

COUNCIL MINUTES

April 18, 2016

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 18, 2016 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

John Pombier
Jim Smith
Dee Ann Mickelsen

(*Mayor Giles and Councilmember Luna attended the meeting through the use of teleconferencing equipment.)

Invocation by Mrs. Lucia Anderson with the Family Federation for World Peace and Unification.

Pledge of Allegiance was led by Assistant City Manager John Pombier.

Mayor's Welcome.

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Glover, seconded by Councilmember Finter, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the April 4 and 7, 2016 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Arizona Sports and Entertainment Commission

This is a one-day charitable event to be held on Saturday, May 14, 2016 from 12:00 p.m. to 10:00 p.m., at 2202 West Rio Salado Parkway. **(District 1)**

*3-b. Mr. J's Market

A convenience store is requesting a new Series 10 Beer and Wine Store License for Bhowmick LLC, 559 North Country Club Drive – Suprio Kumar Bhowmick, agent. The existing license held by TK66 LLC will revert back to the State. **(District 1)**

4. Take action on the following off-track betting license application:

*4-a. Turf Paradise, TP Racing LLLP

New Off-Track Betting License for Turf Paradise, TP Racing LLLP to telecast at Dos Gringos, located at 1958 South Greenfield Road, DG Baseline LLC. Applicant: Vincent Acri Francia. **(District 2)**

5. Take action on the following contracts:

*5-a. Purchase of Subscription Licenses for the Citywide Upgrade of IT Desktop Systems Administration Software as requested by the Information Technology Department. **(Citywide)**

System Center Configuration Manager (SCCM) is a systems management software product developed by Microsoft for managing large groups of computers. Configuration Manager provides remote control, patch management, software distribution, operating system deployment, network access protection and hardware and software inventory. ITD uses it to manage approximately 4,125 computing devices in the City's fleet. The new version of SCCM brings enhanced management tools, modern scripting capabilities, more capable administrative control, and contains tools that will allow Mesa to deploy and manage Windows 10 and future operating system upgrades. In addition, the subscription model will give the City rights to upgrade and use future versions of SCCM as they are released.

The Information Technology Department and Purchasing recommend authorizing the purchase using the State of Arizona Western States Contracting Alliance cooperative contract with SHI International, at \$105,237.

*5-b. Three-Year Term Contract for Private Security Officer Services for Various City Facilities. **(Citywide)**

The contract will provide security officer services for the following City facilities: Mesa Arts Center; Arizona Museum of Natural History; Main Library; Downtown Customer Service Center; and East Mesa Customer Service Center. In addition, this agreement also provides a security officer for mobile patrol for the Mesa City Plaza building, as well as an Account Manager. All work performed will fall under the category of general security service, but hours and duties will vary according to the site.

A protest was received from Weiser Security Services, Inc. The Protest Officer reviewed the issues raised and denied the protest. As allowed by the Procurement Rules, Weiser filed an appeal of the Protest Officer's decision. The City Manager's Office reviewed the appeal and denied it.

The evaluation committee recommends awarding a three-year contract to the highest scored proposal from Trident Security Services, Inc., at \$700,000 annually, based on estimated requirements.

- *5-c. Dollar-Limit Increase to the Service Agreement for Hardware Maintenance and Toner of Three Production Printers for the Business Services Department. **(Citywide)**

This contract provides parts and toner for two black and white production printers and one color production printer for the City's Print Shop. In June 2015, the multiple-quoted contract was put in place, while Print Services finished an extensive review of its services and operations. Print Services is finalizing leases for new machines, which should be coming to the Council in an upcoming meeting. The increase is a bridge until the new machines can be approved and delivered.

The Business Services Department and Purchasing recommend authorizing a dollar-limit increase of \$15,000 with Pacific Office Automation, increasing the contract amount from \$23,122 to \$38,122 for the contract term through June 30, 2016.

- *5-d. Three-year Term Contract for Clay, Glaze and Miscellaneous Materials for the Arts & Culture Department (Single Bid). **(Citywide)**

This contract will provide different types of clay, glaze and materials for the Mesa Arts Center Ceramics Studio for multiple classes and workshops for the public and students.

The Arts & Culture Department and Purchasing recommend awarding a three-year contract to the single, responsive and responsible bidder, Marjon Ceramics, Inc. at \$35,000 annually, based on estimated requirements.

- *5-e. Three-Year Term Contract for Window Cleaning Services for Citywide Buildings as Requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide window cleaning services, which include interior, exterior, panes, frames and the attaching/supported hardware. The contract includes services to clean entrance doors and pressure washing on an as-requested basis, including the Mesa Arts Center canopy sails.

The evaluation committee recommends awarding the contract to the highest scored proposal from Imperial Window Cleaning, Inc., at \$89,535 annually, based on estimated requirements.

- *5-f. Three-Year Term Contract for Larvicide Mosquito Control Chemicals for the Parks, Recreation and Community Facilities Department (Single Bid). **(Citywide)**

This contract will provide chemicals, as specified, to be used to treat standing water for mosquito control at the larva stage. The bid notice went to over 560 registrants. The solicitation allowed "or equivalent" products; two No-Bid responses were received and both indicated that they could not provide an equivalent product.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the single, responsive and responsible bidder, Clarke Mosquito Control Products, Inc., at \$107,000.00 annually, based on estimated requirements.

