



COUNCIL MINUTES

September 22, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 22, 2014 at 5:45 p.m.

COUNCIL PRESENT

John Giles
Christopher Glover
Dennis Kavanaugh
David Luna

COUNCIL ABSENT

Alex Finter
Dave Richins
Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Mayor Giles excused Councilmembers Finter, Richins and Somers from the entire meeting.

Invocation by Pastor Chon Pugh with Bethlehem Lutheran Church.

Pledge of Allegiance was led by Boy Scout Brigham Olson.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Arts Administrator Robert Schultz addressed the Council and reported that the Mesa Encore Theatre (MET) is one of Mesa's founding resident performing arts companies and is the oldest theatre company in the State of Arizona, celebrating 78 years of service. He introduced Dr. Debra Jo Davey, Artistic Director of the Mesa Encore Theatre, and Ms. Linda Miller of the American Association of Community Theatre (AACT), who was prepared to present the Twink Lynch Organizational Achievement Award to the MET.

Ms. Miller stated that she was proud to present the award and explained that AACT is a national organization which represents and supports the efforts of over 7,000 community theaters across the United States (U.S.) and the U.S. Military overseas. She explained that each year AACT presents awards to individuals and organizations recognizing AACT member theaters for expanding services to their community and proceeding to the next level of organizational development. She said that this year MET was selected as one of three recipients, the others being Aviano Community Air Base Theater in Aviano, Italy, and the Tupelo Community Theater in Tupelo, Mississippi.

Ms. Miller noted that the MET was selected for their work in planning, developing and breathing life into a new black box theatre space which subsequently expanded, creating new theater opportunities for both audiences and artists.

Dr. Davey expressed appreciation for the award and commented that the team worked hard to present a strong season of shows. She introduced two members of the MET Board of Directors, Elizabeth Reeves and Jeffrey J. Davey.

Mayor Giles expressed his thanks to Ms. Davey and to the Mesa Encore Theatre Board for their efforts.

Mayor Giles read the Proclamation declaring this week as National Employers Support of the Guard and Reserve Week. He introduced Ethan Garrett, Employer Outreach Coordinator from the Employer Support of the Guard and Reserve (ESGR) office.

Mr. Garrett provided brief background information on ESGR, explaining that the organization is a "quasi-governmental" agency in the United States with over 4,700 volunteers. He explained that ESGR serves as an advocate between service members, employers, and the Department of Defense (DOD). He reported that their goal is to create a culture of employer support for the National Guard and Reserve in the U.S. by advocating and developing mutually beneficial initiatives, recognizing outstanding employer support of service members, increasing awareness of applicable laws and policies to both service members and employers, and resolving potential conflicts between employers and their service members. He added that ESGR also serves as an advocate for employers within the DOD.

Mr. Garrett stated that ESGR encourages employment of guardsmen and reservists because of their integrity, global perspective, and the experience that they bring to the civilian work force. He also noted that in 2013, ESGR offices nationwide engaged over 161,000 employers and nearly 500,000 service members.

Mayor Giles expressed appreciation and support to Mr. Garrett and the volunteers of ESGR.

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 Vice Mayor Glover, 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 August 14 and 25, and September 11, 2014 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Save the Children Foundation of Arizona

This is a one-day charitable event to be held on Saturday, October 18, 2014 from 6:00 p.m. to 10:00 p.m., at 1061 North Dobson Road. **(District 1)**

*3-b. United Food Bank

This is a one-day charitable event to be held on Saturday, October 4, 2014 from 3:00 p.m. to 11:00 p.m., at 922 South Country Club Drive. **(District 4)**

*3-c. Dirty Diablo

This is a person-to-person and location transfer of a Series 6 Bar License for Dirty Diablo, 1241 East Broadway Road, Suite 17, Hot in the Desert Investments LLC – Ronald Merino, agent. There is currently no existing license at this location. **(District 4)**

*3-d. Roosters Country

This is a person-to-person transfer of a Series 6 Bar License for Roosters Country, 3731 East Main Street – Steven John Dunn, sole proprietor. The existing license held by Roosters, Inc. will transfer to the new applicant. **(District 2)**

