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OFFICE OF THE CITY CLERK

COUNCIL MINUTES

April 1, 2019

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 1, 2019 at 5:50 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
John Giles	Francisco Heredia	Christopher Brady
Mark Freeman	David Luna	Dee Ann Mickelsen
Jennifer Duff		Jim Smith
Kevin Thompson		
Jeremy Whittaker		

Mayor Giles excused Councilmembers Heredia and Luna from the entire meeting.

Mayor's Welcome.

Mayor Giles asked everyone to stand and observe a moment of silence.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Mayor Giles presented a proclamation for Week of the Young Child, April 8 – 12, 2019.

Shiloh Murillo, First Things First Southeast Maricopa Regional Councilmember, commented the Week of the Young Child is important to everyone in the community and for the future of the children. She added that First Things First Southeast Maricopa Region partners with families and communities to provide healthy development prior to entering kindergarten. She thanked Council for the proclamation.

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 Freeman, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Thompson-Whittaker
NAYS – None
ABSENT – Heredia-Luna

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the February 25, February 28, March 7 and March 18, 2019 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Blue Thunder Law Enforcement Motorcycle Club

This is a one-day event to be held on Thursday, April 4, 2019 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

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

This is a one-day event to be held on Saturday, April 6, 2019 from 4:00 P.M. to 2:00 A.M. and Sunday, April 7, 2019 at Dobson Ranch Inn Resort, 1666 South Dobson Road. **(District 3)**

*3-c. Calling All Angels Foundation

This is a one-day event to be held on Saturday, April 27, 2019 from 4:00 P.M. to 10:00 P.M. at Riverview Park, 2100 West Rio Salado Parkway. **(District 1)**

*3-d. Solid Rock Foundation

This is a one-day event to be held on Saturday, April 27, 2019 from 4:30 P.M. to 11:00 P.M. at Las Sendas Golf Course, 7555 East Eagle Crest Drive. **(District 5)**

*3-e. At Your Convenience

A convenience store is requesting a new Series 10 Beer and Wine Store License for S&G Petroleum LLC, 8461 East Broadway Road - Paramjit Singh, agent. The previous license held by G&G Petroleum LLC will revert to the State. **(District 5)**

*3-f. Goody's

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant license for McVako Inc., 1862 West Baseline Road – Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 3)**

*3-g. PK Shabu Shabu

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for Soju LLC, 1832 West Broadway Road, Suite 107 - Ronny Hong, agent. There is no existing license at this location. **(District 3)**

4. Take action on the following bingo application:

*4-a. East Valley Bingo

Peter Popil, applicant – 8700 East University Drive. **(District 5)**

5. Take action on the following contracts:

*5-a. Three-Year Term Contract with Two Years of Renewal Options for Original Equipment Manufacturer (OEM) Heavy-Duty Truck Parts and Repairs for the Fleet Services Department. **(Citywide)**

The Fleet Services Department provides maintenance and maintains a fleet of approximately 200 heavy-duty trucks. This contract will provide several vendors for heavy-duty OEM truck parts and repairs.

The Fleet Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders: Cummins, Inc. (a Mesa business); RWC International, LTD, dba RWC Group; Rush Truck Centers of Arizona, dba Rush Truck Center, Phoenix; and W.W. Williams Company LLC; at $650,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

*5-b. Dollar-Limit Increase to the Term Contract for General Motors Original Equipment Manufacturer (OEM) Auto and Light-Duty Truck Parts for the Fleet Services Department. **(Citywide)**

This contract provides General Motors OEM parts to support the City's fleet of sedans, light-duty trucks, and vans. This increase is needed because of additional repair costs resulting from the City's new model of maintaining an older fleet.

The Fleet Services Department and Purchasing recommend increasing the dollar-limit with Earnhardt Buick GMC Inc., dba Earnhardt Buick GMC (Primary) (a Mesa business); and Courtesy Chevrolet ISUZU Medium Truck (Secondary); by $329,000, from $150,000 to $479,000 annually.

*5-c. Contract Amendment and Dollar-Limit Increase to the Term Contract for Original Equipment Manufacturer (OEM) Heavy-Duty Truck Parts and Repairs for the Fleet Services Department. **(Citywide)**

This contract will provide OEM parts and repair services for Freightliner, Case, John Deere, and Schwarze vehicles and equipment in the City's fleet.

The Fleet Services Department and Purchasing recommend amending the City's award by adding three vendors: Freightliner of Arizona, Titan Machinery Inc., and Balar Holding Company, from the Maricopa County cooperative contract; and increasing the contract value by $50,000, from $150,000 to $200,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*5-d. Three-Year Term Contract with Two Years of Renewal Options for Original Equipment Manufacturer (OEM) Kawasaki Motorcycle Parts for the Fleet Services Department. **(Citywide)**

The Police Department currently operates 23 Kawasaki Concours patrol motorcycles. The Fleet Services Department will now be performing in-house repairs and routine maintenance. Fleet Services will require a variety of replacement OEM Kawasaki motorcycle replacement parts for these on-site repairs and routine maintenance.

The Fleet Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Arizona Kawasaki, Inc., dba Kelly's Kawasaki (a Mesa business), at $50,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

*5-e. Three-Year Term Contract with Two Years of Renewal Options for Heavy-Duty Truck Brake and Wheel Parts for the Fleet Services Department. **(Citywide)**

This contract will provide certain brake parts as required for various pieces of rolling stock equipment owned by the City.

The Fleet Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders: FleetPride Inc. (a Mesa business); TruckPro, LLC; and W. W. Williams, dba Auto Safety House; at $175,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

*5-f. Ratification of a Three-Month Emergency Extension and Dollar-Limit Increase for the Term Contract for Uniform Garment Rental for various City Departments as requested by the Business Services Department. **(Citywide)**

The City Council approved the award of a new uniform rental contract to Prudential Overall Supply on February 11, 2019, but the new vendor required additional time to purchase and deliver the uniforms and equipment necessary to perform under the agreement. Purchasing determined an extension to the contract with the current uniform vendor (Unifirst Corporation) to be an emergency procurement necessary for the immediate preservation of the public, health, or safety because uniforms are necessary for many City employees who, without their uniforms, could be put at a health or safety risk due to contact with hazardous materials, exposure to high temperatures, or other unsafe conditions.

