

## COUNCIL MINUTES

October 20, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 20, 2014 at 5:45 p.m.

### COUNCIL PRESENT

John Giles  
Alex Finter  
Christopher Glover  
Dennis Kavanaugh  
David Luna  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

Invocation by Pastor Isiah Claytor, Jr. with Rock City Church International.

Pledge of Allegiance was led by Caleb Alger, East Valley Young Marines.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Mayor Giles stated that tonight, three young men who are members of the East Valley Young Marines program are being recognized for their efforts and hard work to educate youth regarding the dangers of drugs and alcohol. He invited Frank Alger, Unit Commander of the East Valley Young Marines, to come forward and provide greater detail concerning the program.

Mr. Alger reported that the East Valley Young Marines program is for children between the ages of 8 and 18. He explained that the primary focus of the program is for the participants to learn about the dangers of tobacco, alcohol and drugs and, in turn, educate their peers with respect to these issues.

Mr. Alger noted that the three young men being honored tonight have completed Project ALERT, a nationally recognized certification program, which focuses on teaching strategies that can be used to educate other youth about drugs. He stated that the young men also completed additional training that was sponsored by the U.S. Drug Enforcement Administration.

Mayor Giles presented certificates to the following individuals: Hayden Lippincott, Caleb Alger and Tyson Henry. He congratulated the young men on their dedication and service to the community.

Mayor Giles stated that October is National Domestic Violence Awareness Month and noted that he was pleased to sign a proclamation declaring it as such. He also remarked that he and his fellow Councilmembers, as well as many staff members, were wearing purple to bring awareness to the issue.

Councilmember Luna, who serves on the Maricopa Association of Governments (MAG) Domestic Violence Council, indicated that the City of Mesa has long sought to fight domestic violence through its partnerships with various agencies and the Mesa Police Department (MPD). He expressed appreciation to City staff and the MPD who work so hard to protect victims of domestic violence and guard against future occurrences. He pointed out that one in four women and one in 12 men is a victim of domestic violence, but stated that it was preventable.

Councilmember Luna read an excerpt from Mayor Giles' proclamation as follows: "In recognition of this important work done by domestic violence programs, National Domestic Violence Awareness Month urges all citizens to actively participate and schedule activities and programs to work towards improving victim safety and holding perpetrators of domestic abuse accountable for their actions against individual victims and our society as a whole."

Councilmember Luna highlighted the accomplishments of various staff members from the MPD, the City Prosecutor's Office, the Center Against Family Violence and representatives from A New Leaf. He expressed appreciation to those individuals for assisting countless domestic violence victims and their families and added that their efforts have not gone unnoticed.

Mayor Giles thanked Councilmember Luna for his comments.

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 Somers, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the October 6, 2014 Council meeting.

3. Take action on the following liquor license application:

\*3-a. Arizona Democratic Party

This is a one-day political party event to be held on Saturday, October 25, 2014 from 3:00 p.m. to 10:00 p.m., at 2100 West Rio Salado Parkway. **(District 1)**

\*3-b. Colon Cancer Alliance Blue Note Fund

This is a one-day charitable event to be held on Saturday, November 1, 2014 from 9:00 a.m. to 6:00 p.m., at 922 South Country Club Drive. **(District 4)**

\*3-c. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, October 31, 2014 from 6:00 p.m. to 2:00 a.m., at 105 West Main Street. **(District 4)**

\*3-d. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, November 7, 2014 from 5:00 p.m. to 11:00 p.m. on Macdonald Street, from Main Street to Pepper, and on Main Street, from Center to Robson. **(District 4)**

\*3-e. Towerpoint RV Resort

An RV resort with a bar and grill that serves lunch and dinner is requesting a new Series 12 Restaurant License for Cal-Am Properties, Inc., 4860 East Main Street – Camila Alarcon, agent. There is no existing license at this location. **(District 2)**

4. Take action on the following contracts:

\*4-a. Ratification of the Emergency Purchase of a HVAC Chiller Compressor Replacement at the Mesa Active Adult Center – Downtown as requested by the Facilities Maintenance Department. **(Citywide)**

Under emergency conditions, Facilities Maintenance replaced a HVAC chiller compressor on Circuit 2 at the Mesa Active Adult Center due to its failure. The chiller currently provides all the AC to the Adult Center and also to Oakwood Creative Care, which is located in the same building. Upon completion of Oakwood's grant-funded remodel project, Oakwood will have its own separate HVAC and the Mesa Active Adult Center will continue to utilize the repaired chilled water system.

