

COUNCIL MINUTES

November 9, 2015

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 9, 2015 at 5:45 p.m.

COUNCIL PRESENT

John Giles
Alex Finter
Christopher Glover
Dennis Kavanaugh
David Luna
Dave Richins
Kevin Thompson

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Jim Smith
Dee Ann Mickelsen

Mayor's Welcome.

Invocation by Secretary Ahmed Mirza, M.D. with the Naqshbandiya Foundation for Islamic Education.

Pledge of Allegiance was led by Cameron Alexander, Scout Troop No. 404.

Awards, Recognitions and Announcements.

Councilmember Luna recognized Samuel Flores, Cristal Garnica and Leisli Ruiz from the Benedictine University Leadership Program.

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 Vice Mayor 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 September 10, October 1 and 9, 2015 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Desert Diamond Distillery

This is a one-day craft distillery festival to be held on Saturday, November 21, 2015 from 10:00 a.m. to 5:00 p.m., at 4601 East Dolphin Avenue. **(District 2)**

*3-b. Usual Suspects Law Enforcement Motorcycle Club, Arizona Chapter

This is a one-day charitable event to be held on Saturday, November 14, 2015 from 12:00 p.m. to 2:00 a.m., at 1860 South Stapley Drive. **(District 3)**

*3-c. Tombstone Distillery

This is a one-day craft distillery event to be held on Saturday, November 21, 2015 from 10:00 a.m. to 5:00 p.m., at 4601 East Dolphin Avenue. **(District 2)**

*3-d. Tombstone Wine Works

This is a one-day wine festival event to be held on Saturday, November 21, 2015 from 10:00 a.m. to 5:00 p.m., at 4601 East Dolphin Avenue. **(District 2)**

*3-e. Sun Devil Cellar

A wine bar is requesting a new Series 7 Beer and Wine Bar License for Kripanidhi LLC, 235 North Country Club Drive – Geeta Kumari Bhatt, agent. The existing license held by Eccles Family Corporation will revert back to the State. **(District 4)**

*3-f. Sun Devil Liquor

A liquor store is requesting a new Series 9 Liquor Store License for Kripanidhi LLC, 235 North Country Club Drive – Geeta Kumari Bhatt, agent. The existing license held by Eccles Family Corporation will revert back to the State. **(District 4)**

*3-g. K-town

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for K-town LLC, 1832 West Broadway Road, Suite 100 – Ronny Hong, agent. There is currently no existing license at this location. **(District 3)**

*3-h. Rosatis Pizza

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for JP Bailey Productions LLC, 1035 North Ellsworth Road, Suite 104 – Michael Edward Bailey, agent. There is currently no existing license at this location. **(District 5)**

*3-i. Stufrageous Stuffed Burgers

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Stufrageous LLC, 1036 West Southern Avenue, Suite 104 – Justin Amir Savaya, agent. There is currently no existing license at this location. **(District 3)**

4. Take action on the following contracts:

- *4-a. Purchase of One Addition and One Replacement Light-Duty Truck with Service Bodies for the Facilities Maintenance Department. **(Citywide)**

The vehicle being replaced has met established criteria and will be retired and sold at auction. The purchase of the vehicle addition is needed for a new full-time position added to the Facilities Maintenance Department.

The Fleet Services and Facilities Maintenance Departments, and Purchasing recommend authorizing purchase from the contract with Berge Ford (a Mesa business) at \$79,578.89. The replacement vehicle is funded by the Vehicle Replacement Fund and the additional vehicle is funded by the General Fund.

- *4-b. Purchase of Replacement Prisoner Transport Van for the Police Department. **(Citywide)**

This purchase will replace a van that was damaged beyond repair.

The Fleet Services and Police Departments, and Purchasing recommend authorizing purchase from the contract with Braun Northwest, Inc. at \$97,966.78. This purchase is funded by the Capital – General Fund.

- *4-c. One-Year Renewal of the Term Contract for Parking Lot Sweeping for City Facilities as requested by the Facilities Maintenance Department. **(Citywide)**

This contract provides sweeping services for approximately 40 City parking facilities. The contractor is required to remove all debris from each parking facility using a mechanical sweeper and is responsible for providing all labor and equipment necessary to perform the work as specified.

The Facilities Maintenance Department and Purchasing recommend authorizing a one-year renewal with Ace Surface Maintenance, Inc., at \$40,000, based on estimated requirements.