The Business Services Department and Purchasing recommend ratification of the emergency three-month contract extension through May 31, 2019, and increasing the dollar-limit by $75,000, from $185,000 to $260,000 with Unifirst Corporation, based on estimated usage.

*5-g. Three-Year Term Contract with Two Years of Renewal Options for Asphalt Materials for the Transportation Department. **(Citywide)**

This contract will provide hot asphalt material to pave, patch, and fill potholes throughout the City.

An evaluation committee recommends awarding the contract to the two, qualified and responsible proposals from Hanson Aggregates, LLC, dba Hanson Aggregates; and Calmat Company, dba Vulcan Materials Company; at $1,075,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index. This purchase is funded by the Local Streets Fund.

*5-h. One-Year Renewal to the Term Contract for Storm Drain Grates and Manhole Covers for the Transportation Department. **(Citywide)**

This contract provides storm drain grates and manhole covers for use by the Transportation Department. These grates and covers are used to replace damaged or missing pieces throughout the City.

The Transportation Department and Purchasing recommend authorizing the renewal contract with Grate Solutions Company, Inc.; and Neenah Foundry Company; at $116,700, based on estimated usage.

*5-i. Dollar-Limit Increase to the Term Contract for Fence, Gate, and Safety Rail Repair / Installation for the Transportation and the Parks, Recreation and Community Facilities Departments. **(Citywide)**

This contract provides for the installation, maintenance, and repair of fences, safety rails, and bollards including all labor, equipment, and materials at a variety of locations within the City limits. PRCF has a need to use this contract to repair the chain link fencing at the Red Mountain Softball Complex and has requested to be added to the contract and to increase the contract amount.

The Transportation Department, Parks, Recreation and Community Facilities Department and Purchasing recommend a dollar-limit increase with Biddle & Brown Fence Company (Primary); and Western Fence Co Inc. (Secondary); by $50,000, from $167,100 to $217,100 for Year 2, based on estimated requirements.

*5-j. Purchase of Playground Equipment (Replacement) and Installation for Riverview Park as requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

Two main play structures at Riverview Park, one for 2 to 5-year-olds and one for 5 to 12-year-olds, are significantly worn and in need of replacement. This contract bundles the removal of the existing equipment, purchase of the new equipment, and installation of the new playground surfacing into one contract.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the 1Government Procurement Alliance (1GPA) cooperative contract with Exerplay, Inc., at $294,916.47, based on estimated requirements. This purchase is funded by the Capital General Fund through Parks Infrastructure Funds.

*5-k. One-Year Renewal to the Term Contract with a One-Year Renewal Option for Window Cleaning Services for Citywide Buildings as requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides window cleaning services for the inside, outside, panes, frames, and attaching/supported hardware. The contract also includes services to clean entrance and exit doors and pressure washing, on an as-requested basis.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with Imperial Window Cleaning, Inc., at $97,925

annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*5-l. One-Year Renewal to the Term Contract for Electrical Supplies for Process Controls/SCADA for the Water Resources and Parks, Recreation and Community Facilities Departments. **(Citywide)**

This contract will provide for large electrical items made by Schneider, Square D, Modicon, Wiremold, and many others, for use in the water treatment plants, reclamation plants, and other system assets.

The Water Resources, and Parks, Recreation and Community Facilities Departments, and Purchasing recommend authorizing the renewal using the City of Tempe cooperative contract with: Border States Industries, Inc., Capital Electric Supply, Summit Electric Supply, and WESCO Distribution, at $240,000 annually, based on estimated usage.

*5-m. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Fire Equipment and Supplies for the Mesa Fire and Medical Department. **(Citywide)**

Mesa Fire and Medical uses various types of firefighting hand tools, nozzles, and other related firefighting equipment for their operations. This contract provides items manufactured by several companies.

The Mesa Fire and Medical Department and Purchasing recommend authorizing the renewal with: L.N. Curtis & Sons; Municipal Emergency Services (MES); Matlick Enterprises, Inc., dba United Fire Equipment Company; and The Williams Company; at $250,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*5-n. Purchase of Replacement Fire Apparatus including Three Aerial Trucks and One Pumper Truck for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

The new apparatus will be used as emergency response frontline units. The apparatus that are being replaced have met established replacement criteria and will be sold by a sealed bid process or traded-in as part of the City's fire apparatus purchase agreement with Pierce Manufacturing.

The Mesa Fire and Medical Department and Purchasing recommend awarding this purchase to Pierce Manufacturing Inc., through their designated local dealer, Hughes Fire Equipment Inc., at $4,981,603.16. This purchase is funded by 2018 Public Safety Bonds.

*5-o. Contract Amendment and Dollar-Limit Increase to the Term Contract for Cellular Phone Equipment, Wireless Voice, and Data Service Plan for Citywide Departments (as requested by the Police Department). **(Citywide)**

The Police Department is requesting an increase to accommodate additional smart phones and service charges for patrol officers in conjunction with the new records management system and computer aided dispatch system. Officers will have the ability to scan driver licenses and issue electronic citations with these devices. The smart

phones will also be used to support an emerging ecosystem application improving the Department's operational and investigative efficiencies.

The Police Department and Purchasing recommend amending the City's award by adding the vendor, AT&T Mobility, from the State of Arizona cooperative contract; and increasing the dollar-limit, by $250,000, from $1,100,000 to $1,350,000 annually, based on estimated requirements.

*5-p. Bus Shelter Repair Services at the Northeast Corner of Mesa Drive and Southern Avenue as requested by the Transit Services Department. **(Citywide)**

This contract will provide repair services to the bus shelter located at the northeast corner of Mesa Drive and Southern Avenue. The shelter was damaged by an auto collision over the summer and needs repair to bring it back to its pre-loss state.

The Transit Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Talis Construction Corporation (a Mesa business), at $30,000, based on estimated requirements. This purchase is funded by the Transit Fund.