- *5-g. Three-Year Term Contract for Aquatic Maintenance Repair Parts for the Parks, Recreation and Community Facilities Department. **(Citywide)**

The City's Aquatics Maintenance Division maintains 11 aquatic facilities, including Brimhall, Carson, Fremont, Kino, Mesa, Rhodes, Shepherd, Skyline, Stapley, Riverview Park and Eastmark. This contract will provide various aquatic maintenance repair parts, including gas chlorine monitors, gas chlorine regulators, automated chemical controllers, water-play equipment, water-play programmable logic controllers and other various items.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding a three-year contract to the lowest, responsive and responsible bidders: Aquatic Environmental Systems, Inc.; and Play It Safe Playgrounds & Park Equipment, Inc.; cumulatively not to exceed \$30,000.00 annually, based on estimated requirements.

- *5-h. Purchase of a Community Care Emergency Medical Records (EMR) System for the Mesa Fire and Medical Department. **(Citywide)**

This purchase will provide a two-year subscription to a comprehensive, integrated, enterprise-level emergency medical record system for the Community Care units in the Mesa Fire and Medical Department. The system will allow the Community Care units to maintain medical record history for their patients. The subscription includes system software, configuration, implementation and conversion services, and product training and support.

The evaluation committee recommends authorizing the purchase of a two-year subscription and implementation services to the highest scored proposal from Starwest Associates, at \$206,765.44. This purchase is funded by the Center for Medicare and Medicaid Services – CMS Grant.

- *5-i. Three-Year Term Contract for Advanced Traffic Controllers and Software for the Transportation Department. **(Citywide)**

This purchase will provide Linux-based Advanced Traffic Controllers with a newer controller standard, replacing what the City has used for over 20 years. This purchase will also provide D4 controller firmware and has advanced light rail transit features absent in other software options. Initially, this equipment will be deployed at signalized-intersections in the light rail corridor to take advantage of the advanced feature and then will likely expand to other signalized locations throughout the City.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Clark Electric Sales, Inc., dba Clark Transportation Solutions; and Advanced Traffic Solutions, LLC, dba Fourth Dimension Traffic, cumulatively not to exceed \$120,000 annually, based on estimated requirements.

- *5-j. Renewal of the Term Contract for Large Gas Meters for the Materials and Supply Warehouse (for the Energy Resources Department) (Single Bid). **(Citywide)**

This contract provides large capacity rotary gas meters for new construction, maintenance and repair of existing utilities. These are commercial meters used to monitor the volume of customer gas usage for billing purposes on high-demand services. The meters comply with national and industry standards.

The Business Services and Energy Resources Departments and Purchasing recommend authorizing a one-year renewal with Tri-Pacific Supply, Inc., at \$275,000 annually, based on estimated requirements.

- *5-k. Purchase of DNA Mixture Interpretation Software for the Police Department (Sole Source). **(Citywide)**

This purchase is for the Mesa Police Department's Forensic Services Division. Evidence from investigations frequently contains low-levels of DNA and mixtures of DNA from two or more individuals. These mixtures are currently being de-convoluted using manual mathematical calculations. The purchase of the software will result in very complex mixtures becoming resolvable or mixtures that are currently de-convoluted, using time consuming manual calculations, being resolved more efficiently.

The Police Department and Purchasing recommend authorizing the purchase from the sole source vendor, NicheVision Forensics, LLC, at \$86,169.60. This purchase is grant funded by the National Institute of Justice.

- *5-l. Three-year Term Contract for Protective Equipment for the Police Department. **(Citywide)**

The Police Department provides training for a unified law enforcement and medical response to an active shooter situation. In an effort to provide realistic and effective interactive training, force-on-force marking cartridges are used during scenarios. Risk of injury to students and actors during this training is mitigated by using proper protective equipment, including protective pants, throat collars, vest and helmets.

The Police Department and Purchasing recommend awarding a three-year contract to the lowest, responsive and responsible bidder, San Diego Police Equipment Company, at \$50,000 annually, based on estimated requirements. The initial purchase amount of \$20,578.80 is funded by Homeland Security Grant Funds. After the initial purchase, the annual contract will be funded by the Police Department's operating budget.

- *5-m. Purchase of One Replacement Gas Chromatograph Mass Spectrometer/Flame Ionization Detector for the Police Department. **(Citywide)**

This purchase is for the Forensic Services Toxicology Unit and will provide one Agilent Headspace Gas Chromatograph Mass Spectrometer/Flame Ionization Detector (GCMS/FID) and computer software for the Toxicology Unit to detect drugs in blood and urine. The GCMS/FID has the capability for a full range of testing related to any blood evidence submitted to the lab that may contain volatile substances as listed in the Arizona Revised Statutes. The instrument allows testing for more substances than the City's current equipment can identify.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Agilent Technologies, Inc., at \$169,860.85. This purchase is funded by the Governor's Office of Highway Safety Grant Program (\$84,500), the DUI Abatement Grant Program (\$84,500) and the Police Department operating budget (\$860.85).

- *5-n. Purchase for the Conversion of an Existing DUI Van to a Hostage Negotiations Van for the Police Department. **(Citywide)**

The Police Department requested that Fleet Services convert its old DUI command van into a new hostage negotiations van. Upfitting the van will allow expanded phone capability and a dedicated quiet room to be used for important hostage negotiations. The current vehicle is old, small and not equipped to support the job requirements of today. The purchase of a new, fully-dedicated hostage negotiations van would cost approximately \$185,000.

The Fleet Services and Police Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Quality Vans & Specialty Vans, at \$65,000. This purchase will be funded by Asset Forfeiture RICO funds.

