



City of Mesa

*Council Chambers
57 E. First Street*

City Council

Meeting Agenda - Final

Monday, November 4, 2019

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 Mark Freeman - District 1

Councilmember Jeremy Whittaker - District 2

Councilmember Francisco Heredia - District 3

Councilmember Jennifer Duff - District 4

Councilmember David Luna - District 5

Councilmember Kevin Thompson - District 6

Mayor's Welcome**Roll Call**

(City Council members participate in person or by telephone conference call.)

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

***2** [19-1178](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

***3-a** [19-1162](#) Commemorative Air Force

This is a one-day event to be held on Saturday, March 14, 2020 from 5:00 P.M. to 11:00 P.M. at the Arizona Commemorative Air Force Museum, 2017 North Greenfield Road. **(District 5)**

***3-b** [19-1163](#) Downtown Mesa Association

This is a one-day event to be held on Saturday, November 23, 2019 from 1:00 P.M. to 7:00 P.M. at the Mesa Amphitheatre, 263 North Center Street. **(District 4)**

***3-c** [19-1164](#) Wings of Flight Foundation Inc.

This is a one-day event to be held on Saturday, December 7, 2019 from 6:00 P.M. to 12:30 A.M. and on Sunday, December 8, 2019 at Falcon Field Airport, 4863 East Falcon Drive. **(District 5)**

***3-d** **19-1166** Goldwater Brewing Co.

A brewery with a taproom is requesting a new Series 7 Beer and Wine Bar License for Goldwater Brewing Company @Longbow LLC, 5942 East Longbow Parkway, Suite 105 - Camila Alarcon, agent. There is no existing license at this location. **(District 5)**

***3-e** **19-1165** Party Pops

A spirituous liquor manufacturer is requesting a new Series 1 In-State Producer License for Party Pops LLC, 127 West Juanita Avenue, Suite 212 - Laurie Ann Winter, agent. There is no existing license at this location. **(District 3)**

***3-f** **19-1167** Circle K Store #9538

A convenience store is requesting a new Series 10 Beer and Wine Store License for Circle K Stores Inc., 9230 East University Drive - Kim Kenneth Kwiatkowski, agent. There is no existing license at this location. **(District 5)**

***3-g** **19-1168** Faby's Market

A convenience store is requesting a new Series 10 Beer and Wine Store License for Fabiola's Fabulous LLC, 726 East Broadway Road - Richard Lee Davenport, agent. The existing license held by Marisol Nutrition LLC will revert to the State. **(District 4)**

***3-h** **19-1169** Red White & Brew

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for POV Foods RWB LLC, 6740 East McDowell Road, Suite 102 - Rexford Jason Moffett, agent. The existing license held by Red White & Brew Bistros Inc. will revert to the State. **(District 5)**

***3-i** **19-1179** Downtown 12 West

A bar serving lunch and dinner is requesting a new Series 6 Bar License for Downtown 12 West LLC, 12 West Main Street - Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 4)**

4 Take action on the following contracts:***4-a [19-1152](#) One-Year Renewal of Excess Workers' Compensation Insurance and Workers' Compensation Self-Insurance Surety Bond **(Citywide)****

As a self-insured entity, state statute requires the City to obtain excess workers' compensation insurance and to provide a security deposit based on the total unpaid losses of open compensable workers' compensation claims, which is accomplished through securing a surety bond.

Staff recommends the purchase of an excess workers' compensation insurance policy from Safety National Casualty Corporation with a self-insured retention for \$1 million per accident/injury/illness policy limit, at \$311,609. And, Staff recommends the purchase of a workers' compensation self-insurance surety bond through Travelers Casualty and Surety Company of America for the rate of \$6.00 per every \$1,000 of unpaid losses.

4-b [19-1171](#) One-Year Renewal with a One-Year Renewal Option to the Term Contract for Automated Vehicle Location Equipment and Related Services for Various City Departments as requested by the Information Technology Department **(Citywide)*

In 2017, the City began utilizing an Automated Vehicle Location (AVL) solution for managing City vehicles by tracking location, speed, idle time, and other data. The functionality of the AVL solution has allowed the City to pursue process improvements with both operational and cost efficiencies, as well as contribute to the safety of City employees.

The Information Technology Department and Purchasing recommend authorizing the renewal with Marshall and Associates, dba MarshallGIS, at \$218,884 annually, based on estimated usage.

