

## COUNCIL MINUTES

November 3, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 3, 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

### COUNCIL-ELECT PRESENT

Kevin Thompson

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

\*Councilmember Somers participated in the entire meeting through the use of telephonic equipment.

Invocation by Reverend Daniel Gómez with Red Mountain United Methodist Church.

Pledge of Allegiance was led by District 6 Councilmember-Elect Kevin Thompson.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Mayor Giles stated that each year, Veterans Day reminds citizens of the sacrifices and courage that America's veterans have made to ensure freedom in this country. He explained that although Veterans Day is a national holiday, on behalf of the City of Mesa, he has signed a proclamation declaring November 11, 2014 as Veterans Day. He also commented that the Mesa Veterans Task Force requested such a proclamation and added that he was happy to accommodate the group.

Mayor Giles invited Diversity Program Administrator Ruth Giese to come forward and highlight some of the upcoming programs and events that will be held in Mesa to honor its veterans.

Ms. Giese reported that in conjunction with Veterans Day, the City of Mesa has created a Hometown Heroes Program. She stated that the goal of the program is to recognize and honor Mesa veterans, family members who are currently serving or have served in the Armed Forces and those who have given their lives for our country.

Ms. Giese explained that beginning November 8, 2014, personalized banners will be displayed on the light poles along Center Street between 1<sup>st</sup> Street and 3<sup>rd</sup> Place. She noted that for one year, the banners will be displayed around the time of Veterans Day and Memorial Day, after which they will be returned to the families who requested that they be displayed. She added that the applicants will also receive a service recognition certificate to commemorate the installation of the banner.

Ms. Giese expressed appreciation to the Downtown Mesa Association (DMA) and David Short, Executive Director of the DMA, for their hard work and assistance in this regard, including the sponsorship of several banners. She also thanked the Mayor and City Council for their support of the Hometown Heroes Program.

Ms. Giese further spoke regarding the East Valley Veterans Parade, which will be held on Saturday, November 8, 2014, at 11:00 a.m. She said that the parade will travel along Center Street between 8<sup>th</sup> Street and 1<sup>st</sup> Avenue. She added that the parade will include more than 100 entries, such as World War II tanks, a fallen soldier memorial and a number of marching bands.

Ms. Giese, in addition, reported that this year's Grand Marshal is Retired Army Colonel Bruce Crandall, who received the Medal of Honor in 2007 for his heroic actions as a helicopter pilot during the Vietnam War. She explained that Colonel Crandall, a former Public Works Manager for the City of Mesa, was a technical advisor on the 2002 movie "We Were Soldiers." She said that one of the main characters in the movie based on Colonel Crandall was portrayed by actor Greg Kinnear.

Ms. Giese also remarked that "A Hero's Welcome" is a program that allows the City of Mesa to show its appreciation to Mesa residents who have served their country. She indicated that at 10:30 a.m. on Saturday before the East Valley Veterans Parade begins, a group of service members and their families will be recognized for the sacrifices they have made to ensure this country's freedom. She pointed out that Councilmembers Kavanaugh and Finter were instrumental in bringing this program to Mesa.

Ms. Giese commented that on Sunday, November 9, 2014 at 10:30 a.m., the Commemorative Air Force Arizona Wing will conduct a memorial service for 23 British cadets who died during World War II while training at the Number 4 British Training School (Mesa's Falcon Field Airport). She stated that the service, which has been conducted for more than 30 years, will be held at the Mesa Cemetery.

Mayor Giles thanked Ms. Giese for her presentation.

