



COUNCIL MINUTES

December 8, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 8, 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

Mayor's Welcome.

Invocation by Doctor James Adams with Cornerstone Church.

Pledge of Allegiance was led by Lesley Herrera.

Awards, Recognitions and Announcements.

Councilmember Luna recognized Ana Guzman and Leslie Herrera with the Jo Wilson Leadership Institute at Benedictine University, who are accompanied by Jo Wilson. He explained that they are shadowing him to learn more about City Government and how it works.

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 December 1, 2014 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Venture Out Social Club, Inc.

This is a one-day fraternal event to be held on Friday, January 23, 2015 from 4:00 p.m. to 8:00 p.m., at 5001 East Main Street. **(District 2)**

*3-b. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, January 2, 2015 from 6:00 p.m. to 10:00 p.m. on Main Street from Center to Robson and Macdonald from Main Street to Pepper Place. **(District 4)**

*3-c. Zion Trading

A distributor who sells liquor to licensed Arizona retailers is requesting a new Series 4 Wholesaler Liquor License for Zion Trading, LLC, 1616 East Main Street – Changhyun Kim, agent. There is currently no existing license at this location. **(District 4)**

*3-d. The Draft Sports Grill

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for The Draft Sports Grill, LLC, 1130 West Grove Avenue, Suite 106 – Randy D. Nations, agent. There is currently no existing license at this location. **(District 3)**

*3-e. Salt River Grill

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12 Restaurant License for Salt River Grill, LLC, 1157 North Ellsworth Road, Suite 101-102 – Gregory Walter Fosnight, agent. There is currently no existing license at this location. **(District 5)**

*3-f. Wal-Mart #2482

A retail store is requesting to add sampling privileges to their existing Series 9 Liquor Store License for Wal-Mart Stores, Inc., 857 North Dobson Road – Clare Hollie Abel, agent. The existing license held by Wal-Mart Stores, Inc., will revert back to the State for modification. **(District 1)**

*3-g. Broken Yolk Cafe

A restaurant that serves breakfast and lunch is requesting a new Series 12 Restaurant License for Huevos Café, LLC, 2034 East Southern Avenue – Jennifer Yvonne O’Neal, agent. There is currently no existing license at this location. **(District 2)**

*3-h. Rosatis Pizza Pub

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Tempe University Ventures, LLC, 849 North Dobson Road Suite 112 – Timothy Copley, agent. There is currently no existing license at this location. **(District 1)**

4. Take action on the following contracts:

*4-a. Three-Year Term Contract for Cool Deck Resurfacing and Repair Services for the Parks, Recreation and Commercial Facilities Department (Single Bid). **(Citywide)**

Cool Deck is a flexible coating for concrete that provides a non-slip surface and is sealed against water. It is primarily used around swimming pools. Each year it becomes necessary to replace or refurbish cool deck material at Aquatic Facilities that have become damaged due to age or heavy use.

Parks, Recreation and Commercial Facilities and Purchasing recommend awarding the contract to the responsive and responsible single bidder, Flexground, LLC, at \$32,422.38 annually, based on estimated requirements.

*4-b. Three-Year Term Contract for Replacement Portable Two-Way Radio Batteries for Citywide Departments as Requested by the Communications Department. **(Citywide)**

These rechargeable batteries are used for portable (handheld) two-way radios used by various City departments, such as Transportation, Water Resources and Energy Resources. These batteries have a useful life of one to two years in normal daily use.

Communications and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Durham Communications, at \$44,300.00 annually, based on estimated requirements.

*4-c. Three-Year Term Contract for Police Service Dogs for the K9 Unit (Single Proposal). **(Citywide)**

The Police Department's K9 Unit currently has thirteen active Police Service dogs. These canines are used for both patrol and detection (e.g. explosives, narcotics, etc.) purposes. The dogs are acquired when they are two to four years old and should be able to serve for a five to seven-year period. The K9 Unit expects to acquire one to two dogs per year.

An evaluation committee representing the Police Department and Purchasing evaluated responses, and recommends awarding the contract to the qualified, single proposal from Adlerhorst International, Inc., at \$30,413.00 annually, based on estimated requirements.

*4-d. Purchase of Four Additional Speed Radar Trailers for the Police Department. **(Citywide)**

The Police Department is requesting to purchase Speed Radar Trailers for each of the four Patrol Divisions. Radar speed trailers are mobile, allow easy deployment to any location, and provide immediate driver feedback as a speed deterrent and an educational component to driver safety. These trailers have been successfully deployed by the Traffic Division in order to respond to citizen's traffic-related concerns.

