



COUNCIL MINUTES

July 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 July 8, 2015 at 5:48 p.m.

COUNCIL PRESENT

John Giles
Alex Finter
Dennis Kavanaugh
David Luna
Dave Richins
Kevin Thompson

COUNCIL ABSENT

Christopher Glover

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Mayor's Welcome.

Mayor Giles excused Councilmember Glover from the entire meeting.

Invocation by Pastor Andrew Hilla with Apache Wells Community Church.

Pledge of Allegiance was led by Councilmember Thompson.

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.

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the July 1, 2015 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Residence Inn Phoenix Mesa

A hotel with a bar is requesting a new Series 7 Beer & Wine Bar Liquor License for CSM Hotel Management LLC, 941 West Grove Avenue – Macey Duncan, agent. The existing license held by CSM RI Mesa LLC, will revert back to the State for modification. This is a person-to-person transfer. **(District 3)**

*3-b. Wal-Mart Supercenter #2767

A retail store is requesting to add sampling privileges to their existing Series 9 Liquor Store License for Wal-Mart Stores Inc., 4505 East McKellips Road – Clare Hollie Abel, agent. The existing license held by Wal-Mart Stores Inc., will revert back to the State for modification. **(District 5)**

*3-c. Wal-Mart Supercenter #3799

A retail store is requesting to add sampling privileges to their existing Series 9 Liquor Store License for Wal-Mart Stores Inc., 240 West Baseline Road – Clare Hollie Abel, agent. The existing license held by Wal-Mart Stores Inc., will revert back to the State for modification. **(District 3)**

*3-d. Wal-Mart Supercenter #3833

A retail store is requesting to add sampling privileges to their existing Series 9 Liquor Store License for Wal-Mart Stores Inc., 1606 South Signal Butte Road – Clare Hollie Abel, agent. The existing license held by Wal-Mart Stores Inc., will revert back to the State for modification. **(District 6)**

*3-e. Miele's

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Miele's Italian Bistro LLC, 2050 West Guadalupe Road, Suites 9-12 – Jeffery Dennis Gurke, agent. There is currently no existing license at this location. **(District 3)**

*3-f. MOD Pizza

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for MOD Super Fast Pizza LLC, 1804 South Signal Butte Road, Suite C-106 – Andrea Lewkowitz, agent. There is currently no existing license at this location. **(District 6)**

4. Take action on the following contracts:

*4-a. One-Year Renewal of the Term Contract for Large Print Library Books for the Library Services Department. **(Citywide)**

This contract provides for the acquisition of large print library books. In 2013, there were approximately 13,000 large print titles in the collection.

The Library Services Department and Purchasing recommend authorizing a one-year renewal with Cengage Learning, Inc.; and Center Point, Inc., dba Center Point Large Print; cumulatively not to exceed \$50,000.00.

- *4-b. One-Year Renewal of the Term Contract for Library Media Materials for the Library Services Department. **(Citywide)**

This contract provides for the purchase of library materials to build and maintain Mesa Public Library's resource collection, to include audio-visual materials and related services for the City's Library system.

The Library Services Department and Purchasing recommend authorizing a one-year renewal with Midwest Tape (Primary); and Recorded Books, LLC (Secondary); cumulatively not to exceed \$250,000.00.

- *4-c. One-Year Renewal of the Term Contract for Library Books, Spoken Word, DVDs and Digital Media for the Library Services Department. **(Citywide)**

This contract provides for a high percentage of the Library's purchases. Materials include books, standing orders, digital media, including electronic books and digital audiobooks, spoken word including compact disc and playaway, DVD/Blu-ray, large print and materials in Spanish.

The Library Services Department and Purchasing recommend authorizing a one-year renewal with Baker & Taylor, Inc. at \$265,000.00, based on estimated requirements.

- *4-d. Dobson Ranch Library Phase III Improvements for the Library Services Department. **(District 3)**

Dobson Ranch Library is in the final phase of the branch's refresh project. The Library is updating the furnishings to reflect the patrons' needs, including more seating, increased laptop counter space and collaborative work areas.

The Library Services Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Target Commercial Interiors, at \$37,933.39.