- *5-o. One-Year Term Contract for Gas Data Loggers for Wastewater Collections and Wastewater Treatment Plants as requested by the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide gas data loggers used to monitor hydrogen sulfide gas in the wastewater collection system and odor control at the wastewater treatment plants. The City currently utilizes about 30 OdaLog devices and they need to be rotated out every six months. This contract will allow the Water Resources Department to purchase spares to rotate out the current devices.

The Water Resources Department and Purchasing recommend awarding the contract to the sole source vendor, Detection Instruments Corporation, at \$50,000, based on estimated requirements.

- *5-p. Purchase of Spare Headworks Washer Compactor System for the Greenfield Water Reclamation Plant for the Water Resources Department (Sole Source). **(Citywide)**

This purchase will provide a spare headworks washer unit for the Greenfield Water Reclamation Plant. The headworks washer reduces pollutants in the initial stage of the wastewater treatment process. The spare unit will allow for a quick change out in the event of damage to or failure of the unit in operation and provide the necessary time needed to obtain replacement parts.

The Water Resources Department and Purchasing recommend authorizing an additional purchase with the sole source vendor, Huber Technology, Inc., at \$34,175.

- *5-q. Three-Year Term Contract for Bronze Water Service Valves, Fittings, Fire Hydrants and Repair Parts for the Materials and Supply Warehouse (for the Water Resources Department). **(Citywide)**

This contract will provide a variety of valves, fittings, fire hydrants and repair parts stocked in the Materials and Supply Warehouse for use by Water Resources for the maintenance of the City's water distribution system and City-owned fire hydrants.

The Business Services Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, Ferguson Enterprises Inc., dba Ferguson Waterworks; HD Supply Waterworks, Ltd.; Dana Kepner Co.; and Fullerform Systems Inc.; cumulatively not to exceed \$651,000 annually, based on estimated requirements.

- *5-r. Term Contract for Replacement Influent Pump Discharge Valve Actuators for the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide actuators in various sizes for the City's wastewater treatment facilities' influent pump stations. Water Resources has been replacing existing actuators with Rotork actuators; there are approximately 70 Rotork actuators in use. The City has standardized with Rotork actuators throughout the City's water reclamation plants (Northwest, Southeast and Greenfield) as this provides for a common operation for our operators, lower spare parts inventory and plant operators and maintenance crews are familiar with these actuators.

The Water Resources Department and Purchasing recommend authorizing a one-year term contract with the sole source vendor, MISCO Water, at \$75,000 annually.

- *5-s. Greenfield Park Improvements Project. **(District 2)**

On November 6, 2012, Mesa voters approved a Parks Bond Program. The Greenfield Park Urban Fishing Lake and playground renovation was included in this bond program as part of the Park Renovation and Enhancement Projects focus area.

Staff recommends awarding Hunter Contracting Company as the Construction Manager at Risk for this project with a Pre-Construction Services contract in the amount of \$33,964.93. This project is funded by the 2012 authorized Parks Bond.

- *5-t. Desert Well No. 18 Equipping Project. **(District 6)**

Desert Well No. 18 was originally drilled in 2008, but was not equipped due to the drop-off in water demand. New development in southeast Mesa has increased water demand, and Desert Well No. 18 equipping is now required to meet this demand. The project includes installation of the necessary pump, piping, electrical, chlorination equipment and other site improvements to make this well operational.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Garney Companies, Inc., in the amount of \$1,099,700, with a change order allowance of \$109,970, for a total authorized amount of \$1,209,670. Funding is available through the 2014 authorized Water System Revenue Bond.

- *5-u. Horne Drainage Improvements Project Construction Manager at Risk Guaranteed Maximum Price (GMP) No. 1. **(District 4)**

A new drainage basin is proposed to be constructed on the southeast corner of Horne and 9th Avenue with surrounding drainage infrastructure for GMP 1. This will make

significant improvements to the drainage infrastructure on Horne and the adjacent neighborhood.

Staff recommends that the Council award a contract for this project to CSW Contractors, Inc., in the amount of \$938,914.32 (GMP 1), and authorize a change order allowance in the amount of \$93,891.43; a total authorized amount of \$1,032,805.75. Funding is available from the Local Street Sales Tax and the Flood Control District of Maricopa County through the Small Project Assistance Program.

6. Take action on the following resolutions:

- *6-a. Authorizing and supporting the submittal of a grant application by the City of Mesa Parks, Recreation and Community Facilities Department to the Fort McDowell Yavapai Nation in the amount of \$10,000.00 to expand the Making Waves Aquatic Scholarship Program, and approving the City Manager to accept and administer subsequent awarded funds. **(Citywide)** – Resolution No. 10762.
- *6-b. Authorizing and supporting the submittal of a grant application by the City of Mesa Police Department's Victim Services Unit to the Fort McDowell Yavapai Nation in the amount of \$5,000.00 to provide emergency shelter for victims and children, and approving the City Manager to accept and administer subsequent awarded funds. **(Citywide)** – Resolution No. 10763.
- *6-c. Authorizing and supporting the submittal of a grant application by Visit Mesa to the Fort McDowell Yavapai Nation in the amount of \$62,000.00 to support sales and marketing to promote tourism for the area, and approving the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10764.
- *6-d. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Fort McDowell Yavapai Nation in the amount of \$20,000.00 to support their Children's Emergency Shelter program, and approving the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10765.
- *6-e. Authorizing and supporting the submittal of a grant application by the Boy Scouts of America, Grand Canyon Council, to the Fort McDowell Yavapai Nation in the amount of \$15,000.00 to expand their Outreach Initiative, and approving the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10766.
- *6-f. Authorizing and supporting the submittal of a grant application by Arizonans for Children to the Fort McDowell Yavapai Nation in the amount of \$20,000.00 to support their Mesa Visitation Center operations, and approving the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10767.
- *6-g. Authorizing and supporting the submittal of a grant application by A New Leaf to the Fort McDowell Yavapai Nation in the amount of \$10,000.00 to provide Homeless and Domestic Violence Shelter services, and approving the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10768.

