



## COUNCIL MINUTES

January 9, 2017

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 9, 2017 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's Welcome.

Mayor Giles led a moment of silence, followed by the Pledge of Allegiance.

Awards, Recognitions and Announcements.

Mayor Giles announced that he was pleased to present a proclamation declaring January 9, 2017 as 'One Community Day', which was created in conjunction with the One Community Foundation. He explained that the purpose of the proclamation was for the City of Mesa to join the list of communities in the Greater Phoenix area that have signed on to the One Community Unity Pledge. He indicated that the Unity Pledge publicizes the fact that Mesa is committed to diversity, is a very inclusive community and values every person in the community.

Angela Hughey, president and co-founder of One Community Foundation, thanked the Council for the proclamation and support of the Unity Pledge. She expressed her appreciation for the valuable and trusted relationship between One Community Foundation and the City of Mesa, which has transpired over the years into a collaboration that truly seeks to do what is in the best interest of all Arizonans, in an effort to improve the quality of life for all. She stated that signing the proclamation today is a sincere and honorable step in ensuring that each person in the state is valued for who they are, and that they are ready to compete in attracting and retaining the very best talent. She stated that they look forward to continuing this conversation with Mesa to explore a statewide solution that would be more comprehensive and would avoid the misstep of creating the unintended consequence of patchwork policy. She added that their mutual goal is to ensure that no matter the zip code, their policies, procedures and/or core values will not vary, but will uphold the same standards and commitment throughout Arizona.

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.

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

Minutes from the November 21, December 1, 5, 8 and 12, 2016 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. All Pierogi Euro Kitchen

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for All Pierogi Kitchen LLC, 1245 West Baseline Road, Suite 101 – Nataliya Koshalko, agent. The previous license held by Euro Kitchen LLC will revert back to the State. **(District 3)**

\*3-b. Café Mix

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Lunar House LLC, 4405 East McKellips Road, Suite 106 – Sami Ibrahim, agent. The previous license held by Warina LLC will revert back to the State. **(District 5)**

4. Take action on the following contracts:

\*4-a. Three-Year Term Contract for Wire and Cable for the Materials and Supply Warehouse (for Various City Departments). **(Citywide)**

This contract will establish a pre-qualified vendors list who will be eligible to competitively quote for wire and cable. The City unsuccessfully attempted to obtain a fixed-price contract on three previous occasions and determined that a qualified vendors listing would be the City's best option.

The evaluation committee recommends awarding the contract to the qualified proposals from Border States Electric; Standard Wire & Cable Co.; Consolidated Electrical Distributors Inc., dba Arizona Electric Supply (a Mesa business); Wesco Distribution; and Anixter; cumulatively not to exceed \$417,000 annually, based on estimated requirements.

\*4-b. One-Year Renewal of the Term Contract for Residential Refuse and Recycling Containers for the Environmental Management and Sustainability Department. **(Citywide)**

This contract provides a supply of 35-gallon, 65-gallon, and 95-gallon plastic refuse and recycling containers for residential use.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing the renewal with Rehrig Pacific Company, at \$1,068,077.59, based on estimated requirements.

- \*4-c. Purchase of Eight Replacement Compressed Natural Gas (CNG) Automated Side Loading (ASL) Refuse Trucks for the Environmental Management and Sustainability Department. **(Citywide)**

The eight trucks being replaced have met established criteria and will be retired and sold at auction. Today, Solid Waste is providing service for approximately 296,000 barrels operating with 50 trucks.

The Fleet Services Department, Environmental Management and Sustainability Department and Purchasing recommend authorizing the purchase from the active contract with Rush Truck Center of Arizona Inc., at \$3,057,596.40. This purchase is funded by the Utility Replacement Extension and Renewal Fund, Capital Enterprise Fund and the Solid Waste Development Fee.

- \*4-d. Six-Month Renewal of the Term Contract for Elevator/Vertical Transportation Unit Maintenance for Citywide Facilities as requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides a single vendor to perform routine maintenance and repair services for 57 elevators/vertical lift units at various City buildings. This six-month renewal contract will allow staff time to prepare for a re-solicitation of the contract.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with ThyssenKrupp Elevator Corporation, at \$46,840 for six months, based on estimated requirements.

