



COUNCIL MINUTES

March 23, 2015

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 23, 2015 at 5:46 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Mayor's Welcome.

Invocation by Pastor Jim Glesne with Victory Lutheran Church.

Pledge of Allegiance was led by Steve Ikeda.

Awards, Recognitions and Announcements.

Diversity Program Administrator Ruth Giese and Community Revitalization Coordinator Dennis Newburn addressed the Council.

Ms. Giese reported that April has been proclaimed Fair Housing Month in Mesa and across the nation. She explained that April 11th marks the anniversary of the passage of the Fair Housing Act of 1968. She said that the Act sought to eliminate discrimination in housing opportunities and affirmatively further housing choices for all Americans.

Ms. Giese, in addition, noted that the City of Mesa is committed to supporting programs that educate the public with respect to equal housing opportunities by promoting equality in the community and developing partnerships with other organizations to ensure that every resident in Mesa has the right to fair housing. She remarked that in recent years, the City of Mesa has awarded federal grant funds for a variety of housing projects such as La Mesita, Desert Leaf Apartments, Save the Family Escobedo Apartments, Legacy on Main Apartments and A New Leaf - Autumn House Homeless Services. She added that all of those entities comply with the Fair Housing Act guidelines.

Mayor Giles presented a proclamation declaring April as Fair Housing Month to Ms. Giese and Mr. Newburn.

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.

Mayor Giles stated that a citizen has requested that item 6-a be removed from the consent agenda.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Luna, that the consent agenda items, as modified, be approved.

Carried unanimously.

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

Minutes from the February 11 and 19 and March 2 and 5, 2015 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Looking Glass Youth and Family Services Inc.

This is a one-day charitable event to be held on Saturday, March 28, 2015 from 7:00 p.m. to 2:30 a.m., at 43 West 6th Avenue. **(District 4)**

*3-b. A New Leaf Foundation

This is a one-day charitable event to be held on Friday, April 10, 2015 from 6:30 p.m. to 9:00 p.m., at 10100 East Ray Road. **(District 6)**

*3-c. A New Leaf Foundation

This is a one-day charitable event to be held on Friday, May 1, 2015 from 6:30 p.m. to 9:00 p.m., at 10100 East Ray Road. **(District 6)**

*3-d. Arizona Museum of Natural History Foundation

This is a one-day charitable event to be held on Friday, April 24, 2015 from 5:00 p.m. to 11:59 p.m., at 53 North Macdonald. **(District 4)**

*3-e. Sun Sounds Foundation

This is a one-day charitable event to be held on Saturday, April 18, 2015 from 4:00 p.m. to 9:00 p.m., at 2330 West Rio Salado Parkway. **(District 1)**

*3-f. The Care Fund

This is a one-day charitable event to be held on Saturday, April 18, 2015 from 5:00 p.m. to 10:00 p.m., at 10100 East Ray Road. **(District 6)**

*3-g. One Stop Food Mart & Deli

A convenience store is requesting a new Series 10 Beer and Wine Store License for Arvinder Singh, Sole Proprietor, at 1620 West University Drive, Suite 1. The existing license held by VGS C-Stores LLC, will revert back to the State. **(District 3)**

4. Take action on the following contracts:

*4-a. Three-Year Term Contract for Citywide Temporary Agency Worker Services for the Human Resources Department. **(Citywide)**

City departments use temporary workers to fill in for absent employees, handle special assignments and programs, relieve work overload and staff positions where it is more cost effective than hiring permanent employees. In addition, the Arts and Culture and Parks, Recreation and Commercial Facilities Departments use temporary workers for activities and sports and recreation programs.

An evaluation committee representing Human Resources, various City Departments and Purchasing evaluated responses, and recommends awarding the contract to the highest scored proposals from AllStaff Services Inc.; Creative Human Resources Concepts LLC (a Mesa business); Devau Human Resources; and GCA Services Group Mountain States, LP, at \$5,920,000.00 annually, based on estimated requirements.

