



# COUNCIL MINUTES

December 3, 2018

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 3, 2018 at 6:26 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 Jeff Whye with Central Christian Church.

Pledge of Allegiance was led by Mason Lindberg of Scout Troop #796.

Awards, Recognitions and Announcements.

Mayor Giles acknowledged the Mayor's Youth Committee who were present in the audience.

### 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 Freeman, seconded by Councilmember Heredia, 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 November 15, 19, and 26, 2018 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Fountain of the Sun Community Association

This is a one-day event to be held on Wednesday, January 23, 2019 from 5:00 P.M. to 10:00 P.M. at Fountain of the Sun Activity Center, 560 South 80<sup>th</sup> Street. **(District 5)**

\*3-b. Fountain of the Sun Community Association

This is a one-day event to be held on Wednesday, February 27, 2019 from 5:00 P.M. to 10:00 P.M. at Fountain of the Sun Activity Center, 560 South 80<sup>th</sup> Street. **(District 5)**

\*3-c. Fountain of the Sun Community Association

This is a one-day event to be held on Wednesday, March 27, 2019 from 5:00 P.M. to 10:00 P.M. at Fountain of the Sun Activity Center, 560 South 80<sup>th</sup> Street. **(District 5)**

\*3-d. Quiktrip #431R

A convenience store with a gas station is requesting a new Series 10 Beer and Wine Store License for Quiktrip Corporation, 1939 South Mesa Drive – Perry Charles Huellmantel, agent. There are no existing licenses at this location. **(District 3)**

4. Take action on the following contracts:

\*4-a. Three-Year Term Contract with Two Years of Renewal Options for Temperature Controlled Drug Locking Cabinets for the Fire and Medical Department (Single Response) **(Citywide)**

Many pharmaceuticals require a temperature-controlled environment. Fire and Medical has been using refrigerated, locking drug cabinets on their apparatus for 16 years to hold pharmaceuticals for emergency responses. The Department currently has 40 cabinets in front line apparatus and would like to purchase replacements due to failed or damaged cabinets and additions for new apparatus that may be purchased.

The Fire and Medical Department and Purchasing recommend awarding the contract to the single, responsive, and responsible bidder, Budd Medical and Fire Equipment LLC, at \$105,700 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the General Fund and Capital General Fund.

\*4-b. One-Year Renewal to the Term Contract for Library Collection Services for the Library Services Department **(Citywide)**

This contract provides a debt collection agency to perform debt collection services pursuing delinquent patron accounts over \$75.00. The limit was set to maximize the Library's net returns in recovering overdue library materials and in overdue library fees.

The Library Services Department and Purchasing recommend authorizing the renewal with Unique Management Services, Inc., at \$30,000, based on estimated usage.

- \*4-c. Purchase of Five Chevrolet Tahoes (One Replacement and Four Additions) for the Police Department **(Citywide)**

This purchase will provide five patrol SUVs to support police operations. The replacement vehicle will replace a vehicle that was damaged beyond repair. The four additions will be going to the Police Department's refurbishment pool.

The Fleet Services and Police Departments and Purchasing recommend authorizing the purchase from the existing contract with Midway Chevrolet, at \$205,660.71. This purchase is funded by the Vehicle Replacement Fund.

- \*4-d. 20-Month Term Contract for Reagents and Supplies for DNA Analysis for the Police Department (Sole Source) **(Citywide)**

In April 2009, Council approved the purchase of a QIAGEN QIASymphony instrument for the Police Department's Forensic Services Division to analyze DNA cases. To complete DNA extractions, consumable kits and supplies are required for DNA analysts to process DNA samples quickly and efficiently.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, QIAGEN, Inc., at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-e. One-Year Renewal to the Electrical Installation and Maintenance Services for Utilities Infrastructure for the Water Resources Department **(Citywide)**

This contract provides qualified electrical contractors for electrical services at the City's water and wastewater facilities, as needed. Services include general and emergency electrical services and other electrical maintenance. Due to the complexity of the services required and the volume of work, multiple vendors are needed to support the department.

The Water Resources Department and Purchasing recommend authorizing the renewal with Rural Electric Inc. (Primary) (a Mesa business); Swain Electric Inc. (Secondary); and Ludvik Electric Co. (Tertiary); at \$100,000, based on estimated usage.

- \*4-f. One-Year Renewal to the Term Contract for Insecticidal Coatings for Manhole and Sewer Cleanouts for the Water Resources Department **(Citywide)**

Water Resources applies insecticidal coatings to manholes and sewer cleanouts for spot treatment and scheduled maintenance throughout the City. Usage is driven by weather, seasons, and customer concerns.