4-c [19-1176](#) One-Year Renewal with a One-Year Renewal Option to the Term Contract for Repair and Refurbishment Services of Metal Bins and Roll-Off Containers for the Environmental Management and Sustainability Department **(Citywide)*

This contract provides repair and refurbishment services of the metal bins and roll-off containers used to service the City's commercial and residential solid waste customers.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing the renewal with Wastebuilt, LLC; and Colby Welding & Radiator Inc.; at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-d** **19-1175** Three-Year Term Contract with Two Years of Renewal Options for Herbicide Application and Vegetation Removal Services for the Transportation Department **(Citywide)**

Transportation's Right of Way and Storm Drain Maintenance work groups have a need for on-call and/or scheduled general landscape maintenance services to protect City property and to ensure public safety. Services include pre and post herbicide applications and vegetation removal on unimproved right of ways, drainage easements, retention basins, and various associated areas throughout the City.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, URW, LLC, dba United Right of Way at \$360,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Local Streets Fund.

- *4-e** **19-1170** Purchase of Two Trailers (Replacement and Addition) for the Transportation Department (as requested by the Fleet Services Department) **(Citywide)**

One trailer will be used to transport backhoes, skip loaders, and other equipment. It will replace a trailer that has met established criteria and will be either traded, auctioned, sold, or deployed to special uses. The second trailer will be used to transport the loader for Transportation's new debris pick-up program.

The Transportation and Fleet Services Departments and Purchasing recommend authorizing the purchase using the National Joint Powers Alliance (NJPA) cooperative contract with Empire Truck and Trailer (a Mesa business), at \$81,382.09. This purchase is funded by the Local Streets.

- *4-f** **19-1180** Three-Year Term Contract with Two Years of Renewal Options for General Motors OEM Auto and Light-Duty Truck Parts for the Fleet Services Department **(Citywide)**

This contract will provide General Motors OEM parts to maintain the City's fleet of sedans, light duty trucks, and vans. Fleet Services maintains approximately 101 automobiles and 472 vans and light duty trucks.

The Fleet Services Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Courtesy Chevrolet at \$450,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-g** **19-1111** One-Year Renewal with a One-Year Renewal Option to the Term Contract for Major Repair Services for Caterpillar Generators for the Water Resources, Energy Resources, and Parks, Recreation and Community Facilities Departments **(Citywide)**

This contract provides required OEM scheduled maintenance, diagnostic, and repair services for Caterpillar emergency generators. Water Resources has been using this contract since 2017. In October of 2019, Energy Resources and Parks, Recreation and Community Facilities were added as authorized departments to use this contract in order to maintain their Caterpillar emergency generators.

The Water Resources, Energy Resources, and Parks, Recreation and Community Facilities Departments and Purchasing recommend authorizing the renewal using the Omnia Partners (formerly National IPA), City of Tucson cooperative contract with Empire Southwest, dba Empire Power Solutions (a Mesa business), at \$270,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h** **19-1172** Three-Year Term Contract with Two Years of Renewal Options for Automobile Dealers Eligibility List for Citywide Departments as requested by the Fleet Services and Mesa Fire and Medical Departments **(Citywide)**

This contract will provide a non-exclusive, pre-approved list of auto dealers to provide the purchase, delivery, warranties and full-service warranty maintenance of new vehicles. This will change the City's current procurement process for vehicle purchases. The City will not issue solicitations throughout the year, instead staff will request competitive quotes from the pre-approved vendors, awarding to the lowest price, responsive quote. Staff believes the automotive dealer eligibility list will streamline and significantly expedite the City's vehicle purchase process.

An evaluation committee recommends awarding the contract to the qualified and responsive proposals from Courtesy Auto of Mesa, LLC, dba Courtesy Chrysler Dodge Jeep Ram of Superstition Springs (a Mesa business); Courtesy Chevrolet; Findlay Automotive, dba Findlay Auto; Larry H Miller Ford (a Mesa business); Midway Chevrolet Company, LLC, dba Midway Chevrolet; PFVT Motors, LLC, dba Peoria Ford; and San Tan Auto Partners, LLC, dba San Tan Ford; at \$3,700,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-i** **19-1173** Extension and Dollar-Limit Increase to the Term Contract for Heavy-Duty Automotive Body Repair Services for the Fleet Services Department **(Citywide)**

Extending this contract is necessary to allow time to rebid the contract or look for a cooperative contract to meet the City's needs going forward. Additionally, the City currently has a heavy-duty Parks dump truck and a Solid Waste refuse truck that require significant body repair services estimated at \$55,000.

The Fleet Services Department and Purchasing recommend extending the contract through April 6, 2020; and increasing the dollar-limit by \$150,000 with Rush Truck Center - Phoenix, Vanguard Truck Center, Freightliner of Arizona, and MAACO Collision Repair (a Mesa business); from \$100,000 to \$250,000 through the contract extension, based on estimated requirements.

