

## COUNCIL MINUTES

May 4, 2015

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 4, 2015 at 6:02 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 Perry Emerick with Central Christian Church.

Pledge of Allegiance was led by Augie Gastelum.

Awards, Recognitions and Announcements.

Mayor Giles stated that four years ago, the City of Mesa created the Extraordinary Properties campaign, which recognizes Mesa residents and businesses for the pride that they take in their property. He explained that tonight, the Council is recognizing the twelfth group of recipients. He introduced Deputy Director of Development and Sustainability Laura Hyneman, who provided a brief historical overview of the campaign.

Ms. Hyneman reported that nominations for Extraordinary Properties are received from community members and Code Compliance Officers who work in Mesa neighborhoods on a daily basis. She explained that twice a year, a citizen panel reviews the nominations and selects the winners. She advised that tonight's recipients include three commercial properties, all of which are unique and extraordinary. She noted that the winners will receive a certificate and an Extraordinary Properties sign that will be displayed at their businesses for three months.

The Extraordinary Properties winners were recognized as follows:

- Empire Southwest – Award presented by Mayor Giles and Vice Mayor Kavanaugh
- Bark Avenue – Award presented by Mayor Giles and Councilmember Richins
- Republica Empanada – Award presented by Mayor Giles and Councilmember Glover

Ms. Hyneman congratulated the recipients and also acknowledged the members of the Extraordinary Properties Citizen Panel, including Linda Flick, Cynthia Dunham, Pat Gilbert and Stephanie Wright. She further commented that nominations are being accepted for the next group of Extraordinary Properties winners.

Mayor Giles thanked the winners and stated that their efforts and hard work were worthy of recognition.

Councilmember Glover stated that last October when he met with a group of high school students, he was struck by the number of great ideas they had. He explained that in an effort to foster those ideas, he decided to sponsor the Mesa 250/250 Challenge to all students in grades 6 through 12. He noted that the purpose of the challenge was for the students to respond to the following question: "In 250 words or less, how would you make Mesa a better place with \$250?"

Councilmember Glover commented that the City received many great ideas and invited the two winners to come forward and be recognized as follows:

- Eric Schneck, a junior at Mountain View High School, came up with the idea of promoting a summer reading program for elementary school children and ensuring that they had a sufficient supply of age-appropriate books to read. Eric worked with Bookman's Entertainment Exchange in an effort to purchase more than 100 books and also partnered with the Mesa United Way to distribute the books.
- Zachary Edwards, a junior at Desert Ridge High School, suggested planting vegetables in a victory garden for the children at Sunshine Acres Children's Home. Zachary and members of Desert Ridge Cares for Kids, a club that he started at his school, built two small gardens at the home. In Zachary's opinion, the garden would supply the children with fresh vegetables and also foster a sense of accomplishment and self-sufficiency.

Mayor Giles congratulated the winners.

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 Glover, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the April 2 and 20, 2015 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. American Legion Post 2

This is a one-day charitable event to be held on Saturday, May 16, 2015 from 11:00 a.m. to 7:00 p.m. at 922 South Country Club Road. **(District 4)**

\*3-b. Chipotle Mexican Grill #2535

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Chipotle Mexican Grill Inc., 1335 South Alma School Road, Suite 105 – H. J. Lewkowitz, agent. There is currently no existing license at this location. **(District 3)**

\*3-c. Hacienda De Rosa's Restaurant

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12 Restaurant License for KJCC LLC, 3129 East McKellips Road – Lauren Kay Merrett, agent. The existing license held by Rancho De Tia Rosa LLC will revert back to the State. **(District 1)**

\*3-d. Smashburger #1449

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Smashburger Acquisition Phoenix LLC, 1335 South Alma School Road, Suite 103 – Andrea Lewkowitz, agent. There is currently no existing license at this location. **(District 3)**

\*3-e. Thai Season

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Thai Season LLC, 1245 West Baseline Road, Suite 101 – Sirichai Mahasirichoke, agent. There is currently no existing license at this location. **(District 3)**  
**(CONTINUED TO THE JUNE 1, 2015 COUNCIL MEETING.)**