The Water Resources Department and Purchasing recommend authorizing the renewal with Lawrence Business, Inc., dba JABCO, at \$32,800, based on estimated usage.

- \*4-g. Three-Year Term Contract with Two Years of Renewal Options for Siemens Ruggedized Switches and Associated Equipment for the Water Resources and Transportation Departments **(Citywide)**

This contract provides Siemens RUGGEDCOM network switches for data connectivity to the Utilities SCADA environment and for Transportation's Intelligent Transportation System. These ruggedized switches provide the security management and monitoring controls needed to mitigate security vulnerabilities and address communication errors occurring in current, aging devices.

The Water Resources and Transportation Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Graybar Electric Company (a Mesa business), at \$227,596.62 for the Initial Purchase; and L4 Technologies, LLC (Primary) and Graybar Electric Company (Secondary), at \$180,000 annually thereafter, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-h. One-Year Renewal to the Term Contract for Trench Shoring Safety Equipment Rental Services for the Water Resources and Energy Resources Departments **(Citywide)**

This contract provides for the rental of trench shoring safety equipment and related services to support the Water Resources and Energy Resources Departments.

The Water Resources and Energy Resources Departments and Purchasing recommend authorizing the renewal with United Rentals Northwest, Inc. (Primary); and Woudenberg Enterprises, Inc., dba Trench Shore Rentals (Secondary); at \$170,000, based on estimated usage.

- \*4-i. One-Year Renewal to the Term Contract for Herbicide Application and Landscaping Services for the Transportation Department **(Citywide)**

This contract provides vegetation management services that includes applying herbicides to control weed growth, clearing and grubbing unwanted vegetation, removal of trees and shrubs, brush mowing, and stump grinding. The locations include improved and unimproved rights-of-way, alleys, vacant lots, drainage easements, retention basins, City streets, City facilities, and various associated areas throughout the City.

The Transportation Department and Purchasing recommend authorizing the renewal with URW, LLC, dba United Right of Way, at \$360,000, based on estimated usage.

- \*4-j. Home Road Improvements Project (6th Avenue to Southern Avenue) Construction Manager at Risk, Guaranteed Maximum Price (GMP) No.2 **(District 4)**

This portion of the project includes the scope of work necessary to complete the proposed pavement improvements; water and gas replacements; electric undergrounding; and new storm drain and sewer chemical feed line.

Staff recommends awarding the contract for GMP No. 2 to Haydon Building Corporation in the amount of \$6,340,879.73, and authorize a change order allowance in the amount of \$317,043.99 (5%), for a total award of \$6,657,923.72. This project is funded by Local Street Sales Tax, 2010 and 2014 authorized Electric Bonds, and 2014 authorized Water, Wastewater and Gas bonds.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to enter into a Foreign Trade Zone Operator Agreement for Foreign Trade Zone 221 with SkyBridge, LLC. **(District 6)** – Resolution No. 11245.

This Agreement will allow SkyBridge to activate and operate General-Purpose Zone facility located on Phoenix-Mesa Gateway property at 6229 South Sossaman Road, Hangar 32; Foreign Trade Zone No. 221.

- \*5-b. Extinguishing a portion of an easement for public utilities located at 2556 East Fairbrook Street to accommodate the building of a swimming pool; requested by the property owner. **(District 1)** – Resolution No. 11246.

- \*5-c. Endorsing the creation of the Arden Estates Irrigation Water Delivery District that is generally bounded by East Brown Road on the north, the Consolidated Canal on the south, North Delmar on the west, and North Harris Drive on the east. **(District 1)** – Resolution No. 11247.

The formation of an irrigation water delivery district allows the District to make improvements and perform maintenance and operations of their irrigation system. Final designation of the District is determined by the Maricopa County Board of Supervisors.

- \*5-d. Approving and authorizing the City Manager to enter into a Solar Participation Agreement with the Salt River Project Agricultural Improvement and Power District. **(Citywide)** – Resolution No. 11248.

This Agreement will allow the City to participate in a subscribed 2.6 percent (approximately 2.6 megawatts (MW)) of a 100 MW nameplate solar photovoltaic generating facility to be developed and operated on a parcel of land located partially within an unincorporated portion of central Pinal County and partially within the City of Coolidge.

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

- \*6-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. – Ordinance No. 5477.