- \*4-e. Purchase of One Fleet Addition Cut-Away Van with Enclosure Service Body for the Parks, Recreation and Community Facilities (PRCF) Department. **(Citywide)**

This service vehicle addition was budgeted for in conjunction with the staff that has been added to support new PRCF facilities. It will primarily be driven by the Facilities Maintenance Technician II – Electrician to maintain the new ballfields at Fiesta Sports Park and the new construction that is about to occur at Pioneer Park.

The Fleet Services Department, Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Berge Ford (a Mesa business), at \$40,616.64. This purchase is funded by the Capital General Fund.

- \*4-f. Purchase of Replacement Grinding Equipment for the Dobson Ranch Golf Course, as Requested by the Parks, Recreation and Community Facilities Department. **(District 3)**

This equipment is needed to ensure the City has properly maintained mowers for the highest cut-quality to provide turf health for our peak golf seasons. This replacement equipment is part of the Golf Lifecycle Plan and necessary due to safety, age and the inability to repair the current equipment, which is 20 years old.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing purchase from the lowest, responsive and responsible bidder, Textron, Inc., at \$49,247.26

- \*4-g. Three-Year Term Contract for Fiberglass Waterslide Repair for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide for the necessary preventative maintenance including repair, waxing and buffing of the City's nine full-size fiberglass waterslides, two fiberglass kiddie slides and one cementitious/vinyl kiddie slide at various Aquatics facilities.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, 8 Blocks Maintenance Co., LLC, at \$56,884.50 annually, based on estimated requirements.

- \*4-h. Purchase of Computer Hardware Flash Storage Array for the City's Data Center as Requested by the Information Technology Department. **(Citywide)**

This purchase will provide a flash storage array to back-up City data that integrates with the City's Data Center infrastructure moving to the AT&T facility. This storage solution will replace several cabinets of legacy storage arrays into a single unit and provide improved performance and lower operating costs by using less space and power in the new Data Center.

The Information Technology Department and Purchasing recommend authorizing purchase from the State of Arizona cooperative contract with lowest quoted vendor, cStor, at \$173,979.74. This purchase is funded by the Information Technology Life Cycle Program budget.

- \*4-i. Purchase of Four Replacement Vehicles for the Police Department. **(Citywide)**

The vehicles being replaced have met established replacement criteria and will be retired and sold at auction. The four replacement vehicles are for the Police Department's Special Operations Unit.

The Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contracts with Larry Miller Toyota, at \$102,370.57; and San Tan Ford, at \$32,230.73; for the combined total of \$134,601.30. This purchase is funded by Asset Forfeiture (RICO) Funds.

- \*4-j. Purchase of Four Replacement Night Vision Goggles for the Police Department, Aviation Unit (Sole Source). **(Citywide)**

Night vision goggles are designed to operate under a variety of lighting conditions, ranging from very low light to high light. The new goggles will replace four worn, degrading and obsolete models in the Aviation Unit's current inventory.

The Police Department and Purchasing recommend authorizing the purchase from the sole source vendor, Aviation Specialties Unlimited, at \$51,406.08.

- \*4-k. One-Year Renewal of the Term Contract for Traffic Sign Posts for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract provides galvanized metal sign post materials for the installation, replacement and/or relocation of traffic control and street name signs throughout the City.

The Business Services Department, Transportation Department and Purchasing recommend authorizing the renewal with Xcessories Squared Southwest, Inc., at \$80,000, based on estimated requirements.

- \*4-l. Two-Year and Ten-Month Term Contract for Reflectorized Sign Sheeting for the Transportation Department. **(Citywide)**

This contract will provide reflectorized sign sheeting, acrylic colored film and protective overlay film. Transportation's Traffic Operations uses these materials to fabricate traffic control, street name and wayfinding signs installed and maintained throughout the City for public safety.

The Transportation Department and Purchasing recommend authorizing a two-year and 10-month contract using the State of Arizona cooperative contract with 3M Company, at \$30,000 annually, based on estimated requirements.

- \*4-m. Three-Year Term Contract for LED Roadway Fixtures for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract will provide GE Evolve roadway luminaires to be used for High Pressure Sodium replacements on the City's local, collector and major roadways.

The Business Services Department, Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, WESCO Distribution, at \$156,000 annually, based on estimated requirements.

- \*4-n. One-Year Renewal of the Term Contract for Radio-Based Endpoint Encoders for the Water Resources Department (Single Bid). **(Citywide)**

This contract provides Itron radio-based endpoint encoders and accessories compatible with the City's Itron automated reading system. The endpoint encoders store 40 days of hourly reads to ensure data integrity and offers advanced customer side leak detection and reverse flow and tamper alarms.