*4-b. One-Year Renewal of the Term Contract for Presort Mail Services for the Business Services Department. **(Citywide)**

This contract provides a presort mail company to process the City's residual mail, sorting and barcoding to qualify for first class automation discounts and submitting to the Post Office.

Business Services and Purchasing recommend authorizing a one-year renewal with Pitney Bowes Presort Services, Inc. at \$32,000.00, based on estimated requirements.

*4-c. Purchase of a Disk Backup System (Replacing Disaster Recovery Tape System) for the Information Technology Department. **(Citywide)**

The current tape library system for disaster recovery uses a tape format that is three generations old and near end of life. The annual maintenance cost of this system is becoming cost prohibitive and the risk of unreliable backups has been increasing. This purchase will replace the system with the same disk-based system currently in place at the Data Center, providing the redundancy needed for the City's backup data at a separate location and eliminating the cost of the tape library maintenance, tapes and transport of these tapes to an off-site location.

The Information Technology Department and Purchasing recommend authorizing the purchase using the Mohave Educational Services Cooperative contract with Safari Micro, Inc., at \$70,682.84.

*4-d. Dollar-Limit Increase to the Term Contract for Legal Process Services for the Photo Safety Program as requested by the Police Department. **(Citywide)**

This contract provides a Registered Process Service to deliver summonses to defendants named on photo safety complaints. This contract has been extended six months through June 30, 2015 to solicit proposals for a new contract award.

There is no contract cost to the City since the defendant pays the service fees. The City receives that payment and has to process a settlement payment with the vendor each month. A contract limit must be identified in order to allow the settlement payment to the vendor.

The Police Department and Purchasing recommend authorizing a dollar-limit increase of \$124,000.00 with Hot Shot Delivery Inc., dba Hot Shot, from \$455,000.00 to \$579,000.00, through June 30, 2015.

- *4-e. Three-Month Term Contract for Promotional Materials for the Fire and Medical Department. **(Citywide) (THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.)**

The Mesa Fire and Medical Department's educational programs use promotional items for classes, presentations, and community events. Brite Innovations, the current contract vendor, is no longer accepting orders. The Department has requested to use the Maricopa County contract through the end of this fiscal year.

The Fire and Medical Department and Purchasing recommend authorizing the use of the Maricopa County cooperative contract awarded to multiple vendors for three months, at \$34,700.00, through June 30, 2015.

- *4-f. Purchase of 350 Replacement Self-Contained Breathing Apparatus (SCBA) and Related Equipment for the Mesa and Superstition Fire and Medical Departments (Single Bid). **(Citywide)**

The Mesa Fire and Medical Department (MFMD) has requested the replacement of SCBA equipment, as well as related face pieces and cylinders. The current equipment is more than a decade old and does not meet current National Fire Protection Association Standards. MFMD estimates trading in approximately 200 older SCBAs. This purchase is a combined purchase for MFMD and Superstition Fire and Medical District.

The Fire and Medical Department and Purchasing recommend awarding the contract to the single bidder, Municipal Emergency Services, at \$2,698,766.58, based on estimated requirements. This total amount for both agencies is funded by: 90% grant funded from FEMA and DHS (\$2,428,889.92) and \$231,936.69 through the Mesa Fire and Medical operating budget and \$37,939.97 from Superstition Fire and Medical District.

- *4-g. Purchase of a Hosted Event Booking Solution for the Arts & Culture and Parks, Recreation and Commercial Facilities Departments. **(Citywide)**

The Mesa Arts Center and the Convention Center use an automated software package and a number of complex spreadsheets for booking and managing performance engagements, space rentals and preparing financial statements and invoices at the close of engagements. These systems are cumbersome and outdated. The proposed solution is widely used internationally and is specifically designed to support performance and event venues.