*3-e. Red Lobster #0667

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Red Lobster Hospitality LLC, 6149 East Southern Avenue – Richard Teel, agent. The existing license held by N&D Restaurants, Inc. will revert back to the State. **(District 6)**

*3-f. Red Lobster #6219

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Red Lobster Hospitality LLC, 1403 South Alma School Road – Richard Teel, agent. The existing license held by N&D Restaurants, Inc. will revert back to the State. **(District 3)**

4. Take action on the following contracts:

*4-a. One-Year Renewal of the Term Contract for Bridgestone Tires for the Materials and Supply Warehouse (for Fleet Services and Fire and Medical Departments). **(Citywide)**

This contract provides Bridgestone Firestone brand tires for use by Fleet Services and Fire Resource Management to maintain the City's fleet and Fire vehicles. Tires are inventoried and ordered as-needed by the Warehouse and Fire Resource Management.

Materials and Supply, Fleet Services, Fire and Medical, and Purchasing recommend authorizing a one-year renewal using the State of Arizona/Western States Contracting Alliance cooperative contract with Firestone Complete Auto Care and Redburn Tire Company (Mesa locations for both vendors), at \$245,000 annually, based on estimated requirements.

*4-b. One-Year Renewal of the Term Contract for Goodyear Tires for the Materials and Supply Warehouse (for Fleet Services and Fire and Medical Departments). **(Citywide)**

This contract provides Goodyear brand tires for use by Fleet Services and Fire Resource Management to maintain the City's fleet and Fire vehicles. Tires are inventoried and ordered as-needed by the Warehouse.

Materials and Supply, and Purchasing recommend authorizing a one-year renewal using the State of Arizona Department of Transportation cooperative contract with Purcell Tire Company (a Mesa business), at \$900,000 annually, based on estimated requirements.

5. Take action on the following resolutions:

*5-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Fort McDowell Yavapai Nation for the receipt and distribution of Proposition 202 funds in the amount of \$96,260.00. The designated awards are \$13,000.00 to Visit Mesa for tourism promotion, \$30,000.00 to the Mesa Public Schools Fremont Jr. /Red Mountain High School for Native American Education programs and \$53,260.00 to Mesa Public Schools Salk Elementary for Native American Education programs. **(Citywide)** – Resolution No. 10531.

*5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Tempe and the Town of Gilbert for a Travel Time Monitoring Project. This project is to expand the current system in Mesa and regionally by working with the City of Tempe and the Town of Gilbert. A joint regional map would then be developed that would show travel time statistics on arterial streets across the three jurisdictions. **(Citywide)** – Resolution No. 10532.

The total estimated design costs are \$125,000, of which \$19,231 is the City's share. The total estimated construction costs are \$695,011, of which \$655,385 are eligible for Congestion Mitigation and Air Quality Improvement (CMAQ) reimbursement. The City's local matching funds for construction will be approximately \$5,832.

*5-c. Approving and authorizing the City Manager to enter into an Award Agreement with the State of Arizona, Office of the Attorney General, for the Fiscal Year 2015 Victim's Rights Program to accept \$66,300 for salaries of two Victim Notification Clerks at the Police Department's Mesa Family Advocacy Center. **(Citywide)** – Resolution No. 10533.

*5-d. Approving and authorizing the City Manager to enter into a Letter of Agreement with the U.S. Food and Drug Administration's Office of Criminal Investigations' Los Angeles Task Force, to accept up to \$25,000 for overtime for an officer assigned to the Task Force. **(Citywide)** – Resolution No. 10534.

*5-e. Approving and authorizing the City Manager to accept funding made available through a Grant Award from the Environmental Protection Agency for the environmental assessment of property associated with the Gilbert Road Light Rail Extension. This award provides \$400,000 for conducting environmental assessments. **(District 4)** – Resolution No. 10535.

*5-f. Vacating a portion of the right-of-way for West Third Place at 264 North Lebaron. **(District 4)** – Resolution No. 10536.

