



## COUNCIL MINUTES

July 1, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 1, 2014 at 5:45 p.m.

### COUNCIL PRESENT

Alex Finter  
Terry Benelli  
Christopher Glover\*  
Dennis Kavanaugh  
David Luna  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

\*Vice Mayor Glover participated in the entire meeting through the use of telephonic equipment.

Invocation by Bishop Marsh Gurr with the Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance was led by Councilmember Luna.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Councilmember Richins stated that the City of Mesa is privileged to have more than 200 residents who serve on its various advisory boards and commissions. He noted that tonight, the Council would like to recognize a number of volunteers who have successfully completed their terms of service. He pointed out that not all of the citizens were able to attend tonight's meeting, but recognized those volunteers who were in the audience as follows:

- Floyd Smith – Mesa Police Department Pension Board
- Kate Ali'varius – Judicial Advisory Board

Mayor Finter presented awards to the volunteers and congratulated them for their service to the City of Mesa.

### 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 Kavanaugh, seconded by Councilmember Luna, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the February 27, April 21, May 5, June 2 and 16, 2014 Council meetings.

3. Take action on the following liquor license application:

\*3-a. Wingstop

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Maricopa Wings VII, LLC, 1616 South Stapley Drive, Suite 105 – Thomas Robert Aguilera, agent. There is no existing license at this location. **(District 3)**

4. Take action on the following contracts:

\*4-a. Purchase of One New Vehicle for the Police Department. **(Citywide)**

This purchase will provide one vehicle for the Police Department. This vehicle will give the Police Department the ability to reduce their leased fleet by one.

Police and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Midway Chevrolet, at \$37,415.07. This purchase is funded by Asset Forfeiture RICO funds.

\*4-b. Purchase of Forty-Four Replacement Ballistic Helmets for the Police Department (Sole Source). **(Citywide)**

Specialty teams within the Police Department need ballistic helmets when responding to incidents such as structural collapse situations, rescue incidents, release of hazardous materials and chemical agents, SWAT situations and natural disasters. After soliciting formal bids unsuccessfully four times, Purchasing deemed this sole source and negotiated the purchase with Ops-Core.

Police and Purchasing recommend awarding the contract to the sole source vendor, Ops-Core, at \$37,554.53. This purchase is funded by a 2013 Arizona Department of Homeland Security grant.

\*4-c. Purchase of Two Replacement Motorcycles for the Police Department (Single Bid). **(Citywide)**

The Police Department's motorcycle fleet consists of twenty-nine units: twenty-five utilized for traffic enforcement and four older motorcycles for training new officers in the

unit. Two motorcycles were destroyed in collisions and the replacement motorcycles will maintain the fleet of twenty-nine. All costs of the motorcycle purchase and the upfit are included in this price.

Fleet Services, Police and Purchasing recommend authorizing the purchase from the single bidder, Kelly's Kawasaki (a Mesa business), at \$62,393.28. This purchase is funded by the Vehicle Replacement Fund.

\*4-d. Purchase of Two Light-Duty Pickup Trucks as Fleet Additions for the Engineering Department. **(Citywide)**

This purchase will provide two 2014 Ford half-ton extended cab pickups to be used by the Engineering Inspections group to inspect Capital Improvement projects. The additional vehicles are needed for the increase in the number of Construction Inspectors in the department.

Fleet Services, Engineering and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidder, Berge Ford (a Mesa business), at \$50,264.06. This purchase is funded by the Capital – General Fund.

\*4-e. Purchase of Fourteen CNG Automated Side Loading (ASL) Refuse Trucks, including Eleven Replacements and Three Fleet Additions, for the Solid Waste Management Department. **(Citywide)**

Eleven Solid Waste Management vehicles being replaced have met established criteria and will be retired and sold at auction.

Solid Waste Management is requesting three additional ASL vehicles in FY 14/15, to increase the fleet from 42 to 45. The programmed increase of the ASLs will allow current service levels (routes) to be maintained, keep up with the City's growth and maintain a proper spare ratio to an industry standard of 20% of available units. Peak operational days require 37 operational units. Since 2008, the growth of the City has required an increase in the number of routes necessary to complete twice-per-week service for all residential customers. In 2008, Solid Waste provided service for 274,211 barrels operating with a total of 44 trucks. Today, Solid Waste is providing service for 298,638 barrels operating with 42 trucks.