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. Take action on the following subdivision plat:

- \*7-a. "Longbow Business Park Phase 1" (**District 5**) The 3100 through 3300 blocks of North Recker Road (west side) and the 5900 block of East Longbow Parkway (north side). Located south of Loop 202-Red Mountain Freeway and west of Recker Road. 4 LC-PAD-CUP lots (8.02± acres). Longbow CAS, LLC, developer. Jason A. Segneri, Survey Innovation Group, Inc., surveyor.
- \*7-b. "Longbow Business Park Phase 2" (**District 5**) The 5800 block of East Longbow Parkway (north side). Located south of Loop 202-Red Mountain Freeway and west of Recker Road. 5 LC-PAD-CUP lots (40± acres). Longbow CAS, LLC, developer. Jason A. Segneri, Survey Innovation Group, Inc., surveyor.
- \*7-c. "Heritage Crossing II" (**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 (1.6± acres). Woodside Homes Sales AZ, LLC, developer. Jesse Boyd, EPS Group, surveyor.

Items not on the Consent Agenda

8. Take action on the following contract:

- \*8-a. Five-Year Term Contract for Photo Safety Enforcement Program Services for the Police Department (Sole Source) (**Citywide**)

Since 2006, American Traffic Solutions, Inc. has provided services and support for the City's photo safety program. A significant amount of infrastructure has been put in place to monitor red light violations, traffic speed or other traffic movement, and issue citations for traffic violations. The Axis equipment and software currently in place are proprietary and can only be serviced by Verra Mobility.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, American Traffic Solutions, Inc., dba Verra Mobility (a Mesa business), at \$1,870,000 annually, based on estimated usage.

Marc Lavender, a Mesa resident, commented that photo enforcement is necessary in school zones and should only be in operation when children are present, or school activities are occurring. He stated the opinion that driver's from out of state and individuals living in rural areas or gated communities are able to avoid the citations and therefore the program is not enforced fairly. He suggested only implementing photo radar in school zones and photo radar should be "severely curtailed" for the rest of the City.

Councilmember Whittaker indicated he will be voting in opposition to the Photo Safety Enforcement Program Services and stated the opinion that the data presented appears to be inconclusive as it pertains to reducing accidents. He agreed that photo enforcement could reduce a driver's speed but advised the City shouldn't use photo radar to reduce speed if there is no correlation between reduction in speed with reduction in accidents. He added 350 Mesa residents were polled and 90% opposed photo enforcement.

It was moved by Vice Mayor Luna, seconded by Councilmember Freeman, that the Five-Year Term Contract for Photo Safety Enforcement Program Services for the Police Department (Sole Source) be approved.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote.

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

- 9-a. Amending Article IV and Article VI of the Mesa City Code Title 5, Chapter 10 (Privilege and Excise Taxes) by increasing the rate of taxation in certain sections from one and three-fourths percent (1.75%) to two percent (2.00%) beginning on March 1, 2019. **(Citywide)** – Ordinance No. 5478.

The Amendment is a codification of the tax rate increase approved by the qualified electors of Mesa under Question Two at the November 6, 2018 general election. The funds raised by the tax rate increase will be used solely for the purpose of funding Mesa Police and Mesa Fire and Medical services, personnel, equipment, training, and related costs.

Councilmember Whittaker stated the opinion the wording of Question Two on the ballot created “unnecessary ambiguity” for the voters as it stated the City’s transaction privilege sales tax would increase by .25% when in actuality the sales tax is increasing by over 14%. He acknowledged Mesa residents voting to approve Question Two but advised it was his duty to interpret if the residents voted to increase the sales tax by .25% or 14%. He pointed out Arizona Supreme Court case Molera V. Regean where Prop 207 was removed from the ballot due to a similar ambiguity.

It was moved by Councilmember Freeman, seconded by Vice Mayor Luna, that Ordinance No. 5478 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote and Ordinance No. 5478 adopted.

10. Conduct a public hearing and take action on the following resolution relating to a Minor General Plan Amendment in the 9500 to 9800 blocks of East Hampton Avenue:

- 10-a. Conduct a public hearing on the Minor General Plan Amendment ZON18-00181.

Mayor Giles announced that this is the time and place for a public hearing regarding the Minor General Plan Amendment ZON18-00181.

Mayor Giles reported the Planning and Zoning Board recommended to deny the original zoning case and the motion is to inform the Planning and Zoning Board that City Council now acknowledges that residential use is appropriate for the neighborhood. He stated the Planning and Zoning Board will then reconsider the zoning case.

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

10-b. GPA ZON18-00181 (**District 6**) The 9500 to 9800 blocks of East Hampton Avenue (south side). Located north of the U.S. 60 Superstition Freeway and west of Crismon Road (33± acres). Minor General Plan Amendment to change the Character Type from Employment to Neighborhood. This request will allow for a small-lot single-residence subdivision and multi-residence development. Reese Anderson, Pew & Lake, PLC, applicant; Crismon BFC, LLC, owner. – Resolution No. 11249.

