



COUNCIL MINUTES

November 19, 2018

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 19, 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 Ja'Meen J. Oliver with Jehovah Shammah Apostolic Faith Church.

Pledge of Allegiance was led by Hudson Barsema, Scout Troop #355

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

1. Take action on all consent agenda items.

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

It was moved by Councilmember Thompson, seconded by Councilmember Freeman, 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 November 1 and November 5, 2018 Council meetings.

3. Take action on the following liquor license applications:

*3-a. National Comedy Theatre

A comedy club is requesting a new Series 7 Beer and Wine Bar license for Phoenix Improv LLC, 214 West Main Street - Dorian Ray Lenz II, agent. There is no existing license at this location. **(District 4)**

*3-b. Buono's Pizza

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for AMICI Pizza LLC, 2023 West Guadalupe Road Suite 12 - Jared Michael Repinski, agent. The previous license held by Buono's Inc. will revert to the State. **(District 3)**

*3-c. Ella's Cuisine

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for Ella's Cuisine LLC, 1941 West Guadalupe Road, Suite 105 - Visuanaden Chengalaram, agent. The previous license held by Pink Pepper LLC will revert to the State. **(District 3)**

*3-d. Parrish's

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for Ickystickyvicki LLC, 4425 South Mountain Road – Vicki Lynn Parrish, agent. There is no existing license at this location. **(District 6)**

4. Take action on the following bingo application:

*4-a. Fountain of the Sun Homeowner's Association

John Focht, treasurer, 560 South 80th Street. **(District 5)**

5. Take action on the following contracts:

*5-a. Dollar-Limit Increase to the Term Contract for Printing and Mailing of Election Publicity Pamphlets for the City Clerk's Office **(Citywide)**

Printing and mailing services were recently used for the City's general election held on November 6, 2018. This election had several ballot questions and the pamphlet was the largest the City has produced. The total cost was \$68,530.25. This increase is needed to process payment for the election's publicity pamphlet expenses.

The City Clerk's Office and Purchasing recommend increasing the dollar-limit with Century Graphics, Inc., by \$30,000, from \$40,000 to \$70,000 for year-two of the initial three-year term contract.

***5-b. One-Year Renewal of Excess Workers' Compensation Insurance and Workers' Compensation Self-Insurance Surety Bond (Citywide)**

As a self-insured entity, state statute requires the City to obtain excess workers' compensation insurance and to provide a security deposit based on the total unpaid losses of open compensable workers' compensation claims, which is accomplished through securing a surety bond.

Staff recommends the purchase of an excess workers' compensation insurance policy from Safety National Casualty Corporation with a self-insured retention for \$1 million per accident/injury/illness policy limit, at \$311,609. And, Staff recommends the purchase of a workers' compensation self-insurance surety bond through Travelers Casualty and Surety Company of America for the rate of \$6.00 per every \$1,000 of unpaid losses.

***5-c. Three-Year Term Contract with Two Years of Renewal Options for Utility Bill Inserts for the Business Services Department (Citywide)**

Mail, Print and Material Services will use this contract to print the variety of advertisements that are inserted into the City's utility bills.

The Business Services Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Capital Litho Corporation, dba Capital Litho, at \$54,300 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

***5-d. Purchase of Three Replacement Studio and Field Broadcast Cameras and Peripherals for the Public Information and Communications Office (Citywide)**

This purchase will provide studio and field broadcast cameras and peripherals to replace the current camera equipment used to produce the majority of content that airs on Mesa's Channel 11. The existing equipment has been heavily used since 2011 and is due for replacement as part of Mesa 11's Lifecycle Replacement program.

The Public Information and Communications Office and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, BKW, Inc., at \$80,401.09.

***5-e. Three-Year Term Contract with Two Years of Renewal Options for Vector Services for the Parks, Recreation and Community Facilities (PRCF) Department (Citywide)**

This contract will provide for the treatment of mosquito vector control at all City parks, retention basins and sports field facilities (150 locations) on a monthly/bi-monthly basis. PRCF will provide all the chemicals to be used by the service vendor.