Facilities Maintenance and Purchasing recommend ratifying the emergency purchase of \$27,008.31 to W.D. Manor Mechanical Contractors, Inc.

\*4-b. Ratification of Emergency Repairs to a JCB Wheel Loader as requested by the Fleet Services Department. **(Citywide)**

Repairs to the Wheel Loader were needed in July due to a rollover that damaged the rollover protection system. The loader is a piece of equipment available for monsoon response and a similar loader was not able to be found to be rented. The emergency purchase was approved by the Fleet Services Director and by the City Manager's Office.

Fleet Services and Purchasing recommend ratifying the emergency purchase in the amount of \$33,404.29 to Forklift Exchange, Inc., dba Flaska JCB.

\*4-c. Ratification of an Emergency Purchase of a Three-Year Electronic Patient Care Reporting Software Subscription and Tablets to Replace the Current System for the Fire and Medical Department. **(Citywide)**

The Mesa Fire and Medical Department is upgrading the electronic patient care reporting (ePCR) system, which improves the ability to collect patient information and other relevant data needed to support the day-to-day operations of the department and to fulfill the Health and Human Services Medicare Grant's data reporting requirements.

Mesa has been experiencing incidents of missing data with its current ePCR system due to a loss during transmission or in the system's hosted databases. This could present a risk to public health and safety, which resulted in the need to expedite the current system's replacement and to bypass the public procurement and normal Council approval process. The emergency purchase was reviewed and approved by the City Manager's Office.

Fire and Medical Department, Information Technology Department and Purchasing recommend ratification of the purchase with Starwest Tech International at \$50,000 for the first year and \$115,000 annually for Years 2 and 3. This purchase is funded by the Fire and Medical Department Operating Budget.

- \*4-d. Purchase of Eleven Light-Duty Pickup Trucks (Nine Replacement and Two Fleet Additions) for various City Departments. **(Citywide)**

This purchase will provide nine replacement vehicles (2014 Ford half-ton pickups) to support operations of various City departments. The nine replacement vehicles have met established criteria and will be retired and sold at auction. The two fleet additions are for new Park Maintenance Assistant positions being added in support of 2012 authorized Parks Bond projects, opening as new park sites this fiscal year (Desert Trails Park, Desert Arroyo Park, Riverview Park and Mariposa Park).

Fleet Services, Parks, Recreation and Commercial Facilities, Development and Sustainability, Solid Waste Management, Water Resources, Police and Purchasing recommend authorizing the purchase from the contract with Berge Ford (a Mesa business), at \$270,121.64. Two replacements are funded by the Vehicle Replacement Fund (\$55,835.38), seven replacements by the Utility Replacement Extension and Renewal Fund (\$164,022.20), and the two additions are funded by the Capital-General Fund (\$50,264.06).

- \*4-e. Three-Year Term Contract for ID Badging Supplies for the Police Department. **(Citywide)**

This contract will provide miscellaneous ID badging supplies for the Police Department, Security Services. The Badging Office is responsible for printing identification badges for all City employees, temporary employees, volunteers and contractors. City policy requires anyone functioning on behalf of the City of Mesa be issued an official photo ID displayed while on City property.

An evaluation committee representing the Police Department and Purchasing evaluated responses and recommends awarding the contract to the highest scored and lowest proposal from Bender Associates, Inc., at \$45,000.00 annually, based on estimated requirements.

- \*4-f. Purchase of Two Replacement Vehicles (Sedans) for the Police Department. **(Citywide)**

One of the vehicles has met established criteria and will be retired and sold at auction. The other vehicle was damaged in a collision and will also be replaced.

Police and Purchasing recommend authorizing purchase from the contract with Berge Ford (a Mesa business), at \$49,110.08. This purchase is funded by the Vehicle Replacement Fund.

**\*4-g. Two-Year Term Contract for Crack Seal Services for the Transportation Department. (Citywide)**

This contract will provide crack seal materials and complete application services, including surface preparation and application, on residential, collector and arterial streets, intersections and parking lots.

Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, CPC Construction, LLC (Primary); and Cholla Pavement Maintenance, Inc. (Secondary), not to exceed \$755,000 annually, based on estimated requirements.

**\*4-h. Three-Year Term Contract for Fertilizer for the Parks, Recreation and Commercial Facilities (PRCF) Department. (Citywide)**

This contract will provide fertilizer to promote turf health at PRCF facilities, including Dobson Ranch Golf Course, Mesa Cemetery, Aquatics facilities, Parks retention basins and sports fields.

Parks, Recreation and Commercial Facilities and Purchasing recommend awarding the contract to J.R. Simplot Company, dba Simplot Partners; and J.C. Ehrlich Co., Inc., dba Target Specialty Products, at \$298,300.00 annually, based on estimated requirements.

**\*4-i. Three-Year Term Contract for Class 250 Residential Gas Meters for the Materials and Supply Warehouse (for the Energy Resources Department). (Citywide)**

This contract will provide Class 250 residential gas meters for the City's natural gas distribution system for the purpose of measuring customer gas usage. The bid quantities are annual estimates based on anticipated usage. Meters will be ordered as needed throughout the term of the contract by Materials and Supply.

Business Services, Energy Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Energy Economics, Inc., at \$252,200.00 annually, based on estimated requirements.

**\*4-j. Six-Month Term Contract for Heavy-Duty Synthetic Diesel Oil for the Fleet Services Department. (Citywide)**

In April 2014, Fleet Services began a pilot testing program using synthetic motor oil in the City's large diesel trucks to retain their warranty coverage and determine the impact on engine maintenance. Purchases have now reached the Council-approval threshold. Fleet needs an additional \$40,000.00 to continue the pilot program through April 2015, allowing for a full year of testing.

Fleet Services and Purchasing recommend authorizing a six-month contract using the Mohave Educational Services cooperative contract with North American Lubricants, at \$40,000.00, based on estimated requirements.

**\*4-k. One-Year Renewal of the Term Contract for Fasteners, Hardware and Electrical Supplies for Fleet Services and various City Departments. (Citywide)**

This contract provides fasteners, related hardware and electrical supplies, which are commonly used in an automotive repair facility, and general repairs for the Fleet Services, Fire, Communications and Water Resources Departments. The vendor is responsible for maintaining and supplying an inventory of the specific items and quantities as designated by the City. Fleet Services also uses onsite vending machines through this contract to distribute small parts and supplies. A new contract is being developed to replace this contract, including vending machines for Citywide department use.

Fleet Services and Purchasing recommend authorizing a one-year renewal with Fastenal Company (a Mesa business), at \$78,000.00 annually, based on estimated requirements.

- \*4-l. Three-Year Term Contract for Gas Service Regulators for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract will provide gas service regulators for the City's natural gas distribution system. The regulators will be ordered and inventoried by the Materials and Supply Warehouse.

Business Services, Energy Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Itron, Inc., at \$48,400.00 annually, based on estimated requirements.

- \*4-m. Master Job Order Contract General Construction Services. **(Citywide)**

This contract is for the selection of a Job Order Master Contract for General Construction Services to include minor construction projects, renovations and repairs, additions, demolition, reconstruction and alterations to City facilities.

Recommend to approve the selection of Caliente Construction, Inc. (a Mesa business), for one full year, with the option to extend the contract for four additional one-year option periods, based on successful contractor performance and City concurrence. This master contract allows for the issuance of multiple individual job orders that may be written to a maximum of \$1,000,000 per project, with a total value not to exceed \$8,000,000 for the first year of the contract.

- \*4-n. Mesa Regional Dispatch Center. **(Citywide)**

Mesa voters approved a Public Safety Bond Program that included a new dispatch communications center. The existing dispatch center is located on East 6<sup>th</sup> Place, where Fire and Police Communications are co-located. Much of the key radio communications equipment for the City is also located within this facility. The existing facility does not provide the City with redundancy and has reached capacity.