Fleet Services, Solid Waste Management and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Rush Truck Center of Arizona, Inc., at \$5,047,035.60. The eleven replacement vehicles (\$3,965,527.97) are funded by the Utility Replacement Extension and Renewal Fund. The three fleet additions (\$1,081,507.63) are funded by the Capital – Enterprise Fund.

\*4-f. One-Year Renewal of Term Contract for Heavy Equipment Rental for the Transportation Department. **(Citywide)**

Transportation periodically needs to rent heavy equipment for storm drain system maintenance, right-of-way maintenance and road hazard responses, often with little or no advance notice. This state cooperative contract provides multiple vendors for the rental of a variety of heavy equipment with or without an operator on an as-needed basis.

Transportation and Purchasing recommend authorizing a one-year renewal using the State of Arizona cooperative contract with multiple vendors: RDO Construction Equipment Company; Hertz Equipment Rental Corp.; Empire Southwest, LLC (a Mesa business); Earhart Equipment Corp.; Qualex Construction Inc.; Sunbelt Rentals, Inc.; and Neff Rental, LLC.; not to cumulatively exceed \$200,000 annually, based on estimated requirements.

- \*4-g. Purchase of Six Replacement Fire Apparatus, including Five Fire Pumpers and One 85-foot Aerial Platform Truck, for the Fire and Medical Department (Sole Source). **(Citywide)**

Fire and Medical has standardized with Pierce fire apparatus. This purchase is part of the ongoing apparatus equipment replacement schedule managed by Fire and Medical. The apparatus being replaced has met established 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.

Fire and Medical recommends awarding the contract to Pierce Manufacturing, Inc., through their authorized dealer, Hughes Fire Equipment, Inc., at \$4,522,065.42. This purchase is funded by 2013 Public Safety Bonds.

- \*4-h. One-Year Renewal of the Term Contract for Custodial Services for Parks Restrooms for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

This contract provides custodial services for numerous City park restrooms. Work includes furnishing all labor, transportation and equipment to perform the janitorial service as specified. The vendor offered to renew the contract maintaining last year's pricing, which is advantageous to the City.

Parks, Recreation and Commercial Facilities and Purchasing recommend authorizing a one-year renewal with Plan B Facility Services, at \$123,260.00 annually, based on estimated requirements.

- \*4-i. Three-Year Term Contract for Custodial Services for City Buildings as requested by the Facilities Maintenance Department. **(Citywide)**

This contract will provide custodial services for City buildings. The City requires the contractor to provide a high level of customer service in a timely and professional manner using industry standards for custodial services.

The evaluation committee recommends awarding the contract to the highest-scored proposal from Olympus Building Services, at \$1,437,529 annually, based on estimated requirements.

- \*4-j. Addition to Scope and Dollar-Limit Increase to the Term Contract for Landscape Maintenance Services for Zone 1 – Parks, Retention Basins and Sports Fields for the Parks, Recreation and Commercial Facilities Department (PCRF). **(Districts 5 and 6)**

The current contract for maintenance at the Eastmark Park expires on 7/1/2014. PRCF evaluated and determined that it would be more cost effective to add the park to the Zone 1 contract rather than have it as a separate zone/contract. Eastmark will be added to the

existing Landscape Maintenance Services Contract for Zone 1, incorporating the Eastmark special provisions and requirements.

Parks, Recreation and Commercial Facilities and Purchasing recommend authorizing a change order and a dollar-limit increase of \$77,347.62 with Mariposa Landscape Arizona, Inc. This will add landscaping maintenance services for the Eastmark Park and increase the annual contract amount from \$721,539.83 to \$798,887.45, based on estimated requirements.