\*3-f. Nile Theater

A music venue with a bar is requesting a new Series 6 Bar License for The Mantooth Group, LLC, 105 West Main Street – Michelle Donovan, agent. There is currently no existing license at this location. There exists a Permanent Injunction (Maricopa County Superior Court Case CV2002-011923) pertaining to the property issued pursuant to Arizona Revised Statutes Title 12, Chapter 7, Article 12 [Abatement of Crime Property]. **(District 4)**

4. Take action on the following contracts:

\*4-a. Purchase of Four Replacement Mobile, Vehicle Mounted Dual-Band Radios for the Fire and Medical Department. **(Citywide)**

This purchase will provide four replacement mobile (vehicle-mounted) dual-band radios to replace single-band radios. The Department will be purchasing replacement radios, both mobile and portable, over the next few years to ensure each firefighter and fire

apparatus has the capability of communicating on dual frequency band (7/800 MHz and VHF) prior to the upcoming VHF hazard-zone transition in June 2017.

The Fire and Medical Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Motorola Solutions, at \$28,285.33.

- \*4-b. Purchase of One Replacement Heavy Duty Truck with a 50-Foot Telescopic Aerial Device and Utility Body for the Transportation Department. **(Citywide)**

This purchase will provide a heavy duty, 4x2 truck equipped with a 50-foot articulated/telescopic aerial device and utility body. The truck will be used to support the maintenance and installation of electrical (energized appliances), luminaires and streetlights, and used to tow pole trailers for the Transportation Department.

The Fleet Services and Transportation Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Altec Industries, Inc. (a Mesa business), at \$211,665.63. This purchase is funded by the Vehicle Replacement Fund.

- \*4-c. Purchase of One Additional Heavy Duty Water Truck with a Water Flush System for the Transportation Department. **(Citywide)**

This purchase will provide a heavy duty, 6x4 truck with a water tank and flusher system. The Transportation Department will use the truck to support street maintenance, PM-10 dust control and storm water control programs.

The Fleet Services and Transportation Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Freightliner Sterling Western Star of Arizona, at \$248,345.33. This purchase is funded by the Environmental Compliance Fee.

- \*4-d. Three-Year Term Contract for Traffic Control Sign Hardware and Materials for the Transportation Department. **(Citywide)**

This contract will provide traffic control sign hardware and materials to maintain and upgrade signs throughout the City. The items contracted through this agreement include mounting brackets and hardware, overhead sign brackets, delineators, tube post covers and bases.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Traffic and Parking Control Co, Inc. (TAPCO); It-Straps-On, Inc., dba Core Products USA, Inc.; and Centerline Supply West, Inc.; cumulatively not to exceed \$40,000.00 annually, based on estimated requirements.

- \*4-e. Dollar-Limit Increase to the Term Contract for Contractor Building Maintenance Services as requested by the Facilities Maintenance Department. **(Citywide)**

Facilities Maintenance has been able to utilize this contract for more projects than estimated with the original award and requests to increase the contract to enhance their program for timely and cost-effective infrastructure maintenance within existing budget funding.

The Facilities Maintenance Department and Purchasing recommend authorizing a dollar-limit increase of \$600,000 with Builders Guild Inc.; Diamond Ridge Development Corporation; Jokake Construction Services; Hernandez Companies, Inc.; and East Valley Disaster Services, Inc.; increasing the annual contract amount from \$1,100,000 to \$1,700,000 annually.

- \*4-f. Three-Year Term Contract for a Performance Cooling Water Treatment Program for the Facilities Maintenance Department. **(Citywide)**

This contract will provide water treatment on the District Cooling Loop, building chiller closed loops and cooling tower loops, and building boiler loops. This water treatment prevents microbial growth in the water systems.

An evaluation committee representing Facilities Maintenance and Purchasing evaluated and recommends awarding the contract to the highest-scored proposal from Water and Energy Systems Technology, Inc. (a Mesa business), at \$40,000.00 annually, based on estimated requirements.