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 Vice Mayor Glover, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the August 28, September 11, 18, 22 and 25 and October 16 and 20, 2014 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Fountain of the Sun Foundation

This is a one-day charitable event to be held on Saturday, November 15, 2014 from 4:30 p.m. to 8:00 p.m., at 540 South 80<sup>th</sup> Street. **(District 5)**

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

This is a one-day civic event to be held on Saturday, December 6, 2014 from 4:00 p.m. to 11:00 p.m., at 560 South 80<sup>th</sup> Street. **(District 5)**

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

This is a one-day civic event to be held on Saturday, February 14, 2015 from 5:00 p.m. to 8:30 p.m., at 560 South 80<sup>th</sup> Street. **(District 5)**

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

This is a one-day civic event to be held on Thursday, February 26, 2015 from 4:00 p.m. to 10:30 p.m., at 560 South 80<sup>th</sup> Street. **(District 5)**

\*3-e. Su Vino Winery

This is a one-day wine festival event to be held on Saturday, November 22, 2014 from 9:00 a.m. to 3:00 p.m., at 4601 East Dolphin Avenue. **(District 2)**

\*3-f. Village of Elgin Winery

This is a one-day wine festival event to be held on Saturday, November 22, 2014 from 10:00 a.m. to 5:00 p.m., at 4601 East Dolphin Avenue. **(District 2)**

\*3-g. Queen of Peace Catholic Church

This is a one-day religious event to be held on Sunday, November 16, 2014 from 9:00 a.m. to 8:00 p.m., at 141 North Macdonald Street. **(District 4)**

\*3-h. Venture Out Social Club Inc.

This is a one-day charitable event to be held on Friday, December 5, 2014 from 4:00 p.m. to 8:00 p.m., at 5001 East Main Street. **(District 2)**

\*3-i. Water Mart

A water store that sells water and ice is requesting a new Series 10 Beer and Wine Store License for Ricca Enterprises, LLC, 1245 West Guadalupe Road, Suite B5 – Bonnviere Ricca, agent. There is currently no existing license at this location. **(District 3)**

\*3-j. Baja Tacos Y Mariscos

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Baja Tacos Y Mariscos, 1437 East Main Street, Suites 115-116 – Gladys Castaneda, agent. There is currently no existing license at this location. **(District 4)**

4. Take action on the following contracts:

\*4-a. Two-Month Contract Extension and Dollar-Limit Increase to the Term Contract for Landscape Maintenance for Citywide Facilities as requested by the Facilities Maintenance Department. **(Citywide)**

The two-month extension is needed to allow time for the City to re-bid the contract. New contract specifications will be added to further help control costs, improve contractor performance and improve the appearance of City facilities maintained under the contract. The dollar-limit increase of \$125,000 (based on the contract's current pricing) is needed for landscape maintenance expenses from January 1, 2015 through February 28, 2015. The anticipated start date of the new landscape maintenance contract is March 1, 2015.

Facilities Maintenance and Purchasing recommend authorizing a two-month contract extension through February 28, 2015 and dollar-limit increase of \$125,000.00, increasing the contract amount from \$702,000.00 to \$827,000.00.

\*4-b. Three-Year Term Contract for Contractor Building Maintenance Services as requested by the Facilities Maintenance Department. **(Citywide)**

This contract establishes a pre-qualified vendors list for building maintenance and repair services on an as-needed basis. The awarded vendors will be placed onto the City's Pre-Qualified Building Maintenance Contractors List and will be eligible to competitively quote for City building maintenance and repair projects. Facilities will obtain multiple quotes on jobs estimated over \$5,000.

The Council is requested to approve the Term Contract for Contractor Building Maintenance Services as recommended. An evaluation committee representing Facilities Maintenance and Purchasing evaluated responses and recommends awarding the contract to the five highest scored proposals from Builders Guild, Inc.; Diamond Ridge Development Corporation; Jokake Construction Services; Hernandez Companies, Inc.; and East Valley Disaster Services, Inc.; not to cumulatively exceed \$1,100,000.00 annually, based on estimated requirements.

