



COUNCIL MINUTES

August 27, 2018

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 27, 2018 at 5:45 p.m.

COUNCIL PRESENT

John Giles
David Luna
Mark Freeman
Christopher Glover
Francisco Heredia
Kevin Thompson
Jeremy Whittaker

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor's Welcome.

Invocation by Pastor Drew Arliskas with Mountain Vista Bible Church.

Pledge of Allegiance was led by Mayor Giles.

Mayor Giles asked everyone to stand and observe a moment of silence in honor of the late Senator John McCain.

Awards, Recognitions and Announcements.

Mayor Giles recognized Councilmember Glover on receiving an eight-year service award from the League of Arizona Cities and Towns.

1. Take action on all consent agenda items.

Mayor Giles clarified that the following items are removed from the consent agenda: 7-b and 7-e.

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 Freeman, seconded by Vice Mayor Luna, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Luna- Freeman-Glover-Heredia-Thompson-Whittaker
NAYS – None

Carried unanimously.

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

Minutes from the August 20, 2018 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Palace Nail Lounge

A nail salon is requesting a new Series 7 Beer & Wine Bar License for Paris Nail Lounge LLC, 1940 West Rio Salado Parkway, Suite 101 - Hien Van Tran, agent. There is no existing license at this location. **(District 1)**

*3-b. Time Out Sports Bar & Grill

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for Time Out Bar & Grill LLC, 1762 South Greenfield Road, Suite 111 - Jeannie Katherine Symonds, agent. The existing license held by Fat Willy's Greenfield LLC, will revert to the State. **(District 2)**

4. Take action on the following contracts:

*4-a. One-Year Renewal to the Term Contract for Rigging and Over-Hire Stage Hand Services for the Mesa Arts Center as requested by the Arts & Culture Department. **(Citywide)**

This contractor serves as the Mesa Arts Center's in-house rigging provider and is responsible for fly-rail operations, weight loading operations, high rigging, and low rigging. These services are required to perform certain aspects of theater operations.

The Arts & Culture Department and Purchasing recommend authorizing the renewal with Rhino Arizona, LLC, at \$100,000, based on estimated usage.

*4-b. One-Year Renewal to the Term Contract for Auctioneering Services for the Fleet Services, Police, and Business Services Departments. **(Citywide)**

The auctioneer disposes of surplus City vehicles, equipment, firearms and other surplus property, as needed, to maximize the City's return of surplus sales and minimize operational costs.

The Fleet Services, Police, and Business Services Departments, and Purchasing recommend authorizing the renewal with The Public Group, LLC and Sierra Auction Management, Inc. This contract provides revenue to the City and there is no cost to the City.

- *4-c. One-Year Renewal to the Term Contract for Network Equipment for the Mesa Public Libraries as requested by the Library Services Department. **(Citywide)**

Some of the existing wired network connectivity equipment in the libraries is at end of life and maintenance support. The Universal Service Schools and Libraries Program (E-Rate Program) helps fund high-speed Internet access and telecommunications. In 2017, Council approved the purchase of network equipment for the Mesa Public Libraries at \$256,464.42 through the program.

This is an ongoing project for Library Services and Information Technology and more time is required to complete it.

The Library Services Department and Purchasing recommend authorizing the renewal with Sentinel Technologies, Inc., through the E-Rate Program. No additional funds are requested at this time.

- *4-d. One-Year Renewal to the Term Contract for Audio-Visual Services for the Mesa Convention Center as requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides audio-visual services to Mesa Convention Center clients. The City collects the money from exhibitors and event coordinators and then issues a payment to settle with the concessionaire.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with JLG Enterprises, Inc., dba Premier Audio Visual (a Mesa business), at \$160,000, based on estimated usage.

- *4-e. One-Year Renewal to the Term Contract for Fabrication and Installation of Park Signs for the Parks, Recreation and Community Facilities (PRCF) Department. **(Citywide)**

This contract provides a contractor to fabricate and install new standard identification and rules signs at City parks and facilities in a phased approach. The new signs update the look and wording to create a more modern and consistent message. Changes in the City Code pertaining to park regulations have been incorporated and standardized across all PRCF facilities. The old signs are removed at the time of new sign installation.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with Sierra Signs & Service, Inc. (a Mesa business), at \$467,000 annually, based on estimated usage.

- *4-f. Purchase of One Replacement Automated Side Loading Refuse Truck for the Environmental Management and Sustainability Department. **(Citywide)**

This purchase will provide a heavy-duty automated side loading refuse truck to support daily solid waste operations. The refuse truck that is being replaced has met established replacement criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the ongoing vehicle replacement program.