- *6-h. Authorizing and supporting the submittal of a grant application by Mesa Public Schools to the Fort McDowell Yavapai Nation in the amount of \$113,540.00 to support their Services for Native American Student Success program, and approving the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10769.
- *6-i. Approving the purchase of, and authorizing the City Manager to enter into contracts for May through September and July through August supplies of 15 and 10 megawatts, respectively, of electric power and associated energy for periods from three (3) up to ten (10) years. **(Districts 1 and 4)** – Resolution No. 10770.
- *6-j. Approving and authorizing the City Manager to enter into three separate Intergovernmental Agreements (IGAs) with the Flood Control District of Maricopa County for the construction, construction management, operation and maintenance of drainage improvements within the City. **(Districts 2 and 4)** – Resolution No. 10771.

The three proposed IGAs are for the following projects: 1.) 63rd Street and Broadway Road Project; 2.) Extension Road and 2nd Avenue Project; and 3.) Solomon Road and Southern Avenue Project.

The Flood Control District of Maricopa County will fund 75 percent of the project construction costs incurred for each project, up to a maximum contribution of \$250,000. The City will be responsible for funding the remainder of the costs at an estimated total of \$890,000.

- *6-k. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) for the purchase, installation and maintenance of automated warning stations. **(Citywide)** – Resolution No. 10772.

The FCDMC currently maintains an Automated Local Evaluation in Real Time (ALERT) system throughout the County with 15 stations in Mesa. This IGA will expand the ALERT system by providing the City with 15 additional stations, which will allow for better response to flood hazards at identified areas. The City is responsible for the purchase of the 15 rain gauges, at \$124,862, and the FCDMC will be responsible for installation and operation and maintenance of the stations (including all associated costs) after the initial installation.

- *6-l. Calling the Primary Election for August 30, 2016; designating election dates; and providing the last date for candidates to file nomination papers. **(Citywide)** – Resolution No. 10773.
- *6-m. Setting the date of May 16, 2016, at 5:45 p.m. as the date of the public hearing for the annual assessment for the Mesa Town Center Improvement District No. 228. **(District 4)** – Resolution No. 10774.

For fiscal year 2016/17, the Town Center Improvement District will be assessing 546 parcels at a 3% increase, for a total of \$294,829.35.

7. Introduction of the following ordinances and setting May 2, 2016 as the date of the public hearing on these ordinances:

- *7-a. **Z16-009 (District 2)** 1000 block of North Greenfield Road (east side). Located south of the southeast corner of Greenfield and Brown Roads (3.59± acres). Rezoning from AG to RS-15-PAD; and Site Plan Review. This request will allow a single residence development. Paul Dugas, Pinnacle Ridge Holdings, LLC applicant; Pinnacle Ridge Holdings, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *7-b. **Z16-015 (District 2)** 6215 East Arbor Avenue. Located south of Main Street and east of Recker Road (1.8± acres). Council Use Permit for a social services facility. This request will allow for a substance abuse detoxification and treatment center. Jennifer O'Hara, Soba Recovery LLC, applicant; Soba Recovery LLC, owner.

Staff Recommendation: Approval with conditions

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

- *7-c. **Z16-012 (District 4)** 60 South Country Club Drive. Located on the west side of Country Club Drive and south of Main Street (0.66± acres). Rezoning from DB-1 to GC-BIZ; and Site Plan Review. This request will allow for an automobile/vehicle sales and leasing facility and redevelopment of the site consistent with T4NF Transect. Sean Lake, Pew & Lake, PLC, applicant; Carmen C. Coury Trust/Recker C. Leonille, owner. Introduction of the Revised Ordinance.

Staff Recommendation: Approval with conditions

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

- *7-d. **Z16-004 (District 6)** 8200 to 8600 blocks of East Baseline Road (north side). Located west of Loop 202 on the north side of Baseline Road (52.4± acres). PAD modification (52.4± acres); and Site Plan Review (16± acres). This request will allow for a multi-residence development. Susan E. Demmitt, Gammage & Burnham, applicant; Baseline Mesa, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-1)

8. Take action on the following subdivision plat:

- *8-a. "The Villas at Sonoran Ridge" **(District 5)** The 7400 to 7600 blocks of East Southern Avenue (north side). Located at the northwest corner of Southern Avenue and Sossaman Road. 81 RSL-2.5 PAD PAD single residence lots (11.55± ac.). KB Home Phoenix, Inc., owner; Mary F. Kennedy, EPS Group, surveyor. **(CONTINUED FROM THE APRIL 4, 2016 REGULAR COUNCIL MEETING.)**

Items not on the Consent Agenda

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

- 9-a. **Z16-002 (District 2)** 1728 South Greenfield Road. Located South of U.S. Highway 60 on the west side of Greenfield Road. Request for Council Use Permit. This request will allow installation of a multi-tenant Freeway Landmark Monument sign within the Greenfield Gateway Commercial Center. Charlie Gibson, applicant; Greenfield Gateway Retail Investments, LLC, owner – Ordinance No. 5320. **(CONTINUED FROM THE APRIL 4, 2016 REGULAR COUNCIL MEETING.)**

Staff Recommendation: Approval with conditions

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

Stephen Earl, an attorney representing the applicant, provided a brief overview of the Freeway Landmark Monument (FLM) project, which is situated on a 44-acre site that extends from the southwest corner of Greenfield Road and U.S. Highway 60 to Baseline Road.

