



City of Mesa

*Council Chambers
57 E. First Street*

City Council

Meeting Agenda - Final

Monday, December 12, 2016

5:45 PM

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items including and preceding "Items from citizens present." If you are interested in speaking on such an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

The City of Mesa is committed to making its public meetings accessible to persons with disabilities. For special accommodations, please contact the City Manager's Office at (480) 644-3333 or AzRelay 7-1-1 at least 48 hours in advance of the meeting.

Si necesita asistencia o traducción en español, favor de llamar al menos 48 horas antes de la reunión al 480-644-2767.

CONSENT AGENDA

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 John Giles

Vice Mayor Dennis Kavanaugh - District 3

Councilmember Dave Richins - District 1

Councilmember Alex Finter - District 2

Councilmember Chris Glover - District 4

Councilmember David Luna - District 5

Councilmember Kevin Thompson - District 6

Mayor's Welcome**Roll Call**

(Members of the Mesa City Council will attend either in person or by telephone conference call)

Invocation by Dr. Anthony Kamson with the Baha'i Faith.

Pledge of Allegiance**Awards, Recognitions and Announcements****1 Take action on all consent agenda items.****Items on the Consent Agenda**

***2** [16-1288](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

***3-a** [16-1307](#) Ultimate Imaginations

This is a one-day charitable event to be held on Friday, February 3, 2017 from 6:00 P.M. to 10:00 P.M. on Main Street from Center Street to Robson and Macdonald from 1st Street to Pepper Place. **(District 4)**

***3-b** [16-1306](#) Ultimate Imaginations

This is a one-day charitable event to be held on Friday, January 6, 2017 from 6:00 P.M. to 10:00 P.M. on Main Street from Center Street to Robson and Macdonald from 1st Street to Pepper Place. **(District 4)**

***3-c** [16-1261](#) Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, January 25, 2017 from 6:00 P.M. to 9:00 P.M., at 560 South 80th Street. **(District 5)**

***3-d** [16-1262](#) Fountain of the Sun Community Association

This is a one-day civic event to be held on Saturday, February 11, 2017 from 7:00 P.M. to 10:00 P.M., at 560 South 80th Street. **(District 5)**

***3-e** **16-1263** Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, February 22, 2017 from 6:00 P.M. to 9:00 P.M., at 560 South 80th Street. **(District 5)**

***3-f** **16-1264** Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, March 1, 2017 from 6:00 P.M. to 9:00 P.M., at 560 South 80th Street. **(District 5)**

***3-g** **16-1265** Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, March 22, 2017 from 6:00 P.M. to 9:00 P.M., at 560 South 80th Street. **(District 5)**

***3-h** **16-1266** Venture Out Social Club Inc.

This is a one-day fraternal event to be held on Friday, December 23, 2016 from 3:00 P.M. to 5:30 P.M., at 5001 East Main Street. **(District 2)**

***3-i** **16-1267** Venture Out Social Club Inc.

This is a one-day fraternal event to be held on Saturday, March 11, 2017 from 2:00 P.M. to 4:00 P.M., at 5001 East Main Street. **(District 2)**

***3-j** **16-1268** Venture Out Social Club Inc.

This is a one-day fraternal event to be held on Friday, March 24, 2017 from 3:00 P.M. to 5:30 P.M., at 5001 East Main Street. **(District 2)**

***3-k** **16-1269** Nile Theater

A music venue with a bar is requesting a new Series 7 Beer and Wine Bar License for The Mantooth Group LLC, 105 West Main Street - Michelle Donovan, agent. The existing license held by The Mantooth Group LLC will change to an inactive status with the State and/or the ownership will be transferred. **(District 4)**

***3-l** **16-1271** Winco Foods #110

A grocery store with a Series 9 Liquor Store is requesting to add sampling privileges for Winco Foods LLC, 1235 South Power Road - Nicholas Carl Guttilla, agent. **(District 6)**

4 Take action on the following contracts:

- *4-a** **16-1284** Two-Year Renewal of the Term Contract for Procurement Card Program Services for Citywide Departments as requested by the Business Services Department (**Citywide**)

This program provides procurement cards and related services that provide efficient and cost effective tools for purchases and payments. The program provides spend controls, reporting tools, online review and approval of transactions, and rebate opportunities.

The City of Mesa has had a Procurement Card Program since 1998. The City has been using this Chandler cooperative contract for our procurement card program since January 2010. In FY 15/16, Mesa's program rebates were \$82,015 on \$6,130,934 in purchases.

The Business Services Department and Purchasing recommend authorizing a two-year renewal utilizing the City of Chandler cooperative contract with Bank of America.

- *4-b** **16-1281** Three-Year Term Contract for Replacement Automated Vehicle Location (AVL) Equipment and Related Services for Various City Departments (**Citywide**)

An AVL system allows for City vehicles to be tracked utilizing a GPS system, which helps manage City vehicles, including location, speed, idle time, and other data. It allows the City to pursue process improvements with both operational and cost efficiencies, as well as contribute to the safety of its employees. The new AVL system will replace the existing, outdated AVL equipment, of which more than half of the current AVL units will cease to operate after December 31, 2016 due to 2G network connectivity being phased out. The balance of the units will expire without available renewals.

The evaluation committee recommends awarding the contract to the highest scored proposal from Marshall and Associates, dba MarshallGIS, at \$310,841.10, plus project contingency of \$30,376.05, for a combined total award of \$341,217.15.

4-c [16-1280](#) Purchase of New Accident Diagramming Software for the Police Department (Single Response) **(Citywide)*

This purchase will provide user friendly, intuitive traffic collision software that has the flexibility to meet the needs of Police Patrol Officers completing basic diagrams, as well as the needs of the Traffic Unit detectives for more involved accident reconstruction scenes. The Arizona Department of Transportation requires Arizona police agencies to submit a traffic collision diagram with each Arizona Traffic Crash Report. This purchase will replace Microsoft Visio, the current software used by the Traffic Unit for accident reconstruction.

The Police Department and Purchasing recommend awarding the contract to the single and qualified proposal, FARO Technologies, Inc, at \$88,440.05, based on estimated requirements. The initial purchase is funded by Asset Forfeiture (RICO) Funds.

4-d [16-1234](#) Purchase of Upgraded Camera, Audio and Lighting Equipment for the Police Department's Central Community Room **(Citywide)*

The Police Department's Central Community Room is being upgraded and modified to further enhance its use for training, community meetings, and press conferences. Modifications will include the purchase and installation of presentation equipment to include cameras, monitors, audio systems and lighting equipment.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Southern California Sound Image, dba Sound Image, at \$40,805.66; and authorizing use of the Mohave Educational Services cooperative contract with Barbizon Lighting, at \$14,697.95; for the combined total award of \$55,503.61. The purchase is funded by the Capital Improvement Program through Capital - General Fund.

4-e [16-1279](#) Three-Year Term Contract for Accessible Pedestrian Signal (APS) Push Buttons for the Materials and Supply Warehouse (for the Transportation Department) **(Citywide)*

This contract will provide APS Push Buttons for the visually impaired and those needing assistance at traffic signalized intersections. The APS stations emit a locator tone and provide vibro-tactile feedback and a visual indication.

The Business Services and Transportation Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, JTB Supply Co., at \$52,800 annually, based on estimated requirements.

- *4-f** **16-1278** Purchase of Four Additional FleetMind Electronic Devices for Refuse Collection Trucks as requested by the Environmental Management and Sustainability Department (Sole Source) **(Citywide)**

The devices provide real-time information to drivers and dispatchers about a truck's load-weight, route status, service completion, vehicular telemetry, driver activities and more, and further manage a wide range of inputs from a vehicle's on-board systems such as cameras, scales, radio frequency identification (RFID) readers, tire pressure and fuel monitoring. The Department will increase their Automatic Side Loader fleet by four and the four Fleetmind units are needed for the new vehicles.

The Environmental Management and Sustainability Department and Purchasing recommend awarding the contract to the sole source vendor, FleetMind Solutions, Inc., at \$39,401.80, based on estimated requirements.

- *4-g** **16-1277** Purchase of Two New Supervisory Control and Data Acquisition (SCADA) Servers for the New Signal Butte Water Treatment Plant as requested by the Water Resources Department **(Citywide)**

The SCADA utilities system is used to monitor and control the four utilities; Water, Wastewater, Gas and Electric. Two new servers are needed for the new Signal Butte Water Treatment Plant at this time in order for timely installation and operation at the new plant.

The Water Resources Department and Purchasing recommend authorizing the purchase using the U.S. Communities / County of Fairfax, Virginia cooperative contract from the lowest quoted vendor, Insight Public Sector, at \$25,108.60.

- *4-h** **16-1283** 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. IDEXX is the sole provider of Colilert reagents, the only United States Environmental Protection Agency (USEPA) approved product for detection of coliforms and E. coli as required under the City's drinking water permit.

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-i** **16-1282** One-Year Term Contract for Analytical Equipment Components and Related Supplies for the Water Resources Department (Sole Source) **(Citywide)**

The City currently owns and operates Endress+Hauser analytical equipment at the City's water and wastewater plants. The equipment works together using digital communication technology, Memosens, which is proprietary technology developed and exclusively owned by Endress+Hauser.

The Water Resources Department and Purchasing recommend authorizing the term contract to the sole source vendor, Instrumentation and Controls LLC, at \$50,000, based on estimated requirements.

- *4-j** **16-1253** East Valley Arterial Travel Time Map **(Citywide)**

This project consists of Intelligent Transportation System improvements and will introduce an expanded congestion monitoring and travel time map/system. This project will implement anonymous re-identification sensors to detect and alert traffic operations staff of unexpected traffic delays caused primarily by crashes, incidents, break downs, road construction activities, special events, and extreme weather events. This automated field detection is intended to improve the ability to manage unexpected traffic events and mitigate their impacts.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Roadway Electric LLC, in the amount of \$679,565.50, plus an additional \$67,956.55 (10%) change order allowance. This allowance will only be utilized for approved change orders. Funding is available from the Federal Congestion Mitigation and Air Quality Improvement Project Management grants (87.62%) and local funds provided by the City of Mesa (1.81%), City of Tempe (6.76%), and Town of Gilbert (3.81%). The percentage of the cost share between the agencies is based on the number of sensors in each city, per the original authorized Intergovernmental Agreement.

5 Take action on the following resolutions:

- *5-a** **16-1315** Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Department of Public Safety to accept \$321,861 in Victims of Crime Act (VOCA) grant funds to be used for salaries and expenses for the Mesa Prosecutors Office Victim Services Unit. **(Citywide)**

- *5-b** **16-1312** Approving and authorizing the City Manager to enter into a Third Amendment to the Mesa Proving Grounds Pre-Annexation And Development Agreement with DMB Mesa Proving Grounds LLC, to re-allocate \$6.5M of the 2013 Street and Highway Bonds for improvements to Elliot Road. **(District 6)**

- *5-c [16-1276](#)** Approving and authorizing the City Manager to enter into addendums for two Purchase and Sale Agreements and an Amended and Restated Development Agreement with Mesa Housing Associates II, LLC, and MHA III, LLC, for the conveyance of approximately 2 acres of real property at the 50-100 blocks of West 1st Avenue for the development of a 3-story, 24-unit market-rate housing development and a 5-story, 71-unit affordable senior housing development, or alternatively developed as a market rate project. **(District 4)**
- *5-d [16-1275](#)** Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with various cities and towns for waste collection and transportation mutual aid. **(Citywide)**
- *5-e [16-1309](#)** Approving and authorizing the City Manager to enter into the First Amendment to the Development Agreement and Option Agreement with River View Hotel, LLC, for the development of hospitality and retail improvements adjacent to the Cubs Spring Training facilities by amending the retail reverter date and terminating the Right of First Refusal. **(District 1)**
- *5-f [16-1310](#)** Approving and authorizing the City Manager to approve the First Amendment to the Amended and Restated Operations and Maintenance Agreement with Valley Metro Rail, Inc. This amendment updates and creates new exhibits to provide greater clarity for the City's and Valley Metro's operation and maintenance responsibilities and makes other minor modifications to the existing agreement. **(Districts 3 and 4)**
- *5-g [16-1259](#)** Approving and authorizing the City Manager to enter into a Real Estate Transfer and Sale Agreement with Salt River Project, which will allow for the sale of portions of City-owned property located in Tract A of Knoell East and Tract B of Carriage Lane II, approximately one half mile west of Dobson Road, adjacent to the north side of the Western Canal, for a wellsite expansion. The City will receive \$36,000 for the transaction. **(District 3)**
- *5-h [16-1289](#)** Approving and authorizing the City Manager to enter into a Master Agreement with Cox Communications for Wireless Antenna on Existing Structure in Right-of-Way. **(Citywide)**
- Cox Communications will install, operate, and maintain wireless communication facilities on City-owned streetlights in the City's rights-of-way and public utility easements and will install new street light foundations and street lights before placing antennas. Cox Communications will also provide landscaping, various painting options and/or metal screening to blend with or enhance the aesthetics of each cabinet as directed by the City. This Agreement has an initial ten-year term with two optional five-year renewal terms. The City anticipates receiving \$20,814 annual revenue.

- *5-i [16-1290](#)** Approving and authorizing the City Manager to enter into an Aerial Strand-Mounted Equipment Master Agreement (ASME) with Cox Communications on existing structures in the right-of-way. **(Citywide)**
- Cox Communications will own, install, operate and maintain the aerial strand-mounted microcell equipment and related devices to transmit, process and receive voice and data wireless communications between utility poles in the right-of-way. This ASME Agreement has an initial ten-year term with two optional five-year renewal terms. A.R.S. Section 9-506 prohibits the City from charging a fee for Cox's use of the right-of-way for an ASME.
- *5-j [16-1313](#)** Approving and authorizing the City Manager to enter into Schedule 7 to Customer-Owned Substation Facilities Services Agreement with Salt River Project Agricultural and Power District for the design and construction of a redundant transformer at the City of Mesa's Greenfield Water Reclamation Plant's (GWRP's) Electrical Substation. The total fiscal impact of this agreement is \$2,525,236, which will be shared with the partners of the GWRP as follows: Mesa: \$1,055,548; Gilbert: \$1,005,044; and Queen Creek: \$464,643, subject to potential future reconciliation by the partners upon completion of various expansion projects at the Plant. **(District 6)**
- *5-k [16-1286](#)** Approving and authorizing the City Manager to enter into agreements with the United States Department of Energy Western Area Power Administration that will allow the City's electric utility to obtain services necessary for the connection of Mesa's local distribution system to, and the receipt of power and energy through, the electric transmission system, and also provide for the short term transaction of power and energy supplies consistent with actual system demand. These agreements will provide Balancing Authority Services and Resource Management Services to Mesa's electric utility and will include payments of the City's annual share of charges for area-wide reliability coordination. **(Districts 1 and 4)**
- *5-l [16-1256](#)** Approving the purchase of, and authorizing the City Manager or designee to enter into a contract for, a year round supply of 15 megawatts of firm electric power and associated energy for the City's electric distribution utility for a period up to 2 years. **(Districts 1 and 4)**
- 6 Introduction of the following ordinances and setting January 9, 2017 as the date of the public hearing on these ordinances:**
- *6-a [16-1296](#)** Creating a new Mesa City Code Title 6, Chapter 24 "Escort Services" requiring licensing for the provision of services by an escort, escort assistant or escort bureau, and making corresponding amendments to Mesa City Code Title 6, Chapter 16 "Sexually Oriented Businesses" consistent with the creation of Title 6, Chapter 24. **(Citywide)**