- \*4-k. Addition to Scope and Dollar-Limit Increase to the Term Contract for Bus Shelter Maintenance and Repairs for the Transit Services Department. **(Citywide)**

Transit Services proposes to amend this contract to incorporate custodial activities at park-and-rides and the Sycamore Transit Center currently being performed under a Facilities Maintenance contract and an agreement with Valley Metro. This change should result in a General Fund savings of \$24,018 for FY15. Staff anticipates additional cost savings to the City through better use of City resources by minimizing the number of staff monitoring the various contracts and enhanced contract monitoring and accountability.

Transit Services and Purchasing recommend authorizing a dollar-limit increase of \$52,410.00 with A Mind for Detail, Inc., dba AMFD (a Mesa business), increasing the contract amount from \$264,285.00 to \$316,695.00 annually, based on estimated requirements.

- \*4-l. One-Year Term Contract for Precast Electric Vaults for the Energy Resources Department (Single Bid). **(Citywide)**

This contract will provide underground electric vaults, vault lids and other vault-related products and services needed to maintain and expand the City's underground electric distribution system.

Energy Resources and Purchasing recommend awarding the contract to the single-bidder, Oldcastle Precast, at \$262,550.00 annually, based on estimated requirements. This is funded by 2010 authorized Electric Utility Bonds.

- \*4-m. Gas SCADA (Supervisory Control and Data Acquisition) System Improvements. **(Districts 2, 3, 4 and 5)**

The City's natural gas utility is required to monitor system pressures at the outlets of all regulator stations as part of the operations and federal code requirements. There is a cost savings to add the SCADA equipment as part of a larger project that installs the SCADA equipment at multiple locations instead of individually as the regulator stations are constructed.

Recommend award to the lowest bidder, Hydro Controls, in the amount of \$277,858.79, plus an additional \$27,785.88 (10% allowance for change orders), for a total award of \$305,644.67. This project is funded by 2010 authorized Gas Bonds.

- \*4-n. High Pressure Gas Main Replacement - Attaway Road and Judd Road and Quail Run Lane and Skyline Drive. **(Pinal County)**

This project will consist of a new gas main with approximately 16,000 linear feet of 8-inch steel high pressure gas pipe, 9,400 linear feet of 6-inch steel high pressure gas pipe, 260 linear feet of 4-inch polyethylene gas pipe and 450 linear feet of 2-inch polyethylene gas pipe.

Recommend award to the lowest bidder, NPL Construction Company, in the amount of \$1,462,047.02, plus an additional \$146,204.70 (10% allowance for change orders) for a total award of \$1,608,251.72. This project is funded by 2010 authorized Gas Bonds.

\*4-o. **Broadway Road Improvements – Power Road to Sossaman Road. (District 5)**

This project is the second phase of the Broadway Road Improvements and is west of Sossaman Road (phase one is east of Sossaman Road to Hawes Road). The second phase stems from requests of residents that the City provide additional improvements west of Sossaman Road. These supplemental improvements include: curb and gutter, sidewalk, paving and storm drain.

Recommend award to the lowest responsible bidder, Skanska USA Civil West, in the amount of \$4,499,576.35, plus an additional \$449,957.64 (10% allowance for change orders), for a total of \$4,949,533.99. Funding for the project is available in the 2013 authorized Streets Bonds and the 2010 authorized Water Bonds.

\*4-p. **Greenfield Water Reclamation Plant Odor Control Expansion. (Gilbert)**

This project includes the installation of an additional odor control scrubber unit and associated infrastructure at the GWRP. Other improvements include replacing the Plant's aging chemical feed systems and storage tanks, and re-lining the existing chemical containment area. A new and larger shade canopy will also be installed over the Plant's chemical containment area to help protect the new improvements.

Recommend award to the lowest bidder, Sunwestern Contractors, Inc., in the amount of \$1,998,708.50, plus an additional \$199,870.85 (10% allowance for change orders) for a total award of \$2,198,579.35. Funding for the project is available in the 2006 Wastewater Bond Authorization. For this project, the City of Mesa will be reimbursed 39.8% by the Town of Gilbert and 18.4% by the Town of Queen Creek.

\*4-q. **Southeast Water Reclamation Plant Miscellaneous Improvements Project. (District 6)**

This project will upgrade the Southeast Water Reclamation Plant to address operational issues, add needed redundancy, rehabilitate or replace deteriorating or outdated equipment, and improve the reliability and efficiency of plant operations.

Recommend award to the lowest responsible bidder, Hunter Contracting, in the amount of \$3,189,410.00, plus an additional \$318,941.00 (10% allowance for change orders) for a total award of \$3,508,351.00. Funding is available in the 2010 authorized Wastewater Bonds.

\*4-r. **Central Mesa Light Rail Extension – City Funded Utility Improvements. (Districts 3 and 4)**

The approved Design and Construction Agreement includes a process for the City to add City-funded improvements to the project. These improvements typically include upgrades to City utilities and other facilities that are located adjacent to or within the new light rail facilities, but are not being impacted directly by the project. These improvements are referred to as Concurrent Non-Project Activities (CNPA), which must be funded by the City. The improvements in this CNPA request include upgrades to downtown sidewalk ramps and repainting existing bus shelters that were removed and will be reinstalled within the project limits.

Recommend the approval of the expenditure of funds for various City of Mesa utility improvements located throughout this project. The total amount of the proposed improvements is \$83,559.00. Funding for these CNPAs is available in the Local Streets Sales Tax and Transit Operating Budget.

\*4-s. Val Vista Transmission Main – Phase 2 Construction Manager at Risk. **(District 1)**

This project will serve as a dedicated water transmission main for the City of Mesa to fulfill the requirements of an Intergovernmental Agreement with the City of Phoenix.

Recommend award of the pre-construction phase contract to Garney Construction in the amount of \$185,350.00. This project is funded by the 2010 authorized Water Bonds.

\*4-t. Authorize the Mayor to sign an employment contract with the City Attorney.

\*4-u. Authorize the Mayor to sign an employment contract with the City Auditor.

\*4-v. Authorize the Mayor to sign an employment contract with the City Clerk.

5. Take action on the following resolution and contract regarding the Mesa High School Aquatic Facility:

\*5-a. A resolution approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Mesa Unified School District No. 4 relating to the design and construction of the Aquatic Facility at Mesa High School **(District 4)** – Resolution No. 10497.

\*5-b. Mesa Aquatic Facility. **(District 4)**

The Mesa High School Aquatic Facility will be built on the campus of Mesa High School at the southwest corner of the campus. This aquatic facility will include both lap and recreation pools. The lap pool will have eight 25-yard lanes and a dive tank with both 1 and 3-meter diving boards. The recreation pool will be comprised of a zero-depth entry, a lazy river that also serves as swim lesson space, a small toddler slide, and various aquatic spray features.

Recommend award to Sun Eagle Corporation in the total award amount of \$6,622,903.35, comprised of the GMP of \$6,307,527.00, plus a 5% change order allowance of \$315,376.35. Funding is available in the 2012 Parks Bond Authorization.

6. Take action on the following resolutions:

- \*6-a. Approving and authorizing the City Manager to execute necessary documents to transfer the property located at 221 West 6<sup>th</sup> Avenue to the Boys and Girls Clubs of the East Valley, Inc., for the expansion of their charter school and facility offering programming for at-risk youth and their families **(District 4)** – Resolution No. 10498.
- \*6-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Phoenix-Mesa Gateway Airport Authority. The Intergovernmental Agreement will provide reimbursement for five years for personal services, training and vehicle expenses associated with providing dedicated law enforcement services to the facility **(Citywide)** – Resolution No. 10499.
- \*6-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Game and Fish Department for the Community Fishing Program **(Districts 1 and 5)** – Resolution No. 10500.

This four-year agreement provides for the regular stocking of fish in the Red Mountain and Riverview Lakes. The City's costs for the program are \$14,007 for Years One and Two and \$14,214 for Years Three and Four.

- \*6-d. Extinguish a portion of a public utility easement at 7931 East Pecos Road **(District 6)** – Resolution No. 10501.

The commercial property owner has requested the City extinguish a portion of a public utility easement to accommodate the construction of storage yard improvements.