The Fleet Services, and Environmental Management and Sustainability Departments, and Purchasing recommend authorizing the purchase from the existing contract with

Rush Truck Centers of Arizona, dba Rush Truck Center Phoenix, at \$379,820.77. This purchase is funded by the Capital Enterprise Fund.

- *4-g. Purchase of Four Replacement CNG Powered Heavy-Duty Front-Loading Refuse Trucks for the Environmental Management and Sustainability Department. **(Citywide)**

This purchase will provide CNG powered front-end loader refuse trucks for Mesa's commercial accounts. The four refuse trucks that are being replaced have met established replacement criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the ongoing vehicle replacement program.

The Fleet Services, and Environmental Management and Sustainability Departments, and Purchasing recommend authorizing the purchase from the existing contract with Rush Truck Centers of Arizona, dba Rush Truck Center Phoenix, at \$1,475,985.44. This purchase is funded by the Utility Replacement Extension and Renewal Fund, and Capital Enterprise Fund.

- *4-h. Dollar-Limit Increase to the Term Contract for LED Roadway Fixtures (GE Brand) for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract provides for the maintenance and replacement of over 38,000 streetlights utilizing GE Evolve roadway luminaires for the City's local, collector and major roadways. In addition to regular maintenance, the Transportation Department is currently in the process of replacing over 500 streetlight poles because of rust, traffic accidents and spot improvements. Each replacement will require a new light-emitting diode (LED) fixture. Transportation has requested this increase to allow the City to continue repairs on a large number of streetlights while the City works to rebid the contract.

The Business Services and Transportation Departments and Purchasing recommend increasing the dollar-limit with WESCO Distribution, by \$104,500, from \$284,693 to \$389,193 annually, for Year 2 of the contract term. The increase is funded by Lifecycle Program Funding.

- *4-i. Dollar-Limit Increase to the Term Contract for Herbicide Application and Landscaping Services for the Transportation Department. **(Citywide)**

This contract provides vegetation management services in the City's rights-of-way and storm drainage easements. Transportation's need for herbicide application has increased every year since 2015, from 500,000 square yards to 827,756 square yards, to date. The increase is needed for the increased volume usage.

The Transportation Department and Purchasing recommend increasing the dollar-limit with Basin Tree Service & Pest Control, Inc., dba United Right of Way, by \$60,000, from \$300,000 to \$360,000 annually, for Years 4 and 5 of the contract term, based on estimated usage.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into the First Amendment to the Intergovernmental Agreement concerning the Greenfield Water Reclamation Plant (GWRP) with the Towns of Queen Creek and Gilbert, and a Lease Agreement with the

Town of Gilbert regarding certain property surrounding the GWRP. **(Citywide)** – Resolution No. 11199.

- *5-b. Extinguishing a 20-foot public utilities and facilities easement and two drainage easements located at 5139 East Indigo Street to accommodate the development of a new storage facility; requested by the property owner. **(District 5)**– Resolution No. 11200.
- *5-c. Extinguishing a public utilities and facilities easement located in the 200 block of East Main Street to accommodate the development of the GRID Project; requested by the developer. **(District 4)** – Resolution No. 11201.
- *5-d. Extinguishing a drainage easement located at 1723 N Banning to accommodate the development of a warehouse facility; requested by the property owner. **(District 5)** – Resolution No. 11202.
- *5-e. Supporting the Salt River Agricultural Improvement and Power District's proposed Southeast Power Link Project, and the associated Application for a Certificate of Environmental Compatibility filed with the Arizona Power Plant and Transmission Line Siting Committee. **(District 6)** – Resolution No. 11203.

6. Take action on the following resolutions relating to the property located on South Udall, between Main Street and First Avenue:

- *6-a. Vacating a portion of South Udall right-of-way, between Main Street and First Avenue. **(District 4)** – Resolution No. 11204.

This abandonment is to facilitate the development of a mixed-use project on private property for residential and commercial development.

- *6-b. Approving and authorizing the City Manager to enter into a Permanent Public Right-of-Way and Utility Easement and Underground Parking Structure Agreement with Suburban Land Reserve, Inc. to accept an easement over a portion of South Udall between Main Street and First Avenue. **(District 4)** – Resolution No. 11205.

This easement will allow for construction and maintenance of public roadway improvements on and above an underground parking structure developed on the abandoned portion of South Udall.

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

- *7-a. **ZON18-00149 (District 6)** The 9800 through 9900 blocks of East Hampton Avenue (south side) and the 1400 block of South Crismon Road (west side). Located at the northwest corner of US-60 and Crismon Road (15± acres). Rezoning from PEP-PAD-CUP to PEP-PAD. This request will allow for an office and commercial development. Gilmore Planning and Landscape Architecture, applicant; Crismon Superstition Partners, owner. – Ordinance No. 5459.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

*7-b. See: **Items not on the Consent Agenda.**

*7-c. **ZON18-00310 (District 3)** The 1700 to 1900 blocks of South Horne (west side), the 1700 to 1900 blocks of South Hobson (east side), and the 600 to 800 blocks of Auto Center Drive (south side). Located north of Baseline Road and east of Mesa Drive (22± acres). Rezoning from LI and LI-PAD to LI-PAD; and Site Plan Review. This request will allow for the development of an industrial park. Jeff McCall, McCall and Associates Architects, Inc., applicant; Puppyfeathers Limited Partnership, owner. – Ordinance No. 5460.

Staff Recommendation: Approval with conditions

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

*7-d. **ZON18-00221 (District 1)** The 1100 block of North Miller Street (east side) and the 1000 block of East Brown Road (south side). Located on the south side of Brown Road and west of Stapley Drive (0.2± acres). Rezoning from OC to RS-9-BIZ; and Site Plan Review. This request will allow for the development of a single-family residence. Richard Corrow, applicant; NICHA, LLC, owner. – Ordinance No. 5461.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

*7-e. See: **Items not on the Consent Agenda.**

*7-f. **ZON18-00360 (District 2)** The 3100 block of East Broadway Road (south side). Located east of Lindsay Road on the south side of Broadway Road (3.1± acres). Rezoning from RS-9 to RM-2-PAD; and Site Plan Review. This request will allow for the development of an attached single-residence development. Dane Astle, Edifice Architect, applicant; David and Carla Weaver, owner. – Ordinance No. 5462.

Staff Recommendation: Approval with conditions

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

*7-g. **ZON18-00335 (District 5)** 6606 East McKellips Road. Located west of Power Road on the north side of McKellips Road (1± acres). Rezoning (removal of condition of approval); and Site Plan Modification. This request will remove condition #10 from the original zoning approval to allow restaurant uses; and modification of the approved site plan to add a drive-thru. Alfred Patterson, Bar Napkin Productions, applicant; Travis Hackett, Rielly Red Mountain LLC/H J Red Mountain, ETAL, owner. – Ordinance No. 5463.

Staff Recommendation: Approval with conditions

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

8. Discuss, receive public comment, and take action on the following ordinance, and take action on the following resolution relating to the development known as Eastmark:

- *8-a. **ZON18-00121 (District 6)** The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). Major Amendment to the Eastmark Community Plan. This request will make changes that impact Development Units (“DUs”) 1, 2, 3, and 4 related to Land Use Groups, the Land Use Budget, refinements to the DU character descriptions, and corresponding modifications to various sections of the Community Plan including the removal of the requirement for a non-potable water master plan. DMB Mesa Proving Grounds, LLC, applicant; DMB Mesa Proving Grounds, LLC, owner. – Ordinance No. 5464.

Staff Recommendation: Approval with conditions

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

- *8-b. Approving and authorizing the City Manager to enter into a Fourth Amendment to the Mesa Proving Grounds Pre-Annexation and Development Agreement with DMB Mesa Proving Grounds LLC, relating to the construction of, and reimbursement for, public infrastructure for, and the provision of City services to, the Eastmark development. **(District 6)** – Resolution No. 11206.

9. Discuss, receive public comment, and take action on the following ordinances, and take action on the following resolution relating to changes to Title 5 of the Mesa City Code and the associated Business Services Department fees:

- *9-a. Repealing and replacing, in its entirety, the existing Mesa City Code Title 5 (Business Regulations), Chapter 7 entitled “Auctioneers, Pawnbrokers, Scrap Metal Dealers, and Secondhand Dealers” for the simplification and modification of requirements related to the operation and licensing of auctioneers, pawnbrokers, scrap metal dealers, and secondhand dealers in the City of Mesa. **(Citywide)** – Ordinance No. 5465.
- *9-b. Amending Title 5 of the Mesa City Code (Business Regulations) by adopting a new Chapter 22 entitled “Automated Kiosks” requiring the license and regulation of automated kiosks in the City of Mesa. **(Citywide)** – Ordinance No. 5466.
- *9-c. Modifying fees and charges for the Business Services Department **(Citywide)** – Resolution No. 11207.

10. Take action on the following subdivision plats:

- *10-a. “Mesa Temple District” **(District 4)** The 0 block of South Mesa Drive (east side), the 400 block of East Main Street (south side), the 0 block of South Udall (both sides), and the 0 block of South LeSueur (west side). Located at the southeast corner of Main Street and Mesa Drive. 1 lot T5MSF, 1 lot T5MSF and T5MSF-HD, and 1 T4N-HD lot (6 ± acres). Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, developer; Robert A. Johnston, Higart Wilson, surveyor.

- *10-b. "Parcel A Final Plat B for Ray Road Commerce Center North" (**District 6**) The 7100 to 7300 blocks of East Ray Road (north side). Located east of Power Road on the north side of Ray Road (32.4± acres). Phx-Mesa Gateway Airport 193, LLC, developer; Richard E. Jones, XCL Engineering, LLC, surveyor.

Items not on the Consent Agenda

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

- 7-b. **ZON18-00171 (District 6)** The 8200 to 8400 blocks of East Baseline Road (north side). Located west of South Channing (Hawes Road) alignment on the north side of Baseline Road (54± acres). Rezoning 1.6± acres from RM-4 to RSL-2.5-PAD, incorporating the acreage into the approved 52.4± acres Baseline Mixed-Use PAD (Z14-021 and ZON18-00169); and Site Plan Review. This request will allow for the incorporation of additional acreage into an existing PAD to allow for the development of a residential small-lot subdivision. Woodside Homes, applicant; Baseline Mesa, LLC, and NSHE POWELL LLC, owner. – Ordinance No. 5467.

Staff Recommendation: Approval with conditions

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

Gary Chester, a Mesa resident, expressed his concern on the traffic flow and that traffic would create a negative impact. He asked how the amount of park free space is determined.

Beverly Salvage, a Mesa resident, commented that she is against having higher density. She thanked the developer for placing in the signal light for the children to cross, however, the traffic on Baseline Road to the freeway is still too congested for children. She added that the park needs more green space.

Susan Demmitt of Gammage & Burnham Attorneys at Law representing the applicant, Woodside Homes, reported that the two-acre lot is zoned for multi-family and will be re-zoned to single-family. She noted that Woodside Homes has acquired 30 acres that will dedicate 18% to open space with a community pool. She pointed out that improvements have been made to Baseline Road and a traffic signal installed in order to address citizen concerns.

It was moved by Councilmember Freeman, seconded by Councilmember Glover, that Ordinance No. 5467, be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Luna- Freeman-Glover-Heredia-Thompson-Whittaker
NAYS – None

Mayor Giles declared the motion carried unanimously and Ordinance No. 5467 adopted.

- 7-e. **ZON18-00359 (District 4)** The 1100 block of South Stapley Drive (east side). Located east of Stapley Drive and north of Southern Avenue (1.6± acres). Rezoning from LC to RM-2-PAD; and Site Plan Review. This request will allow for the development of an attached single-residence development. Dane Astle, Edifice Architecture, applicant; Stapley & Southern Partners, LLC, owner. – Ordinance No. 5468.

Staff Recommendation: Approval with conditions

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

Judith McFarland, a Mesa resident, questioned if the development would be addressing the security needed in the area due to inappropriate activity.

Leslie Pitzen, a Mesa resident, stated her concern is the lack of privacy in her single-story home due to the two-story duplex development with balcony's facing north and south. She stated the opinion that the development is too congested on 1.6 acres and is not meeting the City's setback code. She asked that the balcony facing her home be removed or made less visible.

Sharon Howden, a Mesa resident, requested the development be single level and to consider noise and privacy. She asked the City to take more time to consider.

Ralph Pew of Pew & Lake P.L.C. representing the applicant, Edifice Architecture, expressed the opinion that the security would be increased and improved with the development. He noted that the east side has a landscape buffer with no windows or balcony's. He requested Council support.

In response to a question posed by Councilmember Glover, Planning Director John Wesley clarified that the setbacks are in compliance with the City code.

It was moved by Councilmember Freeman, seconded by Councilmember Thompson, that Ordinance No. 5468, be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Luna-Glover-Heredia-Thompson-Whittaker

NAYS – Freeman

Mayor Giles declared the motion carried by majority vote and Ordinance No. 5468 adopted.

11. Conduct a public hearing on the following annexation case:

11-a. Public Hearing prior to the release of the petition for signatures for annexation case ANX18-00302, located south of Thomas Road and west of Hawes Road (13.7± acres). The request is initiated by the applicant, Alexandra Schuchter, Diversified Partners, LLC, for the owner, Berge Revocable Trust. **(District 5)**

Mayor Giles announced that this is the time and place for a public hearing regarding the release of the petition for signatures for annexation case ANX18-00302. **(District 5)**

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:20 p.m.

JOHN GILES, MAYOR

ATTEST:

DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 27th day of August, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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