Mr. Earl reported that tenancy at the commercial center, as well as the site's marketability, has been challenged due to its lack of visibility from U.S. Highway 60. He explained that this is due to the fact that the diagonal cross section of the Eastern Canal cuts through the interchange and forces the four diamond-based interchange on-ramps back an eighth of a mile to a quarter of a mile. He stated that despite the visibility issues, a number of the tenants at the commercial center seek to remain at the site and are supportive of the FLM project.

Mr. Earl remarked that in 2004, the Council adopted a stringent set of FLM Guidelines in order to ensure that such signs were not installed at all freeway frontages throughout the community. He noted that the proposed project meets the required guidelines and said that it was recommended for approval by staff, the Planning and Zoning (P&Z) Board and the Design Review Board (DRB).

Mr. Earl further commented that the applicant conducted neighborhood meetings, which were not attended by any citizens. He indicated that as a result, he reached out to Mark Taylor, who was in the process of developing a luxury apartment complex on the east side of the same interchange. He said that Mr. Taylor was happy to write a letter of support for the FLM project, since vibrant commercial uses are critical to the success of the luxury apartment development.

Mr. Earl, in addition, reported that there are 18 miles of frontage along U.S. Highway 60 in Mesa, with a total of eight Freeway Landmark Monuments. He also displayed a schematic drawing of the proposed FLM, which is consistent with the design of similar signs in the community that have been approved by the Council. **(See Attachment 1)** He pointed out that the owners of the commercial center are making a sizable investment in the property, not only to solidify the tenancy of the remaining businesses, but also to achieve greater visibility of the site through the installation of the proposed FLM.

Councilmember Finter thanked Mr. Earl for his presentation. He explained that he initially had concerns with respect to this item as it related to a large expanse of agricultural land nearby. He stated that concurrently when the FLM project was presented to the P&Z Board for consideration, Mark Taylor was in the process of purchasing the above-mentioned agricultural land for the development of luxury apartments. He indicated that the Mark Taylor development would include the construction of a new road that would extend east beyond Greenfield Road

and provide access to MD Anderson Cancer Center and other facilities. He remarked that his earlier concerns have now been addressed, since the applicant and Mark Taylor had the opportunity to discuss the proposal. He added that for those reasons, he was supportive of the FLM project moving forward.

It was moved by Councilmember Finter, seconded by Councilmember Glover, that Ordinance No. 5320 be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Finter-Glover-Luna-Richins-Thompson

NAYS – Kavanaugh

Vice Mayor Kavanaugh declared the motion carried by majority vote and Ordinance No. 5320 adopted.

10. Discuss, receive public comment, and take action on the following ordinance and resolution relating to the property located in the 7100 to 7200 blocks of East McDowell Road, on the northwest corner of McDowell Road and Ridgecrest:

10-a. **Z15-044 (District 5)** Ordinance. The 7100 and 7200 blocks of East McDowell Road (north side) Located east of Power Road on the north side of McDowell Road (14.3 acres). Rezone from PEP-PAD-PAD (7.53± acres) and LC-PAD-PAD (6.77± acres) to LC-BIZ-PAD and a Council Use Permit. This request will allow for the development of a transitional senior living facility (independent living, assisted living, memory care). Ralph Pew, Pew & Lake, applicant; JCA Holdings, LLC, owner – Ordinance No. 5321.
(CONTINUED FROM THE APRIL 4, 2016 REGULAR COUNCIL MEETING.)

Staff Recommendation: Denial

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

Vice Mayor Kavanaugh stated that staff has requested that the Council consider 10-a and 10-b as separate items.

Ralph Pew, an attorney representing Pew and Lake, stated that he was appearing on behalf of The Hampton Group, Inc., which was proposing to develop a transitional senior living facility at the northwest corner of McDowell Road and Ridgecrest in the Las Sendas area. He explained that in the interest of time, he would also briefly address item 10-b, which relates to an amendment of the development agreement associated with this property.

Mr. Pew reported that in the late 1970s, The Hampton Group became involved in the development of commercial, office, hotel and retail projects. He stated that in the early 2000s, the company began to focus on the development of transitional senior living facilities. He stated that those projects, which are located in Peoria, Youngtown, Sedona and Surprise, have been quite successful and employ hundreds of individuals.

Mr. Pew indicated that the facility would include 124 independent living units in a beautifully structured four-story building, 55 feet tall; 60 units of assisted living care in a two-story building; and 30 units for memory care patients in a single-story facility. He stressed the fact that the development, which would be an asset to the community, “was not a group of structures that look like houses that house ten people in each unit.”

Mr. Pew provided a brief historical overview of the Falcon Ridge and Las Sendas project in the late 1980s and 1990s. He remarked that the development always included a small portion of acreage for Business Park. He stated that in his opinion, the landowners have given their very best effort to develop the area, but commented that even with the opening of the 202 Freeway, there is simply not enough demand in traffic. He noted that when the original development agreement was drafted, the project was intended to be designed in a similar manner to Dana Park. He indicated that by way of comparison, Dana Park has an estimated 68,000 cars per day at the intersection of Baseline Road and Val Vista Drive, while the proposed site has approximately 16,000 cars per day. He added that office vacancies are rampant in the area.

Mr. Pew further commented that the Planning & Zoning (P&Z) Board brings this proposal forward to the Council with a unanimous recommendation for approval; finds the zoning consistent with the General Plan; and recommends approval of the Council Use Permit.