An evaluation committee representing the Mesa Arts Center, Parks, Recreation and Commercial Facilities, Information Technology and Purchasing evaluated responses, and recommends awarding the contract to the highest scored proposal, Ungerboeck Systems International, Inc., at \$134,873.24; and a project contingency of \$15,126.76, for a total award of \$150,000.00. The ongoing annual subscription cost is estimated at \$63,000.00.

- *4-h. Three-Year Term Contract for Deceased Animal Collection Services for the Neighborhood Outreach/Animal Control Department. **(Citywide)**

This contract will provide a vendor to collect and dispose of deceased animals that are reported within the City. The contractor is responsible for proper disposal by cremation or other means in accordance with the standards and methods of the Maricopa County Health Department.

The Neighborhood Outreach/Animal Control Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, APM/Couts Enterprises, Inc., dba Arizona Pet Mortuary, at \$54,000.00 annually, based on estimated requirements.

- *4-i. Three-Year Term Contract for Refurbishing and Galvanizing Services for Traffic Signal Poles for the Materials and Supply Warehouse (for the Transportation Department) (Single Bid). **(Citywide)**

This contract will provide refurbishing and galvanizing services for used painted traffic signal poles and arms. The Materials and Supply Warehouse stores the poles and mast arms that have been turned in from various projects. If still in usable condition, these items can be refurbished to like-new condition.

Business Services and Purchasing recommend awarding the contract to single bidder, Cem-Tec, at \$29,200.00 annually, based on estimated requirements.

- *4-j. One-Year Renewal of the Term Contract for Electric Motors, Purchases and Repairs/Rewinds for the Water Resources Department. **(Citywide)**

This contract provides three qualified contractors (one primary and two secondary) to provide electric motor repair and rewind service and furnish and install various motors needed throughout the City's water and wastewater systems, as needed. The three contractors competitively quote each motor as they are needed.

The Water Resources Department and Purchasing recommend authorizing a one-year renewal with Keller Electrical Industries, Inc. (primary); Laron, Incorporated (secondary); and Precision Electric Co., Inc. (a Mesa business) (secondary); cumulatively not to exceed \$100,000.00 annually.

- *4-k. Three-Year Term Contract for Pull and Valve Boxes for the Materials and Supply Warehouse (for Water Resources and Energy Resources Departments). **(Citywide)**

This contract will provide pull and valve boxes for new service installations and repair work done by the Water Resources and Energy Resources Departments. Materials and Supply orders and maintains stock inventory as needed.

Materials and Supply, Water Resources, Energy Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, FWC Supply LLC, dba Farnsworth Wholesale Co.; and MacLean Power LLC, dba MacLean Power Systems, at \$77,200.00 annually, based on estimated requirements.

- *4-l Three-Year Term Contract for Asphalt Materials for the Transportation, Energy and Water Resources Departments. **(Citywide)**

This contract will provide hot mix asphalt for the repair of City streets by the Transportation Department and cold mix asphalt for temporary repairs by the Energy and Water Resources Departments.

The evaluation committee recommends awarding the contract to the highest scored proposals from Vulcan Materials Co. and Fisher Sand and Gravel Co., dba Southwest Asphalt, at \$789,000.00 annually, based on estimated requirements.

- *4-m. Purchase of One Replacement Medium-Duty Cab and Chassis Service Body Vehicle for the Transportation Department. **(Citywide)**

This purchase will provide a 2015 Ford F-350, 4x2 regular cab and chassis utility truck. The vehicle being replaced has been damaged beyond repair. A replacement vehicle is needed as soon as possible and using the State contract will allow timely replacement.

Fleet Services, Transportation and Purchasing recommend authorizing purchase from the State of Arizona cooperative contract with PFVT Motors Inc., at \$25,094.53. This purchase is funded by the Vehicle Replacement Fund.

- *4-n. Purchase of One Replacement Wheel Loader for the Transportation Department. **(Citywide)**

This purchase will provide a rubber-tired wheel loader with all-wheel drive to support daily operations for the Transportation Department. The vehicle being replaced meets established criteria and will be sold at auction.