An evaluation committee recommends awarding the contract to the highest-scored proposal from City Wide Pest Control, LLC, at \$88,100 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-f. Dollar-Limit Increase to the Term Contract for Elevator/Vertical Transportation Unit Maintenance for the Parks, Recreation and Community Facilities Department **(Citywide)**

The increase is requested due to recent major emergency elevator repair at the Mesa Arts Center, the addition of two stair lifts at the Hohokam Stadium, and for preventative maintenance costs and potential services calls/repairs expenses for the first-year term. Staff has estimated an additional \$35,000 is needed to get through the first-year term through 1/15/2019.

The Business Services Department and Purchasing recommend increasing the dollar-limit with Arizona Elevator Solutions Inc. by \$35,000, from \$184,970 to \$219,970 for the first-year term of the contract, based on estimated usage.

- *5-g. One-Year Renewal to the Term Contract for Sprinkler and Irrigation Supplies for the Materials and Supply Warehouse (for the Transportation, and Parks, Recreation and Community Facilities Departments) **(Citywide)**

This contract provides landscape sprinkler and irrigation supplies on an as-needed basis. The supplies are required for the repair, modification and installation of irrigation systems located in landscaped areas owned or maintained by the City.

The Business Services, Transportation and Parks, Recreation and Community Facilities Departments, and Purchasing recommend authorizing the renewal contract with Sprinkler World of Arizona, Inc. (a Mesa business); and Ewing Irrigation Products Inc.; at \$400,000, based on estimated usage.

- *5-h. One-Year Renewal with Two Years of Renewal Options to the Term Contract for Medical Transportation Billing Services for the Mesa Fire and Medical Department **(Citywide)**

MFMD originally partnered with Daisy Mountain Fire District in fall of 2017 after performance shortfalls with the previous billing contractor. The Department is requesting to continue partnering with Daisy Mountain for full-service medical transportation billing services for the Medic Unit pilot program.

Mesa Fire and Medical Department and Purchasing recommend authorizing the renewal with Daisy Mountain Fire District, at \$70,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-i. One-Year Renewal to the Term Contract for Vehicle Rental Services for the Police Department **(Citywide)**

The Police Department has been using Enterprise Rent-A-Car for vehicles for the past four years under this agreement. Enterprise is familiar with the City's requests, has an extensive fleet of different, quality vehicles and continues to successfully work with the City.

The Police Department and Purchasing recommend authorizing the renewal with Enterprise Leasing Company of Phoenix, LLC, dba Enterprise Rent-A-Car, at \$450,000, based on estimated usage. The contract is funded by police Asset Forfeiture RICO funds.

- *5-j. One-Year Renewal to the Term Contract for Econolite Traffic Signal Controllers, Video Detection Systems and Components for the Transportation Department (Single Bid) **(Citywide)**

This contract provides traffic signal controllers and related software used to control signalized intersections and traffic signal video detection equipment and components, so traffic signal reacts to demands at the signalized intersections. The City specified Econolite equipment to maintain communication and functionality with the City's traffic management system.

The Transportation Department and Purchasing recommend authorizing the renewal with Econolite Control Products, Inc., at \$400,000, based on estimated usage.

- *5-k. Three-Year Term Contract with Two Years of Renewal Options for Traffic Signal Pole Painting Services for the Transportation Department **(Citywide)**

This contract will provide painting services which are necessary for traffic signal poles, cabinets and signal heads at each signalized intersection to prevent rust and corrosion and fading, which helps reduce the cost of equipment replacement. Refinishing is completed on an eight-year cycle.