*5-q. Three-Year Term Contract with Two Years of Renewal Options for Uninterruptible Power Supply Preventative System Maintenance and Related Services, Equipment, and Parts for Various City Departments. **(Citywide)**

This contract will provide Uninterruptible Power Supply (UPS) preventative maintenance, related services, equipment, and parts per the scope of work and specifications. Mesa Fire and Medical, Information Technology, and PRCF - Facilities Maintenance have a need for UPS maintenance and repair services at various City locations.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Titan Power, Inc., at $207,600 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*5-r. The Signal Butte Park Project CMAR contract award recommendation is to Valley Rain Construction Corporation, based on the Guaranteed Maximum Price of $3,359,666.98, plus an additional $201,580.02 (6%) as a change order allowance, for the total award of $3,561,247. Project funding by 2012 authorized Parks bonds, 2014 authorized Water bonds, and 2013 authorized Street bonds. **(District 6)**

The improvements to the Signal Butte Park project include the installation of asphalt walking pathways, four picnic ramadas, a restroom, off street parking area, enhanced desert landscaping, Wi-Fi coverage, LED lighting fixtures throughout the park, and storm water detention basins to take flow from the water treatment plant and from Elliot Road. The new landscaping in the medians is located in Elliot Road east of Signal Butte Road and west of Mountain Road.

6. Take action on the following resolutions:

*6-a. Extinguishing a portion of a public utilities easement located at 2224 Paseo Lago Vista to accommodate the development of a hotel; requested by the property owner. **(District 1)** – Resolution No. 11293.

*6-b. Approving and authorizing the City Manager to accept, expend, and distribute funds from the U.S. Department of Housing and Urban Development, Continuum of Care Shelter Plus Care Grant, in the amount of $94,280, for the purposes of providing rental assistance, supportive services, and related administrative services to disabled families experiencing homelessness. **(Citywide)** – Resolution No. 11294.

*6-c. Authorizing the issuance and sale of General Obligation Bonds, Series 2019, not to exceed $33,100,000. **(Citywide)** – Resolution No. 11295.

*6-d. Authorizing the issuance and sale of Utility Systems Revenue Bonds, Series 2019A, not to exceed $112,000,000. **(Citywide)**

See: **(Items not on the Consent Agenda)**

*6-e. Authorizing the defeasance and redemption of a portion of the City's outstanding Taxable Utility Systems Revenue Bonds, Series 2009 (Build America Bonds), not to exceed $11,000,000. **(Citywide)** – Resolution No. 11296.

*6-f. Authorizing the issuance and sale of Utility Systems Revenue Refunding Bonds, Series 2019B, not to exceed $60,000,000. **(Citywide)**

See: **(Items not on the Consent Agenda)**

*6-g. Authorizing the issuance and sale of Utility Systems Revenue Refunding Bonds, Series 2019C, not to exceed $95,000,000. **(Citywide)**

See: **(Items not on the Consent Agenda)**

7. Introduction of the following ordinances and setting April 15, 2019 as the date of the public hearing on these ordinances:

*7-a. **ZON18-00933 (District 6)** Within the 10800 to 11600 blocks of East Williams Field Road (south side), the 6000 to 6300 blocks of South Signal Butte Road (east side), the 6000 to 6300 blocks of South Mountain Road (west side), the 6000 to 6500 blocks of South Mountain Road (east side), and the 6000 to 6300 blocks of South Meridian Road (west side). Located south of Williams Field Road east of Signal Butte Road (203± acres). Rezone to modify an existing PAD; and Site Plan Review. This request will allow for the modification of the PAD for single residential development. Sean Lake, Pew & Lake, PLC, applicant; Groh Revocable Trust, Demuro Properties, SB CLB 18, LLC, Tres Points, LLC, owners.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

*7-b. **ZON19-00016 (District 6)** Within the 7100 to 7600 blocks of East Elliot Road (north side) and the 3100 to 3500 blocks of South Sossaman Road (west side). Located north of Elliot Road and west of Sossaman Road (187± acres). Rezone from LI-PAD-PAD and PEP-PAD-PAD to EO to create the Red Hawk Employment Opportunity Zone. This request will establish zoning to guide future development of employment and industrial uses. W. Ralph Pew, Pew & Lake, PLC, applicant; MBR Land I, an Arizona General

Partnership, MBR Land I, LLP, B&K Land Investment Co., et al, and Morrison Ranch, Inc., owners.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

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

*8-a. Amending Title 1, Chapter 8 of the Mesa City Code entitled "Qualified Electors" to be consistent with state statutory requirements for election petitions. **(Citywide)** – Ordinance No. 5498.

*8-b. **ZON18-00931 (District 3)** Within the 1800 block of West Broadway Road (north side). Located east of Dobson Road on the north side of Broadway Road (1.6± acres). Rezone from LI to LI-BIZ; and Site Plan Review. This request will allow for the development of an automobile sales detail building. Andrew Boubel, applicant; CJRJ Group, LLC, owner. – Ordinance No. 5499.

Staff Recommendation: Approval with conditions

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

*8-c. **ZON19-00040 (District 5)** 4558 East Virginia Street. Located east of Greenfield Road and south of the 202 Red Mountain Freeway (20.2± acres). Rezoning from HI-CUP to HI-PAD-CUP; and Site Plan Modification. This request will allow for the expansion of an existing industrial development. Jeff McCall, McCall & Associates, Architects, applicant; Daicel Safety Systems America Arizona, Inc., owner. – Ordinance No. 5500.

Staff Recommendation: Approval with conditions

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

9. Take action on the following subdivision plats:

*9-a. "Cadence at Gateway Phase 3 Parcel T" **(District 6)** Within the 5500 to 5800 blocks of the South Crismon Road alignment (east side); and within the 10000 to 10100 blocks of the East Cadence Parkway alignment (north side). Located south and east of Crismon and Ray Roads within the Cadence at Gateway Community. 101 PCD single residence lots (18.4± acres). PPGN-Crismon, LLLP, developer; Raymond S. Munoz III, EPS Group, surveyor.