Staff Recommendation: See Staff Memo dated December 3, 2018 (**Attachment 1**)

P&Z Board Recommendation: Denied (Vote: 3-2)

It was moved by Councilmember Thompson, seconded by Councilmember Glover, that Resolution No. 11249 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 Resolution No. 11249 adopted.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:44 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 3<sup>rd</sup> day of December, 2018. 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





## Memorandum

TO: Mayor and City Council

THROUGH: Karolyn Kent, Assistant City Manager

FROM: Christine Zielonka, Development Services Director  
John Wesley, Planning Director

SUBJECT: Cases ZON18-00067 and ZON18-00181, Minor General Plan Amendment and Rezoning for Bella Encanta, located within the 9500 through the 9800 blocks of East Hampton Avenue

DATE: December 3, 2018

This memo is provided to inform the City Council of the reasons staff is now recommending support for the Minor General Plan Amendment only (ZON18-00181).

These cases involve an approximately 33-acre tract located on the south side Hampton Avenue west of Crismon Road. The applicant is proposing a residential development consisting of small lot, detached single residences and attached condominium residences. A total of 249 dwelling units are proposed.

This area is designated in the General Plan for employment uses. Because of the size of the proposed change, a Minor General Plan amendment is needed to change the character designation from Employment to Neighborhoods. Given the emphasis in the General Plan for retention of designated employment areas, the desire to maintain non-residential uses along the freeways, and the limited amount of employment area in eastern Mesa, the Planning and Zoning (P & Z) Board recommended denial of the proposed amendment.

In 2017, the City Council acknowledged that residential uses may be appropriate for this location and approved a residential development on the north side of Hampton across from this location. The applicant presented at the Planning and Zoning (P&Z) Board detailed information on the continued lack of market demand for non-residential uses in this location. Given the evidence provided by the applicant, the Council may determine that employment uses are no longer viable at this location and it is appropriate to change the General Plan designation from employment to neighborhoods.

The staff recommendation to the P&Z Board on November 14<sup>th</sup> was for denial of the Minor General Plan Amendment, but subsequent events have occurred in which staff is now recommending approval of the Minor General Plan Amendment only. Since the P&Z meeting, a City Council Study Session was held on November 15<sup>th</sup> regarding some of the challenges staff

is presented with regarding small lot/cluster developments. The developer has indicated that they are willing to make significant changes to their site plan in order to adhere to the City Council direction given that day for staff to enforce the design and construction of high quality, sustainable residential development. Staff has also had further discussions with the applicant regarding the potential for future economic development in this area, and the relationship of residential development of these parcels to the planned non-residential uses that are being preserved along the Crismon Road frontage. The developer has expressed a willingness to work with staff to make major changes to their site plan that would ultimately result in providing a creative, high-quality, sustainable development that will be supportive of the non-residential uses along the arterial corridor and the planned employment areas across Crismon Road.

Also of note, is that last summer there was an approval for a two-step Planned Area Development (PAD) for an office and commercial development at the northwest corner of US-60 and Crismon Rd, which is just east of Bella Encanta. The site was rezoned to Planned Employment Park PAD with a conceptual plan and the applicant is required to come back for site plan approval and design guidelines for the property.

The staff report for the rezoning and site plan request is lengthy and points out several issues staff has with the proposed design of the project. The major concerns are:

- The design of the attached condominium buildings with regards to landscape areas;
- The livability of the service drives/front access to the units;
- Limited setback along Hampton with minimal landscaping between the wall and the right of way;
- Lack of a sound buffer along the US 60 and the limited landscape area to screen these units from the freeway;
- The proposed shallow lot depth on the RSL 2.5 lots; and,
- the requirement to use trash bins instead of barrels for the condominiums and the location of those bins next to single-residences homes.

The applicant is requesting a Planned Area Development (PAD) overlay zone to allow for deviations from standard code. The intent of the PAD overlay is to “provide for creative, high-quality development.” A fairly significant redesign is needed to address the staff concerns and address the code requirement for use of a PAD overlay. Based on their denial of the minor general plan amendment, the P & Z Board has recommended denial of the rezoning and denied the accompanying site plan and preliminary plat. They did not, however, hold any substantive discussion regarding the rezoning or site plan.

At this time, the City Council is only considering the applicant’s request for a minor general plan amendment. Due to the significant changes the applicant is proposing to the site plan, the rezoning case (ZON18-0067) is going back to the P&Z Board for further consideration and recommendation to Council.