- *6-b** **16-1238** Amending Title 9, Chapter 1 "Right-of-Way Permits" of the Mesa City Code and adding pavement cut restrictions, pavement restoration fees and other regulations concerning construction work in the City right-of-way. **(Citywide)**

This amendment will add pavement cut restrictions and pavement restoration fees for work in the City right-of-way. The pavement restoration fees collected will be used for street maintenance, rehabilitation, and reconstruction. Adopting the proposed amendments and pavement restoration fee will have an overall revenue increase of approximately \$40,000 per year.

- *6-c** **16-1258** Z16-054 **(District 1)** 2200 block of East University Drive (north side). Located east of Gilbert Road on the north side of University Drive (2.11 ± acres). Rezoning from RS-6 to RM-2-BIZ; and Site Plan Review. This request will allow for attached single residence development. Doug Sweeney, Brighton Companies, LLC., applicant; David K. Stephens Trust, owner.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 6-0-1)

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

- *7-a** **16-1227** Z16-049 **(District 6)** 2400 to 2700 blocks of South Signal Butte Road (west side), 10000 through 10700 blocks of East Guadalupe Road (north side), and 2600 through 2700 blocks of South Crismon Road (east side). Located west of Signal Butte Road, north of Guadalupe Road and east of Crismon Road encompassing the entire Mulberry residential development. Modifying the project narrative associated with the Mulberry PAD (172.5 ± acres). Rezoning from RSL-2.5-PAD and RM-2-PAD to RSL-4.5-PAD on 43.4± acres in the 10000 through 10300 blocks of East Guadalupe Road and 2600 through 2700 blocks of South Crismon Road, known as Mulberry Parcel 5; and Site Plan Review. This request will allow for single residence development. Paul Dugas, applicant; Desert Vista 100, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *7-b** [16-1226](#) Z16-044 (**District 5**) Located east of the 200 to 400 blocks of North Power Road and south of the 6800 to 7000 blocks of East University Drive. Located east of Power Road and south of University Drive (15.8± acres). Rezoning from LC to RSL-2.5-PAD; and Site Plan Review. This request will allow for development of a single-residence subdivision. Mark Pugmire, Highland Communities, LLC, applicant; Highland Communities, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *7-c** [16-1231](#) Amending section 503.1.1 of the 2006 International Fire Code, as adopted in Title 7, Chapter 2, Section 3 of the Mesa City Code. (**Citywide**)

The amendment to Section 503.1.1 relates to fire apparatus access roads for buildings and facilities, and provides that the fire code official is authorized to increase the 150-foot dimension requirement when it is determined that other hazard-mitigating factors are present. The amendment also re-organizes the section for clarity.

- *7-d** [16-1237](#) Amending the Mesa City Code, Title 2, Chapter 25, Sections 1, 2, and 3, entitled "Independent Commission on Compensation for Elected Officials" (Commission), to increase minimum meeting and reporting time requirements and modify data collection requirements, as recommended by the Commission.

8 Take action on the following subdivision plat:

- *8-a** [16-1257](#) "Eastmark Development Unit 6 South Parcel 6-3" (**District 6**) The 10600 through 10800 blocks of East Point Twenty-Two Boulevard (north side). Located south of the southwest corner of Elliot Road and Signal Butte Road. 1 PCD commercial lot (11.38± acres). DMB Mesa Proving Grounds, LLC, developer. Daniel Hemken, P.E., Hoskin Ryan Consultants, Inc., engineer.

Items not on the Consent Agenda

- 9 Items from citizens present. (Maximum of three speakers for three minutes per speaker).**

10 Adjournment.

The Council may vote to hold an executive session for the purposes of obtaining legal advice from the City Attorney (A.R.S. §38-431.03A(3)) or to discuss and instruct the City Attorney regarding the City's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §38-431.03A(4))