*9-b. "Cadence at Gateway Phase 3 Parcel U" **(District 6)** Within the 10100 block of the East Cadence Parkway alignment (north side); located south and east of Crismon and Ray Roads within the Cadence at Gateway Community. 117 PCD single residence lots (22.87± acres). PPGN-Crismon, LLLP, developer; Raymond S. Munoz III, EPS Group, surveyor.

*9-c. "Cadence at Gateway Phase 3 Parcel V" **(District 6)** Within the 10100 blocks of the East Williams Field Road alignment (north side). Located south and east of Crismon and Ray Roads within the Cadence at Gateway Community. 69 PCD single residence lots

(18.18± acres). PPGN-Crismon, LLLP, developer; Raymond S. Munoz III, EPS Group, surveyor.

*9-d. "Cadence at Gateway Phase 3 Parcel W" **(District 6)** Within the 5800 through 5900 blocks of the South Crismon Road alignment (east side); and the 10000 block of the East Williams Field Road alignment (north side). Located south and east of Crismon and Ray Roads within the Cadence at Gateway Community. 90 PCD single residence lots (14.19± acres). PPGN-Crismon, LLLP, developer; Raymond S. Munoz III, EPS Group, surveyor.

Items not on the Consent Agenda

6. Take action on the following resolutions:

Mayor Giles clarified that items 6-d, 6-f, and 6-g will be one general discussion with separate votes.

Chief Financial Officer Michael Kennington displayed a Power Point presentation. **(See Attachment 1)** He commented that on item 6-d, the 2019 Utility Systems Revenue Bonds issuance and sale of $112 million is for utility funding. He clarified that the funding authorization was voter approved and funding will be spent on the projects listed. (See Page 1 of Attachment 1)

Mr. Kennington reported that items 6-f and 6-g are Bond Refundings that relate to bonds currently outstanding and reflect staff's proposed recommendation for Council to authorize the issuance and sale of refunding bonds to a lower interest rate. He added that the City will save approximately $12 million. He noted that the closing date for the bonds is at the end of May, 2019 in order to refund the bonds at the end of July, 2019 and actualize the savings for the Fiscal Year (FY) 2018/19 budget. (See Page 2 of Attachment 1)

Mayor Giles thanked staff for the presentation.

Vice Mayor Freeman commented that he does not want to delay any of the voter approved bonds.

Mayor Giles remarked that item 6-d is to fund the Greenfield Wastewater Reclamation Plant Expansion which is an existing construction project, and it would be disruptive to halt in the middle of the project which would result in significant additional costs. He noted that for items 6-f and 6-g that the bonds are existing, being refinanced to a better rate, and saving the City approximately $12 million. He added that he cannot understand why the City would not refinance.

Councilmember Whittaker remarked that he agrees with refinancing or creating bonds when necessary, however, stated the opinion that the issue is budgetary and the City is not allocating enough operating revenues into a reserve fund in order for the City to limit the amount of bonds issued.

6-d. Authorizing the issuance and sale of Utility Systems Revenue Bonds, Series 2019A, not to exceed $112,000,000. **(Citywide)** – Resolution No. 11297.

It was moved by Vice Mayor Freeman, seconded by Councilmember Whittaker, that Resolution No. 11297 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Glover-Whittaker
NAYS – None
ABSENT – Heredia-Luna

Mayor Giles declared the motion carried by majority vote and Resolution No. 11297 adopted.

6-f. Authorizing the issuance and sale of Utility Systems Revenue Refunding Bonds, Series 2019B, not to exceed $60,000,000. **(Citywide)** – Resolution No. 11298.

It was moved by Councilmember Duff, seconded by Councilmember Thompson, that Resolution No. 11298 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Glover-Whittaker
NAYS – None
ABSENT – Heredia-Luna

Mayor Giles declared the motion carried by majority vote and Resolution No. 11298 adopted.

6-g. Authorizing the issuance and sale of Utility Systems Revenue Refunding Bonds, Series 2019C, not to exceed $95,000,000. **(Citywide)** – Resolution No. 11299.

It was moved by Vice Mayor Freeman, seconded by Councilmember Thompson, that Resolution No. 11299 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Glover-Whittaker
NAYS – None
ABSENT – Heredia-Luna

Mayor Giles declared the motion carried by majority vote and Resolution No. 11299 adopted.

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

10-a. **ZON18-00689 (District 6)** Within the 3200 and 3300 blocks of South Power Road (east side). Located north of Elliot Road on the east side of Power Road (9± acres). Rezoning from LI-PAD to RM-2-PAD-AF; and Site Plan Review. This request will allow for a multi-residential development. Brennan Ray, Burch & Cracchiolo, applicant; Garage Town, USA, LLC, owner.

Staff Recommendation: Denial

P&Z Board Recommendation: Denial (6-1), as ratified on December 13, 2018

Mayor Giles stated that this item was withdrawn by the applicant.

11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Bruce Durst, a Mesa resident, requested Council to adopt a no wild bird feeding ordinance. **(See Attachment 2)**

12. Adjournment

Without objection, the Regular Council Meeting adjourned at 6:14 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 1st day of April 2019. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

js
(Attachments – 2)

2019 Utility Systems Revenue Bond

Issuance: $111,835,000

Purpose	Authorization Year(s)	Available Authorization	Proposed Sale Series 2019	Remaining Authorization
Electric	2014	$ 21,490,000	$ 5,015,000	$ 16,475,000
Natural Gas	2014	$ 56,470,000	$ 8,025,000	$ 48,445,000
Solid Waste	1994	$ 2,220,000	$ 1,520,000	$ 700,000
Wastewater	2014	$ 135,247,788	$ 65,185,000	$ 70,062,788
Water	2014	$ 80,070,402	$ 32,090,000	$ 47,980,402
Utility Bond Total		**$ 295,498,190**	**$ 111,835,000**	**$ 183,663,190**

Project Examples

Greenfield Wastewater Reclamation Plant Expansion

Horne Avenue - Utility Improvements

Mesa Drive Phase II - Utility Improvements

Anticipated 2019 Bond Defeasance and Refundings

Utility Systems Revenue Bonds

1. Defeasance – 2009 Build America Bonds (BABs)
   Defease: $10.0 million
   - Funded by development fee revenue
   - Removed from City financial statements
2. Refunding – 2009 Build America Bonds (BABs)
   Estimated Savings: $4.7 million
3. Refunding – 2012 Utility Revenue bonds
   Estimated Savings: $7.3 million

Good afternoon/evening,

My name is Bruce Durst. I'm a resident in District 5 and live at 8136 E Dutchman Dr Mesa 85208. I live in Fountain of The Sun, a 55+ retirement community.