The evaluation committee recommends awarding the contract to the highest scored proposal from OLS Restoration, Inc., at \$194,600 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-l. Seven-Month Term Contract with Two Years of Renewal Options for a Glycerin Based Carbon Source for the Water Resources Department **(Citywide)**

This contract will provide a glycerin-based carbon source, Vita-MicroC 2000, to use in place of methanol. Originally, glycerin was only meant to replace methanol while the tank was being repaired; however, Water Resources has decided to discontinue methanol and use glycerin in its place.

The Water Resources Department and Purchasing recommend authorizing the purchase using the City of Chandler cooperative contract with Momar, Inc., at \$245,000 through June 30, 2019, and \$450,000 annually thereafter, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-m. Purchase of 9 Light-Duty Cab Chassis Utility Trucks (2 Replacements and 7 Additions) for Various City Departments as requested by the Fleet Services Department **(Citywide)**

The two vehicles that are being replaced have met established criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the ongoing vehicle replacement program. The Water Resources Department has four vehicle additions for new positions, and the Parks, Recreation and Community Facilities Department has three vehicle additions for new positions.

The Fleet Services, Water Resources, and Parks, Recreation and Community Facilities Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Berge Ford (a Mesa business), at \$530,196.72. This purchase is funded by the Capital Enterprise Fund, Capital General Fund, and Vehicle Replacement Fund.

- *5-n. Purchase of Seven Sedans (Three Replacements and Four Additions) for Various City Departments as requested by the Fleet Services Department **(Citywide)**

The three vehicles that are being replaced have met established criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the ongoing vehicle replacement program. The Police Department has two vehicle additions going to their refurbishment pool. Development Services Department has two vehicle additions for two new Code Enforcement Officer positions.

The Fleet Services, Police, Development Services and Transit Departments and Purchasing recommend authorizing the purchase from the existing contract with PFVT Motors, LLC, dba Peoria Ford, at \$192,166.81. This purchase is funded by the Vehicle Replacement and Capital General Funds.

- *5-o. Three-Year Term Contract with Two Years of Renewal Options for Barricade Rental Services for the Various City Departments **(Citywide)**

This contract will provide barricade equipment, supplies, delivery, installation, maintenance and removal services on as-needed basis, 24-hours a day, 7-days a week, including holidays for the Water Resources, Energy Resources, Police and Transportation Departments.

The evaluation committee recommends awarding the contract to the highest-scored proposals from Roadsafe Traffic Systems (Primary Award); and Southwest Barricades LLC (Secondary Award); at \$1,611,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-p. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Fasteners Hardware and Electrical Supplies for the Fleet Services Department **(Citywide)**

This contract provides various supplies including fasteners, switches, nuts and bolts, related hardware and electrical supplies for general repairs, maintenance and repairs of City vehicles and equipment.

The Fleet Services Department and Purchasing recommend authorizing the renewal with Sid Tool Company, Inc., dba Class C Solutions Group, at \$75,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *5-q. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Auto Glass Repair and Replacement for the Fleet Services Department **(Citywide)**

This contract provides automotive glass repair and replacement for City vehicles.

The Fleet Services Department and Purchasing recommend authorizing the renewal using the State of Arizona cooperative contract with Safelite Fulfillment Inc., dba Safelite Auto Glass, at \$45,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-r. Greenfield Water Reclamation Plant (GWRP), Bus Duct Replacement, Construction Services Contract (GMP No. 3, for the Greenfield Water Reclamation Plant, Phase III Expansion) **(Citywide)**

This project will replace the electrical service feeds for the Solids Handling Building at the GWRP. These feeds consist of two 4000 Amp bus ducts from the onsite power feed and two 2000 Amp bus ducts from the backup generators. The City of Mesa, Town of Gilbert, and Town of Queen Creek seek to provide increased reliability at the existing GWRP by modifying the existing configuration and placing the cables underground.