Fleet Services and Transportation Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Empire Southwest, LLC (a Mesa business), at \$173,162.01. This purchase is funded by the Vehicle Replacement Fund.

- *4-o. Dobson Ranch Library Improvements for the Library Services Department. **(Citywide)**

This contract will provide three interior meeting/study room spaces including furniture. The meeting rooms will be flexible in regards to the mobility of the furnishings in each room and the rooms can be relocated or modified if and when future space needs change.

The Library Services Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Target Commercial Interiors, at \$29,012.93.

*4-p. Signal Butte Water Treatment Plant. **(District 6)**

This project will construct a new water treatment plant at the northeast corner of Signal Butte and Elliot Roads to treat Colorado River water supplied via the Central Arizona Project (CAP) canal to drinking water standards.

Recommendation of Sundt Construction as the Construction Manager at Risk (CMAR) for this project, and execute a Pre-Construction Phase Services contract with Sundt Construction in the amount of \$865,022.00. The funding is available from 2014 authorized Water Bonds.

*4-q. Fire Station 203, Construction Manager at Risk, Pre-Construction Services Contract. **(District 3)**

This project will replace the existing Fire Station 203 to a single-story facility with approximately 12,000 square feet of operational space, and will include three drive-thru apparatus bays and other associated operations-based functions for a typical fire station.

Recommend award of the pre-construction services contract to FCI Constructors, Inc., in the amount of \$37,000.00. The project is funded by 2013 authorized Public Safety Bonds.

5. Take action on the following resolutions:

*5-a. Approving modified Fees and Charges for the Parks, Recreation and Commercial Facilities Department **(Citywide)** – Resolution No. 10584.

*5-b. Extinguishing a temporary easement for drainage at 1740 South Country Club Drive **(District 3)** – Resolution No. 10585.

The property owner has requested the City extinguish a 40-foot temporary easement for drainage along the north property line of 1740 South Country Club Drive to accommodate development.

*5-c. Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Department of Homeland Security to accept \$48,340 of reallocated grant funds for equipment, training and planning for the Fire Department's Rapid Response Team **(Citywide)** – Resolution No. 10586.

*5-d. Extinguishing portions of multiple easements located on the property at 2318 South Country Club Drive **(District 3)** – Resolution No. 10587.

The property owner has requested the City extinguish those portions of easements incompatible with the multifamily residential development of the property. Public easements that accommodate the new development have been dedicated by the property owner and existing utilities are being relocated into the new easements.

*5-e. Approving and authorizing the City Manager to enter into six Wireless Antenna Licenses with Verizon Wireless LLC, and approving a form license for future Verizon Wireless installations on City assets in the rights-of-way and public easements **(Citywide)** – Resolution No. 10588.

6. Discuss, receive public comment, and take action on the following zoning case:

6-a. See: **(Items not on the Consent Agenda)**

7. Introduction of the following ordinance and setting April 6, 2015 as the date of the public hearing on this ordinance:

*7-a. Amending the Mesa City Code; Title 6 (Police Regulations), Chapter 22 (Convenience Stores), Sections 2, 6, 9, 10, 11, 12, 13 and 14 for the purposes of simplification and clarification. **(Citywide)**

8. Take action on the following subdivision plats:

*8-a. "Riverview Village" **(District 1)** 1008, 1058, 1060 and 1102 West McLellan Road. East of the southeast corner of the 202 Red Mountain Freeway and Alma School Road. A single-residence small-lot subdivision 73 RSL-4.5 PAD lots (12.8± acres). DR Horton, Inc. owner; Christopher Lenz, P.E., United Engineering Group, engineer.

*8-b. "Map of Dedication for Mountain Bridge – East McKellips Road" **(District 5)** The 8800 to 9300 blocks of East McKellips Road. Located east and west of Ellsworth Road on McKellips Road (5.85± acres). Pinnacle Ridge Holdings, LLC, owner; Darrell Smith, P.E., Atwell Group, engineer.