- \*4-g. Three-Year Term Contract for Wastewater Collection System Cleaning, CCTV Inspection and Recording, and Cured-In-Place Point (CIPP) Repairs for the Water Resources Department. **(Citywide)**

This contractor will clean and inspect nearly 100 miles of wastewater lines annually using closed-circuit television to assess the condition of the lines, to locate defects and to identify segments that need to be rehabilitated or replaced as part of the City's Wastewater Asset Management Program. Additionally, the contractor will perform Cured-In-Place Point repairs to the wastewater lines as needed. The City's wastewater system consists of approximately 1,650 miles of lines ranging from 6" to 78". Approximately 65% of these lines are over 20 years old and around 17% are over 50 years old.

An evaluation committee representing Water Resources and Purchasing recommends awarding the contract to the highest scored proposal from Hoffman Southwest Corp., dba Professional Pipe Services, at \$510,000.00 annually, based on estimated requirements.

- \*4-h. Purchase of a Water Quality Data Management System for the Water Resources Department. **(Citywide)**

Water Resources manages the City's drinking water, wastewater and storm water programs, which are required to comply with federal, state and county regulations. This system will compare the testing or inspection requirements of the various programs and determine if there is a violation, determine if sampling or an increase to sampling is required and the potential to decrease sampling, provide reporting and time-sensitive notifications.

The Water Resources Department and Purchasing recommend authorizing purchase using the City of Peoria/SAVE cooperative contract with NJBSoft at \$79,603.00 the first year; and \$68,103.00 annually for years two and three.

- \*4-i. Mesa Drive Improvements (Phase II) – 8<sup>th</sup> Avenue to Main Street, Construction Manager at Risk (CMAR) Pre-Construction Services Contract. **(District 4)**

This project will include widening the intersection of Mesa Drive and Broadway Road to include two through lanes, two left-turn lanes and a raised median on each leg of the intersection. The additional through lanes will extend approximately 1200 feet in each direction, after which the roadway will transition to two existing lanes in each direction. New asphalt pavement, sidewalk, and street lighting will also be installed. Other improvements include a new traffic signal, landscaping, bus shelters, water and gas lines, improved storm drains and the relocation of Salt River Project irrigation facilities.

Recommended award to Haydon Building Corp. as the CMAR for this project with a Pre-Construction Phase Services Contract in the amount of \$255,457.00. Funding is available in the 2013 authorized Street Bonds and 2010 authorized Gas, Electric, and Water Bonds.

- \*4-j. Dollar-Limit Increase to the Four-Year Service Agreement for the Motorola System Upgrade Assurance Plan for the Communications Department (Sole Source). **(Citywide)**

The City is adding infrastructure, Dynamic Site Resiliency (backup master and prime site) to the TOPAZ Voice Radio Network as part of the lifecycle upgrade, approved by Council on October 6, 2014. This will result in an increase to the support contract with Motorola.

Communications and Purchasing recommend authorizing a dollar limit of \$281,657.00 to Motorola, Inc., increasing the contract from \$2,109,288.00 to \$2,328,045.00, plus applicable taxes. The cost will be shared by the members of the TOPAZ Regional Wireless Cooperative (City of Apache Junction, Town of Gilbert, City of Mesa, Southwest Ambulance, Superstition Fire and Medical District, Town of Queen Creek, and the Rio Verde Fire District) based on a six-month rolling average of the radio airtime used by each member. Currently, the City utilizes approximately 75% of the radio airtime.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to enter into a Community Maintenance Agreement with Desert Vista 100, LLC and Mulberry Community Association for maintenance of specialty features and materials associated with the development of Mulberry, a residential master planned community – Resolution No. 10617. **(District 6)**
- \*5-b. Approving and authorizing the City Manager to enter into a Telecommunication License for Electric Lightwave, LLC, for a five-year term with the option of a five-year extension term – Resolution No. 10618. **(Citywide)**

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.

6. Take action on the following resolutions declaring terms/rates/fees/charges to be public records and available to the public, and introduce the following ordinances adopting modified City-owned utility terms/rates/fees/charges and setting May 18, 2015 as the date of the public hearing on these ordinances:

- \*6-a. A resolution declaring proposed terms/rates/fees/charges for electric utility services to be a public record – Resolution No. 10619.