I'm here to ask the COM to adopt a NO BIRD Feeding ordinance similar to the City of Tempe which prohibits the feeding of wild birds, and the City of Phoenix that are putting a NO PIGEON feeding ordinance together as I speak.

Specifically. Pigeons and Doves. Doves land Pigeons are scientifically the same bird. Pigeons are also referred to as "Flying Rats" for a good reason.

Their excrement causes health risks to our younger and older citizens.

Those who feed these birds cause a Nuisance to neighbors, their excrement also causes property damage by defecating on roof tops, patios, lawn furniture, cars, sidewalk, driveways..

Bird seed falling on the ground attracts rodents causing more health risks and another nuisance.

Their excrement on shingles can cause them to deteriorate 20% sooner then their normal life expectancy.

Pigeons/Doves defecate 40-50 times per day per bird.

Do the math

Pigeons/Doves defecate 40-50 times per day per bird. **Do the math.**

"Pigeons **normally** breed two or three times a year, producing two eggs per brood. Overfed city pigeons can breed up to 8 times a year. **Do the math.**

They breed year around in our warm climate. Only causing a compounding problem year over year.
It needs to stop. Let's join our neighboring cities in putting an end to wild bird feeding and clean up or city and communities.
Let's not be the only safe harbor where pigeons/doves know they will find food provided by Mesa citizens.

They should not be feed but forced to survive on what nature intended them to feed on. Insects.. or seeds they find in nature.

You can see on page 3.1 & 3.2 the health risk, property damage, and nuisance can cause.

FEB 2 1 2019

Page 5.1 is an article about feeding pigeons in the City of Phoenix.. and on page 5.3, the highlighted last paragraph shows that they will vote on the final ordinance later this year.

Page 6.1 shows the Tempe Ordinance which requires a petition signed by at least 3 witnesses in separate households. I don't like the requirements of having 3 households because I feel this sets neighbors against neighbors and could cause disharmony between neighbors. If you have an Ordinance against feeding wild birds, Pigeons/Doves especially the fact that a neighbor is feeding them should be enough to enforce the Ordinance without causing neighbor discontent.

So I hope the Mesa Ordinance makes feeding wild birds illegal PERIOD…!!

Page 7.2 shows what I had to do which cost me time and money to prevent pigeons from roosting/nesting on 2 new ceiling fans I installed on my patio.

You can read the other information in this packet at your leisure..

Thank You,
Bruce Durst
8136 E Dutchman Dr. Mesa 85208
480-296-3234

Bruce R Durst
Feeding wild animals..
March 22, 2019 at 11:55 AM
FOSHA OFFICE

"There is an **Arizona** state law that prohibits **feeding wildlife** in counties with over 280,000 residents. ... "People often **feed wildlife** because they think they are helping the **animal.**

Among other things, this makes it illegal to hunt, possess, or transport the birds.

The only birds that are not protected in Arizona are rock doves (pigeons), English sparrows, and European starlings.

NUISANCE CREATED BY PIGEONS

Large groups of pigeons can be a nuisance. They can even spread disease. It's easy to think that there are rules in place to keep pigeons protected since there are so many of them around.

Imagine sitting on your front porch when you start looking around and notice bird droppings on your home and your vehicle. In addition to looking unappealing and potentially smelling, it can cause real damage. If left on surfaces, the acidic nature of the waste can deteriorate your paint.

Cleaning your home or vehicle is only taking care of the surface problem. If you're unable to scare the birds away permanently, it may be time to call a professional to put measures into place to deter the pigeons.

Pigeons are often considered "flying rats." Some of the diseases their droppings can carry include:

E. coli – symptoms include nausea, fever, and cramps
Encephalitis – symptoms include drowsiness, headache, and fever
Histoplasmosis – symptoms include decreased respiratory function
Salmonellosis – symptoms include fever, chills, abdominal discomfort, and flulike symptoms

Pigeons can even carry mites and fleas. It is important to thoroughly wash your hands after removing bird droppings. Avoid touching a pigeon, whether it's living or dead.