An evaluation committee representing the Police Department and Purchasing evaluated responses, and recommends awarding the contract to highest scored and lowest priced proposal from RU2 Systems, Inc. (a Mesa business), at \$37,903.94. This purchase is funded through a contingency allocation to the operating budget per Council direction to reinvest photo safety program revenues back into the program.

- *4-e. Three-Year Term Contract for Traffic Control Sign Materials and Sign Imaging for the Transportation Department. **(Citywide)**

The Transportation Department's Sign Shop staff uses traffic control sign materials and sign imaging to fabricate stop signs, speed limit signs, street name signs and other traffic control signs. These signs are installed throughout the City and materials include reflective sign sheeting and sign blanks.

Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Safeway Sign Company, at \$89,200.00 annually, based on estimated requirements.

- *4-f. Three-Year Term Contract for Landscape Maintenance Services for Parkway Medians and Right-of-Way, Section VI for the Transportation Department. **(Districts 5 and 6)**

This contract will provide landscape maintenance services for Parkway Medians and Rights-of-Way. Work tasks include, but are not limited to, cleaning, irrigation, sprinkler system maintenance, trimming, mowing, weed control and fertilization, depending on whether the area is turf or desert.

- *4-g. Three-Year Term Contract for Comprehensive Banking Services. **(Citywide)**

The City of Mesa makes extensive use of banking services to collect, disburse and manage its cash and investments. General banking services includes cash services, deposit services, disbursement services, electronic transfer of funds and general reporting. Merchant card services represent the City's ability to process credit card transactions. Institutional custody services represent the safekeeping of the assets/securities in the City's investment portfolio.

Financial Services, Business Services and Purchasing recommend awarding contracts to the highest scored proposals from JP Morgan Chase for General Banking, at \$87,000, US Bank/Elavon for Merchant Card Services, at \$53,000 (plus credit card pass through fees) and Wells Fargo for Institutional custody, at \$13,000, for a total award of \$153,000 annually, based on estimated requirements.

Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Artistic Land Management, Inc., at \$226,183.14 annually, based on estimated requirements.

- *4-h. Contract Amendment for the Unified Connection System Upgrade and Related Purchases. **(Citywide)**

The Utilities Control Center (UCC) answers approximately 57,000 emergency calls per year from citizens for City utilities, including natural gas emergencies, water main breaks, electrical outages, sewer overflows, and traffic signal outages. A single emergency can result in a large volume of simultaneous calls.

The UCC staff currently uses the Unify OpenStage phone system used by most City staff. This system, originally approved by City Council in May 2010, is not set up to handle large volumes of simultaneous phone calls, nor does it include dispatching features. The proposed upgrade will greatly improve the UCC's ability to handle large volumes of simultaneous calls and provide the dispatching capabilities needed to better communicate with the field personnel, improving customer service and emergency response.

An evaluation committee representing Water Resources, Energy Resources, Information Technology and Purchasing reviewed the upgrade scope and pricing and recommends approval of the contract amendment with Unify, Inc., at \$62,658.64; and related purchases from Goserco, Inc. (a Mesa business), at \$18,173.94; Insight Public Sector, at \$4,448.53; and Dell, Inc., at \$6,172.63, for the combined total award of \$91,453.74.

- *4-i. Three-Year Term Contract for Water and Wastewater Vertical Turbine Pump Repair/Replacement for the Water Resources Department. **(Citywide)**

There are approximately 120 vertical turbine pumps in use at the City's four plants and twelve pump stations. This contract will provide qualified vendors to perform maintenance, repairs and replacements on these pumps and other water and wastewater pumps located at City-owned water treatment plants, wastewater reclamation plants, and water supply pump stations throughout the City.

An evaluation committee representing Water Resources and Purchasing evaluated responses, and recommends awarding the contract to the highest scoring proposals, Phoenix Pumps, Inc. (Primary); and Weber Water Resources, LLC (Secondary); cumulatively not to exceed \$300,000.00 annually, based on estimated requirements.

- *4-j. Three-Year Term Contract for Insecticidal Coatings for Manhole and Sewer Cleanouts for the Water Resources Department (Single Bid). **(Citywide)**

This contract will provide sewer roach control insecticidal coating spot treatment and for scheduled maintenance. Usage is driven by weather, seasons and citizen complaints.