The right-of-way is being vacated to clear title to the property for a permanent structure that was built in 1957.

*5-g. Extinguishing a water line easement at 1060 West McLellan Road. **(District 1)** – Resolution No. 10537.

The property owner has requested the City extinguish a water line easement to accommodate the future development of their property.

- *5-h. Approving and authorizing the City Manager to enter into the First Amendment to the Lease Agreement with Wilkes University for the City-owned property at 245 West 2nd Street. **(District 4)** – Resolution No. 10538.
- *5-i. Providing for the issuance and ordering the sale of the City of Mesa Utility Systems Revenue Refunding Bonds, Series 2014, not to exceed \$200,000,000 aggregate principle amount. **(Citywide)** – Resolution No. 10539.

6. Introduction of the following ordinances and setting October 6, 2014 as the date of the public hearing on these ordinances:

- *6-a. Amending Title 9 (Public Ways and Property) of Mesa City Code by adding subsection 9-6-4(i) establishing public street lighting requirements for Pacific Proving Grounds North, located south of Ray Road, east of Ellsworth Road. **(District 6)**
- *6-b. **Z14-41 (District 3)** 232 South Dobson Road. Located north of Broadway Road on the west side of Dobson Road (15.5± acres). Modification of the existing PAD overlay in the LI zoning district and Site Plan Review. This request will allow for the development of a group industrial center. Stephen Krager, Euthenics Architecture, applicant; Kenn Francis, PRA/LB LLC, owner.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote, 7-0)

7. Take action on the following resolution and introduction of the following ordinance amending Title 2, Chapter 18 of the Mesa City Code and adopting the Personnel Appeals Board Hearing Procedural Rules and setting October 6, 2014 as the date of the public hearing on this ordinance:

- *7-a. Resolution declaring that certain documents filed with the City Clerk and entitled “Personnel Appeals Board Hearing Procedural Rules for Classified Employees (Excluding Sworn Law Enforcement)” and “Personnel Appeals Board Hearing Procedural Rules for Sworn Law Enforcement Employees” dated October 6, 2014, a public record. – Resolution No. 10540.
- *7-b. Ordinance amending Title 2, Chapter 18 of the Mesa City Code and adopting by reference Personnel Appeals Board Hearing Procedural Rules for Classified Employees (Excluding Sworn Law Enforcement) and Personnel Appeals Board Hearing Procedural Rules for Sworn Law Enforcement Employees.

8. Take action on the following subdivision plats:

- *8-a. **“Signal Butte 105 – Phase 1” (District 6)** The east side of the 5600 to 5700 blocks of South Signal Butte Road. Located on the SEC of East Galveston Street and South Signal Butte Road. 185 RS-6 PAD lots (56± acres) Brian Konderik, AV Homes of Arizona, LLC, owner; Shane D. McClara, P.E. Wood, Patel & Associates, Inc., engineer.
- *8-b. **“Estates at Las Sendas” (District 5)** The 8800 to the 8900 blocks of East Range Rider Trail (south side) Located north of East McDowell Road and east of North Hawes Road. 18-RS-35 PAD lots (17.1± acres) Land Holdings Investment Co., LLC, owner; Dan Matthews, Wood, Patel & Associates, Inc., engineer.

- *8-c. **“Ivy Glen Condominiums” (District 1)** The 1600 block of North Date (east side) Located west of North Country Club Drive and south of West McKellips Road. 2 RM-3 lots (.44± acres) Daniel Jonathan Hofshi and Mike Walters and Marina Walters, owners; William H. Standage, Standage & Associates, Ltd., engineer.

9. Take action on the following resolution:

- *9-a. A resolution approving and authorizing the City Manager to enter into a Telecommunications License with TW Telecom for a five-year term with the option of a five-year extension term. **(Citywide)** – Resolution No. 10541.

This License will allow for the installation, operation and maintenance of a fiber optic based, communications network to provide broadband services within the City right-of-way and easements for commercial users.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:08 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 22nd day of September 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK