

## COUNCIL MINUTES

August 22, 2016

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 22, 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

Christopher Brady  
Jim Smith  
Dee Ann Mickelsen

Mayor Giles led a moment of silence.

Pledge of Allegiance was led by Councilmember Thompson.

Mayor's Welcome.

Awards, Recognitions and Announcements.

#### 1. Appointment of John Tatz as a City Magistrate.

Vice Mayor Kavanaugh stated that he would make a motion on the appointment of John Taft as a City Magistrate to serve in the Mesa Municipal Court. He reported that Mr. Taft received his Bachelor's degree in Advertising from Drake University, a Law degree from the University of Iowa, and an MBA from the University of Phoenix. He noted that Mr. Taft was admitted into the Arizona Bar in 1993 and has been a private practice attorney for many years. He pointed out that Mr. Taft serves as a public defender in the Mesa Veterans Court and as a Judge Pro Tem for the Maricopa County Superior Court. He indicated that Mr. Taft is experienced as both a prosecutor and a defense attorney and has experience in the municipal courts of Mesa, Phoenix, Peoria and Scottsdale. He added that Mr. Taft has been described by his references as having an incredible work ethic, being extremely knowledgeable and having an excellent judicial demeanor.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Finter, that John Tatz be appointed as City Magistrate.

Carried unanimously.

Mr. Tatz was sworn in as City Magistrate by Mayor Giles.

Mr. Tatz recognized his family present and thanked the Council and the Judicial Advisory Board for the vote of confidence. He stated that he appreciates the vision of Judge Tafoya and the court administration and he looks forward to working with the other judges and the professional court staff. He thanked the Mesa staff for their support and assistance and recognized that Mesa lives up to its core values of knowledge, integrity and respect. He thanked his wife for constantly supporting his goals.

Mayor Giles commented that Mesa's Municipal Court is the best in the state and that Mr. Taft was a great addition to the bench.

2. 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.

\*3. Approval of minutes from previous meetings as written.

Minutes from the June 2, 9, 16 and 23, and July 11, 2016 Council meetings.

4. Take action on the following liquor license applications:

\*4-a. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, September 2, 2016 from 6:00 p.m. to 10:00 p.m. on Main Street, between Center Street and Robson, and Macdonald, between 1<sup>st</sup> Avenue and Pepper Place. **(District 4)**

\*4-b. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, October 7, 2016 from 6:00 p.m. to 10:00 p.m. on Main Street, between Center Street and Robson, and Macdonald, between 1<sup>st</sup> Avenue and Pepper Place. **(District 4)**

\*4-c. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, November 4, 2016 from 6:00 p.m. to 10:00 p.m. on Main Street, between Center Street and Robson, and Macdonald, between 1<sup>st</sup> Avenue and Pepper Place. **(District 4)**

\*4-d. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, December 2, 2016 from 6:00 p.m. to 10:00 p.m. on Main Street, between Center Street and Robson, and Macdonald, between 1<sup>st</sup> Avenue and Pepper Place. **(District 4)**

\*4-e. Fairway Market

A convenience store is requesting a new Series 9 Liquor Store License for VNTH Inc., 340 West Brown Road – Randy D. Nations, agent. This is a person-to-person transfer. The existing license held by Mesa Fairway LLC, will transfer to the new applicant. **(District 1)**

\*4-f. Quick & Easy Shell II

A convenience store with gas station is requesting a new Series 10 Beer and Wine Store License for NK Petroleum III LLC, 6806 East Brown Road – Rajkamal Gill, agent. The existing license held by Purbasha LLC, will revert back to the State. **(District 5)**

\*4-g. Sprouts Farmers Market #34

A grocery store is requesting a new Series 10S Beer and Wine Store License with sampling privileges for SF Markets LLC (FN), 2060 East Baseline Road – Randy D. Nations, agent. There is no existing license at this location. **(District 3)**

\*4-h. Tortillena Y Carniceria

A retail meat market is requesting a new Series 10 Beer and Wine Store License for Gamez Family Investments LLC, 635 North Country Club Drive, Suite 10 – Melissa Carla Rascon, agent. There is no existing license at this location. **(District 1)**

\*4-i. Handlebar Diner

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12 Restaurant License for Handlebar Diner LLC, 5149 South Inspirian Parkway – Mary Jane Suffron Alexander, agent. There is no existing license at this location. **(District 6)**

\*4-j. Moreno's Mexican Grill

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Moreno's Mexican Grill Number Six LLC, 6815 East Main Street – Jose Angel Moreno, agent. There is no existing license at this location. **(District 5)**

5. Take action on the following contracts:

\*5-a. Three-Year Term Contract for Uniform Garments for Citywide Use as requested by the Business Services Department. **(Citywide)**

Through this contract, the City purchases and issues garments to certain job classifications. Items include: t-shirts, polo shirts, and jeans; poly/cotton and cotton uniform shirts and pants; and jackets, hats and ball caps. Departments using this contract include Business Services, Energy Resources, Facilities Maintenance, Fleet Services, Parks Recreation and Community Facilities, Environmental Management & Sustainability and Water Resources.

The Business Services Department and Purchasing recommend authorizing a contract with International Corporate Apparel, Inc. (ICA); and Mission Linen Supply; at \$262,500 annually, based on estimated requirements.

- \*5-b. Three-Year Term Contract for Streetlight and Traffic Signal Poles, Mast Arms and Anchor Bolts for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract will provide streetlight and traffic signal poles, mast arms and anchor bolts. Streetlight and traffic signal poles are used for maintenance/replacement of existing poles as well as to be supplied to the contractor when the Transportation Department constructs smaller projects in-house.

The Business Services Department, Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: A & M Nut and Bolt, Inc.; Cem-Tec Corporation; and Valmont Industries, Inc.; cumulatively not to exceed \$476,500 annually, based on estimated requirements.

- \*5-c. Three-Year Term Contract for Spray Marking Paint for the Materials and Supply Warehouse (for various City Departments). **(Citywide)**

This contract will provide various types of spray marking paint for the City of Mesa and the City of Chandler.

The Business Services Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Arizona Water Works Supply, at \$57,300 annually, based on estimated requirements.

- \*5-d. Three-Year Term Contract for Siemens Ruggedized Switches for the Transportation and Information Technology Departments. **(Citywide)**

This contract supports the planned lifecycle replacement of network switches that provide connectivity for remote sites for the City's SCADA (Supervisory Control and Data Acquisition) environment as well as Transportation ITS (Intelligence Transportation System). These ruggedized switches also provide the security management and monitoring controls needed to mitigate security vulnerabilities and address communication errors occurring in current, aging devices.

The Transportation and Information Technology Departments, and Purchasing recommend awarding a contract to the lowest responsive and responsible bidders: TESSCO Incorporated; and L4 Technologies, LLC; cumulatively not to exceed \$200,000 annually, based on estimated requirements.

- \*5-e. Term Contract for Groundskeeping Materials for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide groundskeeping materials such as fertilizer, pesticide, herbicide, grass seed and other related items.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing a Term Contract using the City of Tucson cooperative contract through the National Intergovernmental Purchasing Alliance with J.R. Simplot Co., dba Simplot Partners, at \$250,000 annually, based on estimated requirements.

- \*5-f. One-Year Term Contract for Reagents and Supplies for DNA Analysis for the Police Department (Sole Source). **(Citywide)**

This contract will provide for ongoing purchases of the consumable reagents and supplies for the Biology Unit's DNA analysts to complete DNA extractions and process DNA samples.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, QIAGEN, Inc., at \$150,000 annually, based on estimated requirements.

- \*5-g. Term Contract for License Plate Reader Software for the Police Department (Initial Purchase grant funded by the Arizona Automobile Theft Authority and Attorney General's Office Settlement Funds). **(Citywide)**

This purchase will provide a web-based license plate national vehicle location service/license plate reader software for the Police Department's East Valley Gang and Criminal Information Fusion Center. This license plate recognition system allows Fusion Center personnel access to data related to license plate reader scans. This analytic software will provide investigative and real-time support to the Mesa Police Department and partner agencies, allowing queries without the initial cost of purchasing a license plate reader camera system.

The Police Department and Purchasing recommend authorizing a contract using the City of Tempe cooperative contract with Vigilant Solutions, at \$31,680 for the initial purchase; and \$30,000 annually for Years 2 and 3 for the annual subscriptions; based on estimated requirements.

- \*5-h. Three-Year Term Contract for Predictive Policing Subscription for the Police Department (Sole Source). **(Citywide)**

This contract will provide services, resources and tools to support a successful implementation of Predictive Policing (PredPol) services to support the City's efforts to suppress, deter and reduce crime. PredPol software will provide easy to use predictions for where and when property crime, drug crime, gun violence, gang activity and traffic incidents are most likely to occur based on historical data, current crimes and mathematical modeling.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, PredPol; Year 1 at \$60,400; and Years 2 and 3 at \$54,900 annually; based on estimated requirements. The one-time setup fee of \$5,500 and an annual subscription fee of \$54,900 (for the first three years) are funded by the Asset Forfeiture (RICO) Funds.

- \*5-i. Four-Year Term Contract for Consolidated Equipment Maintenance Program for the Police Department. **(Citywide)**

This contract will provide a forensics equipment maintenance management program that will reduce the number of contracts in place, allow for additions and deletions of equipment, track repair requests and monitor equipment performance. By consolidating 22 pieces of forensics equipment under one contract, the City will realize an anticipated 20% decrease in maintenance costs (\$28,251).

The Police Department and Purchasing recommend authorizing a contract using the State of Arizona cooperative contract with Specialty Underwriters, at \$127,000 annually, based on estimated requirements.

- \*5-j. One-Year Renewal of the Term Contract for Bio-Solids Removal and Reuse/Disposal Services for the Water Resources Department. **(Citywide)**

This contract provides for all materials, equipment and labor to load, transport, and reuse/dispose of dewatered bio-solids from Mesa's Northwest and Greenfield Water Reclamation Plants. Bio-solids dewatered during the previous 24-hours are removed from the plant site daily. The Greenfield Water Reclamation Plant expansion should be near completion in 2018. Due to this expansion, the amount of bio-solids to be removed will significantly increase and the City intends to re-bid this contract next year.

The Water Resources Department and Purchasing recommend authorizing a one-year renewal with Denalli Water Solutions, LLC, at \$460,000, based on estimated requirements.

- \*5-k. Purchase of 13 Security Cameras for Electric Utility Substations for the Energy Resources Department. **(Citywide)**

This purchase will furnish and install 13 security surveillance cameras at 4 electric utility substations in Mesa: Fraser Substation; Lewis Substation; Robson Substation and Kellwood Substation. The contractor will supply the cameras, associated hardware, equipment, labor, tools, materials and testing required to complete the installation among the four electric substations.

The Energy Resources Department and Purchasing recommend awarding the contract to the lowest, responsible and responsive bidder, Gosserco, Inc., at \$43,648.96.

- \*5-l. Purchase of Two Cargo Trailers for the Transportation Department. **(Citywide)**

This contract will provide two enclosed cargo trailers: one 8' X 20.5' and one 8' X 16.5' that will be used to support Transportation's daily operations. The additional purchases on this existing contract will exceed the purchasing threshold and now requires Council approval.

The Fleet Services Department, Transportation Department and Purchasing recommend authorizing the purchase from the contract with Verde, Inc., at \$24,277.44. This purchase is funded by Local Streets Sales Tax.

- \*5-m. Falcon Field Airport Realign and Construct Taxiway 'C' and Runway '4R' Run-up Area. **(District 5)**

On July 11, 2016, Council accepted an Airport Improvement Program Grant Agreement from the Federal Aviation Administration (FAA) that provides 91.06% of the necessary construction funding for this project. This project will enhance safety at Falcon Field by realigning the intersection of Taxiway 'C' with the approach end of Runway '22L'. The project will also reconfigure the Aircraft Run-Up Area at Runway '4R' to remove direct access from Falcon Ramp to the runway by introducing directional changes.

Staff recommends the project contract to the lowest, responsible bidder, J. Banicki Construction, Inc., in the amount of \$1,875,661.45, and authorizing a change order allowance in the amount of \$187,566. The FAA grant will fund 91.06% of the total estimated cost, with local matching funds required for the remaining 8.94%. Falcon Field has applied to the Arizona Department of Transportation (ADOT) for a matching grant to fund 4.47% and the Airport Enterprise Fund will fund the remaining 4.47%. If an ADOT grant is not received, Falcon Field will fund the entire local match of 8.94% from the Falcon Field Capital Program.

\*5-n. Val Vista Water Transmission Main Project – Phase 3 (**District 1**)

The City has initiated a three-phase project to build a new water transmission main to deliver water from the Val Vista Water Treatment Plant. The new Val Vista Water Transmission Main will serve as a dedicated water main for Mesa to fulfill the requirements of an Intergovernmental Agreement with the City of Phoenix. This contract is the second Guaranteed Maximum Price (GMP) for construction of the third phase of the project.

Staff recommends awarding the second GMP to Garney Construction in the amount of \$2,130,937.96, which includes a 3% contingency for approved change orders. Funding is available from the 2014 authorized Water Bonds.

