



## COUNCIL MINUTES

November 20, 2017

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 20, 2017 at 5:45 p.m.

### COUNCIL PRESENT

John Giles  
David Luna  
Mark Freeman  
Francisco Heredia  
Kevin Thompson  
Jeremy Whittaker

### COUNCIL ABSENT

Christopher Glover

### OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen  
Jim Smith

Mayor Giles excused Councilmember Glover from the entire meeting.

Mayor's Welcome.

Invocation by Glen Stadler with Spirit of Hope Lutheran Church.

Pledge of Allegiance was led by Vice Mayor Luna.

Awards, Recognitions and Announcements.

Mayor Giles recognized the Mountain View High School for winning the Imagine Mesa Mascot Challenge.

Mayor Giles presented a proclamation for the Purple Heart City and the Patriot Members of Chapter 0472 presented the City of Mesa the Purple Heart Special Recognition award.

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

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the November 6, 2017 Council meeting.

3. Take action on the following liquor license applications:

\*3-a. Mavyn

This is a one-day event to be held on Friday, December 8, 2017 from 3:00 P.M. to 2:00 A.M. on Saturday, December 9, 2017, at Mind's Eye Studio, 43 West 6th Avenue. **(District 4)**

\*3-b. Venture Out Foundation of Arizona Inc.

This is a one-day event to be held on Wednesday, January 17, 2018 from 4:30 P.M. to 7:00 P.M. in the Venture Out Cabana Event Room, 5001 East Main Street. **(District 2)**

\*3-c. Marisol Market

A convenience store is requesting a new Series 10 Beer & Wine Store License for Marisol Nutrition LLC, 726 East Broadway Road - Mason Adnan Sleiman, agent. There is no existing license at this location. **(District 4)**

4. Take action on the following contracts:

\*4-a. 60-Month Lease/Purchase Agreement for a Replacement Postage Meter for the Business Services Department. **(Citywide)**

This lease agreement is for a postage meter in Mail Services including maintenance, meter rental and ink, and postage printing costs. Replacement is required because the current machine will become obsolete at the end of the year.

The Business Services Department and Purchasing recommend authorizing the lease agreement using the NASPO / State of Arizona cooperative contract with the lowest-quoted vendor, Pitney Bowes, Inc., at \$44,941.20 over 60-months, including taxes.

\*4-b. One-Year Renewal of Excess Workers' Compensation Insurance and Workers' Compensation Self-Insurance Surety Bond. **(Citywide)**

As a self-insured entity, state statute requires the City to obtain excess workers' compensation insurance and to provide a security deposit based on the total unpaid losses of open compensable workers' compensation claims, which is accomplished through securing a surety bond.

Staff recommends the purchase of an excess workers' compensation insurance policy from Safety National Casualty Corporation with a self-insured retention for \$1 million per accident/injury/illness policy limit, at \$321,218. Staff recommends the purchase of a workers' compensation self-insurance surety bond through Travelers Casualty and Surety Company of America for the rate of \$5.50 per every \$1,000 of unpaid losses.

- \*4-c. One-Year Renewal Contract for Heavy Duty Truck Brake and Wheel Parts for the Fleet Services Department. **(Citywide)**

This contract provides heavy duty truck brake and wheel parts for City vehicles.

The Fleet Services Department and Purchasing recommend authorizing the renewal with Arizona Brake & Clutch Supply, Inc.; FleetPride (a Mesa business); and Freightliner of Arizona; cumulatively not to exceed \$175,000, based on estimated requirements.

- \*4-d. Purchase of Two Replacement PM-10 Certified Mechanical Street Sweepers with High Dump Capability for the Transportation Department as requested by the Fleet Services Department. **(Citywide)**

The sweepers will be used by Transportation, Field Operations for cleaning and maintaining residential and collector streets throughout the City of Mesa. The sweepers that are being replaced have met established replacement criteria and will be auctioned as part of the ongoing Fleet Services vehicle replacement program.

The Fleet Services and Transportation Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, AZ Wastewater Industries, Inc., at \$661,708.02. This purchase is grant funded by the Maricopa Association of Governments (\$595,440) and the Environmental Compliance Fee (\$66,268.02).

- \*4-e. One-Year Term Contract for Repair and Maintenance Parts for the De Nora Chlorine System for the Water Resources and Parks, Recreation and Community Facilities Departments (Sole Source). **(Citywide)**

This contract provides repair and maintenance parts for the De Nora (formerly Severn Trent) chlorine system. Several City departments utilize chlorine and hypochlorite systems manufactured by De Nora for water disinfection in order to be compliant with county, state and federal regulations.

The Water Resources, and Parks, Recreation and Community Facilities Departments, and Purchasing recommend awarding the contract to the sole source vendor, Precision Integrated Systems LLC, at \$300,000 for the one-year contract term.

- \*4-f. One-Year Renewal Contract for Landscape Sprinkler and Irrigation Supplies for the Materials and Supply Warehouse (for the Transportation, and Parks, Recreation and Community Facilities Departments). **(Citywide)**

This contract provides landscape sprinkler and irrigation supplies required for the repair, modification and installation of irrigation systems located in landscaped areas owned or maintained by the City.

The Business Services, Transportation and Parks, Recreation and Community Facilities Departments, and Purchasing recommend authorizing the renewal contract with Sprinkler World of Arizona, Inc. (a Mesa business); SiteOne Landscape Supply, LLC; and Ewing Irrigation Products Inc.; cumulatively not to exceed \$406,500, based on estimated requirements.

- \*4-g. One-Year Renewal Contract for Boiler Maintenance and Repair Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides scheduled annual and quarterly preventive maintenance services on the City's boilers and any non-scheduled repair and emergency services on an as-needed basis.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with Midstate Energy, LLC (formerly Midstate Mechanical Inc.), at \$55,980, based on estimated requirements.

- \*4-h. Three-Year Term Contract for Street Sweeping Services for the Transportation and Transit Services Departments. **(Citywide)**

This contract will provide routine nightly route sweeping and seal coat sweeping services on an as-needed, where-needed basis. Work under the agreement will include sweeping of arterial, collector and residential streets, and special event sweeping services. Transit requires sweeping services for their five park and ride lots.

The Transportation and Transit Services Departments and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Off-site Sweeping LLC, at \$690,390 annually, based on estimated requirements.

- \*4-i. One-Year Renewal Contract for Pad Mounted Switchgear for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract provides pad mounted switchgears for new service installations and repair work by the Energy Resources Department - Electric Utility at various substations and on the underground distribution circuits. Materials and Supply orders and maintains stock inventory as needed.

The Business Services and Energy Resources Departments, and Purchasing recommend authorizing the renewal contract with G & W Electric Company, at \$202,996, based on estimated requirements.

- \*4-j. One-Year Renewal Contract for Electric Line Clearance and Tree Trimming/Tree Removal Services for the Energy Resources Department. **(Citywide)**

This contract provides qualified contractors on an as-needed, hourly basis to remove and keep trees and vegetation clear of high voltage electric primary and secondary distribution lines and secondary service drops during emergencies and as-scheduled. It also provides services to other City agencies for non-electric tree trimming and removal services on an as-needed, scheduled basis.

The Energy Resources Department and Purchasing recommend authorizing the renewal with Asplundh Tree Expert Co.; and West Coast Arborists, Inc. (a Mesa business); cumulatively not to exceed \$60,000, based on estimated requirements.

- \*4-k. 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 new construction projects and maintenance and repair of existing facilities in the City's natural gas distribution system.

The Business Services and Energy Resources Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Meter, Valve & Control, Inc., at \$86,100 annually, based on estimated requirements.

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

This contract provides residential gas meters for the City's natural gas distribution system for measuring customer gas usage.

The Business Services and Energy Resources Departments, and Purchasing recommend authorizing the renewal with Energy Economics, Inc., at \$273,200 annually, based on estimated requirements.

- \*4-m. Three-Year Term Contract for Fence, Gate and Safety Rail Repair/Installation for the Transportation Department. **(Citywide)**

This contract will provide for the installation, maintenance and repair of fences, safety rails and bollards including all labor, equipment and materials on an as-needed basis.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Biddle & Brown Fence Company (Primary); and Western Fence Co Inc. (Secondary); cumulatively not to exceed \$167,100 annually, based on estimated requirements.

- \*4-n. Purchase of a Replacement Oil Tanker Trailer for the Transportation Department as requested by the Fleet Services Department (Single Bid). **(Citywide)**

The trailer will be used to support the City's asphalt maintenance program, which seals, on average, four million square yards of arterial, collector, and residential streets, plus parking lots, alleys, and intersections, per year. The equipment that is being replaced has met established replacement criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the City's ongoing vehicle replacement program.

The Fleet Services and Transportation Departments, and Purchasing recommend authorizing the purchase from the contract with Edeco Southwest Service Company LLC, dba Bear Cat Manufacturing, at \$103,573.02. This purchase is funded by the Local Streets Sales Tax Fund.

- \*4-o. Purchase of Two Replacement Storage Arrays for the Information Technology Department. **(Citywide)**

This purchase will provide a storage solution to replace the existing pair of NetApp storage arrays, which have reached the end of their serviceable life. One array will be housed at the City's shared datacenter in the AT&T facility and the other will be at a City

facility. These storage arrays will be integrated into the City's datacenter infrastructure to provide primary and disaster recovery backup network storage.

The Information Technology Department and Purchasing recommend authorizing the purchase from the State of Arizona cooperative contract with EMC Corporation through reseller iT1 Source, at \$377,939.70. This purchase is funded by the IT Lifecycle Management Program.

- \*4-p. Three-Year Term Contract for the Upgrade/Replacement of the Open Data Platform Solution for the Information Technology Department. **(Citywide)**

The City's current Open Data Portal will go offline in April 2018. Staff evaluated the strengths and limitations of the City's current platform and determined that the City needs a cloud-based, software as a service (SaaS), open data platform that is highly scalable, reliable, flexible and feature rich and eliminates storage and on-premise infrastructure. The goal of this project is to advance how City data is used to be more efficient, innovative, accessible and transparent, while driving public engagement.

The evaluation committee recommends awarding the contract to the highest-scored and lowest-priced proposal from Socrata, Inc., at \$139,117.92 for Year 1; \$70,617.89 for Year 2; and \$72,755.23 for Year 3; including tax; and a 20% project contingency in the amount of \$56,498.21, for the total three-year project cost of \$338,989.25. Socrata included additional modules in their RFP response that the City has the option to bring forward for Council consideration at a future date.

5. Take action on the following resolutions:

- \*5-a. Authorizing and supporting the submittal of a grant application by the Gene Lewis Boxing Club and Youth Center to the Pascua Yaqui Tribe in the amount of \$27,500 for their "Every Child a Champion" after-school program, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 11057.
- \*5-b. Approving and authorizing the City Manager to enter into a Subgrantee Agreement with the Arizona Department of Homeland Security for grant funds up to the amount of \$33,200 for equipment for the Fire and Medical Department's Metropolitan Medical Response System Personal Protective Equipment program. **(Citywide)** – Resolution No. 11058.
- \*5-c. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$170,000 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime and employee-related expenses to enhance DUI and Impaired Driving Enforcement throughout the City of Mesa. **(Citywide)** – Resolution No. 11059.
- \*5-d. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$142,500 in grant funds. The funds will be used by the Police Department's Forensic Services Division toward the purchase of one Liquid Chromatograph Mass Spectrometer to enhance DUI/impaired driving enforcement throughout the City of Mesa. The remaining balance of the purchase is estimated at \$142,500 and will be by Capital-General Funds. **(Citywide)** – Resolution No. 11060.

- \*5-e. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$86,500 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime, employee-related expenses, and supplies for selective traffic enforcement throughout the City of Mesa. **(Citywide)** – Resolution No. 11061.
- \*5-f. Approving and authorizing the City Manager to enter into a Development Agreement for City-Share Reimbursement with PPGN-Ellsworth, LLLP, and PPGN-Ray, LLLP, for the reimbursement of \$112,547 for regional sewer line improvements that are being required by the City of Mesa in conjunction with a proposed residential development known as Cadence Parkway Phase 1 and 2, located at 9764 East Cadence Parkway. **(District 6)** – Resolution No. 11062.
- \*5-g. Approving the First Substantial Amendment to the City of Mesa Annual Action Plan for FY 2017/18 and authorizing the City Manager to amend, sign, and submit the First Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD). **(Citywide)** – Resolution No. 11063.

The Amendment will provide: (A) Community Development Block Grant (CDBG) program funds for Pepper Place Apartments (\$250,000), Downtown Façade Improvements (\$125,000), Eagles Park (\$150,000), and Main Library (\$100,000); and (B) HOME Investment Partnership (HOME) program funds for Community Housing Development Organization (CHDO) activities (\$668,717) and homeownership activities (\$586,085).

6. Take action on the following resolutions relating to property located on the northwest corner of Elliot Road and Arizona State Route 202:

- \*6-a. Approving and authorizing the City Manager to terminate the existing Development Agreement with Loop 202 & Elliot Road Parcel #2, LLC, the successor-in-ownership to NKS Group III Limited Partnership, for the property located on the northwest corner of Elliot Road and Arizona State Route 202. **(District 6)** – Resolution No. 11064.
- \*6-b. Approving and authorizing the City Manager to enter into a Development Agreement with Loop 202 & Elliot Road Parcel #2, LLC, relating to property located on the northwest corner of Elliot Road and Arizona State Route 202 for the purpose of "opting-in" to the Elliot Road Technology Corridor zoning overlay. **(District 6)** – Resolution No. 11065.

7. Take action on the following resolutions relating to the property at the southwest corner of Main Street and South Pomeroy and 34 South Pomeroy:

- \*7-a. Vacating a portion of South Pomeroy right-of-way, between Main Street and First Avenue. **(District 4)** – Resolution No. 11066.

This abandonment is to facilitate the development of a mixed-use project (the GRID) on City-owned property for a residential and commercial development.

- \*7-b. Approving and authorizing the City Manager to enter into a Second Amendment to the Lease Agreement with Option to Purchase with Benedictine University, for City-owned property generally located at 225 East Main Street. **(District 4)** – Resolution No. 11067.

- \*7-c. Approving and authorizing the City Manager to enter into a Development Agreement, Ground and Air Lease, and License Agreement with 3W Management, LLC, for the development of commercial, residential and public improvements on City-owned property generally located at the southwest corner of Main Street and South Pomeroy and 34 South Pomeroy, and granting option rights to allow for the sale of certain City-owned real property and air-rights that are part of the development. **(District 4)** – Resolution No. 11068.

8. Introduction of the following ordinance and setting December 4, 2017 as the date of the public hearing on this ordinance:

- \*8-a. **ZON17-00158 (District 5)** The 3700 block of East McKellips Road (south side). Located east of Val Vista Drive on the south side of McKellips Road (11.48+/- acres). Rezone from RS-35 to RS-35-PAD; and Site Plan Review for the development of an 11-lot single residence subdivision. Paul Dugas, Blandford Homes, applicant; Paul Dugas, Blandford Homes, owner.

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. “6755 Superstition Springs Condominium Plat” **(District 6)** The 6700 block of East Superstition Springs Boulevard (south side). Located west of the southwest corner of Power Road and Superstition Springs Boulevard. 6 LC-PAD office condominium units (2.34 ± acres). Dental & Medical Specialties at Superstition Springs, LLC, developer; Brian W. Bartishell, Standage & Associates, Ltd., surveyor.
- \*9-b. “Eastmark Development Unit 5/6 South Parcels 6-4 to 6-6, 6-9 and 6-17” **(District 6)** The 4100 to 4300 blocks of South Everton Terrace (east side). Located south and west of the southwest corner of Elliot and Signal Butte Roads. 266 PCD single residence lots (76.3± acres). DMB Mesa Proving Grounds, LLC, owner; Kenneth P. Converse, Hoskin Ryan Consultants, Inc., surveyor.

**Items not on the Consent Agenda**

9. Items from citizens present.

Steve Hetsler, a Mesa resident stated that he is part of a group called Keeping Mesa Great, and has met with some of the Councilmembers and staff. He noted that he shared a list of questions that he would like to see Council address during the budget process. He stated the opinion that Mesa’s bond rating is deficient and believes that the first role of government is to protect the rights of the citizens and property which places Public Safety as a priority.

Joanne Jolee, a Mesa resident commented that on November 17, 2017 she performed for a benefit concert at the Mesa Arts Center (MAC) for their charitable organization that provides free music lessons to children and underprivileged seniors in the City. She stated that when she asked permission to bring concealed weapons to the concert they were informed they were unable to bring the weapons. She confirmed that no armed personnel were on the premise the night of the performance. She pointed out that anyone can enter the MAC armed and open fire and that concerts are becoming an increasing risk to public safety. She emphasized as a



concerned citizen that the City consider adopting an open carry law and revisit a security position at places like the MAC.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:12 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 November, 2017. 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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