\*4-c. Purchase of a Cemetery Information Management System as Requested (Single Proposal). **(Citywide)**

The Mesa Cemetery encompasses 55 acres and has approximately 46,000 grave plots across six interment areas. Currently, cemetery sales, operations and services are managed through a combination of manual processes, desktop computer tools, and an in-house custom Microsoft Access database. The existing system has significant limitations and needs to be replaced as its technology is at end of life. The recommended Cemetery Information Management System meets current technology standards, provides enhanced security and auditing, and will provide for operational efficiencies and better customer service.

An evaluation committee representing Parks, Recreation and Commercial Facilities, Information Technology, and Purchasing evaluated responses and recommends awarding the contract to the qualified single proposal, Stone Orchard Software, Inc., at \$28,552.80, plus project contingency of \$3,000.00, for the combined total of \$31,552.80.

**\*4-d. Purchase of Two Additional Sport Utility Vehicles for the Fire and Medical Department. (Citywide)**

This purchase will provide two 2015 Ford Explorer Police Interceptors. Additional response vehicles are needed for the expansion and refinement of Fire and Medical's Community Care Response model and the Centers for Medicare and Medicaid Services Innovation Grant award. The new vehicles will be fully equipped for emergency response and have the capability to carry the standard Emergency Medical Service equipment in the rear of the vehicle.

Fire and Medical and Purchasing recommend authorizing the vehicle purchase from the contract with PFVT Motors, Inc., at \$62,604.76; and vehicle upfit with LSH Lights, at \$18,033.74; for the combined total award of \$80,638.50. This purchase is funded by the Fire and Medical Department Budget.

**\*4-e. Dollar-Limit Increase to the Term Contract for Automatic External Defibrillators, Supplies and Preventative Maintenance for the Fire and Medical Department. (Citywide)**

On March 3, 2014, the Council approved the initial three-year contract for the purchase of 150 AEDs over the term. Fire and Medical planned for the purchase of 70 units each year in the first and second years and ten units in the third year. The contract also provides for the replacement of approximately 35 AEDs located in City buildings, as many of these units do not utilize current technology or software.

The initial 70 units were received in FY13/14 and the AED storage cabinets have been hung. Fire and Medical would like to purchase the second installment of 70 AED units that have been funded in FY 14/15. The increase is needed to purchase the additional units prior to the end of the first-year contract term (April 20, 2015).

Fire and Medical and Purchasing recommend authorizing a dollar-limit increase of \$100,000.00 with CPR Savers and First Aid Supply, increasing the annual contract amount from \$100,000.00 to \$200,000.00 for the initial first-year term.

**\*4-f. Three-Year Term Contract for Rusted Pole Replacement Services for the Transportation Department. (Citywide)**

This contract will provide replacement streetlights in a number of defined geographic areas. The City has identified areas requiring the removal and replacement of approximately 155 residential streetlight poles for each fiscal year over the next three years.

Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Brooks Bros Utility Contractors, LLC (a Mesa business) (Primary); and Fluoresco Lighting & Signs (Secondary); not to cumulatively exceed \$476,400.00 annually, based on estimated requirements.

**\*4-g. Three-Year Term Contract for Streetlight Maintenance and Pole Replacement Services for the Transportation Department. (Citywide)**

Transportation Field Operations maintains approximately 40,000 streetlights. There are times when additional labor is needed to supplement City staff for replacing damaged or rusted streetlights, poles, and foundations, as well as new streetlight installations and various maintenance activities. This contract will provide streetlight maintenance on an as-needed and on-call basis.

Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Fluoresco Lighting & Signs (Primary); and CS Construction, Inc. (Secondary); not to cumulatively exceed \$953,200.00 annually, based on estimated requirements.

**\*4-h. Purchase of One Replacement Light-Duty Cab and Chassis Service Body Vehicle for the Transportation Department. (Citywide)**

This purchase will provide a 2014 Ford F-350 regular cab equipped with an 11-foot stake body. The vehicle being replaced has met the established criteria and will be sold at auction.

Fleet Services, Transportation and Purchasing recommend authorizing the purchase from the contract with Berge Ford (a Mesa business), at \$35,587.87. This purchase is funded by the Vehicle Replacement Fund.

