



## COUNCIL MINUTES

June 16, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 16, 2014 at 5:45 p.m.

### COUNCIL PRESENT

Alex Finter  
Terry Benelli  
Christopher Glover  
Dennis Kavanaugh  
David Luna  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen

Invocation by Reverend Miguel Gomez-Acosta with First Evangelical Lutheran Church.

Pledge of Allegiance was led by Steve Ikeda.

Mayor's Welcome.

Awards, Recognitions and Announcements.

City Manager Christopher Brady stated that each year, the Ford Motor Company recognizes fleets from across the country. He explained that this year, the City of Mesa Fleet Services Department won the prestigious "Best Fleet in the Nation" award. He explained that the award committee, which was comprised of automotive industry experts, independently audited all aspects of Mesa's performance, with an emphasis on job quality, productivity and customer satisfaction. He indicated that the Fleet Services Department was also recognized as an Elite Fleet, one of only five in the nation; was ranked No. 1 as the Overall Fleet in the country and No. 1 as the Large Fleet in the country; that Fleet Services Director Pete Scarafiotti was recognized as No. 2 Fleet Director in the country; and the Fleet Services Department was recognized as a Certified Fleet Management Operation (CFMO) by the Government Fleet Management Alliance.

Mr. Brady noted that the Council often recognizes City departments that deliver services directly to Mesa residents and visitors. He pointed out, however, that tonight he wanted to recognize the Fleet Services Department for the support it provides to City staff, by ensuring that the City vehicles they drive are operationally sound and well maintained. He congratulated Mr. Scarafiotti and his staff for their achievements and well-deserved recognition.

Mr. Scarafiotti addressed the Council and stated that the award committee was impressed by the number of innovative programs the Fleet Services Department has implemented, many of which resulted in significant savings for the City. He recognized Fleet Maintenance Superintendent John Milhon and Fleet Purchasing Administrator Jim Ruiz, who were present in the audience, and expressed appreciation to all of the Fleet Services Department staff members for their efforts and hard work.

Mayor Finter congratulated Mr. Scarafiotti and the entire Fleet Services Department for their professionalism and dedication.

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 Finter stated that a citizen has requested that item 4-h be removed from the consent agenda.

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

Carried unanimously.

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

Minutes from the May 1, 15 and 19, and June 2, 2014 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Mesa Sertoma Club – Celebration of Freedom

This is a one-day charitable event to be held on Friday, July 4, 2014 from 6:00 p.m. to 10:30 p.m., at 263 North Center Street. **(District 4)**

\*3-b. Queens Pizzeria

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Queens Pizzeria LLC, 127 West Main Street – Theresa Morse, agent. There is no existing license at this location. **(District 4)**

\*3-c. Quik Corner

A convenience store is requesting a new Beer and Wine Store License for Arizona Land Owners LLC, 1605 West Broadway Road – Randy Nations, agent. The previous license held by Circle K Stores, Inc., was transferred to another location. **(District 3)**

4. Take action on the following contracts:

- \*4-a. Two-Year Renewal of the Term Contract for Armored Car Services for Various City Locations. **(Citywide)**

This contract provides armored car services and delivery of sealed shipments of cash and check deposits to the City's designated bank as required by various City locations throughout the City.

Business Services and Purchasing recommend authorizing a two-year renewal with Loomis Armored US, LLC, at \$26,866.00 annually, based on estimated requirements.

- \*4-b. Three-Year Term Contract for Concession and Catering for the Mesa Convention Center for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

This contract will provide food and beverage catering and concession services for Mesa Convention Center clients. The City receives a percentage commission on the food and beverage catering and concession services. The Convention Center bills the clients for these services and reimburses the vendor for their portion of the revenue collected. The anticipated start date/transition for this contract is July 7, 2014.

An evaluation committee representing Parks, Recreation and Commercial Facilities and Purchasing evaluated responses and recommends awarding the contract to the highest scored proposal from Personal Touch Catering, Inc.