- *4-e. Dollar-Limit Increase to the Term Contract for Safety Supplies for the Materials and Supply Warehouse (for Various City Departments). **(Citywide)**

This contract was awarded in July, 2014 and provides various safety supplies including: sand bags; protective gloves; head, ear, eye and face protection; rainwear; tape, barrier flagging; first aid cabinets, kits and refills; respiratory protection equipment and parts; safety vests; traffic cones; and rubber boots. This is a new contract and some of the quantities were underestimated and some of the products have been upgraded resulting in additional cost. Also, there were sandbag purchases made against the contract during the flood.

Business Services and Purchasing recommend authorizing a dollar-limit increase of \$25,000.00 with HDS White Cap Construction Supply; Zee Medical, Inc.; Fisher's Tools & Handles, Inc.; Masthead Industries dba Complete Safety/Hose Power USA (a Mesa

business); and Arizona Glove & Safety, Inc., dba AGS Safety & Supply; increasing the annual contract amount from \$72,307.45 to \$97,307.45, cumulatively not to exceed, through the initial first-year contract period and years two and three.

- *4-f. One-Year Renewal for the Term Contract for Heavy Duty Synthetic Diesel Oil for the Fleet Services Department. **(Citywide)**

Fleet Services began a pilot testing program using synthetic motor oil in the City's large diesel trucks in April 2014. Before this, Fleet Services used petroleum-based motor oil. Today, new diesel engines are delivered with synthetic oil. Fleet began using synthetic oils to retain their warranty coverage and analyze the impact on the City's engine maintenance issues and has determined it is the best product for the City's diesel engine fleet.

The Fleet Services Department and Purchasing recommend authorizing a one-year renewal using the Mohave Educational Services cooperative contract with North American Lubricants, at \$65,000.00, based on estimated requirements.

- *4-g. One-Year Renewal of the Term Contract for Concession Services for the Mesa Arts Center. **(District 4)**

This contract provides a qualified and reputable business for the provision of food and beverages for concessions at the Mesa Arts Center. The company has catering and concessions operations at the MAC with dedicated, onsite staff to manage the food and beverage operations.

The Mesa Arts Center and Purchasing recommend authorizing a one-year renewal with Atlasta Catering Service, Inc. For the management of concessions at the Mesa Arts Center, the vendor pays the City a commission percentage of the gross receipts for food, beverage and liquor sales for concession services and for catering services.

- *4-h. Three-Year Term Contract for Single-Phase Pad-Mounted Transformers for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

The Electric Utility will use these pad-mount distribution transformers for new customer service installations and equipment replacement installations.

The Business Services and Energy Resources Departments and Purchasing recommend awarding the three-year contract to the lowest, responsive and responsible bidder, Central Moloney, Inc., at \$202,200.00 annually, based on estimated requirements.

- *4-i. Purchase of New Public Use Furniture for the Falcon Field Airport Terminal Building and Administration Building. **(District 5)**

The 44-year-old airport terminal building is undergoing a comprehensive remodeling and update. In addition to all new exterior finishes and improvements, the interior is being completely gutted and remodeled. This request provides new furniture for the public use areas. Construction is scheduled to be complete at the end of October 2015.

Falcon Field Airport, Engineering and Purchasing recommend authorizing this purchase using the Arizona Board of Regents (Tri-University) and State of Arizona cooperative

contracts with Target Commercial Interiors (TCI), at \$47,291.52. This purchase is funded by the Falcon Field Enterprise Fund.

- *4-j. Dollar-Limit Increase for the Term Contract for Custodial Services for the Facilities Maintenance Department. **(Citywide)**

This contract provides custodial services for City buildings. Facilities Maintenance is requesting the increase for the addition of services at the City's Health and Wellness Center, Mesa Courts on College and the Parks Maintenance Building-East.

The Facilities Maintenance Department and Purchasing recommend authorizing a dollar-limit increase of \$53,163.49 with Varsity Facility Services, increasing the annual contract amount from \$1,844,100.00 to \$1,897,263.49, through the three-year contract term.

- *4-k. Purchase of Two Replacement Battery Backup Systems for the Energy Resources Department. **(Districts 1 and 4)**

This purchase will provide Nickel Cadmium battery backup systems for the Lewis and Robson Electric Utility Substations, providing reliable DC power for the substation's control and protection systems and for critical equipment such as SCADA, communication system, trip voltages to operate breakers, and other electronic equipment. Testing of the existing systems at the substations indicate a significant reduction in reliability.