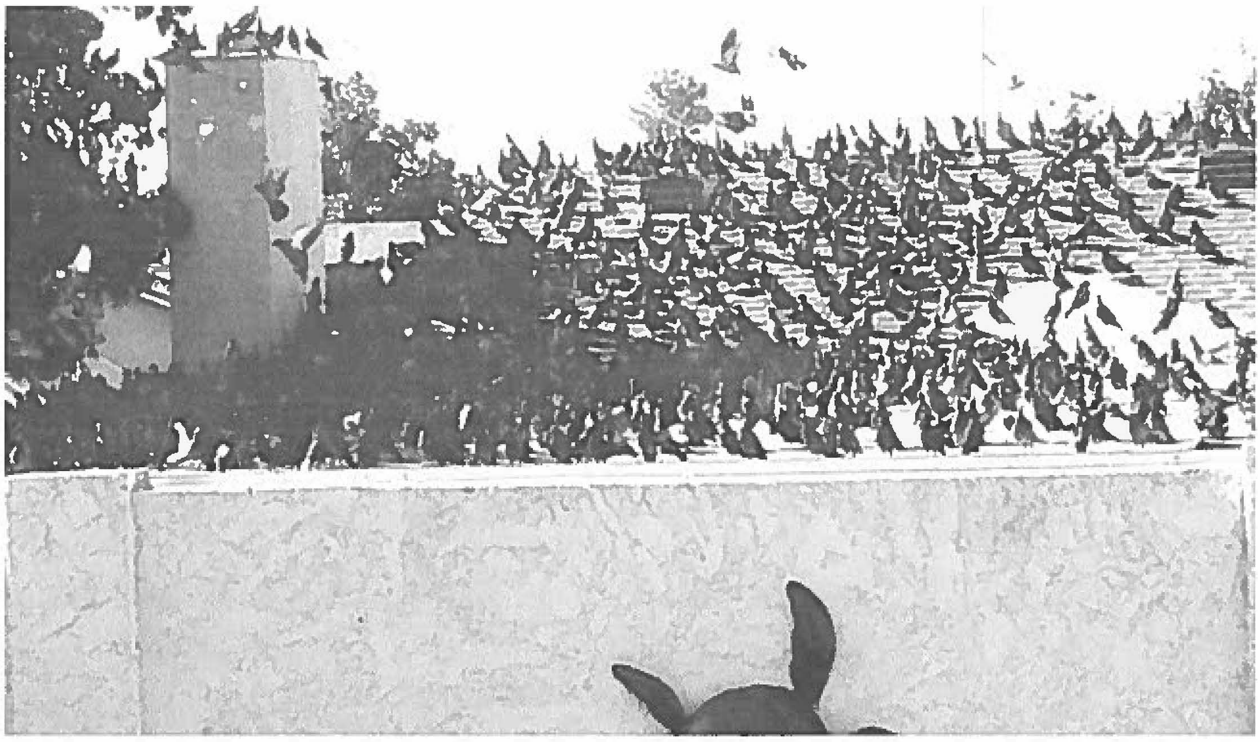
I think this states my case 100%.... So now I expect this problem to be resolved post haste...

Bruce R Durst @
Re: Pigeon feeding causing a health risk and a Nuisance in neighborhood
March 27, 2019 at 2:27 PM
Animal Control Info
FOSHA OFFICE

Thank you for the fast response.
The address of the worst violation is 541 80th Street, Mesa 85208. We are located in Fountain of the Sun retirement community. I have a few other addresses but if we, including the FOS HOA, can resolve this one address I think we can resolve all the violators who are causing a nuisance, health hazard, and property damage caused by the pigeons excrement. The picture says it all... and this is about half of the normal flock. They also roost on the front and sides of the house.

Thank You,
Bruce Durst
480-296-3234





Pigeons Overview

A case for putting an end to the piegon problem at FOS..

DO NOT FEED WILD ANIMALS AND BIRDS

In order to resolve the problem you must first understand why the birds are there. There are two completely separate problems associated with pigeons; the first type of problem is daytime perching where pigeons are using a building as a vantage point to exploit a food source.

The birds are using your property as a vantage point to **exploit a food source.**

So now you will hopefully have a better idea of why the pigeons are on your property. related issues are concerned or where pigeons are being **deliberately fed** within sight of a building that is experiencing problems.

If the pigeons are being fed within sight of your building, you need to be aware that if you install pigeon deterrents then pigeons may be displaced and start to use the tiles of the roof for perching.

The main problem is that gutters, hoppers and downpipes can become blocked with **guano** and

nesting materials. Depending on the scale of the problem it may be necessary to clear gutters every 3 to 6 months or even more regularly where entrenched problems are concerned.

In this case, and particularly if you have identified the person or people who are feeding, a **call to your council** may be the most productive step in the first instance.

Again, a call to the **Environmental Health Department** of your council may resolve this problem. In any instance where **deliberate feeding of pigeons** by the public is the source of the problem then your local council should be contacted.

It may be that your council will respond by saying that they do not provide pigeon control services, but be aware that councils do have a legal obligation to deal with a statutory nuisance or any health and safety-related issue. The council may not provide conventional pigeon deterrent control services, but they do have an obligation to act if an individual or company is causing a nuisance or health risk by **feeding pigeons** or by allowing waste to be exploited by pigeons. A health and safety risk can be something as simple as pigeon excrement on the pavement that has the potential to cause a slip hazard.

If your building is in a suburban residential area then the source of the problem is likely to be a neighbor feeding wild birds in their back garden. In many cases this problem can be resolved by speaking directly to your neighbor and explaining to them that they are causing a problem by attracting pigeons to their garden as a result of the food they provide for smaller garden birds. Inevitably, if one householder feeds wild birds in their garden, and if pigeons are attracted by this food, the pigeons will perch on a neighboring property whilst waiting for the food. It is also quite likely that your neighbor has no idea that they are causing you problems, particularly if they are out at work all day. It is only in extreme and entrenched circumstances that you will need to seek advice and **assistance from your council** in order resolve an issue of this nature.

Overnight Roosting and Breeding Problems

The best means of estimating how many pigeons you have roosting on your property, and more importantly where they are roosting, is to survey the building after dark once the birds have returned to their roosts. Walk all the way around the building with a good flashlight and look at the entire property in as much detail as is possible. Pigeons are commonly found on exposed pipework, windowsills and architectural features, but will rarely be found on exposed roof areas or on guttering after dark. This is because pigeons will

always look for a roost that provides some degree of protection from the elements, even if it is only the overhang of a gutter or soffit. If the survey of the building confirms that you have a significant number of pigeons roosting on external features then, prior to installing pigeon deterrents, it may be wise to inform your neighbor.

Evidence during the day if no breeding is taking place at the time of the survey. Bear in mind that feral pigeons breed all year round and therefore nests with baby birds may be present at any time, winter or summer.

One of the most common problems is how to protect TV aerials to avoid soiling to patios, conservatories, block-paved drives, doorsteps, decking, etc., where **soiling problems** can, in some cases, be extreme. TV aerials offer wild birds an ideal perching facility, particularly when overlooking domestic gardens, and are often used as a **vantage point to exploit food** from bird tables in neighboring gardens. Large piles of **guano** can build up rapidly, with slippage problems on wet excrement being extremely common - many parents with young children often have concerns when their children are playing in the garden unsupervised.

