



COUNCIL MINUTES

December 9, 2013

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 9, 2013 at 5:46 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dennis Kavanaugh
David Luna
Dave Richins

COUNCIL ABSENT

Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Mayor Smith excused Councilmember Somers from the entire meeting.

Invocation by Pastor Tony Frazee, Gateway Bible Church.

Pledge of Allegiance was led by Councilmember Kavanaugh.

Mayor's Welcome

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

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.

Mayor Smith stated that a citizen requested that item 4-k be removed from the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Glover, that the consent agenda items be approved.

Mayor Smith declared the motion carried unanimously by those present.

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

Minutes from the December 2, 2013 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Bahia De Kino

A restaurant that serves lunch and dinner is requesting a person-to-person and location transfer of a Beer and Wine Bar License for Bahia De Kino, 1040 West Broadway Road, Jada Enterprises, LLC – Andrea Dahlman Lewkowitz, agent. This location has a Restaurant License held by Jada Enterprises, LLC that will revert back to the State. **(District 4)**

*3-b. Circle K Store 3463

A convenience store with a fueling station is requesting a new Beer and Wine Store License for Circle K Store 3463, 9228 East Guadalupe Road, Circle K Stores, Inc. – Kim Kenneth Kwiatkowski, agent. This is new construction with no previous liquor license at this location. **(District 6)**

4. Take action on the following contracts:

*4-a. Three (3) Year Term Contract for Fingerprinting Services for the Human Resources Department. **(Citywide)**

This contract will provide a vendor for fingerprinting services pertaining to pre-employment, volunteers, contractors and City of Mesa temporary agency workers.

Human Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Arizona Livescan (a Mesa business), at \$65,000 annually, based on estimated requirements.

*4-b. Three (3) Year Term Contract for Boiler Maintenance and Repair for the Facilities Maintenance Department. **(Citywide)**

This contract will provide scheduled annual and quarterly preventive maintenance services and any non-scheduled repair and emergency services on an “as needed” basis on the City’s boilers.

An evaluation committee representing Facilities Maintenance and Purchasing evaluated responses and recommends awarding the contract to the highest scored proposal from Midstate Mechanical, at \$50,000 annually, based on estimated requirements.

*4-c. Three (3) Year Term Contract for Heavy-Duty Truck Brake and Wheel Parts for the Fleet Services Department. **(Citywide)**

This contract will provide heavy-duty truck brake and wheel parts for various pieces of rolling stock equipment owned by the City.

Fleet Services and Purchasing recommend awarding the contract to the lowest, responsive and responsible vendors: Arizona Brake & Clutch Supply, Inc., at \$80,000; FleetPride (a Mesa business), at \$85,000; and Freightliner of Arizona, at \$105,000; annually, based on estimated requirements. The total contract award is \$270,000 annually.

- *4-d. Three (3) Year Term Contract for Line Clearance and Tree Trimming/Removal Services for the Energy Resources Department. **(Citywide)**

This contract will provide qualified contractors to keep trees and vegetation clear of high voltage electric primary and secondary distribution lines and secondary service drops in order to maintain safety and minimize and prevent electric service outages in Mesa's electric transmission and distribution system.

Energy Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Asplundh Tree Expert Co., at \$85,000; and West Coast Arborists, Inc. (a Mesa business), at \$35,000; for a total of \$120,000 annually, based on estimated requirements.

- *4-e. One (1) Year Lease Agreement for One (1) Gas Chromatograph Mass Spectrometer (CGMS) for the Police Department (Sole Source). **(Citywide)**

Forensics has recently procured three new CGMS instruments replacing three of the four leased instruments, which will be returned when the lease agreement expires this month. This one-year lease provides for the fourth leased unit at the Forensics Controlled Substance Unit until the final instrument can be purchased.

Police and Purchasing recommend awarding the one-year lease agreement to the sole source vendor, Quantum Analytics, at \$37,000.