6. Take action on the following resolutions:

- \*6-a. Approving and authorizing the City Manager to accept Proposition 202 funds from Gila River Indian Community and administer awarded funds as pass-through grants to designated awardees. (**Citywide**) – Resolution No. 10832.
- \*6-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the construction and maintenance of a public parking lot at the Lehi Crossing Trail trailhead; located where Val Vista Drive ends in cul-de-sac north of the 202L Red Mountain Freeway. Under the Agreement, the City's construction will be limited to the installation of a perimeter fence, access gates, signage and delineation for parking, for a one-time cost up to \$20,000. The City will be responsible for maintenance. (**District 1**) – Resolution No. 10833.
- \*6-c. Approving and authorizing the City Manager to enter into the Certification Acceptance Agreement with the State of Arizona (Arizona Department of Transportation) for the self-certification of Mesa to administer Federal Highway Administration-funded projects, such as pathways, traffic signals, intelligent transportation systems, and street improvements. (**Citywide**) – Resolution No. 10834.
- \*6-d. Approving and authorizing the City Manager to enter into a Development Agreement for City Share Reimbursement with Pulte Homes Corporation for the reimbursement of \$464,648 for oversized regional street lighting, street, water line and drainage improvements that are being required by Mesa, in conjunction with a proposed commercial development known as Bella Via Parcel 12 and 15, located at 5261 South Signal Butte Road. (**District 6**) – Resolution No. 10835.
- \*6-e. Extinguish a Public Drainage Easement at 1955, 1959 and 1963 North Red Cliff and 9012 East June Circle, Lots 9-12 of "Seville at Mountain Bridge." (**District 5**) – Resolution No. 10836.

The property owner is requesting that the City extinguish the public drainage easement to accommodate new development at the subdivision known as "Seville at Mountain Bridge."

- \*6-f. Extinguish a Public Drainage Easement at 2040 and 2046 North Red Cliff, Lots 17-18 of "Sanctuary at Mountain Bridge." **(District 5)** – Resolution No. 10837.

The property owner is requesting that the City extinguish the public drainage easement to accommodate new development at the subdivision known as "Seville at Mountain Bridge."

- \*6-g. Extinguish an Easement for Drainage at 219 East McKellips Road. **(District 1)** – Resolution No. 10838.

The property owner is requesting that the City extinguish the easement for drainage to accommodate the development of a U-Haul storage facility.

7. Introduction of the following ordinances and setting August 29, 2016 as the date of the public hearing on these ordinances:

- \*7-a. Z16-017 **(District 2)** 5850 through 5959 East Still Circle. Located north of Baseline Road and west of South Recker Road (11.44± acres). PAD Modification; and Site Plan Review. This request will allow for development of an academic building and parking garage. Toby Rogers, Butler Design Group, applicant, Kirksville College of Osteopathic Medicine IN, owner.

Staff Recommendation: Approval with conditions

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

- \*7-b. Z16-030 **(District 5)** 5500 block of East McKellips Road (south side). Located east of Higley Road and south of McKellips Road (4.5± acres). Rezoning from RM-2-BIZ-PAD to RSL-2.5-PAD-PAD; and Site Plan Review. This request will allow the development of a single-residential subdivision. Sandra Welty, SW Land Services, LLC, applicant; AMM Investments, owner.

Staff Recommendation: Approval with conditions

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

- \*7-c. Z16-031 **(District 3)** 1919 West Main Street. Located at the southeast corner of Main Street and Dobson Road (5.65± acres). Council Use Permit to allow large format retail within the LI district. David Kim, Corbel Architects, Inc., applicant; Ilyeon Kwon, owner.

Staff Recommendation: Approval with conditions

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

- \*7-d. Z16-033 **(District 1)** 406 North Val Vista Drive. Located at the northwest corner of Val Vista Drive and University Drive (2.21± acres). Rezoning from RS-9 to NC; and Site Plan Review. This request will allow for development of a retail commercial center. Reese Anderson, Pew & Lake, applicant; David A. Johnson, owner.

Staff Recommendation: Approval with conditions

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



- \*7-e. A13-05 (**District 5**) Annexing land in the 9700 block of East Brown Road (south side) and 1100 block of North 98<sup>th</sup> Street (west side) (2.03 ± ac). Initiated by the applicant, Jared Cox of Garner Cox Engineering.
- \*7-f. Z16-032 (**District 5**) 9700 block of East Brown Road (south side) and 1100 block of North 98<sup>th</sup> Street (west side). Located east of Ellsworth Road on the south side of Brown Road (2.03± acres). Rezone from Maricopa County Rural-43 to City of Mesa RS-43. This request will establish City of Mesa zoning on property that is annexing into the City. City of Mesa, applicant; Cole builders Inc., owner.

Staff Recommendation: Approval with conditions

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

- \*7-g. Amending section 10-4-3 of the Mesa City Code to increase speed limits from 35 MPH to 45 MPH on a portion of Sossaman Road, from Pecos Road, to a point 2,800 feet north of Pecos Road, as recommended by the Transportation Advisory Board. (**District 6**)

#### Items not on the Consent Agenda

#### 8. Items from citizens present.

There were no items from citizens present.

#### 9. City Manager's update on current events including, but not limited to, an update on FAQs related to the Mesa Royale Mobile Home Park.

Mayor Giles stated that this item would be continued to a future date.

#### 10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:02 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 22<sup>nd</sup> day of August, 2016. 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

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