**\*4-i. Preconstruction Services Contract for the Compressed Natural Gas Infrastructure Improvements. (Citywide)**

This project will meet the fuel needs of planned purchases of CNG vehicles by increasing the capacity at the CNG station. Expansion of the Solid Waste fleet is necessary due to the continued growth and development in the eastern portion of the City. In addition, modifications are also necessary at the service center maintenance garage in order to meet Building Code requirements for work on CNG vehicles, creating a safer work environment.

Recommend award to Caliente Construction, Inc., as the CMAR for this project with a Preconstruction Services Contract in the amount of \$50,832.00. This project is funded by 1994 authorized Solid Waste bonds.

**\*4-j. Purchase of Property, Liability, Cyber Risk, Airport, Aircraft, Workers' Compensation Insurance and Workers' Compensation Surety Bond. (Citywide)**

Recommend purchase of Excess Liability Insurance from Starr Indemnity for \$10 million in excess of the City's \$3 million Self-Insured Retention (SIR). The cost of this policy is \$386,700.

Recommend purchase of 2<sup>nd</sup> layer Excess Liability Insurance from Scottsdale Insurance Company for an additional \$15 million in liability coverage. The cost of this policy is \$129,500.

Recommend purchase of 3<sup>rd</sup> layer Excess Liability Insurance from Navigators Insurance Company for an additional \$25 million in liability coverage. The cost of this policy is \$95,000.

Recommend 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 \$383,263.

Recommend 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 \$77,618.

Recommend purchase of Airport Liability and Aircraft Liability Insurance from AIG with a coverage of \$100 million per occurrence and a \$0 deductible for a three-year term. The cost of this policy is \$107,354.

Recommend 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 \$314,582.

Recommend 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.

- \*4-k. Preconstruction Services Contract for the Northwest Water Treatment Plant: Tertiary Filter Rehabilitation Project and Variable Frequency Drives Replacement Project. **(District 1)**

The Tertiary Filter Project: This project will upgrade the existing filters with a newer technology requiring only three filters in place of the ten that currently exist.

The Variable Frequency Drives Replacement Project: This project will replace the VFDs with new, higher efficiency models. In addition, a portion of the fiber communications network at the NWWRP will be replaced and upgraded as part of the project.

Recommend award to Hunter Contracting as the Construction Manager at Risk for these projects in the amount of \$103,281.11. The projects are funded by 2010 authorized Wastewater bonds.

5. Take action on the following resolutions:

- \*5-a. Extinguishing a portion of a public utilities easement located at 7612 East McKellips Road. **(District 5)** – Resolution No. 10557.

The property owner has requested the City extinguish a public utilities easement to accommodate future development of the property.

- \*5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community for the receipt and distribution of Proposition 202 funds in the amounts of \$67,000 for the Fire and Medical Department's ongoing Childhood Immunization Program, and \$79,055 for Mesa Counts on College furnishings for the Mesa Counts on College Education Center. The balance

of the funds will be distributed to other Valley community agencies, for a total amount of \$461,055. **(Citywide)** – Resolution No. 10558.

- \*5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community and its division, the Salt River Commercial Landfill Company, for the disposal and processing of solid and vegetative waste collected by the City. **(Citywide)** – Resolution No. 10559.
- \*5-d. Approving a resolution authorizing a Second Substantial Amendment to the City of Mesa's Consolidated Plan FY 2010-14 to include a housing preference for the following individuals: 1) Persons with Disabilities as defined by HUD; 2) The Elderly (62-74) and the Frail Elderly (>75); 3) Homeless Persons as defined by HUD; and 4) Professionals per federal regulation changes (Examples: Teachers and Artists). **(Citywide)** – Resolution No. 10560.
- \*5-e. Approving a resolution authorizing a Fifth Substantial Amendment to the FY 2008/2009 Annual Action Plan that is part of the Five-Year Consolidated Plan for FY 2005/2009 that would revise the funding allocations and expand the Neighborhood Stabilization Program 1 eligible activities to include funding Acquisition, Demolition, Reconstruction projects ranging from \$145,000 to \$2,600,000 and include construction of public facilities. **(Citywide)** – Resolution No. 10561.