- *4-d. Three-Year Term Contract for Emergency Medical Supplies for the Fire and Medical Department. **(Citywide)**

This contract will allow the purchase of medical supplies for emergency medical operations. Emergency medical supply categories include airway/oxygen delivery items; diagnostic supplies; first aid supplies; immobilization and related supplies; infection control; instruments; I.V. supplies, monitoring/defibrillation; oxygen equipment; patient handling; splinting and related equipment; suction and related equipment; wound care and related supplies; and miscellaneous supplies.

The Fire and Medical Department, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Bound Tree Medical, LLC; Life-Assist, Inc.; Midwest Medical Supply Co., LLC, dba MSS A Medical Supply, Co.; and S&W Healthcare Corp.; cumulatively not to exceed \$377,000 annually, based on estimated requirements.

- *4-e. Three-Year Term Contract for Waterproof Parts for Electric Parts for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

Energy Resources uses the parts, including caps, connectors, elbows, elbow housing, tap plugs and bushings to connect underground cables with connectors and other connecting parts.

The Business Services, and Energy Resources Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, HD Supply Power Solutions Ltd., at \$47,600 annually, based on estimated requirements.

- *4-f. Purchase of Two Replacement Light-Duty Cab and Chassis Vehicles with Utility Beds for the Energy Resources Department. **(Citywide)**

The vehicles being replaced have met established criteria and will be retired and sold at auction.

The Fleet Services and Energy Resources Departments, and Purchasing recommend authorizing the purchase from the contract with PFVT Motors, Inc., at \$81,214.40. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- *4-g. Purchase of One Replacement Material Handling Lift Truck for the Water Resources Department. **(Citywide)**

The vehicle being replaced has met established criteria and will be retired and sold at auction.

The Fleet Services, and Water Resources Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Forklift Exchange, Inc. dba Flaska JCB at \$67,140.59. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- *4-h. Purchase of One Replacement, Five-Yard Heavy-Duty Construction Dump Body Truck for the Water Resources Department. **(Citywide)**

The vehicle being replaced has met established criteria and will be retired and sold at auction.

The Fleet Services and Water Resources Departments, and Purchasing recommend awarding the contract to the lowest, responsible and responsive bidder, Freightliner of Arizona, LLC at \$126,146.62. This is funded by the Utility Replacement Extension and Renewal Fund.

- *4-i. Three-Year Term Contract for Streetlight Painting Services for the Transportation Department. **(Citywide)**

This contract will provide streetlight painting services on Macdonald and on Robson from 1st Avenue to 1st Street. Additional services will be performed on an as-needed, where-needed basis.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, OLS Restoration, Inc., at \$80,000 annually, based on estimated requirements.

- *4-j. Correction of the Award for the Purchase of One Replacement Front Loader with Box Scraper for the Water Resources Department. **(Citywide)**

On October 5, 2015, Council approved this purchase as recommended. Staff used the Total Ownership Cost (\$74,961.85) for this purchase recommendation. Staff should have used the vendor's Bid Price plus Sales Tax for the recommendation. The Total Ownership Cost included a trade-in amount that won't be realized until end-of-life with the City.

The Fleet Services, and Water Resources Departments, and Purchasing recommend amending the award to Empire Southwest, LLC (a Mesa business) at \$106,193.71. This is funded by the Utility Replacement Extension and Renewal Fund.

- *4-k. Three-Year Term Contract for Special Events Management Services for various City Departments as requested by the Public Information and Communications Department. **(Citywide)**

This contract will provide Special Events Management Services to include event production services for three major annual festivals: Spring Training Festival; Arizona Celebration of Freedom; and Downtown Holiday Festival. With sponsor solicitations being more difficult in recent years and with these complex community events, the City has determined that retaining the services of a seasoned special event management vendor will be advantageous and contribute to the events' continuing success. The vendor will work closely with the Office of Public Information and Communications and other City departments, and take on the roles of co-producer, production manager, and site manager.

The evaluation committee recommends awarding the contract to the highest scored proposal from Entertainment Solutions of Arizona, Inc., at \$115,000 annually, based on estimated requirements.

5. Take action on the following resolutions:

- *5-a. For the purchase of Property, Liability, Cyber Risk, Airport, Aircraft, Workers' Compensation Insurance and Workers' Compensation Surety Bond. **(Citywide)**

For the purchase of Excess Liability Insurance from Travelers Insurance for \$10 million in excess of the City's \$3 million Self-Insured Retention (SIR). The cost of this policy is \$387,710.

For the purchase of 2nd layer Excess Liability Insurance from Scottsdale Insurance Company for an additional \$15 million in liability coverage. The cost of this policy is \$124,500.

For the purchase of 3rd layer Excess Liability Insurance from Navigators Insurance Company for an additional \$25 million in liability coverage. The cost of this policy is \$94,000.

For the purchase of Property Insurance from Travelers Insurance with coverage of \$300 million per occurrence and a \$50,000 deductible. The cost of this policy is \$387,611.

For the purchase of Cyber Risk Insurance from Illinois Union Insurance Company with coverage of \$10 million per occurrence and a \$150,000 deductible. The cost of this policy is \$67,730.

For the purchase of Airport Liability and Aircraft Liability and Hull Insurance from AIG with a coverage of \$100 million per occurrence and a \$0 deductible for a three-year term. The annual cost of this policy is \$170,262.

For the purchase of Excess Workers' Compensation Insurance from Safety National Casualty Corporation with a self-insured retention (SIR) for \$1 million per accident/injury/illness policy limit. The cost of this policy is \$320,386.

For the purchase of the Workers' Compensation Self-Insurance Surety Bond through Travelers Casualty and Surety Company of America for the rate of \$6.00/\$1,000.

- *5-b. Approving and authorizing the City Manager to enter into insurance agreements to renew the property, liability, cyber risk, aircraft, and airport insurance coverages for two annual renewal periods if the cost of the renewal does not exceed a 2.5% increase. **(Citywide)** – Resolution No. 10700.

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to enter into a First Amendment to the Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community for the receipt and distribution of additional Proposition 202 funds in the amount of \$109,154 to be used for City services and programs. **(Citywide)** – Resolution No. 10701.
- *6-b. 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 \$50,000 for fiscal year 2015-2016. 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. 10702.
- *6-c. 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 \$35,000 for the Mesa Arts Center programming including outreach education for fiscal year 2015-2016. **(Citywide)** – Resolution No. 10703.
- *6-d. Approving and authorizing the City Manager to enter into the Entente Intergovernmental Agreement with Maricopa County Department of Transportation. This agreement allows for the cooperative exchange of goods and services related to routine or emergency highway/roadway maintenance. **(Citywide)** – Resolution No. 10704.
- *6-e. Approving and authorizing the City Manager to accept a Grant Award from the Department of Justice, Office of Justice Programs, in the amount of \$133,782 for overtime, equipment and training for DNA Backlog Reduction for the Police Department's Forensic Services Division. **(Citywide)** – Resolution No. 10705.
- *6-f. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$200,000 for equipment and training for the Police Department's Rapid Response Task Force. **(Citywide)** – Resolution No. 10706.

- *6-g. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$90,210 for a vehicle, recurring fees and training to support and sustain the Police Department's Homeland Security Unit. **(Citywide)** – Resolution No. 10707.
- *6-h. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$121,751 for equipment and training for the Police Department's Hazardous Device Team. **(Citywide)** – Resolution No. 10708.
- *6-i. Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Criminal Justice Commission to accept \$100,000 for equipment and training for the Police Department's Forensic Services Division. **(Citywide)** – Resolution No. 10709.
- *6-j. Modifying fees and charges for the Police Department associated with vehicle usage for the Off-Duty Hiring Program. **(Citywide)** – Resolution No. 10710.
- *6-k. Approving and authorizing the City Manager to enter into contracts for the purchase of firm natural gas supplies for the City's natural gas distribution system for a period of up to five years and in amounts up to the full requirements of the system, as well as a contract for associated gas management balancing and scheduling services. **(Citywide)** – Resolution No. 10711.

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

- *7. **Z15-026 (District 5)** The 7400 through 7600 blocks of East Southern Avenue (north side). Located at the northwest corner of Sossaman Road and Southern Avenue (11.57± acres). Rezone from LC-PAD-PAD to RSL-2.5-PAD-PAD and Site Plan Review. This request will allow for the development of a single residence subdivision. Sean B. Lake, Pew & Lake, PLC, applicant; Terrence R. Wall, The Arizona Real Estate Fund II, LLC, owner. Ordinance No. 5302.

Staff Recommendation: Denial

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

Items not on the Consent Agenda

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 5:56 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 9th day of November, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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