- \*4-c. Three-Year Term Contract for Promotional Items for the Fire and Medical Department. **(Citywide)**

This contract will provide educational promotional items for the Fire and Medical Department's programs. Promotional items are given to the community for attending their classes, presentations and community events.

An evaluation committee representing Fire and Medical, and Purchasing recommends awarding the contract to the highest scored proposal from Brite Innovations, at \$40,000 annually, based on estimated requirements.

- \*4-d. Three-Year Term Contract for Juniper Network Technical Support Services for the Communications Department. **(Citywide)**

This contract will provide technical support services for the maintenance and engineering of the microwave core network consisting of Juniper routers and switches. This equipment is used to transport City network data, including fire station alerting, telephone, utilities, and other digital communications over the City's private microwave radio network. Services include an extended warranty with a no-charge, ten-day equipment replacement, all software and firmware upgrades and factory technical support.

Communications and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidder, Enterprise Networks Solutions (a Mesa business), at \$40,653.00 annually, based on estimated requirements.

- \*4-e. Three-Year Term Contract for Water/Wastewater Treatment and Pool Chemicals for the Water Resources, Parks, Recreation and Commercial Facilities Departments, and Materials and Supply Warehouse. **(Citywide)**

The City of Mesa, as the lead agency, solicited bids for a multi-year, multi-agency contract for water/wastewater treatment and pool chemicals. Water Resources and several other departments within the City have combined the majority of their water treatment chemicals under this one contract. Other participating agencies, including Queen Creek, Gilbert, Peoria Unified School District, Sierra Vista, Mohave County, Marana Unified School District, Glendale and Peoria, provided their estimated annual chemical usage for the solicitation and will be purchasing from the resulting contract.

Water Resources, Parks, Recreation and Commercial Facilities, and Business Services recommend awarding the contract to the lowest priced, responsive and responsible bidders: A&M Corson's Aqua Value, AllChem Performance Products, Inc., Brenntag Pacific, Inc., Chemtrade Chemicals US LLC, DPC Enterprises, L.P., Evoqua Water Technologies LLC, H2Ology, Hill Brothers Chemical, Kemira Water Solutions, Inc., Leslie's Swimming Pool Supplies, Polydyne, Inc., Salt Works, Standard Purification, and Thatcher Company of AZ, at \$3,052,952.75 annually, based on estimated requirements.

- \*4-f. One-Year Renewal of the Term Contract for Sludge Grinder Repairs and Replacements for the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide sludge grinder cutter cartridges for rotational repairs to the 11 grinders located at the Greenfield and two grinders at the Southeast Water Reclamation Plants. Their purpose is to grind any material that may be used in the transfer of sludge to prevent the material from clogging pumps and lines.

Water Resources and Purchasing recommend authorizing a one-year renewal with Sole Source vendor, JWC International, LLC, at \$76,000.00 annually, based on estimated requirements.

- \*4-g. Three-Year Term Contract for Natural Gas Pipe and Fittings for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

The Gas Utility uses natural gas pipe and fittings for new construction projects and maintenance and repair of existing facilities. The contract will establish an approved vendor list and the awarded vendors will be eligible to competitively quote for the individual natural gas pipe and fittings purchases.

Business Services and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidders: Border States Electric, Ferguson Waterworks, Brown Wholesale, and Western Natural Gas Products, not to cumulatively exceed \$341,200.00 annually, based on estimated requirements.

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

- \*4-i. Four-Month Term Contract for Generator Rental for the Water Resources Department. **(Citywide)**

Water Resources requests to rent a generator to mitigate the risk of possible loss of power at the Desert Wells Pump Station #1 at Recker and McDowell during the high water demand months from June through September. For the last two summers, the City has rented a temporary generator and placed it at this location to ensure water delivery to the customers in that pressure zone.

Water Resources and Purchasing recommend authorizing a four-month agreement using the City of Chandler cooperative contract with Valleywide Generator Service (a Mesa business), at \$42,000, based on estimated requirements.