Mr. Pew, in addition, reported that a number of citizens who addressed the P&Z Board regarding this item expressed concern relative to the height of the building, but not the use. He pointed out that the height was reduced to 55 feet from the allowed height and assured the Council that such height would not impact the neighbors' mountain views.

Mr. Pew concluded his remarks by stating that the proposal was compatible with the surrounding uses. He respectfully urged the Council's support and vote of approval with regard to the zoning application, the Council Use Permit and the amendment to the development agreement (10-b).

Vice Mayor Kavanaugh stated that he received speaker cards from a number of citizens who were in support of the project, but would address the Council only if required. Those individuals include the following:

Mike Sutton:	Cushman and Wakefield
Brent Moser:	Cushman and Wakefield
Sarah Murley:	Applied Economics
Robert Zambie:	Ryland Homes
Joan Newth:	Former Councilmember
Dan Taylor:	A Mesa resident
Peter Mena:	Cushman and Wakefield

Brian Campbell, a Las Sendas resident, stated that he was addressing the Council as an Ex Officio Member of the Economic Development Advisory Board (EDAB). He indicated that EDAB considered this proposal strictly from an economic development standpoint. He noted that it was the opinion of the Boardmembers that the transitional senior living facility was not the most appropriate use for the property.

Doug Austin, Executive Director of the Las Sendas Community Association (LSCA), commented that he was speaking on behalf of the LSCA Board of Directors. He read into the record a March 29, 2016 letter, which was authored by David M. Camp, LSCA President, and sent to Councilmember Luna and the City Council. **(See Attachment 2)** He explained that the LSCA conducted a brief survey of its residents, which reflected their opposition to the proposal.

Councilmember Luna commented that during his tenure on the City Council, he has become sensitive to the needs of the Las Sendas community, which is comprised of many families and residents who choose to live in the area. He explained that his vision for Las Sendas Parcel 51 North is one that reflects a vibrant community with economic drivers (i.e., retail, hotel and Class

A office space) that would attract a wide range of community members. He concurred with staff's recommendation that the case be denied. He also stated that the application does not conform to the 2008 development agreement and nor does it encourage economic development in the area.

Councilmember Luna further remarked that although the transitional senior living facility was "a great project," in his opinion, it would not be appropriate to locate it at the southern gateway of the Las Sendas community. He also pointed out that the proposal was not consistent with the General Plan in furthering the notion of a Neighborhood Village Center, which includes character areas that provide shopping and other services for the local residents.

It was moved by Councilmember Luna, seconded by Mayor Giles, that Zoning Case Z15-044 be denied.

Mayor Giles stated that he supports Councilmember Luna's position with respect to this matter. He also recognized Councilmember Luna for his efforts and professionalism in working with the developer and the local residents on this issue for a long period of time. He commented that transitional senior living facilities serve an important role in the community, although he acknowledged that they often require a great deal of calls for service from the City's public safety personnel. He further remarked that the project, in his opinion, could be built in a less strategic location than at the entrance to Las Sendas.

Responding to a question from Councilmember Richins, City Attorney Jim Smith clarified that a "yes" vote would support the denial of the zoning application, while a "no" vote would allow another motion to be made for approval of the case.

Vice Mayor Kavanaugh called for the vote.

Upon tabulation of votes, it showed:

AYES – Giles-Luna

NAYS – Kavanaugh-Finter-Glover-Richins-Thompson

Vice Mayor Kavanaugh declared the motion failed for lack of a majority vote.

It was moved by Councilmember Richins, seconded by Councilmember Glover, that Zoning Case Z15-044 be approved and Ordinance No. 5321 be adopted.

Upon tabulation of votes, it showed:

AYES – Kavanaugh-Finter-Glover-Richins-Thompson

NAYS – Giles-Luna

Vice Mayor Kavanaugh declared the motion carried by majority vote and Ordinance No. 5321 adopted.

- 10-b. A resolution approving and authorizing the City Manager to enter into an amendment to a development agreement concerning the property at the northwest corner of McDowell Road and Ridgecrest. The First Amendment is entered into with JCA Holdings, LLC, to allow the development of a senior living community as specified in Z15-044 and only on Parcel Number 219-19-007S. **(District 5) – Resolution No. 10775. (CONTINUED FROM THE APRIL 4, 2016 REGULAR COUNCIL MEETING.)**

It was moved by Councilmember Richins, seconded by Councilmember Glover, that Resolution No. 10775 be adopted.

Upon tabulation of votes, it showed:

AYES – Kavanaugh-Finter-Glover-Richins-Thompson
NAYS – Giles-Luna

Vice Mayor Kavanaugh declared the motion carried by majority vote and Resolution No. 10775 adopted.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:28 p.m.