- *4-f. Purchase of a Replacement Workstation for the Automated Fingerprint Identification System for the Police Department (Sole Source). **(Citywide)**

This purchase will provide a replacement store and forward workstation, part of the Arizona Automated Fingerprint Identification System (AZAFIS) for the Police Department. The Forensic Services, Fingerprint Identification Unit, uses AZAFIS (a State-managed system). The function of the workstation is to receive and store the electronically transmitted computerized fingerprint records received from the City's existing LiveScan terminals. This terminal will replace an existing unit that was purchased in 2004.

Police and Purchasing recommend authorizing this purchase using the State of Arizona cooperative contract from the sole source vendor, Safran MorphoTrak, Inc., at \$52,800. This purchase is grant funded by the Arizona Criminal Justice Commission.

- *4-g. Purchase of One (1) Replacement Vehicle for the Engineering Department (Single Bid). **(Citywide)**

This purchase will provide one two-wheel drive Chevrolet Tahoe to support Engineering operations. The vehicle being replaced has met established criteria and will be retired and sold at auction.

Fleet Services, Engineering and Purchasing recommend awarding the contract to the single bidder, Thorobred Chevrolet, at \$35,358.01. This purchase is funded by the Vehicle Replacement Fund.

- *4-h. Purchase of Thirteen (13) Replacement Light-Duty Cab and Chassis Service Body Vehicles for the Water Resources Department, and One (1) Replacement Light-Duty Pickup Truck for the Transportation Department. **(Citywide)**

The replacement vehicles have met established criteria and will be retired and sold at auction. The new vehicles will be additional purchases against contracts originally awarded by the Council on April 1, 2013.

Fleet Services, Water Resources, Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, PFVT Motors, Inc., at \$363,368.56 and Berge Ford (a Mesa business), at \$24,335.83. The total contract award is \$387,704.39. These purchases are funded by the Utility Replacement and Renewal Fund (\$363,368.56) and the Vehicle Replacement Fund (\$24,335.83).

- *4-i. Three (3) Year Term Contract for Backflow Testing and Repair Services for the various City Departments. **(Citywide)**

This contract will provide a qualified vendor for backflow device testing and repair services for various City Departments.

Water Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, RC and Sons (a Mesa business), at \$60,000 annually, based on estimated requirements.

- *4-j. Purchase of Software for Wastewater Asset Management for the Water Resources Department (Sole Source). **(Citywide)**

Water Resources has been using proprietary software from Innovyze for their existing water software systems (InfoWater and InfoSewer) and needs to update their current wastewater asset management system. This software will not only enhance productivity in asset management, but also provide the City a tool to explore alternatives for sewer rehabilitation.

Water Resources and Purchasing recommend awarding the contract to the sole source vendor, Innovyze, at \$30,827.

- 4-k. **(See Items not on the Consent Agenda.)**

- *4-l. Oakland A's Spring Training Facility. **(Districts 1 and 4)**

This is the second Guaranteed Maximum Price package (GMP No. 2) for the Oakland Athletics Spring Training Facility, a Construction Manager at Risk project. The GMP No. 2 scope of work includes demolition, site grading, site utility work and underground piping. Staff anticipates bringing GMP No. 3 for the remaining project scope to the Council for consideration in early February.