\*4-j. Mesa Falcon Field Airport (FFA) Ramp Rehabilitation and Replacement – Phase 2. **(District 5)**

This proposed project will rehabilitate and upgrade approximately 76,585 square yards of asphaltic concrete pavement, using milling and overlay methods, for existing aircraft parking and ramp areas in the southwest quadrant of Falcon Field Airport. The result of these improvements will be a uniform four-inch asphalt pavement thickness and rating.

Recommend award to the lowest responsible bidder, Nesbitt Contracting Company, Inc., in the amount of \$1,826,650.75, plus an additional \$182,665.08 (10% allowance for change orders), for a total amount of \$2,009,315.83. ADOT will reimburse the City for 90% of the eligible project costs up to \$1,800,000.00, with the City of Mesa responsible for the remaining costs of up to \$209,315.83. Funding is available from the FY 14/15 Falcon Field Capital Program.

\*4-k. Ivyglen Sulfide Control Rehabilitation, 425 West Ivyglen Street. **(District 1)**

This project will upgrade the Ivyglen Sulfide Control Station to meet current design standards and to provide continued odor control within the existing wastewater system.

Recommend award to the lowest responsible bidder, Felix Construction Company, Inc., in the amount of \$506,895.00, plus an additional \$50,689.50 (10% allowance for change orders), for a total award of \$557,584.50. This project is available from voter-approved 2006 Wastewater Bonds.

\*4-l. Southern Avenue Improvements, Alma School Road to Dobson Road. **(District 3)**

This request is to increase the current contract amount for this project to cover the cost of the asphalt replacement on Southern Avenue, east of the Alma School Road intersection, ensuring a smooth transition to the new paving in the intersection. In addition, the City's standard for asphalt paving changed after design of the project was completed, which increased the cost for paving Southern Avenue and surpassed the 3% contingency of the original contract.

Recommend to increase the contract amount by \$400,000.00 to Haydon Building Corp., for a new total project cost of \$10,193,743.39. Funding is available from the 2013 Streets Bond Authorization and Environmental Compliance Fund.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to accept funds from the Arizona Supreme Court through a Case Processing Assistance Fund grant agreement. The funding agreement provides \$65,000 for overtime expenses at the Mesa Municipal Court relating to the Public Safety Assessment-Court (PSA-Court) Pilot Program **(Citywide)** – Resolution No. 10481.
- \*5-b. Approving and authorizing the City Manager to accept funds in the amount of \$140,063 to purchase a disk-based backup system for the Police Department's Information Technology Unit. These funds are made available from 2014 Byrne Justice Assistance Grant Program **(Citywide)** – Resolution No. 10482.
- \*5-c. Approving the use of the Street Assessment Statute Law ("Assessment Law") for street assessment improvements for Hawes and Medina Park and Offsite Roadway Improvements. The roadway improvements are along Hawes Road, beginning at Guadalupe Road and ending approximately 900 feet south of Baseline Road. Improvements will include asphalt pavement, curb and gutter, sidewalk, landscaping, and pavement markings **(District 6)** – Resolution No. 10483.  
  