Water Resources and Purchasing recommend awarding the contract to the qualified, single bidder, Lawrence Business, Inc., dba JABCO, at \$32,800.00 annually, based on estimated requirements.

- *4-k. Val Vista Water Transmission Main Project – Phase 2, Construction GMP. **(District 1)**

This project will serve as a dedicated water transmission main for the City of Mesa to fulfill the requirements of an Intergovernmental Agreement with the City of Phoenix.

Recommend award to Garney Construction, in the amount of \$15,999,056.10 based on the GMP proposal of \$15,237,196.29, plus an additional \$761,859.81 (5% allowance for change orders). This project is funded by 2014 authorized water bonds.

- *4-l. Purchase of a Replacement Development Information Management Enterprise Solution. **(Citywide)**

This Cloud-Based system will replace the current Tidemark permitting system that is used for the land development process. The current Tidemark system is used by numerous departments for collaboration on development projects in the City. It was implemented over ten years ago and is beyond its useful life. It is no longer actively supported by the vendor and does not provide the level of customer service that is required.

The project includes an integrated web portal for plan submittals and permit requests and electronic plan review; additionally, a city licensing activities module will also be implemented. Principal goals include simplifying, automating and improving the transparency of projects. Benefits include cost savings by eliminating paper plan submissions. This strategic investment is expected to serve the City for ten or more years and will provide a continuously updated product that will improve customer service and staff productivity.

An evaluation committee representing Development and Sustainability, Business Services, Information Technology, Engineering, Transportation and Purchasing participated in developing the Request for Proposal, evaluating responses, and recommends awarding the contract to highest scored proposal from Accela, Inc., at \$1,414,185.03, and a project contingency of \$194,926.65, for the combined total award of \$1,609,111.68. This purchase is funded by the Development and Sustainability Department Technology Improvement Fee.

- *4-n. Purchase of a Solid Waste Information System for the Solid Waste Management Department. **(Citywide)**

Services are managed today through a combination of disparate manual processes, desktop computer tools, limited vehicle tracking/management tools, and custom databases. The recommended system will include enhanced customer communications, real-time data and dashboards, live route map displays, and service order processing capabilities from within the Solid Waste vehicles. The new functionality will facilitate operational efficiencies, reduce costs, and potentially increase revenues.

Solid Waste Management, Business Services, Information Technology, and Purchasing recommend awarding the contract to the highest scored and lowest priced proposal, FleetMind Solutions, Inc., at \$1,120,053.12; associated IT infrastructure purchases with SHI International, at \$25,044.81, EMC Corporation, at \$70,570.15, Insight, at \$9,658.09, SOTI, Inc., at \$2,020.00 and Verizon Wireless, at \$23,653.00; and project contingency of \$149,000.83, for the combined total award of \$1,400,000.00.

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

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into a Modification to the Intergovernmental Agreement with the Arizona Department of Revenue for tax administration and auditing effective January 1, 2015. **(Citywide)** – Resolution No. 10567.

In 2013, the State passed House Bill 2111, Tax Simplification, to make ADOR the central point of Transaction Privilege Tax administration and collection. Standardized and coordinated audit provisions take effect January 1, 2015. A new IGA with ADOR is

being negotiated but will not be in place by that date. This modification to the existing IGA will allow the City to conduct audits and receive taxpayer data from ADOR consistent with what has been agreed to for the new audit processes.

- *5-b. Approving and authorizing the City Manager to enter into a Transportation Project Advance Agreement with Valley Metro Rail, Inc., Maricopa Association of Governments and the City of Phoenix for funding of design, right of way, construction and vehicle acquisition for the Gilbert Road Light Rail Extension using Transportation Project Advancement Notes (TPANs). **(District 4)** – Resolution No. 10568.
- *5-c. Approving and authorizing the City Manager to enter into an Acceptance and Agreement with the Hickey Family Foundation to accept \$121,303 for overtime and equipment for the Police Department to Combat Domestic Minor Sex Trafficking. **(Citywide)** – Resolution No. 10569.