- \*6-e. Ordering and calling a Special Bond Election to be held on November 4, 2014, to submit to the qualified electors the question of authorizing the issuance and sale of Utility Systems Revenue Bonds – Resolution No. 10502.
- \*6-f. Designating the General Election date as November 4, 2014 and the purpose of the General Election; designating the deadline for filing for and against ballot measures; designating the deadline for voter registration; and establishing the times that polls will be open – Resolution No. 10503.

At the General Election, the qualified electors of the City shall vote on the following measures:

- Alternative Expenditure Limitation (Home Rule)
- Water System Revenue Bonds
- Wastewater System Revenue Bonds
- Electric System Revenue Bonds
- Gas System Revenue Bonds
- Mesa General Plan 2040



7. Introduction of the following ordinances and setting July 8, 2014 as the date of the public hearing on these ordinances:

- \*7-a. **Z14-035 (District 1)** 1008, 1058, 1060 and 1102 West McLellan Road. Located south of the Loop 202 Freeway and east of Alma School Road (12.8± acres). Rezone from Maricopa County RU-43 to City of Mesa RS-43. This request will establish City of Mesa zoning on recently annexed property. Dennis Newcombe, Beus Gilbert PLLC, applicant.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0-1, Boardmember Arnett, absent; Vice Chair Coons, abstained.)

- \*7-b. **Z14-029 (District 1)** 1008, 1058, 1060 and 1102 West McLellan Road. Located south of the Loop 202 Freeway and east of Alma School Road (12.8± acres). Rezone from RS-43 to RSL-4.5 PAD and Site Plan Review. This request will allow the development of a single-residence small-lot subdivision. Dennis Newcombe, Beus Gilbert PLLC, applicant.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0-1, Boardmember Arnett, absent; Vice Chair Coons, abstained.)

- \*7-c. **Z14-031 (District 4)** 1542 East Dana Avenue. Located south of Main Street and east of Stapley Drive (1± acres). This request is for a Council Use Permit for a Social Service Facility in the RM-2 zoning district.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0, Vice Chair Coons and Boardmember Arnett absent.)

- \*7-d. **A14-03 (District 1)** Annexing land located north of McLellan Road and east of Alma School Road (6.9± acres). Initiated by the property owners, Denvon and Mona Rogers and Mortgages, LTD, 401K Plan/G A Libling-Mark Winkleman.

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

- \*8-a. **Z14-026 (District 3)** 610 West Jerome Avenue. Located west of Country Club Drive and north of Baseline Road (1.78± acres). Site Plan Modification and modification of the existing BIZ overlay within an LI zoning district. This request will allow the development of a healthcare facility. Richard Clutter, EMC2 Architects, applicant; Bill Timmons, Hacienda Healthcare, owner – Ordinance No. 5234.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0-1, Boardmember Arnett, absent; Vice Chair Coons, abstained.)

**Items not on the Consent Agenda**

**9. Conduct a public hearing on the following annexation cases:**

- 9-a. Public hearing prior to the release of petition for signatures for the proposed Annexation Case A12-004 located at 2822 North 88<sup>th</sup> Place, which is west of Ellsworth Road and north of McDowell Road (±1 acre). This request has been initiated by the property owner, Richard Spector, Managing Trustee, Copperwall Irrevocable Trust. **(District 5)**

Mayor Finter announced that this was the time and place to conduct a public hearing regarding proposed Annexation Case A12-004.

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

- 9-b. Public hearing prior to the release of petition for signatures for the proposed Annexation Case A14-005 located at 10160 East Brown Road, which is east of Crismon Road on the north side of Brown Road (19+ ac). This request has been initiated by the property owner, Laurin Hendrix. **(District 5)**

Mayor Finter announced that this was the time and place to conduct a public hearing regarding proposed Annexation Case A14-005.

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

**10. Items from citizens present.**

There were no items from citizens present.

**11. Adjournment.**

Without objection, the Regular Council Meeting adjourned at 6:01 p.m.

ATTEST:

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ALEX FINTER, MAYOR

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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 1<sup>st</sup> day of July 2014. 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

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