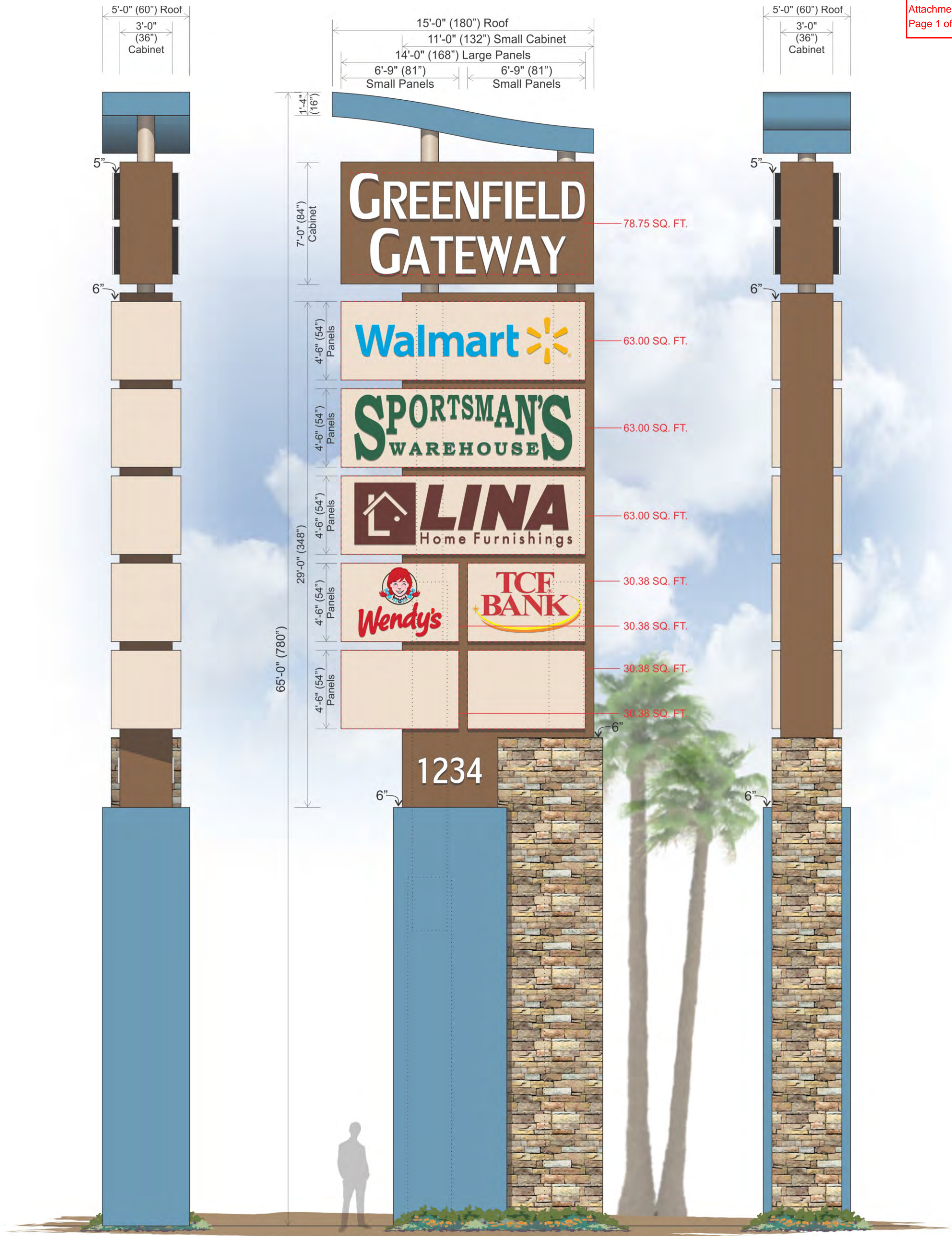
DENNIS KAVANAUGH, VICE MAYOR

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 18th day of April, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK



MANUFACTURE AND INSTALL ONE(1) INTERNALLY ILLUMINATED FREEWAY PYLON SIGN
SCALE: 3/16" = 1'-0"

CONSTRUCTION:
- ALUMINUM FRAMED STRUCTURE SKINNED WITH .090" ALUMINUM PAINTED AND TEXTURED TO MATCH BUILDING COLORS
- .090" ALUMINUM RETURNS 3" DEEP WITH .125" ALUMINUM FACES PAINTED AND TEXTURED TO MATCH BUILDING COLORS TENANT COPY ROUTED OUT AND 1/2" CLEAR PUSH THRU LETTERS INSERTED AND BACKED UP WITH 3/16 WHITE ACRYLIC

ILLUMINATION:
- FRANCE 400 WATT HID LIGHTS AS NECESSARY FOR AMPLE ILLUMINATION

INSTALLATION:
- ON TWO(2) ASA APPROVED PIPE AND FOOTERS AT CUSTOMER SPECIFIED LOCATION

CUSTOMER APPROVAL _____

MATERIALS	
	NEUTRAL VALLEY DE 6119 TEXTURE: MEDIUM MONTEX
	DRY DUNE DE 6114 TEXTURE: MEDIUM MONTEX
	LAKE LUCERNE DE 5808 TEXTURE: SMOOTH
	STONE TO MATCH BUILDING VENEER

SQUARE FOOTAGE
CENTER NAME: 78.75 SQ. FT. LARGE TENANT PANELS: 189.00 SQ. FT. SMALL TENANT PANELS: 121.52 SQ. FT. TOTAL: 389.27 SQ. FT.

All Signs Shall Be Installed In
Accordance With N.E.C. Article 600

Engineering Specifications
All Signs Fabricated as per
A.S.A. Specifications & 2012 I.B.C.

Electrical Specifications
All Signs Fabricated as per
2011 N.E.C. Specifications



March 29, 2016

Councilmember David Luna
City of Mesa

RE: P & Z number: 215-044

Developer: The Hampton Group, Inc.

Project: Canyon Winds Senior Living Community (Northwest corner of McDowell and Ridgecrest)

Dear Councilmember Luna,

I represent the Las Sendas Community Association (LSCA), the boundaries of which nearly encircle the proposed Canyon Winds Senior Living Community (Project). The Project will affect Las Sendas. There are 3,362 homes in Las Sendas and approximately 7,000 residents. Because the Project is adjacent to the LSCA, our residents clearly have a vested interest in it.