6. Discuss, receive public comment, and take action on the following 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 – Ordinance No. 5254.

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 – Ordinance No. 5255.

Staff Recommendation: Approval with Conditions

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

- \*6-c. 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 streetlight poles and other City-owned infrastructure; and conveying messages related to civic and cultural events, activities and programs. **(Citywide)** – Ordinance No. 5256.



Staff Recommendation: Approval

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

- \*6-d. 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)** – Ordinance No. 5257.

7. Take action on the following subdivision plats:

- \*7-a. “Mulberry Parcel 1” **(District 6)** The 2400 to 2500 blocks of South Signal Butte Road (west side). 113 RS-6 PAD lots (29± acres). Blandford Homes, owner; Desert Vista 100, LLC, EPS Group, Inc., surveyor.
- \*7-b. “Mulberry Parcel 2” **(District 6)** The 2500 to 2600 blocks of South Signal Butte Road (west side). 50 RSL-4.5 PAD lots and 94 RS-6 PAD lots, total of 144 lots (45.5± acres). Blandford Homes, owner; Desert Vista 100, LLC, EPS Group, Inc., surveyor.
- \*7-c. “Mulberry Parcel 3” **(District 6)** The 10500 to 10600 blocks of East Guadalupe Road (north side). 105 RSL-4.5 PAD lots and 41 RSL-2.5 PAD lots, total of 146 lots (32± acres). Blandford Homes, owner; Desert Vista 100, LLC, EPS Group, Inc., surveyor.
- \*7-d. “Mulberry Parcel 4” **(District 6)** The 10400 to 10500 blocks of East Guadalupe Road (north side). 142 RSL-2.5 PAD lots (22± acres). Blandford Homes, owner; Desert Vista 100, LLC, EPS Group, Inc., surveyor.
- \*7-e. “Higley Heights Phase 3A” **(District 5)** The 1400 to 1500 blocks of North Higley Road (west side). 46 RSL-4.5 PAD lots (10.3± acres). KB Home Phoenix Inc., owner; Gail A. Morgan, EPS Group, Inc., surveyor.

Items not on the Consent Agenda

8. Items from citizens present.

Pamela O'Rourke, a Mesa resident, expressed a series of concerns regarding day laborers who, in her opinion, have caused damage and generated trash in her neighborhood. She stated that communities such as Chandler and Gilbert have created designated pickup areas for day laborers and suggested that the City of Mesa consider a similar program.

Tim Laskowski, a Mesa resident, spoke regarding the significant flood damage that occurred in his neighborhood as a result of the excessive rainfall on September 8, 2014. He indicated that he was “horrified to learn” that the City had no emergency plans in place to deal with a flooded neighborhood such as his. He also stated that in his opinion, the City should have acted more promptly to pump the water out of the nearby retention basins that were overflowing so that the storm sewers on his and other streets in the area could drain.

Mr. Laskowski further questioned why aircraft from the Mesa Police Department was not deployed in order to observe the condition of the retention basins, the largest being located at Emerald Park. He noted that as a result of the City's poor response, the residents in the area were left with flood-damaged homes, no power, air conditioning, hot water and spoiled food. He concluded his remarks by requesting that someone at the City of Mesa be held accountable for

the lack of emergency planning and added that it was imperative that the City address the replacement of vital infrastructure in older areas of the community.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:10 p.m.

ATTEST:

Dee Ann Mickelsen  
DEE ANN MICKELSEN, CITY CLERK



John Giles  
JOHN GILES, MAYOR

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 3<sup>rd</sup> day of November 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dee Ann Mickelsen  
DEE ANN MICKELSEN, CITY CLERK