood immunizations in Mesa and the surrounding areas. **(Citywide)** – Resolution No. 10306.
- \*5-e. Approving and authorizing the City Manager to execute the Amended and Restated Joint Powers Airport Authority Agreement and the Amended and Restated Intergovernmental Agreement for adding the City of Apache Junction as the newest member to the Phoenix-Mesa Gateway Authority. **(District 6)** – Resolution No. 10307.
- \*5-f. Staff is requesting approval to continue negotiations to acquire a total of six real and/or personal properties along the Central Mesa Light Rail Extension, and if necessary to avoid construction delays, authorizing and directing staff that fee title, easements or other interests in and possession of certain real property and/or personal property, be acquired by the City of Mesa through eminent domain as a matter of public necessity. **(Districts 3 and 4)** – Resolution No. 10308.
- \*5-g. Ordering and calling a Special Bond Election to be held on November 5, 2013, to submit to the qualified electors the question of authorizing the issuance and sale of General Obligation Bonds – Resolution No. 10309.

6. Introduction of the following ordinances and setting August 19, 2013, as the date of the public hearing on these ordinances:

- \*6-a. **Z13-24 (District 5)** North of 3142 North 90<sup>th</sup> Street (west side) and 8900 block of East Plymouth (north side). Located within the area bound by Quenton on the north, Plymouth on the south, the 88<sup>th</sup> Street alignment on the west, and 90<sup>th</sup> Street on the east. Parcel numbers 219-33-002 and 219-33-006E. (11.07± acres). District 5. Rezone from Maricopa County R1-35 to City of Mesa RS-35. This request will establish City of Mesa zoning on annexed undeveloped property. Linda Rae Ramsey, Trueno Montana, LLC, owner; City of Mesa, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers DiBella, Hudson, Johnson, absent.)

- \*6-b. **Z13-25 (District 2)** 6521 East University Drive. Located south and east of 65<sup>th</sup> Street and University Drive. (1.85± acres). Rezone from Maricopa County R-3 to City of Mesa RM-3. This request will establish City of Mesa zoning on annexed property. Jan and Frances Hyc, owners; City of Mesa, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote 4-0, Boardmembers DiBella, Hudson and Johnson absent)

- \*6-c. **Z13-26 (District 5)** 10002, 10018, 10036, and 10052 East Broadway Road. Located north and east of Broadway Road and Crismon Road. (2.89± acres). Rezone from Maricopa County R-2 to City of Mesa RM-2. This request will establish City of Mesa zoning on annexed property. Thomas E. Aspel, owner; City of Mesa, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers DiBella, Hudson and Johnson absent.)

- \*6-d. **Z13-27 (District 5)** 9651 East Brown Road. Located south of Brown Road and east of 96<sup>th</sup> Street. (1.25± acres). Rezone from Maricopa County RU-43 to City of Mesa RS-43. This request will establish City of Mesa zoning on annexed property. Christopher and Kelly Carmichael, owners; City of Mesa, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers DiBella, Hudson and Johnson absent.)

- \*6-e. **Z13-28 (District 5)** 10100 block of East Boise Street (north side immediately east of 203 N. 101<sup>st</sup> Place). Located east of Crismon Road, south of University Drive. (1± acre) District 5. Rezone from Maricopa County R1-8 to City of Mesa RS-7. This request will establish City of Mesa zoning on recently annexed property. Hacienda del Este HOA, owner; City of Mesa, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers DiBella, Hudson and Johnson absent.)

- \*6-f. **Z13-33 (District 5)** The 8700 to 8800 blocks of East Upper Canyon Drive (north side). Located north of McKellips Road, east of Hawes Road. (21.44± acres). Rezone from RS-35-PAD to RS-35-PAD and Site Plan Review. This request will allow the development of a single-residence subdivision. Pinnacle Ridge Holdings, LLC, Jeff Blandford, owner; Paul Dugas, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers DiBella, Hudson and Johnson absent.)

- \*6-g. **A13-03 (District 5)** Annexing 1.0± acres of land located west of the northwest corner of Merrill Road and Boise Street. This annexation is initiated by the property owner.

\*6-h. **DELETED.**

7. Take action on the following Resolution and Ordinance that was introduced at a prior Council meeting:

\*7-a. Modifying rates for water utility services related to Commercial and Multi-Unit Dwelling Water Services – Resolution No. 10310 and Ordinance No. 5163.

8. Discuss, receive public comment, and take action on the ordinance introduced at a prior Council meeting. Any citizen that 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. **Z13-08 (District 5)** The 7100 and 7200 blocks of East McDowell Road (north side) Parcel 51 of the Las Sendas PAD. Located east of Power Road on the north side of McDowell Road (22.73± acres). Modification of the Desert Creek PAD and Site Plan Modification of the residentially-zoned portion of the development in the RM-2-PAD. This request will allow the development of single-residence/townhomes. Talon Properties, LLC, owner; EPS Group, Inc./Reese Anderson, applicant – Ordinance No. 5164.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers DiBella, Hudson and Johnson absent.)

9. Adoption of the following Notice of Intention and setting August 19, 2013, as the date of the public hearing.

\*9-a. Notice of Intent to continue existing development impact fees and setting August 19, 2013, as the date of the public hearing.

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

10. Items from citizens present.

Mayor Smith stated that because this is not an agenda item, the Council is not permitted to respond to a citizen's comments.

Murray Sharkey, a Scottsdale resident and a Professional Engineer, stated that he was originally scheduled to support an agenda item to allow the Pueblo Grande Mobile Home Park in east Mesa to connect to the City's sewer system and spread out the sewer impact fees into two payments.

Mr. Sharkey explained that Development and Sustainability Department Director Christine Zielonka proposed that a Development Agreement be drafted related to this issue and that the item be included on tonight's Council meeting agenda. He advised that last Wednesday afternoon, he was informed by Ms. Zielonka that the item was removed from the agenda due to the fact that it was the opinion of the City Attorney that the payment program would be a funding instrument not allowed by Arizona law.

Mr. Sharkey commented that he was not asking that the Council accept the Development Agreement, but rather that they address the issue of mobile home park septic system failures. He stated that as a Professional Engineer, he has found that many of the mobile home parks in Arizona have failing septic systems that are 50 to 60 years old and causing public health concerns. He pointed out that his client is willing to upgrade the septic system at the Pueblo Grande Mobile Home Park and indicated that if the City allowed a payment schedule for the sewer impact fees, it would lessen the park owner's financial burden.

Mr. Sharkey concluded his remarks by asking that the Council direct the Development and Sustainability Department and the City Attorney's Office to work with him in an attempt to resolve this matter. He added that Ms. Zielonka contacted him today and indicated that the City Manager had suggested that such efforts take place.

City Manager Christopher Brady advised that the issue of failing septic systems is a priority for the City and assured Mayor Smith that staff would work with Mr. Sharkey to reach a solution in this case. He said that it was imperative that the City support this important health and safety issue.

Mayor Smith suggested that staff come back to the Council if they determine that changes in State law need to be made that would allow the City to more easily resolve this issue.

Richard Tracy, a Mesa resident, expressed a series of concerns regarding Mesa's high number of traffic fatalities due to drunk drivers. He noted that although the State's first priority should be the safety of the driving public on Arizona's roadways, it is more concerned about "saving money." He added that putting more officers on City streets would assure greater safety in the community.

11. Adjournment.

Without objection, the meeting adjourned at 6:10 p.m.

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SCOTT SMITH, 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 8<sup>th</sup> day of July, 2013. 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