*8-c. "Map of Dedication for Mountain Bridge – North Ellsworth Road" **(District 5)** The 1600 to 2400 blocks of North Ellsworth Road. Located north of Brown Road and south of McDowell Road on Ellsworth Road (10.47± acres). Pinnacle Ridge Holdings, LLC, owner; Darrell Smith, P.E., Atwell Group, engineer.

9. Take action on the following resolution and final subdivision plat for "Villages at Country Club Amended II" located at 1367 South Country Club Drive:

*9-a. Resolution approving and authorizing the City Manager to enter into a Development Agreement with VACC, LLC to facilitate development of the property located at 1367 South Country Club Drive **(District 4)** – Resolution No. 10589.

*9-b. "Villages at Country Club Amended II" **(District 4)** Final plat for the 130 to 150 block of West Southern Avenue (south side) and the 1300 to 1400 block of South Country Club Drive (east side). Located south of Southern Avenue and east of Country Club Drive (38± acres). Michael Zipprich, VACC, LLC, owner; Larry Sullivan, P.E., Coe & Van Loo Consultants, Inc., engineer – Resolution No. 10590.

Items not on the Consent Agenda

6-a. **Z15-007 (District 4)** 108 East 2nd Avenue and 161 South Sirrine. Located south of Main Street on the east side of Sirrine (.97± acres). Rezone from DR-2 to DB-1-BIZ with a Council Use Permit and Site Plan Modification. This request will allow for the limited expansion of an existing substance abuse and detoxification treatment center. Mark Bowker, The Pixolux Laboratory, LLC, applicant; Phillip Westbrooks, owner.

(A "Yes" vote will be for denial of the zoning case, as recommended by the Planning and Zoning Board.)

Staff Recommendation: Denial

P&Z Board Recommendation: Denial (Vote: 6-0, Vice Chair Johnson absent.)

Phillip Westbrooks, the owner of The River Source Treatment Center, addressed the Council relative to this item. He reported that an existing building on a portion of the property is uninhabitable and noted that his goal was to improve the neighborhood through the construction of a new structure, which would afford additional square footage for the patients. He stated that in working with City staff, it was his understanding that it would be necessary to rezone the property in order to improve the building. He pointed out, however, that he was not interested in rezoning, but simply improving the property.

Mr. Westbrooks further remarked that he was willing to enter into a development agreement with the City to ensure that the current land use on the property remains the same. He also indicated that several months ago at a neighborhood meeting, the adjacent residents voiced concern with respect to rezoning the property to allow commercial uses.

Vice Mayor Kavanaugh inquired if staff and Mr. Westbrooks discussed the possibility of drafting a development agreement not only to resolve some of the neighbors' concerns, but also to allow improvements to the facility.

Planning Director John Wesley confirmed that staff and Mr. Westbrooks discussed the idea of a development agreement as an option. He stated that such consideration was also discussed by staff and the Planning and Zoning (P&Z) Board. He noted that if staff moved forward with the rezoning, a development agreement would be recommended. He pointed out, however, that such a document would restrict the uses to what are currently permitted in the existing DR-2 zoning, with the only exception being the Council Use Permit for a social service facility. He indicated that staff had some concerns with the preexisting non-conforming nature of the use and the neighbors' desire not to see the expansion of such use. He added that staff concluded that the expansion of the facility would not be consistent with the future development plans for the area.

Agustin Gastelum, a Mesa resident who lives across the street from the facility, acknowledged that the treatment center has been a good neighbor. He noted, however, that with the development of the City of Mesa's Central Main Plan, the applicant's request is not in the best interest of the community in the future. He urged that the Council maintain the area as a residential neighborhood and deny the application.

It was moved by Councilmember Richins, seconded by Councilmember Finter, that denial of Zoning Case Z15-007, as recommended by the Planning and Zoning Board, be approved.

Carried unanimously.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:07 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 23rd day of March 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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