This inflammation of the nervous system is **dangerous** to all age groups, but can be particularly **dangerous** and even fatal in adults over 60 years old. Symptoms include drowsiness, headache and fever.

Histoplasmosis. This respiratory disease occurs as a result of a fungus growing in pigeon droppings and can be fatal.

Histoplasmosis **is** a respiratory disease that may **be** fatal. It results from a fungus growing in dried **bird droppings**. Candidiasis **is** a yeast or fungus infection spread by **pigeons**. ... The illness often begins as a pulmonary disease and may later affect the central nervous system.

histoplasmosis, this variety can **affect** nearly any part of your **body**, including your mouth, liver, central nervous system, skin and adrenal glands. If untreated, disseminated **histoplasmosis** is usually fatal.

Bird fancier's **lung** (BFL), also called bird-breeder's **lung** and **pigeon**-breeder's **lung**, is a type of hypersensitivity pneumonitis (HP). It is triggered by exposure to avian proteins present in the dry dust of the droppings and sometimes in the feathers of a variety of birds.

Pigeon droppings may pose **a health hazard** to the general public. **Pigeons** have been associated with a variety of **diseases**, including histoplasmosis and cryptococcosis. Histoplasmosis is a **disease** caused by a fungus that grows in **pigeon droppings**. ... When exposure is high, the fungus can cause infection.

Pigeons and doves are closely related. There are about 300 species of birds in the Columbidae group. ... In fact the word "**pigeon**" and "dove" are pretty interchangeable. The **pigeons** that are referred to as "flying **rats**" are descendants of wild rock doves that were domesticated and then escaped back into the wild.

Pigeons often cause significant pollution with their droppings, though there is little evidence of them driving out other **bird** species. **Pigeons** are labeled an invasive species in North America by the USDA.

Exposure to dust from the **pigeon** loft **can cause** heterogeneity of diseases such as **asthma**, ornithosis, (microbial infections of birds which **can** be transferred to human beings), lung inflammation from inhaling irritant dusts. Allergic proteins are found in bird droppings and feather blooms.

This health and property nuisance is causing neighbors to spend time and money on pigeon abatement and mitigation. I believe this cost should be passed along to

Pigeons will perch on buildings whilst waiting for food to be provided and this can cause **soiling problems** for property owners. Interestingly, it is common for pigeons to roost on the property either side of the garden in which the food is being provided and this can, in some cases, cause friction between neighbors. In more extreme cases this friction can develop into minor wars between neighbors. therefore always wise to be extremely aware of what species you are attracting by providing food and whether the birds that do visit your garden are causing problems for your neighbors.

Also be aware that controlling pigeons once they have established a feeding pattern can be difficult if not impossible, particularly where the problem has become entrenched.

Once feral pigeons have identified your garden as a daily feeding site their numbers will grow daily and it is not unusual to have between 100 and 200 birds visiting a domestic garden each day if the food supply is not restricted.

Pigeons will exploit just about any food type. Once pigeons have established a feeding pattern and broker your garden into their daily feeding rounds they may even start to look at your property, and indeed those of your neighbors, as a possible roosting and breeding site.

This is when the problems become entrenched with neighbors demanding that you stop pigeons feeding in your garden. Pigeons are never more comfortable than when they are roosting and breeding on a residential property and particularly one that offers both bed and breakfast!

Once you have become aware that pigeons are exploiting food provided for smaller birds you should stop all feeding immediately. This cessation of feeding need not continue indefinitely but it is critical to stop feeding before the problem becomes entrenched.

Once a daily feeding pattern has been established is not only difficult but also can be highly distressing for both the property owner concerned and for their neighbors.

The health risks of a pigeon infestation.

Birds, including **pigeons**, are perfect disease carriers, as they travel long distances. They can harbor dozens of different parasites and infectious diseases. ... A respiratory disease known as histoplasmosis can develop when the fungus is inhaled.

Are Pigeons harmful

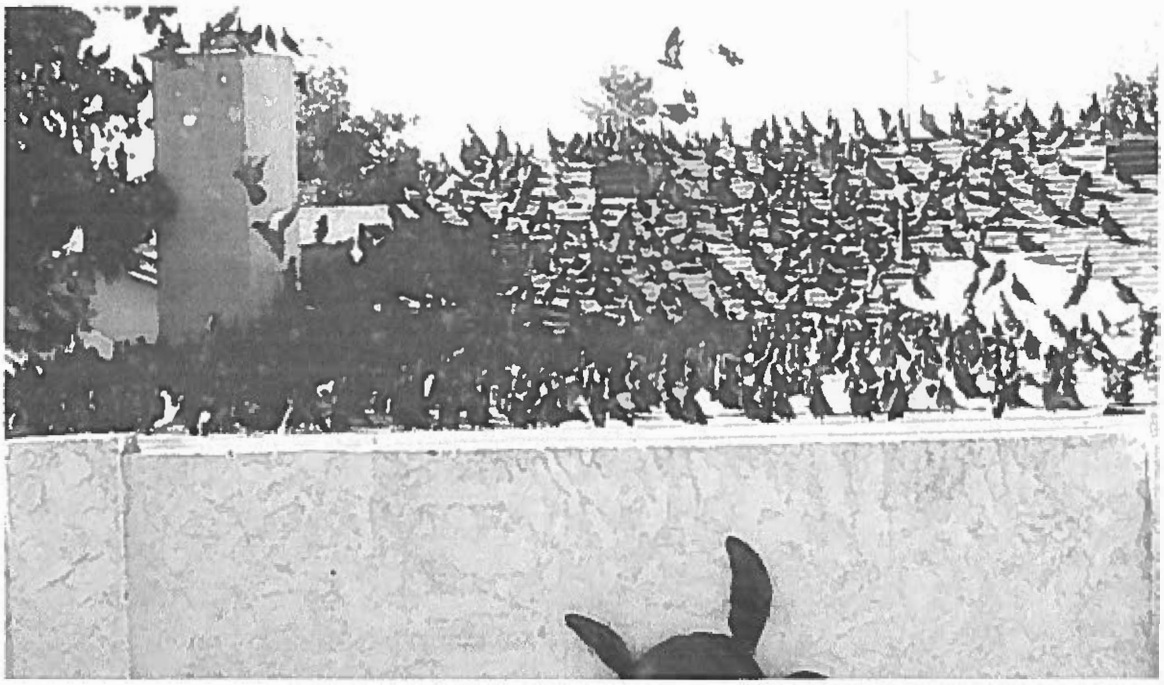
those causing the nuisance. If this is not controlled it could result in legal action against the people causing the problem and FOS for their continued NO-ACTION policy. I have complained for over 10 years and still nothing has been done..