Staff recommends awarding the contract for the completion of this project to McCarthy Building Companies in the amount of \$2,422,867 and authorize a change order allowance (5%) in the amount of \$121,143.35, for a total of \$2,544,010.35. Two prior GMP's have been awarded for \$46,569,401 and \$120,302,333, respectively. This project is funded by the Greenfield Water Reclamation Plant Joint Venture Fund, with contributions coming from its members based on usage. Mesa's portion of this GMP is \$1,534,038.24 and is funded by 2014 authorized Wastewater bonds.

6. Take action on the following resolutions:

- *6-a. **ZON18-00576 (District 2)** Within the 6700 block of East Albany (south side), the 6700 block of East Akron (north side) and the 100 block of North Power Road (west side). Located on the west side of Power Road north of Main Street (1.22± acres). Site Plan Review. This request will allow for the development of an assisted living facility. Joseph Jurkiewicz, applicant, Olivia Jurkiewicz, owner. – Resolution No. 11240.

At the Planning and Zoning Board meeting, this request included the consideration and approval of Special Use Permits for assisted living and parking reduction. These Special Use Permits were approved by the Planning and Zoning Board subject to Council approval of the site plan.

Staff Recommendation: Approval with conditions

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

- *6-b. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$87,000 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime, employee related expenses, and equipment for Selective Traffic Enforcement throughout the City of Mesa. **(Citywide)** – Resolution No. 11241.
- *6-c. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$89,521 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime, employee related expenses and field test equipment to enhance DUI and Impaired Driving Enforcement throughout the City of Mesa. **(Citywide)** – Resolution No. 11242.
- *6-d. Staff is requesting approval to continue negotiations to acquire certain property pertaining to a necessary street improvement project, Mesa Drive, Phase 2, located along Mesa Drive, from 8th Avenue to Main Street, and along Broadway Road, from Wilbur to Lesueur. Staff has successfully negotiated purchases on 90 parcels (67 property owners) and continues to negotiate with the remaining 38 parcels (25 property owners) but have not yet been able to acquire the property. 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. 11243.

7. Introduction of the following ordinances and setting December 3, 2018 as the date of the public hearing on these ordinances:

- *7-a. **ZON18-00361 (District 4)** 244 North Extension Road. Located east of Alma School Road south of University Drive (3± acres). Council Use Permit for social service facility. This request will allow an in-patient substance abuse treatment facility. Lindsay C. Schube, Gammage & Burnham, applicant; Crossroads, Inc., owner.

At the Planning and Zoning Board meeting, this request also included the consideration of a Special Use Permit for a parking reduction. The Special Use Permit was approved by the Planning and Zoning Board subject to Council approval of the Council Use Permit.

Staff Recommendation: Approval with conditions

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

- *7-b. **ZON18-00066 (District 3)** The 1000 through 1100 blocks of South Alma School Road (west side) and the 1200 through 1300 blocks of West Southern Avenue (north side). Located at the northwest corner of Alma School Road and Southern Avenue (16± acres). Rezoning from LC to RM-5 PAD for 10.5± acres, Rezoning from LC to LC-PAD for 5.5± acres; and Site Plan Review for 16± acres. This request will allow for the development of multi-residential and commercial uses. Adam Baugh, Withey Morris, PLC, applicant; WM Grace Development Co., ETAL, owner.

Staff Recommendation: Approval with conditions

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

For continuance to the February 4, 2019 City Council meeting.

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

- *8-a. Amending Mesa City Code Section 9-6-1(C) to allow for reduced roadway lighting in the pilot study areas during the Streetlight Pilot Study period. **(Districts 4 and 5)**. – Ordinance No. 5473.

The Amendment allows for the reduction of the minimum pilot lumen level to a level that is not less than approximately 33% of the illumination levels recommended by RP-8-00 (Recommended Practices for Roadway Lighting) for the duration of the pilot study period, which expires on December 31, 2019. The two areas included in the Streetlight Pilot Study are within the Desert Uplands area and City of Mesa electric service area.

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

9. Discuss, receive public comment, and take action on the following annexation and zoning ordinances relating to the property located in the 200 block of North Signal Butte Road and the 10800 block of East Mercury Drive:

- *9-a. **ANX18-00471 (District 5)** Annexing property located south of University Drive and east of Signal Butte Road (5.91± acres). Initiated by Darren Smith, Babbitt Nelson Engineering, for the owner, Funk Family Enterprises, LLC. – Ordinance No. 5474.

- *9-b. **ZON18-00470 (District 5)** The 200 block of North Signal Butte Road (east side) and the 10800 block of East Mercury Drive (south side). Located south of University Drive on the east side of Signal Butte Road (5± acres). Rezoning from RS-9 to RSL-2.5-PAD; and Site Plan Review. This request will allow for the development of a single-residence subdivision. Mark Funk, Funk Family Enterprises, applicant; Funk Family Enterprises, owner. – Ordinance No. 5475.

Staff Recommendation: Approval with conditions

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

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

- *10-a. **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. – Ordinance No. 5476

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda

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

- 8-b. **ZON18-00509 (District 1)** 860 North Center Street. Located east of Country Club Drive south of Brown Road (1.7± acres). Council Use Permit for social service facility; and a Special Use Permit for parking reduction. This request will allow for an in-patient substance abuse detoxification and treatment center. Sam Bohannon, Ingram Civil Engineering, applicant; Summit BHC Mesa, LLC, owner.

Staff Recommendation: Approval with conditions

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

For continuance to the December 10, 2018 City Council meeting.

Councilmember Freeman indicated he will be voting to deny the applicants request for a Council Use Permit to allow for a social service facility to be located at 860 North Center Street. He stated the opinion that a detoxification center would “alter the characteristic” of a neighborhood from residential to a medical facility. He added a medical treatment facility, similar to a clinic or hospital, is not allowed in this type of zoning district. He commented that this type of treatment center would have a “detrimental impact” on the adjacent and surrounding residential neighborhoods.

Jerry Earles, a Mesa resident, advised the facility was built in 1996 as a senior assisted housing facility, in 2001 the facility was purchased and changed to a women in recovery facility, and in 2017 the facility became a drug and alcohol rehabilitation facility. He reported the neighborhood was unaware of the changes in 2001 and 2017 and expressed frustration with the lack of

community involvement during the transition. He stated the opinion that a substance abuse detoxification and treatment center will bring home values down and additional crime to the neighborhood. He pointed out a petition has received over 50 signatures and he has found "zero resistance" from residents living in the neighborhood to sign the petition. He stated an understanding for the need of this type of facility, but believes it is not suited for a residential neighborhood. He implored Council to consider the wishes of the residents in the community.

William Gosney, a Mesa resident, expressed concern for the safety of the children that use a crosswalk in close proximity to the proposed substance abuse detoxification and treatment center. He explained security has not been proposed or addressed for the facility and children will be in the area when individuals seeking treatment are coming and going from the facility.

Susan Lee, a Mesa resident, stated that a treatment facility being in her neighborhood "terrifies her" and she will consider moving should the facility receive the requested Council Use Permit.

Mayor Giles acknowledged that speaker cards were received from the following individuals in opposition to the request for a Council Use Permit that would allow for an in-patient substance abuse detoxification and treatment center located at 860 North Center Street but did not wish to speak:

Nancy Cohen:	A Mesa resident
Suzie Earles:	A Mesa resident
Diana Gerut:	A Mesa resident
Ed Gerut:	A Mesa resident
Gloria Hilts:	A Mesa resident
Jeff Hilts:	A Mesa resident
W. Dea Montague:	A Mesa resident
Kris Tibsherany:	A Mesa resident

It was moved by Councilmember Freeman, seconded by Vice Mayor Luna, that action taken on the ordinance be continued to the December 10, 2018 City Council Meeting.

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.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:04 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 19th day of November, 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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