We are aware that The Hampton Group conducted a survey of some people in Las Sendas many weeks ago, even though we have "No-Solicitation" signs at the entrance to every neighborhood enclave. LSCA officials have been shown neither the survey questions nor the responses.

LSCA conducted a brief survey of its residents this week via an e-blast, allowing 48 hours for residents to respond. The results are as follows:

We received responses from 594 homes (17.7%).

1: I was already aware of the proposed assisted living facility (including a memory-care unit) at the described above (NW corner of McDowell and Ridgecrest).

Yes	58.4%
No	40.2%
No response	1.3%

2: I am generally in favor/against the proposed project.

In Favor	41.4%
Against	54.2%
No response	4.3%

3: I am aware/unaware of the three and four story aspect of the proposal.

Aware	33.8%
Unaware	64.9%
No response	1.1%

Las Sendas Community Association

TRAILHEAD MEMBERS CLUB

7900 East Eagle Crest Drive • Mesa, Arizona 85207 • 480-357-8780 • Fax 480-357-7687 • www.thetrailhead.org

4: As to the proposed project I believe the impact on Las Sendas would be:

Positive	17.6%
Negative	46.9%
Uncertain	34.1%
No response	1.1%

There was also a comment section in the e-blast. All respondent comments are being transmitted to you as an attachment to this letter.

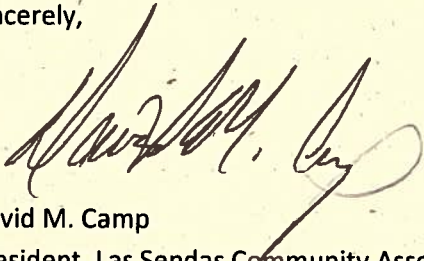
Based on the opinion of LSCA residents, as reflected in the survey summary above, the original Master Zoning plan approved by the Mesa City Council in 2008 should be followed, and the subject property should be developed for upscale retail.

It is our impression that the majority of residents oppose the Project because:

1. It does not represent the highest and best use of the property. (There is a great need for more shopping closer to home.)
2. It has too many stories. (It would become the only structure with more than two stories within a two-mile radius of Las Sendas.)
3. Younger families need to be encouraged to locate in Las Sendas. (A geriatric facility in such close proximity may discourage young buyers who may incorrectly view LSCA as an adult-only community.)

We respectfully request that you honor the wishes of the residents in Las Sendas, where the majority does not support the Project and strongly believes that it will have an adverse effect on our community.

Sincerely,



David M. Camp
President, Las Sendas Community Association

Las Sendas Community Association

TRAILHEAD MEMBERS CLUB

7900 East Eagle Crest Drive • Mesa, Arizona 85207 • 480-357-8780 • Fax 480-357-7687 • www.thetrailhead.org



1301 S. Crismon Rd.
Mesa, Arizona 85209
(480) 358-6100
www.mvmedicalcenter.com

March 1, 2016

Suzanne Johnson, Chairman, City of Mesa Planning Board

This letter is in response to the proposed rezoning of approximately 14.3 acres at the northwest corner of McDowell and Ridgcrest to allow for a senior living development.

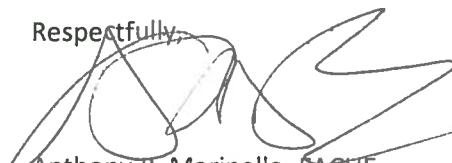
On June 15, 2012, Seaboard Development, LLC, an affiliate of Mountain Vista Medical Center, purchased 5 acres of land located at the northeast corner of 202 Loop & McDowell Road with the intent to develop medical services that support our community needs. We purchased this land based on an existing development agreement which included a plan to develop retail establishments, professional offices and hotels on the neighboring site. Our land is adjacent to the site which is proposed to be changed from this mixed use commercial to senior living.

We are currently in the planning phase to develop our medical complex on our parcel. Our decision to purchase the land and the plans we are currently developing were all based on the development agreement and zoning that are currently in place for the adjacent property. A change from mixed use commercial to senior living is a material change which we feel is not beneficial to our plans for medical services or for the area in general.

Parcel 51 area is in need of retail and medical to support the surrounding community. Bringing additional services to this site will attract other business to the area, making this site what is was originally designed for and why we purchased land here.

There may be a need for senior housing and facilities in Mesa; however, area 51 is not the right location. We do not support the requested zoning change.

Respectfully,



Anthony R. Marinello, FACHE
Mountain Vista Medical Center

Constant Contact Survey Results

Survey Name: Canyon Winds Living Community
Response Status: Partial & Completed
Filter: None
Mar 24, 2016 9:37:55 AM

1. I was already aware of the proposed assisted living facility (including a memory-care unit) at the site described above.

	Number of Response(s)	Response Ratio
Yes	348	58.4%
No	239	40.1%
No Responses	8	1.3%
Total	595	100%

2. I am generally in favor/against the proposed project.

	Number of Response(s)	Response Ratio
In Favor	246	41.3%
Against	323	54.2%
No Responses	26	4.3%
Total	595	100%

3. I am aware/unaware of the three and four-story aspect of the proposal.

	Number of Response(s)	Response Ratio
Aware	202	33.9%
Unaware	386	64.8%
No Responses	7	1.1%
Total	595	100%

4. As to the proposed project I believe the impact on Las Sendas would be:

	Number of Response(s)	Response Ratio
Positive	105	17.6%
Negative	280	47.0%
Uncertain	203	34.1%
No Responses	7	1.1%
Total	595	100%
281 Comment(s)		