6. Take action on the following resolution modifying the fees and charges, and discuss, receive public comment and take action on the following ordinance repealing and replacing Mesa City Code Title 5, Chapter 10, Article III through adoption of the language in that certain public document entitled “Licensing and Record Keeping”, and repealing certain Mesa City Code Regulations for Privilege and Excise Taxes:

- *6-a. Resolution modifying fees and charges for Transaction Privilege Tax Licenses for the Business Services Department.

This resolution is to modify the fees and charges to bring them in line with changes made to the Model City Tax Code by the Municipal Tax Code Commission for the purpose of uniform tax licensing by all Arizona municipalities effective January 1, 2015. These changes are part of the State’s Tax Simplification Initiative. **(Citywide)** – Resolution No. 10570.

- *6-b. Ordinance repealing and replacing Mesa City Code Title 5, Chapter 10, Article III to update Mesa City Code Title 5, Chapter 10 Article III through adoption of the language in that certain public document entitled “Licensing and Record Keeping”; repealing Mesa City Code Regulations for Privilege and Excise Taxes 5-10-300.1, 5-10-300.2, 5-10-310.1, 5-10-310.2, 5-10-310.3, 5-10-350.1, 5-10-350.2, 5-10-350.3, 5-10-360.1 and 5-10-360.2. **(Citywide)** – Ordinance No. 5259.

This ordinance is to adopt the changes made to the Model City Tax Code by the Municipal Tax Code Commission for the purpose of uniform tax licensing by all Arizona municipalities effective January 1, 2015. These changes are part of the State’s Tax Simplification Initiative.

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

- *7-a. Amending the Mesa City Code Title 6, Chapter 21 Sections 2 and 3 entitled “Fireworks Prohibited; Exceptions” and “Sale of Fireworks” to align with the new state law time periods during which the sale of permissible consumer fireworks is allowed. **(Citywide)** – Ordinance No. 5260.
- *7-b. **Z14-49 (District 4)** 155 South Hibbert. Located south of Main Street and west of Mesa Drive (1.7± acres). Rezone from DR-2 and DR-3 to T4-Neighborhood Flex (Form-Based Code). This request will allow for a live/work development – Ordinance No. 5261.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0, Boardmembers Clement and Dahlke, absent)

- *7-c. **Z14-47 (District 2)** 6335 East Main Street. Located east of Recker Road on the south side of Main Street (7± acres). Council Use Permit request for the conversion of an existing shopping center to accommodate a private school. Richard Buckingham, Faith Christian Church, applicant/owner. **Continued from the December 1, 2014 City Council meeting** – Ordinance No. 5262.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0, Boardmembers Clement and Dahlke, absent)

Items not on the Consent Agenda

- *4-m. Desert Arroyo Park – McKellips and Ellsworth. **(District 5)**

The Desert Arroyo Park site is located at the northeast corner of McKellips and Ellsworth Roads on a 58-acre parcel of native desert owned by the City of Mesa. Park improvements are to primarily be constructed in the northern portion of the parcel adjacent to Zaharis Elementary School. The southern portion of the property is planned for a Maricopa County Flood Control storm water retention area as outlined in the Spook Hill Area Drainage Master Plan. An existing desert arroyo will be enhanced to develop an interpretive educational experience. There will be a looped trail system with areas that can be used as outdoor desert classrooms for environmental education.

Recommend award to Haydon Building Corporation, in the amount of \$1,857,211.40 based on the GMP proposal of \$1,688,374.00, plus an additional \$168,837.40 (10% allowance for change orders). This project is funded by 2012 authorized Parks and Recreation bonds.

Parks, Recreation and Commercial Facilities (PRCF) Department Director Marc Heirshberg provide the Council a brief overview of Item 4-m. He explained that Desert Arroyo Park is located at the northeast corner of McKellips and Ellsworth Roads next to Zaharis Elementary School.

Mr. Heirshberg stated that the park is being preserved as an environmental park to take advantage of the park's natural habitat, which will house interactive learning, an amphitheater and outdoor classrooms that will be available to the community and local schools. He commented that the location will offer other amenities, including a paved access drive and parking area. He added that the City received a grant from the U.S. Conference of Mayors and the Scotts Miracle-Gro Company in the amount of \$50,000 to help enhance a botanical walk in the park as well as a donated playground by the playground equipment manufacturer.

Mr. Gene Dufoe spoke in opposition of this item and stated his opinion of less spending and the need to analyze costs and benefits before implementing projects.

It was moved by Councilmember Luna, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Carried unanimously.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:06 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 8th day of December 2014. 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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