Recommend award for GMP No. 2 to W.E. O'Neil, in the amount of \$5,365,811. The funding is available from the Spring Training Construction Fund.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to accept funding made available through a Grant Award from the Arizona Sports and Tourism Authority for Medina and Hawes park project. This award provides \$50,000 for playground equipment with a City match of \$25,758. **(District 6)** – Resolution No. 10364.
- *5-b. Approving and authorizing the City Manager to execute the Airport Development Reimbursable Grant Agreement with the State of Arizona for the construction of a runway guard light system at Falcon Field Airport. The approved project cost is \$632,047, with \$575,542 funded by the Federal Aviation Administration, \$28,252 funded by the State and the remaining \$28,253 funded by a City match. **(District 5)** – Resolution No. 10365.
- *5-c. Approving and authorizing the City Manager to execute the Airport Development Reimbursable Grant Agreement with the State of Arizona for the reconstruction of approximately 80,000 SY of existing Falcon and Terminal aircraft parking aprons at Falcon Field Airport. The approved project cost is \$2,000,000. The State grant amount is \$1,800,000. The remaining \$200,000 will be funded by a City match. **(District 5)** – Resolution No. 10366.
- *5-d. Approving and authorizing the City Manager to accept funding through a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This Memorandum of Understanding provides overtime funding for police officers assigned to the ATF Violent Crime Task Force. The maximum amount of overtime funding is \$17,202.25 per officer, per year. **(Citywide)** – Resolution No. 10367.
- *5-e. Approving and authorizing the City Manager to accept Grant Agreements funding from the Organized Crime Drug Enforcement Task Forces. The Grant Agreements provide a cumulative amount of \$100,000 in overtime funding, through September 2014, for police department personnel assigned to the task forces. **(Citywide)** – Resolution No. 10368.
- *5-f. Approving and authorizing the City Manager to accept funding made available through a Grant Award from the Water Infrastructure Finance Authority of Arizona for the creation of Low-Impact Development guidelines and standards. This award provides \$35,000 for professional consultant services. **(Citywide)** – Resolution No. 10369.
- *5-g. Approving the Final Assessments for the Elliot Road Improvements, located on Elliot Road from Signal Butte Road and continuing west approximately 1600 feet; Street Assessment Project. **(District 6)** – Resolution No. 10370.
- *5-h. Staff is requesting approval from the City Council to continue negotiations to acquire property on the northwest corner of Signal Butte and Elliot Roads for the Signal Butte and Elliot Road Intersection Improvement Project, and authorizing and directing that fee title, easements or other interests in and possession of certain real property be acquired by the City of Mesa under the power of eminent domain as a matter of public necessity. **(District 6)** – Resolution No. 10371.

6. Introduction of the following ordinances and setting January 13, 2014 as the date of the public hearing on these ordinances:

- *6-a. **Z13-055 (District 2)** The 4100 block of East Southern Avenue (south side). Located on the southwest corner of East Southern Avenue and South Norfolk (6.2± acres). Rezone from RS-15 to RS-9 and Site Plan Review. This request will allow the development of a 17-lot single-residence subdivision.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0-1, Carter absent, Arnett abstain.)

- *6-b. **Z13-057 (District 2)** The 3600-3900 blocks of East Brown Road (south side). Located on the southeast corner of East Brown Road and North Val Vista Drive (60± acres). Rezone from RS-15 to RS-15 PAD and Site Plan Review. This request will allow the development of a 98-lot single-residence subdivision.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 6-0, Carter absent.)

7. Discuss, receive public comment and take action on the following ordinance introduced at a prior Council meeting. Any citizen who would like to provide comment should submit a blue card to the City Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the City Clerk before Council votes on the Consent Agenda.

- *7-a. **Z13-051 (District 5)** The 8900 block of East Upper Canyon Drive (north side). Located north of McKellips Road on the west side of Ellsworth Road (37.1± acres). Rezone from RS-35-PAD to RS-15-PAD-PAD and Site Plan Review. This request will allow a single-residence subdivision in Parcel 2 of the Mountain Bridge Master Plan – Ordinance No. 5195.

Staff Recommendation: Approval with Conditions

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

Items not on the Consent Agenda

- 4-k. Five (5) Year Term Contract for Bike Sharing Program for the Transportation Department. **(Citywide)**

This contract will establish a bike share network that will include up to 250 bicycles and 25 hub stations with payment kiosks throughout Downtown Mesa and/or within three miles of existing/future light rail/bus service. First-year funds will be for the use of the bicycles and all equipment, in addition to services related for implementation of the bike share system.