WE ALL HAVE THE RIGHT TO LIV E IN PEACE AND HARMONY.

Feeding wild animals, birds, causes a nuisance and health risk. Wild animals, Pigeons, were here before us and will be here after we leave. They are survivors and DO NOT need our assistance to provide food for them. Feeding them actually causes them to be dependable on humans. This is not what nature intended. Feeding wild animals does them more harm than good.
I've been living at FOS for over 10 years and was told something is being done about the problem 10 years ago.. 10 years later I'm being told the same BS..
whoever is addressing this issue isn't doing their job and perhaps should be replaced with someone who actually addresses the problem ??

Bruce R Durst
Phoenix Ordinance making pigeon feeding illegal later this year
March 30, 2019 at 1:09 PM

Feeding pigeons isn't illegal in Phoenix. Should it be?



A photo from a Phoenix resident shows a flock of pigeons on a neighbor's roof. The Phoenix City Council is considering making it illegal to feed wild birds. *(Photo: City of Phoenix)*

After a Phoenix resident shared nightmarish photos of a roof in her neighborhood covered in pigeons, the Phoenix City Council is considering a new law prohibiting the feeding of wild pigeons.

Right now, the city only regulates the keeping of pigeons — not the feeding of them. But Phoenix may follow Tempe's lead and pass an ordinance that bans the feeding of wild birds.

In large numbers, pigeons can carry diseases. Their waste is acidic and can damage paint on vehicles, and they give off an unpleasant odor.

"Once you have them, it's very difficult to get rid of pigeons," Mayor Thelda Williams said.

Tempe recently banned feeding

Last summer, Tempe added the feeding of wild birds as a "nuisance" crime.

A Phoenix City Council subcommittee asked staff to move forward with drafting a similar ordinance last week.

"I don't want to stop people from feeding wild birds. But that's obnoxious and I certainly wouldn't want that on a daily basis," Williams said at the meeting, referring to the resident's photo.

Williams said she's spoken with the woman, who believes the pigeon problem in her neighborhood is the result of a neighbor feeding the birds.

Williams said the woman told her she has pigeon droppings all over her house and yard every day.

"I think it is a health concern besides being a nuisance," Williams said.

How would the ordinance work?

The proposed ordinance would deem the feeding of wild birds a nuisance. The city would enforce the ordinance if it receives signed complaints from three separate households.

"(The requirement of three complaints) would reduce the possibility of neighbors using this as a harassment tool against one another," Neighborhood Services Director Spencer Self said at the subcommittee meeting.

A city spokeswoman said the penalties for feeding wild birds will likely be the same as the city's penalties for other nuisance violations: a minimum fine of $150 with a cap of $2,500. A violator can be charged either civilly or criminally.

Self said since enacting the ordinance over the summer, Tempe has received a number of complaints but hasn't had to penalize anyone yet.

"They've been able to effectively educate resident and have them stop feeding wild birds just through that," he said.

City staff is preparing a draft ordinance, which will be presented to the public. The council is expected to vote on a final ordinance later this year.

Bruce R Durst

March 30, 2019 at 11:36 AM

ORDINANCE NO. O2018.29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 21, ARTICLE I, TEMPE CITY CODE, RELATING TO NUISANCES, BY ADDING A NEW SECTION 21-3 (B)(21), RELATING TO ENUMERATED VIOLATIONS.

WHEREAS, under the Arizona Constitution, a city with a population of more than 3,500 people is entitled to establish a charter for its government and that a charter city is granted autonomy over matters of local interests;

WHEREAS, the voters of the City of Tempe established the Tempe City Charter in 1964 that vests policymaking in the Tempe City Council; and,

WHEREAS, the City of Tempe is vested with the obligation and authority to regulate activities that create a hazard to the public health or a nuisance to the residents of Tempe; and,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Chapter 21, Article I, Section 21-3(b)(21) of the Tempe City Code is hereby added as follows:

Sec. 21-3. Enumerated violations.

***

(b) A nuisance includes any one (1) or more of the following conditions:

***

(21) The keeping or feeding of outdoor birds that by frequent public defecation on private or public property, annoys or disturbs a neighborhood or any number of persons; provided, that an action for a violation of this subsection shall not be initiated, unless a petition is received signed by at least three (3) witnesses in separate households with independent knowledge of the nuisance. The petition requirements may be waived if the circumstances and evidence otherwise support grounds for enforcement.

Note— Zoning and Development Code reference—Section 3-404(1), small animals, and Section 7-120, definitions - "small animal".

***

From: **Bruce Durst** bdurst3@cox.net
Subject: **Houses near me**
Date: **March 31, 2019 at 3:28 PM**
To: **Bruce Durst** bdurst3@cox.net



Sent from my iPhone

THE CITY OF TEMPE REQUIRES STATEMENTS FROM AT LEAST 3 NEIGHBORS.
IN SOME CASES LIKE MINE I WOULD/MAY BE ABLE TO GET ONLY 2 STATEMENTS. MINE AND THE RENTAL HOUSE. THE OTHER NEIGHBOR IS HERE FOR ONLY A FEW MONTHS PER YEAR.
SO I WOULD LIKE THE MESA ORDINANCE REQUIRE STATEMENTS/COMPLAINTS FROM ONLY 2 NEIGHBORS.
BETTER YET NO COMPLAINTS - JUST MAKE IT ILLEGAL.

From: **Bruce R Durst** bdurst3@cox.net
Subject:
Date: **March 31, 2019 at 3:04 PM**
To:



