



COUNCIL MINUTES

October 15, 2018

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 15, 2018 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Christopher Glover

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor Giles excused Councilmember Glover from the entire meeting.

Mayor's Welcome.

Invocation by Pastor Perry Emerick with Central Christian Church

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Parks, Recreation and Community Facilities Department Director Marc Heirshberg advised the City received the Award of Distinction from Arizona Forward for the recently refurbished and restored Pioneer Park.

Deputy Transportation Director Erik Guderian stated Arizona Forward awarded the Crescordia Award to the City for construction of the Mesa Rio Salado-Stadium Connector shared-use paths.

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

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Glover

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the September 17 and October 1, 2018 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Live Love

This is a one-day event to be held on Wednesday, October 31, 2018 from 8:00 A.M. to 9:05 P.M. at Worth Takeaway, 218 West Main Street. **(District 4)**

*3-b. Real Change International Management Group Inc.

This is a one-day event to be held on Saturday, October 27 from 9:00 P.M. to 2:00 A.M. and on Sunday, October 28, 2018 at Hollywood Hookah, 1916 West Baseline Road, Suite 13. **(District 3)**

*3-c. Mavyn

This is a one-day event to be held on Saturday, October 20 from 7:00 P.M. to 2:00 A.M. and on Sunday, October 21, 2018 at Mind's Eye Studio, 43 West 6th Avenue. **(District 4)**

*3-d. Mesa Urban Renewal and Arts Lab (MURAL)

This is a one-day event to be held on Saturday, November 10, 2018 from 12:00 P.M. to 10:00 P.M. in downtown Mesa, on Macdonald, from Main Street to Pepper Place. **(District 4)**

*3-e. Mesa Urban Renewal and Arts Lab (MURAL)

This is a two-day event to be held on Friday, November 9, 2018 from 5:00 P.M. to 10:00 P.M. and Saturday, November 10, 2018 from 12:00 P.M. to 10:00 P.M. in a vacant building, 18 West Main Street. **(District 4)**

*3-f. Mesa Urban Renewal and Arts Lab (MURAL)

This is a two-day event to be held on Friday, November 9 and Saturday, November 10, 2018 from 5:00 P.M. to 10:00 P.M., and 12:00 P.M. to 10:00 P.M., respectively, in a vacant building, 29 West Main Street. **(District 4)**

*3-g. Mesa Urban Renewal and Arts Lab (MURAL)

This is a two-day event to be held on Friday, November 9 and Saturday, November 10, 2018 from 5:00 P.M. to 10:00 P.M., and 12:00 P.M. to 10:00 P.M., respectively, in a vacant building, 155 West Main Street. **(District 4)**

*3-h. Junior Achievement of Arizona

This is a two-day event to be held on Friday, November 2 and Saturday, November 3, 2018 from 12:00 P.M. to 6:00 P.M., and 12:00 P.M. to 8:00 P.M., respectively, at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-i. Chupacabra

A taproom is requesting a new Series 7 Beer and Wine Bar license for Thirsty LLC, 14 North Robson - Eric James Cady, agent. There is no existing license at this location. **(District 4)**

*3-j. Pour Wine & Taproom

A bar is requesting a new Series 7 Beer and Wine Bar license for Bahmbakers LLC, 2905 South Ellsworth Road, Suite 103 - Corona Lilly Hoana, agent. There is no existing license at this location. **(District 6)**

*3-k. Mariscos "El Viejon"

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant license for Mariscos "El Viejon" LLC, 835 East Southern Avenue Suite 6 - Luis Baudelio Rodriguez, agent. There is no existing license at this location. **(District 4)**

*3-l. Sourdough Pizza Restaurant

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for Sourdough Pizza Restaurant Inc., 7440 East Main Street Suite 1 - Christopher David Kormanik, agent. The existing license held by Five KS Inc., will revert to the State. **(District 5)**

4. Take action on the following contracts:

*4-a. Purchase of One Light-Duty Pickup Truck (Addition) for the Fire and Medical Department **(Citywide)**

The vehicle addition is for Fire Prevention's Inspector/Investigator program. Fire Prevention personnel will use the vehicle for various functions needed to perform routine fire inspections and investigations.

The Fire and Medical Department and Purchasing recommend authorizing the purchase from the existing contract with Berge Ford (a Mesa business), at \$32,960.25. This purchase is funded by the Capital General Fund.

***4-b. Three-Year Term Contract with Two Years of Renewal Options for Cleaning and Repair of Fire Personal Protective Equipment for the Fire and Medical Department (Citywide)**

This contract will provide for the annual cleaning, inspection, and repairs of Fire Personal Protective Equipment (PPE) of approximately 800 sets of turnout coats and pants, 200 to 300 pairs of brush pants, 500 pairs of rubber and leather structure boots, and miscellaneous PPE items such as fire hoods and fire gloves.

An evaluation committee recommends awarding the contract to the highest-scored proposal from ECMS, at \$495,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

***4-c. 17-Month Term Contract with Two Years of Renewal Options for Vector Services for the Water Resources Department (Citywide)**

This contract will provide manhole cockroach control services for Water Resources - Wastewater Collections Division to proactively treat up to one third (approximately 10,000) of the City's manholes with insecticide every year.

The Water Resources Department and Purchasing recommend authorizing the purchase using the Pima County cooperative contract with Peoria Pest Control, Inc., at \$129,000.

***4-d. Dollar-Limit Increase to the Term Contract for Electric Switchgear Testing, Maintenance and Repairs for the Parks, Recreation and Community Facilities (PRCF) Department (Citywide)**

PRCF - Facilities Maintenance has requested to be added to this contract and add corresponding contract capacity for several City locations including South Center Campus, Communications, Mesa City Plaza, Municipal Court and various Police Department buildings. Facilities Maintenance will have the contractor(s) perform the required services to ensure the safety of employees and verify that if power is lost they would be able to restore the power with minimal to no downtime.

The Parks, Recreation and Community Facilities and Water Resources Departments, and Purchasing recommend increasing the dollar-limit with Cannon & Wendt Electric Company, Inc. and Hampton Tedder Technical Services, Inc., by \$100,000 for the third year of the initial three-year term contract, from \$125,000 to \$225,000 annually.

***4-e. Three-Year Term Contract with Two Years of Renewal Options for Indoor Sports Court Maintenance, Repairs and Resurfacing for the Parks, Recreation and Community Facilities Department (Single Response) (Citywide)**

This contract will provide for the annual maintenance, repairs and occasional resurfacing of indoor hardwood court systems at the Broadway Recreation Center, Eagles Community Center, Red Mountain Multigenerational Center and the Mesa Senior Center.

An evaluation committee recommends awarding the contract to the qualified, single proposal from Arizona Gym Floors, LLC, at \$125,210 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-f. Three-Year Term Contract with Two Years of Renewal Options for Magnesium Anodes for the Materials and Supply Warehouse (for the Energy Resources Department) **(Citywide)**

This contract will provide magnesium anodes for use in the City's natural gas distribution system. Anodes protect against galvanic corrosion of steel pipe. These anodes will be used by Gas Utility for new construction projects and the maintenance and repair of existing utilities.

The Business Services and Energy Resources Departments, and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Anode Sales Company, at \$50,530 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-g. Two-Year Term Contract with Electric Line Clearance Trimming for Mesa's Electric Service Area Quadrants for the Energy Resources Department **(Citywide)**

This contract will provide cycle/zone tree trimming services over the next two years to keep trees and vegetation clear of high voltage electric transmission, primary, and secondary distribution lines and secondary service drops. These services are conducted in order to maintain safety and minimize and prevent electric service outages for customers in all four quadrants of Mesa's electric service area.

The Energy Resources Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, West Coast Arborists, Inc., at \$237,651 for the two-year contract term.

- *4-h. Three-Month Term Contract with Three Years of Renewal Options for Emergency Pipeline Repair Services for the Water Resources Department **(Citywide)**

This contract will provide for emergency pipeline repair services for both water and wastewater line breaks. Water Resources has either repaired the City's pipelines or for larger breaks had to use a contractor through Job Order Contracting with Engineering. This contract will allow Water Resources to get extra help from a licensed contractor that is set-up for this specific type of work.

The Water Resources Department and Purchasing recommend authorizing the purchase using the City of Scottsdale cooperative contract with Professional Piping Systems LLC, dba WaCo Contracting and Achen-Gardner Construction LLC, at \$200,000 annually.

- *4-i. City Well Nos. 7 and 8 Equipping Project **(District 4)**

The drilling phases for City Well No. 7 and City Well No. 8 were completed under a separate contract in the spring of 2016. This project includes the installation of the pumps, piping, electrical equipment, chlorination equipment and other site improvements to make these wells operational.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Garney Companies, Inc., in the amount of \$3,701,908.20, and authorize a change order allowance in the amount of \$370,190.82, for a total of \$4,072,099.02. This project is funded by 2014 Water Bonds.