The City Manager's Office, Transportation and Purchasing recommend authorizing a five-year contract using the cooperative contract conducted with the City of Phoenix with CycleHop, LLC, at \$200,000, based on estimated requirements. Future years' expenditures would be included on an as-needed basis in annual budget reviews and as approved by the Council.

P.J. O'Malley, a Mesa resident, expressed opposition to this item. He stated that the City of Mesa has no right to use \$200,000 of the taxpayers' money "to go into direct competition with bike stores." He noted that if the City encourages bike rentals through this program, it will automatically decrease the sale of bikes.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Richins, that staff's recommendation be approved.

Mayor Smith declared the motion carried unanimously by those present.

8. Discuss, receive public comment and take action on the following ordinance that was introduced at the December 2, 2013 Council meeting. Any citizen who would like to provide comment should submit a blue card to the City Clerk before the item is voted on.

8-a. Adopting an Ordinance of the City Council acknowledging receipt of the Report and Recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council – Ordinance No. 5196.

Mayor Smith stated that this was the second time the Council received a report from the Independent Commission on Compensation for Elected Officials. He explained that the Commission, which was created by the City Council, has issued a "Report and Recommendations to the Mayor and City Council" that supports an increase in their compensation. He noted that the salaries would not be adjusted until January 2015.

Marcus Ray, a Mesa resident, voiced opposition to this item and said it was absurd that the Councilmembers would vote for their own pay raise. He indicated that the Commission's recommendations equate to a significant pay raise for the Mayor and Council which, in his opinion, is not acceptable.

Gene Dufoe, a Mesa resident, concurred with the comments of the previous speaker. He stated that citizens have already been confronted with many problems at the state and federal level and noted that the matter of increases in compensation for the Council does not need to be added at the local level.

David Lane, a Mesa resident, expressed support for this item. He commented that the current "token salaries" of the City Council limit the ability of some Mesa residents to run for office and serve the community. He said that Mesa has grown to become a major city and encouraged the Council to accept the Commission's recommendations to increase their salaries which, in his opinion, could create a more diverse Council.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Richins, that Ordinance No. 5196 be approved.

Responding to a series of questions from Vice Mayor Finter, City Attorney Debbie Spinner clarified that the ordinance that the Council is being asked to approve tonight addresses several issues, including adjusting their annual salaries. She explained that per the City Charter and the Arizona Constitution, the salary adjustments would not go into effect until after an election and a new Council is seated, which would be January 2015. She also noted that the vehicle allowance and communication allowance, as recommended by the Commission, would take effect 30 days after the ordinance is adopted.

Ms. Spinner further reported that the City Charter states the following: "The salary adjustment may not take effect prior to the commencement of the terms of the Councilmembers elected at the next regular election." She pointed out that the next regular election for Councilmembers would be November 2014, with the new Council taking office in January 2015.

Vice Mayor Finter voiced support for the motion and commented that his position has always been that "this should be about the next Council." He stated that last year, he voted against the Commission recommendations since there was the perception that he would be voting for "some sort of pay raise" for himself.

Vice Mayor Finter, in addition, remarked that if anyone thinks he is voting for this salary increase for his own purpose or his own enrichment, they are sorely mistaken. He pointed out, however, that he was ready and willing to accept the Commission's recommendations and to vote for the next Council. He also indicated that per the City Charter, half of the Council is elected in one election cycle and the other half is elected in another election cycle. He added that there was no other way to resolve this issue and reiterated that he was "trying to do the right thing for the next Council."

Mayor Smith expressed support for the motion and said that the Commission's recommendation "was right a year ago and it's right now." He commented that Mesa is the 38th largest city in the country and said that he would like the City to have the best candidates it can possibly attract to serve as his successor. He also noted that the City currently has an exclusionary policy, which "keeps good people from serving."

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES - Smith-Finter-Kavanaugh-Luna-Richins
NAYS - Glover
ABSENT - Somers

Mayor Smith declared the motion carried by majority vote of those present and Ordinance No. 5196 approved.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:08 p.m.

SCOTT SMITH, 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 December, 2013. 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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