The Energy Resources Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Storage Battery Systems, LLC, at \$54,107.33. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- *4-l. Purchase of One Replacement Fire Command Vehicle for the Fire and Medical Department (Sole Source). **(Citywide)**

This vehicle will replace a 1996 Grumman Box Truck, which currently has limited communication and technology capabilities as well as outdated equipment. The new vehicle will provide conference and command facilities and mobile satellite and communication systems designed to meet the needs of the most stringent events.

The current Mobile Command Vehicle has met the established replacement criteria and if approved, will be retired from the department. The disposal method will be determined by the direction of the City Manager.

The Fire and Medical Department recommends awarding the contract to Pierce Manufacturing Inc., through their authorized dealer, Hughes Fire Equipment Inc., at \$1,184,968.78. This purchase is funded by 2013 authorized Public Safety bonds.

- *4-m. Purchase of Two-Way Digital Radios and Accessories for the Transportation Department. **(Citywide)**

Transportation currently uses the TOPAZ radio network for their wireless communications for staff to communicate daily on work projects in the field and during emergency events. The radios being requested will operate on the existing Mesa Public Schools (MPS) radio system, which moves the use off of the TOPAZ network. Council

has approved an IGA with MPS to partner with and expand the use of the MPS system to accommodate Mesa non-Public Safety City Departments.

The radios for this network and purchase are approximately one-sixth the cost of the equivalent radios for the TOPAZ radio network. In addition, the MPS network is a commercial-grade system, which is anticipated to cost less to maintain than the TOPAZ voice radio network (estimated annual cost savings of \$90,000.00 per year for the Transportation Department).

The Transportation and Communications Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with B&B Selectcom, Inc., at \$77,680.00, based on estimated requirements.

*4-n. Southern Avenue Improvements Project, Tempe Canal to Sycamore. **(District 3)**

This is the second project from the City's Fiesta District Implementation Plan along Southern Avenue that "seeks to create a uniquely identifiable area for Mesa that is economically vibrant, pedestrian friendly and an active urban destination." This project will include a variety of improvements from the Tempe Canal to Sycamore to support this concept and will also include the replacement of water and gas lines and storm drain improvements to help alleviate flooding in the area.

Recommend award to Haydon Building Corp. in the amount of \$10,070,897.19 and authorize a contingency for change orders in the amount of \$503,544.86 (change order allowance). Funding is available from the 2013 Street Bond Program, the 2014 Water Bond Program, and the 2014 Gas Bond Program. Additional funding for this project is being provided by the Salt River Project Municipal Aesthetics Program.

*4-o. Three-Year Term Contract for Graffiti Abatement Services for the Transportation Department. **(Citywide)**

This contract will provide graffiti abatement services for buildings, walls, drainage channels, sidewalks, and light poles as-needed on public and private property throughout the City. Graffiti removal methods include color match painting, abrasive removal techniques, solvents, and high pressure water.

Graffiti Protective Coatings (GPC) submitted a protest and an appeal to the protest response. Both were denied.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Woods Maintenance Services, Inc., dba Graffiti Control Systems at \$167,000.00 annually, based on estimated requirements.

*4-p. Purchase of Windows Server 2012 Upgrade Licenses Replacing Server Version 2008 for the Information Technology Department. **(Citywide)**

This software licensing upgrade will provide the necessary license upgrades for the City's server operating system environment as planned for Information Technology's lifecycle roadmap. This licensing is for both City and Police Information Technology.