- *4-j. City Well No.10 Collection Water line and Sidewalk Improvements – Macdonald at the Railroad Crossing **(District 4)**

The existing water line from the City Well No.10 site to the existing connection point in Broadway Road was constructed in 1946 and has exceeded its useful life. This project will consist of abandoning the existing 10-inch cast iron pipe waterline and installing a new 12-inch ductile iron water line in its place. Test stations and sacrificial anodes will be installed with the new water line to provide additional protection against corrosion. The improvements will also include the addition of new concrete sidewalk on both sides of Macdonald at the UPRR crossing to complete a continuous stretch of walkway from 3rd Avenue to Broadway Road, as requested by area residents.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Team Fishel, in the amount of \$872,401.16, and authorize a change order allowance in the amount of \$87,240.12, for a total of \$959,641.28. This project is funded by 2014 authorized Water Bonds and the 2018 Transportation Department Local Street Sales Tax fund.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima Maricopa Indian Community for the receipt and distribution of \$955,000 in Proposition 202 Funds. **(Citywide)** – Resolution No. 11217.

Under this Agreement, \$700,000 is awarded to the following City of Mesa programs: Fire and Medical, Immunization Program (\$85,000); Housing Authority, Affordable Housing Landlord Recruitment and Retention (\$51,000); Parks, Recreation and Community Facilities, Positive Play Project (\$50,000); Library, Red Mountain Monarch Haven and Reading Sanctuary (\$81,500); Police Department, Field Traffic Lidars Equipment Upgrade (\$60,720), Sex Offender Notification Enforcement (\$46,920), Crisis Response Team Training (\$22,300), Bomb Disposal Unity Safety (\$14,820), Explorer Program Activities (\$18,953); Downtown Façade Improvements (\$100,000); Water Resources, Know your H2O Community Education (\$44,200); Planning Department, Historic Neighborhood Calming (\$3,000); and Mesa K-Ready, Kindergarten Readiness Program (\$121,587).

The balance of the funds will be distributed to other local community agencies, including A New Leaf, Child Crisis Center, Gene Lewis Boxing Club, Visit Mesa, and the United Food Bank.

- *5-b. Approving and authorizing the City Manager to enter into a Development Agreement for City Share Reimbursement with DMB Mesa Proving Grounds LLC, for the reimbursement of \$95,212 for waterline improvements that are being required by the City in conjunction with a proposed residential development known as Eastmark DU 5/6S - South Eastmark Parkway, located at 10450 East Point Twenty-Two Boulevard. **(District 6)** – Resolution No. 11218.
- *5-c. Approving and authorizing the City Manager to enter into a Grant Award with the U.S. Department of Justice, Office of Justice Programs, to accept \$150,000 in grant funds from the National Institute of Justice for overtime and equipment for DNA Backlog Reduction for the Police Department's Forensic Services Division. **(Citywide)** – Resolution No. 11219.

- *5-d. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security for grant funds up to the amount of \$176,336 for equipment, training, and planning for the Fire and Medical Department's Rapid Response Team. **(Citywide)** – Resolution No. 11220.
- *5-e. Approving and authorizing the City Manager to enter into the Second Amendment to the Amended and Restated Intergovernmental Agreement for the TOPAZ Regional Wireless Cooperative (TRWC) **(Citywide)** – Resolution No. 11221.

This Amendment simplifies the governance language and streamlines document organization, allows for the adoption of policies and procedures for improved adaptability over time, updates voting provisions to include supermajority voting on high-impact items, and improves member admission provisions and streamlines the admission process.

- *5-f. Approving and authorizing the City Manager to enter into a Communications License with MCImetro Access Transmission Services Corp., dba Verizon Access Transmission Service. The Communications License will allow Verizon to construct and maintain a communications network in the public rights-of-way. **(Citywide)** – Resolution No. 11222.

6. Take action on the following resolution and introduction of the following ordinance and setting November 5, 2018 as the date of the public hearing on the ordinance:

- *6-a. A resolution declaring the documents filed with the City Clerk and identified for codification and incorporation into Chapters 66, 67, 69, 71, 74 and 77 of Title 11, the Zoning Ordinance of the Mesa City Code to be a public record and providing for the availability of the document for public use and inspection. **(Citywide)** – Resolution No. 11223.
- *6-b. An ordinance amending Mesa City Code, Title 11, Mesa Zoning Ordinance, Chapters 66, 67, 69, 71, 74 and 77. The amendment includes minor technical revisions and deletion of redundancies. The amendment also includes more substantive clarifications and modifications to: (1) authority and duties of Zoning Administrator, Planning Hearing Officer, Design Review Board, and Board of Adjustment; (2) application requirements and process; (3) public notice requirements; (4) expirations and extensions of permits, approvals, and variances; and, (5) appeals process. **(Citywide)**

Staff Recommendation: Approval

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

7. Introduction of the following ordinances and setting November 5, 2018 as the date of the public hearing on these ordinances:

- *7-a. **ZON18-00446 (District 4)** Within the 600 block of West Pepper Place (south and north sides) and 0 block of North Date (west side north of Pepper Place). Located north of Main Street and west of Country Club Drive (3.5± acres). Rezoning from RM-2 to RM-3-PAD; and Site Plan Review. This request will allow for the development of an attached single-residence subdivision. Perlman Architects of AZ, applicant; Nuevos Vistas on Main, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *7-b. **ZON18-00510 (District 6)** Within the 1700 and 1800 blocks of South Crismon Road (west side). Located west of Crismon Road north of Baseline Road (8.5± acres). Rezoning to amend existing conditions of approval; Site Plan Modification; and a Special Use Permit for assisted living. This request will allow for the development of a continuum care facility. Overland Development, applicant; West of 3rd, LLC, owner.

Staff Recommendation: Approval with conditions

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

8. Conduct a public hearing and take action on the following resolution relating to a Minor General Plan amendment, and discuss, receive public comment, and take action on the following ordinance relating to the property located at the 5800 through 5900 blocks of East Thomas Road:

- *8-a. Conduct a public hearing on the Minor General Plan amendment ZON17-00572.

For continuance to the January 28, 2019 City Council meeting.

- *8-b. **ZON17-00572 (District 5)** Resolution. The 5800 through 5900 blocks of East Thomas Road (south side) and 3400 through 3500 blocks of North Recker Road (west side). Located at the southwest corner of Recker Road and Thomas Road (27± acres). Minor General Plan amendment to change Character Type from Mixed Use Activity District to Neighborhood. The request will allow for the development of a single-residence subdivision. Sean Lake, Pew & Lake, PLC, applicant; DTD-DEVCO 13, LLC, owner.

Staff Recommendation: Denial

P&Z Board Recommendation: Adoption (Vote: 5-2)

For continuance to the January 28, 2019 City Council meeting.

- *8-c. **ZON17-00320 (District 5)** Ordinance. The 5800 through 5900 blocks of East Thomas Road (south side), and the 3400 through 3500 blocks of North Recker Road (west side). Located at the southwest corner of Recker and Thomas Roads (27± acres). Rezoning from RS-90 to RSL-4.5-PAD; and Site Plan Review. This request will allow for the development of a single-residence subdivision. Sean Lake, Pew & Lake, PLC, applicant; DTD-DEVCO 13, LLC, owner.

Staff Recommendation: Denial

P&Z Board Recommendation: Approval with conditions (Vote: 5-2)

For continuance to the January 28, 2019 City Council meeting.

Items not on the Consent Agenda

9. Conduct public hearings and take action on the adoption of the following Mesa East and West Redevelopment Area Plans:

- 9-a. Conduct a public hearing on the approval and adoption of the Mesa East Redevelopment Area Plan.

Mayor Giles announced that this is the time and place for a public hearing regarding the approval and adoption of the Mesa East Redevelopment Area Plan.

Jake Brown, a Mesa resident, advised he lives in the Mesa East Redevelopment Area and expressed excitement for the plan. He agreed the area is in need of code enforcement and educating residents on ways to improve their properties. He stated the opinion that the report was dismissive of resident's concerns regarding additional low-income housing in the area and having a balanced neighborhood. He questioned how reliant staff will be on the plan if it is approved and the flexibility of staff when choosing projects.

City Manager Christopher Brady advised the plan does not change any of the zoning currently in place and the final redevelopment plan will be submitted to Council for further discussion before implementation.

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

- 9-b. A resolution approving and adopting the Mesa East Redevelopment Area Plan. **(Districts 1, 2, and 4) (2/3 vote required)** – Resolution No. 11224.

It was moved by Councilmember Freeman, seconded by Vice Mayor Luna, that Resolution No. 11224, be adopted.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Glover

Mayor Giles declared the motion carried unanimously by those present and Resolution No. 11224 adopted.

- 9-c. Conduct a public hearing on the approval and adoption of the Mesa West Redevelopment Area Plan.

Mayor Giles announced that this is the time and place for a public hearing regarding the approval and adoption of the Mesa West Redevelopment Area Plan.

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

- 9-d. A resolution approving and adopting the Mesa West Redevelopment Area Plan. **(Districts 1, 2, and 4) (2/3 vote required)** – Resolution No. 11225.

It was moved by Vice Mayor Luna, seconded by Councilmember Heredia, that Resolution No. 11225, be adopted.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Glover

Mayor Giles declared the motion carried unanimously by those present and Resolution No. 11225 adopted.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:09 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 15th day of October, 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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