Recommend award to CORE Construction Services, Inc., as the CMAR for this project with a Pre-Construction Phase Services Contract in the amount of \$154,044.00. Funding is available in the 2013 Public Safety Bond Program.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to enter into a Grant Agreement with the Department of Defense, through the Office of Economic Adjustment, in the amount of \$151,311 for operational support and consulting services at Arizona Laboratories for Security and Defense Research (AZLabs). **(District 6)** – Resolution No. 10550.
- \*5-b. Approving and authorizing the City Manager to enter into a Subgrantee Agreement with the Arizona Department of Homeland Security to accept \$179,528 for the purchase of radio systems for the Police Department's Aviation Unit. **(Citywide)** – Resolution No. 10551.
- \*5-c. Approving and authorizing the City Manager to enter into a Subgrantee Agreement with the Arizona Department of Homeland Security to accept \$216,000 for equipment and training for the Police Department's Rapid Response Task Force. **(Citywide)** – Resolution No. 10552.
- \*5-d. Approving and authorizing the City Manager to enter into a Subgrantee Agreement with the Arizona Department of Homeland Security to accept \$47,788 for the purchase of equipment and training for the Police Department's Homeland Security Unit. **(Citywide)** – Resolution No. 10553.
- \*5-e. Approving and authorizing the City Manager to accept funds made available through a Grant Agreement with the Arizona Commission on the Arts up to the maximum of \$60,000 for the Mesa Arts Center programming, including outreach education for Fiscal Year 2014-2015. **(Citywide)** – Resolution No. 10554.
- \*5-f. Approving and authorizing the City Manager to accept funds made available through a Grant Agreement with the National Endowment for the Arts for the Mesa Arts Center in the amount of \$60,000 for Fiscal Year 2014-2015. The funds are provided for the Jazz from A to Z Program for students and teachers and the integration of jazz in schools' traditional history curriculum. **(Citywide)** – Resolution No. 10555.
- \*5-g. Extinguishing a public utility easement at 4711 East Ivy Street. **(District 5)** – Resolution No. 10556.

The property owner has requested the City extinguish a three-foot public utility easement along the east property line of 4711 East Ivy Street to accommodate development.

6. Introduction of the following ordinances and setting November 3, 2014 as the date of the public hearing on these ordinances:

- \*6-a. **Z14-044 (District 2)** 5404 East Southern Avenue. Located east of Higley Road on the north side of Southern Avenue (1.54± acres). Rezoning from OC BIZ to OC and Site Plan Modification. This request will allow the development of a veterinary office.

Staff Recommendation: Approval with Conditions

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

- \*6-b. **Z14-045 (District 6)** The 8400 block through 10800 block of East Elliot Road (north side). Located between Hawes and Signal Butte Roads on the north side of Elliot Road

to the Salt River Project transmission line easement, approximately one-half mile to the north (1.5± sq. miles). Rezoning to create the Elliot Road Technology Corridor Planned Area Development Overlay. This request will establish a zoning overlay on the site to guide future development of employment uses.

Staff Recommendation: Approval with Conditions

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

- \*6-c. Amending Title 9 (Public Ways and Property) of the Mesa City Code by adding subsection 9-6-4(J) establishing street lighting requirements for Mulberry Master Planned Community located north of Guadalupe Road, west of Signal Butte Road. **(District 6)**
- \*6-d. Amending the Mesa Zoning Ordinance; Title 11, Chapter 41, Section 7 of the Sign Ordinance regarding the use of banners when placed in the public right-of-way; attached to City-owned street light poles and other City-owned infrastructure; and conveying messages related to civic and cultural events, activities and programs. **(Citywide)**

Staff Recommendation: Approval

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

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

- \*7-a. Ordinance modifying the Terms and Conditions for the Sale of Utilities to provide modifications and alternatives to development regulations, standards, and requirements for detached single residences on one lot or parcel located outside of the City limits and amending the modification section of the Terms and Conditions. **(Citywide)** – Ordinance No. 5253.

**Items not on the Consent Agenda**

There were no items off the Consent Agenda.

8. Items from citizens present.

Andrea Garcia, a Mesa resident, expressed a series of concerns regarding the flood damage that occurred in her neighborhood as a result of the excessive rainfall in early September. She thanked Councilmember Finter and City staff for their quick response and assistance to the residents in the area at that time. She pointed out, however, that in many areas of the community, Mesa's infrastructure is aging and must be replaced. She further remarked that although the City has spent millions of dollars on new street lights and pools, it has failed to address the replacement of vital infrastructure in older areas of Mesa, including her neighborhood, which continues to be significantly impacted by the flood waters.

Mayor Giles thanked Ms. Garcia for her comments. He stated that he wished the Council could respond to her comments directly from the dais, but noted that per state law, they were prohibited from addressing any items that are not included on the agenda. He added that at the conclusion of the meeting, he was sure that Councilmembers or City staff would meet with her to discuss her concerns.



9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:06 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 20<sup>th</sup> day of October 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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