The Information Technology Department and Purchasing recommend authorizing the purchase using the State of Arizona/WSCA cooperative contract with SHI, at \$157,504.71.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Airport Improvement Program Grant Agreement with the Federal Aviation Administration (FAA) for the realignment of portions of Taxiway A and construction of additional aircraft run-up area at Falcon Field Airport. The total estimated cost of the project is \$1,689,250, with the FAA paying 91.06% (\$1,538,231). Funding for the remaining 8.94% (\$151,019) is the responsibility of the City. The City will seek to obtain a matching grant from the Arizona Department of Transportation in the amount of 4.47% (\$75,509), and if obtained, the City will pay the remaining 4.47% (\$75,510) with funds from the Falcon Field Airport Enterprise Fund. **(District 5)** – Resolution No. 10655.
- *5-b. Approving and authorizing the City Manager to enter into the Airport Development Reimbursable Grant Agreement with the State of Arizona for the construction of blast pads for Runway 4L/22R at Falcon Field Airport. The total estimated project cost is \$472,778, with 90% (\$425,500) funded by the Arizona Department of Transportation and the remaining 10% (\$47,278) match funded by the Falcon Field Airport Enterprise Fund. **(District 5)** – Resolution No. 10656.
- *5-c. Approving and authorizing the City Manager to enter into an Amendment of License Agreement and Assignment, Assumption, and Consent with the Arizona Museum of Natural History Guild, Inc. and the Arizona Museum of Natural History Foundation, Inc. related to the license agreement for the operation of the gift shop at the Arizona Museum of Natural History located at 53 North Macdonald. **(District 4)** – Resolution No. 10657.

6. Take action on the following resolution and introduction of the following ordinance relating to the Terms and Conditions for the Sale of Utilities, and setting August 24, 2015 as the date of public hearing on this ordinance:

- *6-a. Resolution declaring modified Terms and Conditions for the Sale of Utilities filed with the City Clerk to be a public record and providing for the availability of the documents for public use and inspection. **(Citywide)** – Resolution No. 10658.
- *6-b. Ordinance modifying the Terms and Conditions for the Sale of Utilities: For property located outside the City limits, new water and wastewater services will not be provided except under certain specified circumstances; also amending the modification section and making additional clerical changes. **(Citywide)**

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

- *7-a. Ordinance repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules. **(Citywide)** – Ordinance No. 5294.

8. Discuss, receive public comment, and take action on the following ordinance and resolution relating to the property located at 2305 North Harris Drive:

- *8-a. **Z15-015 (District 1)** Ordinance – 2305 North Harris Drive. Located north of McKellips Road and west of Gilbert Road (4.74± acres). Rezone from RS-43 to RS-35-PAD and Site Plan Review. This request will allow the development of a single-residence subdivision. Jeff Welker, Welker Development Resources, LLC, applicant; Robert S. Holyoak, owner – Ordinance No. 5295.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 6-0-0, Boardmember Hudson, absent)

- *8-b. Resolution approving and authorizing the City Manager to enter into a Development Agreement with Robert S. Holyoak and Jean C. Holyoak to facilitate the development of a single-residence subdivision located at 2305 North Harris Drive. **(District 1)** – Resolution No. 10659.

9. Take action on the following subdivision plats:

- *9-a. “Encore at Eastmark-Parcel 9-4” **(District 6)** Located north and west of South Signal Butte and East Williams Field Roads. 159 PC lots (43.06± acres) AVH EM, LLC, owner; Joe Kraft, EPS Group, land surveyor.
- *9-b. “Encore at Eastmark-Parcel-9-5” **(District 6)** Located north and west of South Signal Butte and East Williams Field Roads. 145 PC lots (49.92± acres) AVH EM, LLC, owner; Joe Kraft, EPS Group, land surveyor.
- *9-c. “Final Plat Parcel D at PPGN” **(District 6)** The 5300 to 5400 blocks of South Crismon Road. Located south of Ray west of Crismon Road. A single-residence subdivision. 82 PC lots (15.84± acres) PPGN – Ray, LLP, owner; Joe Kraft, EPS Group, land surveyor.
- *9-d. “Final Plat Parcel E at PPGN” **(District 6)** Located south of Ray west of Crismon Road. A single-residence subdivision. 72 PC lots (19.18± acres) PPGN – Ray, LLP, owner; Joe Kraft, EPS Group, land surveyor.
- *9-e. “Final Plat Parcel F at PPGN” **(District 6)** Located south of Ray west of Crismon Road. A single-residence subdivision. 57 PC lots (10.05± acres) PPGN – Ray, LLP, owner; Joe Kraft, EPS Group, land surveyor.
- *9-f. “Final Plat Parcel G at PPGN” **(District 6)** The 9700 block of East Cadence Parkway. Located south of Ray west of Crismon Road. A single-residence subdivision. 52 PC lots (12.06± acres) PPGN – Ray, LLP, owner; Joe Kraft, EPS Group, land surveyor.
- *9-g. “Final Plat Parcel H at PPGN” **(District 6)** The 9600 block of East Cadence Parkway. Located south of Ray west of Crismon Road. A single-residence subdivision. 65 PC lots (13.69± acres) PPGN – Ray, LLP, owner; Joe Kraft, EPS Group, land surveyor.
- *9-h. “Final Plat Parcel I at PPGN” **(District 6)** The 9500 to the 9600 blocks of East Cadence Parkway. Located south of Ray west of Crismon Road. A single-residence subdivision.

68 PC lots (15.54± acres) PPGN – Ray, LLP, owner; Joe Kraft, EPS Group, land surveyor.

Items not on the Consent Agenda

10. Conduct a public hearing, discuss, receive public comment, and take action on the following appeal of the Planning and Zoning Board's final decision:

- 10-a. Conduct a public hearing on the appeal of the Planning and Zoning Board's denial of the site plan review for Z15-012, 809 North Dobson Road.

Mayor Giles announced that this is the time and place for a public hearing regarding the appeal of the Planning and Zoning Board's denial of the site plan review for Z15-012, 809 North Dobson Road.

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

- 10-b. Take action on an appeal of the Planning and Zoning Board's denial of a site plan review for a convenience store with gas canopy (Z15-012). 809 North Dobson Road, south of the Loop 202 on the east side of Dobson Road (2.44± acres). **(District 1)** – Resolution No. 10660.

Council may affirm, reverse, or modify the Planning and Zoning Board's decision or remand the case back to the Planning and Zoning Board for additional review and consideration. Two resolutions are provided: a resolution affirming the Planning and Zoning Board's decision and a resolution approving a revised site plan.

Staff Recommendation: Affirmation of P&Z Board decision

P&Z Board Decision: Denial: Vote: 6-0-0 (Boardmember Hudson, absent)

It was moved by Councilmember Richins, seconded by Vice Mayor Kavanaugh, that Resolution No. 10660, which would approve a revised site plan, be adopted.

Vice Mayor Kavanaugh remarked that he was glad to see the process of reviewing and appealing site plans work so well during this project.

Mayor Giles commented that this project had improved thanks to the scrutiny of the Planning and Zoning Board and the critique from staff. He noted that the Design Review Board also reviewed the case and approved it unanimously.

Councilmember Richins explained that the community's expectations of Riverview may be higher than other centers due to the vote in 2005. He added that the applicant has committed to reviewing and modifying the landscape of the entire site to satisfy some community concerns and some exciting developments will be coming into Riverview in the near future.

Mayor Giles declared the motion carried unanimously by those present and Resolution No. 10660 adopted.

11. Items from citizens present.

Johnny Martin, a Mesa resident, addressed the Council and requested that a non-discrimination ordinance be considered as a future agenda item.

Mayor Giles announced that today was City Attorney Debbie Spinner's final Council meeting. He stated that she has been the model of professionalism and thanked her for the great service and legal advice she has provided the Council and staff through the years.

Vice Mayor Kavanaugh reflected that he participated in Ms. Spinner's interview for the position of City Attorney. He remarked that she has followed through on everything she set out to do, while maintaining tact and diplomacy.

Councilmember Thompson expressed appreciation to Ms. Spinner for "keeping him out of trouble" and said it has been a pleasure working with her over the past six months.

Councilmember Luna thanked Ms. Spinner for her good advice through the years and acknowledged her leadership, credibility and kindness.

City Attorney Debbie Spinner thanked the Council for being so supportive throughout her tenure with the City. She stated that not only has her role as City Attorney been challenging, but also rewarding and fun. She expressed appreciation to City Manager Christopher Brady, City Clerk Dee Ann Mickelsen, City Auditor Jennifer Ruttman, as well as their respective staffs. She commented that all of the City employees work very hard to implement the Council's vision and do what is best for the community.

Ms. Spinner further acknowledged the City Attorney's Office and noted that she was proud to have worked with such a talented staff. In addition, she recognized her family, who were present in the audience, and thanked them for their love and support. She voiced pride for being a resident of District 3 and wished the Council well.

Mayor Giles and the Council presented Ms. Spinner with a proclamation declaring today as "Debbie Spinner Day." She also received a bouquet of flowers in a vase that was created at the Mesa Arts Center.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:12 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 July, 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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