The Water Resources Department and Purchasing recommend authorizing the renewal with Itron, Inc., at \$55,000, based on estimated requirements.

- \*4-o. One-Year Renewal Contract for Fire Hydrant Water Meters for the Water Resources Department. **(Citywide)**

This contract provides 3" fire hydrant water meters to measure construction water use at fire hydrants. The meters are installed by Water Utility staff to serve contractors and other customers and assess fees associated for water usage while connected to City fire hydrants for temporary construction water service and dust control purposes.

The Water Resources Department and Purchasing recommend authorizing the renewal with Badger Meter Inc., at \$31,000, based on estimated requirements. This purchase is funded by 2014 Water Bonds.

\*4-p. Elliot Road Waterline – Sossaman Road to Signal Butte Road. **(District 6)**

Construction of a new 42-inch pipe connecting to an existing 42-inch pipe just west of the intersection of Signal Butte and Elliot Roads, extending three miles west along Elliot Road to Hawes Road. At Hawes Road, the pipe diameter will be reduced to 30-inches and continue west one mile to an existing 24-inch pipe at Sossaman Road.

Staff recommends awarding the contract for this project to the lowest responsive bidder, Kinkaid Civil Construction LLC, in the amount of \$8,711,698, and authorize a change order allowance in the amount of \$871,169.80 (10%). This allowance will only be utilized for approved change orders. Funding is available from the 2014 authorized Water bonds.

\*4-q. Mesa Fire and Medical Regional Dispatch Center and Emergency Operations Center (EOC), Guaranteed Maximum Price (GMP) No. 3. **(District 3)**

GMP No. 3 for the Mesa Fire and Medical Regional Dispatch and EOC includes the additional scope of work necessary to upgrade the Emergency Operations Center, to provide key technology enhancements including state-of-the-art software and related equipment.

Staff recommends awarding the contract for completion of this project to CORE Construction Services, Inc., in the amount of \$458,510, (GMP No. 3). There is no additional change order allowance with this GMP. Funding is available from the 2008 and 2013 authorized Public Safety Bonds Program, and by the SRPMIC Grant.

\*4-r. Central Arizona Project (CAP) Raw Water Pipeline. **(District 6)**

The City of Mesa is currently in the process of building a new water treatment plant at the northeast corner of the Elliot Road and Signal Butte Road intersection. This proposed pipeline will provide a water source for this treatment plant. This 54-inch pipeline will extend approximately 3-miles from the City's existing turnout structure at the CAP canal, to the Signal Butte Water Treatment Plant (SBWTP). The raw water pipeline will deliver up to 53 million gallons of water per day to be treated at the plant.

Staff recommends awarding the contract for this project to Garney Construction, in the amount of \$8,611,361.72, and authorize a change order allowance in the amount of \$215,284.04 (2.5%). This allowance will only be utilized for approved change orders. Funding is available from the 2014 authorized Water bonds.

\*4-s. Greenfield Park Improvements Project Construction Manager at Risk – Guaranteed Maximum Price (GMP) No. 2. **(District 2)**

On October 17, 2016, City of Mesa Council awarded GMP 1 contract in the amount of \$671,854.25 with a change order allowance of \$33,592.71 (5%) to Hunter Contracting Co. to provide construction services. GMP 1 included earthwork grading, pond dewatering and excavation, and initial storm water infrastructure improvements. Additional enhancements include pedestrian walkways and street lights, ADA

accessibility upgrades for the lake, updates to the playground and fitness equipment, a new restroom facility, playground shade, and parking lot expansion. The lake will continue to serve as the irrigation water source for the western portion of the park.

Staff recommends awarding the contract for the completion of this project to Hunter Contracting Co., in the amount of \$2,379,040.02, based upon a Guaranteed Maximum Price of \$2,265,752.40, plus an additional \$113,287.62 (5%) change order allowance. This allowance will only be utilized for approved change orders. Funding is available from the 2012 authorized Parks Bonds, 2013 authorized Streets Bonds and the Environmental Compliance Fee.

5. Take action on the following resolutions:

- \*5-a. Staff has successfully negotiated purchases on 35 parcels (30 property owners) and continues to appraise and negotiate with the remaining 88 parcels (62 property owners), but have not yet been able to acquire the property. Staff is requesting approval to continue negotiations to acquire certain property along the Gilbert Road Light Rail Extension (Mesa Drive Light Rail Station to Gilbert Road, along Main Street), and in order to avoid construction delays, authorizing and directing staff that fee title, easements or other interests in and possession of certain property be acquired by the City of Mesa through eminent domain as a matter of public necessity. **(District 4)** – Resolution No. 10907.
- \*5-b. Approving and authorizing the City Manager or his designee to enter into an Obligation Document with the U.S. Department of Justice, United States Marshals Service to accept \$66,485 for the reimbursement of Police personnel overtime expenses relating to a Joint Law Enforcement Operations Task Force. **(Citywide)** – Resolution No. 10908.
- \*5-c. Approving and authorizing the City Manager to enter into a SubGrant Award Agreement with the Arizona Department of Public Safety, to accept \$159,072 in grant funds from the Victims of Crime Act, Victim Assistance Grant Program, which will be used for salaries and employee benefits of three victim services specialists at the Police Department's Mesa Family Advocacy Center. (Citywide) – Resolution No. 10909.
- \*5-d. Approving and authorizing the City Manager to enter into a Development Agreement with Pecos Merrill 20 LLC, for the property located at the southwest corner of Pecos and Merrill Roads. This parcel is being acquired for a future groundwater facility, due to the projected growth in the southeast quadrant of the City. Included in the Development Agreement are terms that will allow for the continued farming on the parcel until future development of the property occurs and the responsibilities for developing Merrill Road. **(District 6)** – Resolution No. 10910.
- \*5-e. Prescribing and adopting standards of financial disclosure for local elected officials. **(Citywide)** – Resolution No. 10911.
- \*5-f. Accepting the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2016.

The CAFR was accepted by Council and no resolution was adopted.

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

- \*6-a. Creating a new Mesa City Code Title 6, Chapter 24 "Escort Services" requiring licensing for the provision of services by an escort, escort assistant or escort bureau, and making corresponding amendments to Mesa City Code Title 6, Chapter 16 "Sexually Oriented Businesses" consistent with the creation of Title 6, Chapter 24. **(Citywide)** – Ordinance No. 5367.
- \*6-b. **Z16-054 (District 1)** 2200 block of East University Drive (north side). Located east of Gilbert Road on the north side of University Drive (2.11± acres). Rezoning from RS-6 to RM-2-BIZ; and Site Plan Review. This request will allow for attached single residence development. Doug Sweeney, Brighton Companies, LLC., applicant; David K. Stephens Trust, owner. – Ordinance No. 5368.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0-1)

7. Discuss, receive public comment, and take action on the following ordinance and take action on the following resolution relating to pavement cut restrictions and pavement restoration fees:

- \*7-a. Amending Title 9, Chapter 1 "Right-of-Way Permits" of the Mesa City Code and adding pavement cut restrictions, pavement restoration fees and other regulations concerning construction work in the City right-of-way. **(Citywide)** – Ordinance No. 5369.

This amendment will add pavement cut restrictions and pavement restoration fees for work in the City right-of-way. The pavement restoration fees collected will be used for street maintenance, rehabilitation, and reconstruction. Adopting the proposed amendments and pavement restoration fee will have an overall revenue increase of approximately \$40,000 per year.

- \*7-b. Amending the Schedule of Fees and Charges to include pavement restoration fees. – Resolution No. 10912.

8. Take action on the following subdivision plat:

- \*8-a. "Sec First & Macdonald" **(District 4)** The 40 to 100 blocks of West 1<sup>st</sup> Avenue (south side) and 100 to 200 blocks of south Macdonald (east side). Located on the southeast corner of 1<sup>st</sup> Avenue and Macdonald. 2 T5MSF lots (1.949± acres). Mesa Housing Associates II, developer; City of Mesa, owner.

**Items not on the Consent Agenda**

9. Items from citizens present.

Bryce Cook, a Mesa resident, thanked the City Council for signing the Unity Pledge and explained what the City's support means to him and his family personally.

Lynda Maraby, an urban missionary at First Evangelical Lutheran Church and a Mesa resident, stated that she is thankful that her church is able to sign-on to be a Reconciling in Christ Congregation, which means that everyone who comes to their door is welcomed. She thanked



Mesa for signing the Unity Pledge and proving that Mesa agrees with the same values of equal justice for all.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:07 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 9<sup>th</sup> day of January, 2017. 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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