- \*6-b. An ordinance modifying terms/rates/fees/charges for electric utility services. **(Districts 1 and 4)**
- \*6-c. A resolution declaring proposed terms/rates/fees/charges for natural gas utility services to be a public record – Resolution No. 10620.
- \*6-d. An ordinance modifying terms/rates/fees/charges for natural gas utility services. **(Citywide)**
- \*6-e. A resolution declaring proposed terms/rates/fees/charges for water utility services to be a public record – Resolution No. 10621.
- \*6-f. An ordinance modifying terms/rates/fees/charges for water utility services. **(Citywide)**
- \*6-g. A resolution declaring proposed terms/rates/fees/charges for wastewater utility services to be a public record – Resolution No. 10622.
- \*6-h. An ordinance modifying terms/rates/fees/charges for wastewater utility services. **(Citywide)**
- \*6-i. A resolution declaring proposed terms/rates/fees/charges for solid waste utility services to be a public record – Resolution No. 10623.
- \*6-j. An ordinance modifying terms/rates/fees/charges for solid waste utility services. **(Citywide)**

7. Introduction of the following ordinances and setting May 18, 2015 as the date of the public hearing on these ordinances.

- \*7-a. Repealing and Replacing Title 5 (Business Regulations), Chapter 12 (Massage Establishment Operations) of the Mesa City Code for the purposes of: simplification; the removal of certain requirements including, but not limited to, requirements related to a massage manager license; and the establishment of new requirements related to the operation and licensing of a massage establishment. **(Citywide)**
- \*7-b. Amending Title 5, Chapter 13, Section 2 of the Mesa City Code regarding the Solid Waste Residential Fee. **(Citywide)**

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

- \*8-a. Amending the Mesa Zoning Ordinance; Title 11, Chapter 32, Section 3(C) of Parking Regulations to increase the maximum parking space ratio for some office developments. The proposed amendments would increase the number of allowed parking spaces for higher work-density office developments – Ordinance No. 5281.

Staff Recommendation: Approval

P&Z Board Recommendation: Approval (Vote: 5-0, Boardmembers Clement and Hudson, absent.)

- \*8-b. Amending the Mesa City Code, Title 1 (Administrative), Chapter 19, Section 2 and adding Section 3 to authorize the City Attorney to file, pursue, and defend civil and

criminal misdemeanor cases and appeals in any court or administrative tribunal – Ordinance No. 5282. **(Citywide)**

- \*8-c. Replacing Sections 503.1.1., 903.2.6, and Appendix B of the Fire Code, as set forth in Title 7, Chapter 2, Section 2 of the Mesa City Code, regarding approved fire apparatus roads for buildings, facilities and additions. These sections will provide an exception from the fire access road requirements for residential dwellings that do not exceed 5,000 square feet of conditioned space and that have a minimum lot frontage of 50 feet on an access road – Ordinance No. 5283. **(Citywide)**

9. Take action on the following resolution regarding a development agreement and discuss, receive public comment, and take action on a zoning ordinance relating to properties located at 7135, 7156, and 7159 East Hannibal Circle:

- \*9-a. A resolution approving and authorizing the City Manager to enter into a Development Agreement with Prestige International, LLC to facilitate the development of a four-lot residential subdivision located at 7135, 7156 and 7159 East Hannibal Circle – Resolution No. 10624. **(District 5)**
- \*9-b. **Z15-010 (District 5)** Ordinance relating to 7135, 7156, and 7159 East Hannibal Circle. Located north of Brown Road and east of Power Road (3.34± acres). Rezone from RS-35 to RS-15 and Site Plan Review. This request will allow the development of a single-residence subdivision. Reese L. Anderson, Pew and Lake, PLC, applicant; Prestige International, LLC, owner – Ordinance No. 5284.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 4-1, Boardmember Ikeda nay. Boardmembers Clement and Hudson, absent.)

10. Take action on the following subdivision plat:

- \*10-a. “Birchwood Circle Business Center” **(District 3)** 2628 West Birchwood Circle. Located north of Broadway Road and east of the Loop 101 Freeway. 4 LI-PAD industrial office lots (1.7± acres). Birchwood Circle Investors, Inc., owner; David S. Klein, Superior Surveying Services, Inc., surveyor.

**Items not on the Consent Agenda**

There were no items off the Consent Agenda.

11. Items from citizens present.

There were no items from citizens present.



12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:21 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 4<sup>th</sup> day of May, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

abg/pag