- *4-j** **19-1174** Baseline Road Improvements (24th Street to Consolidated Canal) and Val Vista Drive Improvements (Baseline Road to U.S. 60) Project **(Districts 2 and 3)**

On November 5, 2018, City Council awarded the roadway improvements project along Baseline Road (24th Street to Consolidated Canal) and Val Vista Drive (Baseline Road to U.S. 60) to Nesbitt Contracting Company, Inc. During construction, a review of the Val Vista Drive pavement showed signs of moderate to heavy deterioration that was not identified during design. After evaluating the existing pavement, City staff recommends adding to the project scope-of-work the replacement of all the pavement, rather than just the surface, as was originally quoted.

Staff recommends authorizing an increase to the contract for Nesbitt Contracting Company, Inc., by \$400,000, from \$6,272,787.13 to a total of \$6,672,787.13 for the added scope-of-work. The original project is funded by the authorized 2008 Street bonds, 2013 Street bonds, and 2010 Gas bonds. The additional work is funded by Highway User Recovery Funds (HURF).

***4-k [19-1122](#) Commercial Water Meter Assemblies Project - Phase 11B (Districts 1 and 3)**

This is an ongoing improvement project to replace older commercial meters that have meet their service life. These meters are currently in underground vaults. These vaults no longer meet OSHA Confined Space regulations. Since 2007 over 230 of 510 meters have been replaced throughout the City of Mesa.

The scope for this phase of the project includes rehabilitating 15 commercial water meter assemblies at 10 sites including replacing the underground meter assemblies with assemblies constructed above ground.

Staff recommends awarding the contract for this project to the lowest responsible bidder, Harrison\Downey Construction, for the GMP of \$628,660.87, and authorizing a change order allowance in the amount of \$62,866.09 (10%), for a total amount of \$691,526.96. This project is funded by 2014 authorized Water bonds.

***4-l [19-1181](#) Mesa City Center - First Guaranteed Maximum Price (GMP No. 1) - City Infrastructure Improvements (District 4)**

GMP No. 1 includes improvements to the City's infrastructure necessary to support the ASU building, the Plaza, the Studios, as well as future development and improvements in the area. The infrastructure work includes water, sewer, electric, gas, and communications facilities, as well as vehicular and pedestrian access improvements, street repair, and street repaving.

Staff recommends awarding a contract for this project to the selected Construction Manager at Risk, DPR Construction, in the amount of \$4,896.762 (GMP) and authorizing a change order allowance in the amount of \$489,676 (10%), for a total amount of \$5,386,438. This project is funded by Utility Bonds, 2018 Public Safety Bonds, ITD operating budge, and 2013 Streets General Obligation Bonds.

4-m [19-1211](#) Authorizing the Mayor to sign an amendment to the employment contract with the City Auditor.**4-n [19-1212](#) Authorizing the Mayor to sign an amendment to the employment contract with the City Clerk.*****4-o [19-1213](#) Authorizing the Mayor to sign an amendment to the employment contract with the City Attorney.*****4-p [19-1214](#) Authorizing the Mayor to sign an amendment to the employment contract with the City Manager.**

5 Take action on the following resolutions:

- *5-a** [19-1138](#) Approving and authorizing the the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Water Resources for the Regional Water - Use it Wisely™ media campaign. **(Citywide)**
- *5-b** [19-1139](#) Approving and authorizing the the City Manager to enter into the First Amendment to the Intergovernmental Agreement with the City of Tempe to reflect the change in advertising providers for the Regional Water - Use it Wisely™ media campaign. **(Citywide)**
- *5-c** [19-1140](#) Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$42,500 in grant funds for equipment, reoccurring subscriptions, and training for the Police Department's Terrorism Liaison Program. **(Citywide)**
- *5-d** [19-1141](#) Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$180,000 in grant funds for equipment and training to support and sustain the Police Department's Rapid Response Task Force. **(Citywide)**
- *5-e** [19-1142](#) Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$72,179 in grant funds for an Aviation Video Downlink system for the Police Department's Aviation Division. **(Citywide)**
- *5-f** [19-1154](#) Extinguishing a temporary retention easement located at the northeast corner of South Power Road and East Ray Road to allow for the development of a mixed-use retail and condominium project; requested by the City. A new drainage easement is being dedicated during the development process. **(District 6)**
- *5-g** [19-1155](#) Extinguishing a public utilities easement located at 2439 East Catalina Avenue for the purpose of gaining compliance with the City code regarding building a permanent structure over a public utilities easement; requested by the property owner. **(District 2)**
- *5-h** [19-1156](#) Approving the Electric Integrated Resource Plan (IRP) in conformance with federal regulations (10 CFR 905.11) that qualifies the City of Mesa to receive electric power generated at federally-owned hydroelectric plants. The IRP is a systematic approach to identify and select resources to meet our customers' electric needs. The IRP will be submitted to the Western Area Power Administration upon Council approval. **(Districts 1 and 4)**

- *5-i** **19-1157** Approving the purchase of, and authorizing the City Manager to enter into contracts with terms of up to three years for two firm electric power supplies and associated energy of up to 10 Megawatts ("MW") each with final average pricing of not greater than \$90/MW hour (Peak Supply) and \$40/MW hour (Base Supply). **(Districts 1 and 4)**
- *5-j** **19-1158** Approving the purchase of, and authorizing the City Manager to enter into contracts with terms of up to twenty five years for renewable electric power supplies and associated energy of up to 15 Megawatts ("MW") with final average pricing structure subject to the final capacity but in no instance to exceed \$32/MWh without energy storage and \$42/MWh with energy storage. **(Districts 1 and 4)**
- *5-k** **19-1124** Approving and authorizing the City Manager to enter into a Third Amendment to the Amended and Restated Development Agreement with MHA III, LLC for the development of approximately 1.6± acres of property generally located at the southeast corner of 1st Avenue and Macdonald. The proposed Third Amendment extends the deadline to complete construction of the 72-unit market-rate multi-family project to December 2021. **(District 4)**

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

- *6-a** **19-1089** ZON19-00444 **(District 5)** Within the 7100 through 7200 blocks of East University Drive and within the 100 through 400 blocks of North Sunvalley Boulevard. Located west of Sossaman Road, on the south side of University Drive (11± acres). Modification of an approved PAD and associated conditions of approval; and Site Plan Modification. This request will allow amendment to remove a condition of approval limiting the square footage allowed for medical offices. Dorothy Shupe, Sketch Architecture Company, applicant; Baywood Square Owners Association, Arbor 5800, LLC, Balance Capital, LLC, Bodo Park Holdings, LLC, Shepherd Enterprises, LLC, Blackstone Charitable Trust, Pinion Properties, LLC, B&B Office Condo, LLC, Advanced Equity International, LLC, Kelley Shepherd Holding, LLC, Lodoc Investments, LLC, Branberger Investments, LLC, Bogle Building, LLC, JAI LAXMI, LLC, Faith Edward, LLC, G to G, LLC, owners.

Staff Recommendation: Approval with conditions

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

- *6-b** [19-0674](#) ZON18-00891 (**District 3**) 535 West Baseline Road. Located west of Country Club Drive on the south side of Baseline Road (1.4± acres). Rezone from NC to LI. This request will allow for the development of an industrial use. Matthew Rettig, applicant; PDE Investments, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

For continuation to the November 18, 2019 City Council meeting.

7 Take action on the following subdivision plats:

- *7-a** [19-1147](#) “Map of Dedication for Legends of Mesa” (**District 5**) Located within the 8400 block of East Broadway Road (north side) and within the 200 to 400 blocks of South Hawes Road (east side). Located on the northeast corner of Broadway Road and Hawes Road (±8.69 acres). Route 60 and the 202, LLC, developer; James A. Brucci, Hunter Engineering, surveyor.

- *7-b** [19-1190](#) “Power Square - A Condominium Plat” (**District 6**) 2055 South Power Road. Located on the southeast corner of Power and Baseline Roads. 2 LC-PAD condominium units (10.13± acres). Infinity Mesa, LLC, developer; Phillip C. Williams, RB Williams & Associates, Inc., surveyor.

8 Adoption of the following Notice of Intention and setting January 27, 2020 as the date of the public hearing:

- *8-a** [19-1050](#) Notice of Intention to adjust utility rates.

Items not on the Consent Agenda

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

- 9-a** [19-1028](#) ZON19-00440 (**District 2**) 1728 South Greenfield Road. Located south of the US 60-Superstition Freeway and west of Greenfield Road (7.2± acres). Rezone from Light Industrial (LI) with a Council Use Permit (CUP) to Limited Commercial (LC) with a Council Use Permit for a pawn shop; and Site Plan Review. This request will allow a pawn shop within an existing group commercial center. RKA Architects, applicant; HH-Greenfield Gateway LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation for Approval: Procedural denial (Vote: 3-3)

- 9-b** **19-1090** ZON19-00473 (**District 6**) Within the 3100 block of South Eastridge (east side). Located south of Guadalupe Road and east of Hawes Road (4.2± acres). Rezone from RS-6 to RM-2 PAD; and Site Plan Review. This request will allow for the development of a multi-residence development. Sean Lake, Pew and Lake, P.L.C., applicant; James Render, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Vote for approval failed (Vote: 2-3)

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

- 11** **Adjournment.¹**

¹ Prior to adjournment, at this Council meeting, the City Council may vote to go into executive session for legal advice on any item listed on this agenda pursuant to A.R.S. §38-431.03(A)(3); this notice is given pursuant to A.R.S. §38-431.02 to the members of the City Council and the public.