This project is scheduled to bid in May 2014 and construction is anticipated to begin in July 2014. The total estimated assessment for each of the Properties is as follows: 1) Parcel No. 304-03-010M: \$26,043.83; 2) Parcel No. 304-03-845A: \$3,515.69. Once constructed, the actual cost of the Street Assessment Improvements will be used to assess the lien.
- \*5-d. Approving and authorizing the City Manager to enter into an Amended and Restated Community Maintenance Agreement with DMB Mesa Proving Grounds, LLC, and Eastmark Community Alliance, Inc., for maintenance of specialty features and materials, arterial roadway landscaping, and the Great Park associated with the development of Eastmark **(District 6)** – Resolution No. 10484.
- \*5-e. Approving and authorizing the City Manager to enter into a Community Maintenance Agreement with JEN ARIZONA 4, LLC, and Estates at Eastmark Homeowners Association, Inc., for maintenance of specialty features and materials and arterial roadway landscaping associated with the development of Estates at Eastmark (Development Unit 8 of Eastmark) **(District 6)** – Resolution No. 10485.
- \*5-f. Approving and authorizing the City Manager to enter into a Community Maintenance Agreement with AVH EM, LLC, and Encore at Eastmark Homeowners Association, Inc., for maintenance of specialty features and materials and arterial roadway landscaping associated with the development of Encore at Eastmark (Development Unit 9 of Eastmark) **(District 6)** – Resolution No. 10486.
- \*5-g. Approving and authorizing the City Manager to enter into an Easement Agreement with BASIS School, Inc., for the shared use of a retention basin adjacent to the Eastmark Great Park and the maintenance of the retention basin area by the City or contractor commensurate with the maintenance of the Eastmark Great Park **(District 6)** – Resolution No. 10487.

- \*5-h. Approving and authorizing the City Manager to enter into an Amended and Restated Development Agreement with Escobedo at Verde Vista, LLC, (Phase I) for a project on City-owned property located east of Center Street and on the north and south sides of University Drive (**District 4**) – Resolution No. 10488.
- \*5-i. Approving and authorizing the City Manager to enter into a long-term Amended and Restated Ground Lease agreement with Escobedo at Verde Vista, LLC, (Phase I) for a project on City-owned property located east of Center Street and on the north and south sides of University Drive (**District 4**) – Resolution No. 10489.
- \*5-j. Approving and authorizing the City Manager to enter into an Amended and Restated Development Agreement with Escobedo at Verde Vista II, LLC, (Phase II) for a project on City-owned property located east of Center Street and on the north and south sides of University Drive (**District 4**) – Resolution No. 10490.
- \*5-k. Approving and authorizing the City Manager to execute a long-term Amended and Restated Ground Lease agreement with Escobedo at Verde Vista II, LLC, (Phase II) for a project on City-owned property located east of Center Street and on the north and south sides of University Drive (**District 4**) – Resolution No. 10491.
- \*5-l. Vacate the right-of-way of East 5<sup>th</sup> Street in the 400 Block of North Pasadena for the Escobedo at Verde Vista Phase II Development (**District 4**) – Resolution No. 10492.

The right-of-way is being vacated to accommodate the next phase of development for Escobedo at Verde Vista.

- \*5-m. Approving and authorizing the City Manager to enter into a Memorandum of Understanding with the Mesa Police Association – Resolution No. 10493.
- \*5-n. Approving and authorizing the City Manager to enter into a Memorandum of Understanding with the United Mesa Fire Fighters Association – Resolution No. 10494.

6. Introduction of the following ordinance and setting July 1, 2014 as the date of the public hearing on this ordinance:

- \*6-a. **Z14-026 (District 3)** 610 West Jerome Avenue. Located west of Country Club Drive and north of Baseline Road (1.78± acres). Site Plan Modification and modification of the existing BIZ overlay within an LI zoning district. This request will allow the development of a healthcare facility. Richard Clutter, EMC2 Architects, applicant; Bill Timmons, Hacienda Healthcare, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 5-0-1, Absent: Boardmember Arnett, Abstain: Vice Chair Coons.)

7. Take action on the following recommendation from the Audit, Finance and Enterprise Committee:

- \*7-a. Accepting the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2013.

**Items not on the Consent Agenda**

- 4-h. Purchase of a Replacement Helicopter for the Police Department, Aviation Unit (Sole Source). **(Citywide)**

The Mesa Police Department Aviation Unit currently operates three MD 500E helicopters. The oldest aircraft of the three needs to be replaced. It was acquired in 1994 and has nearly 20,000 airframe hours. The Police Department is requesting and recommending continuing to operate MD helicopters due to standardization of pilot training, mechanic training and parts inventory, which results in operating efficiencies and cost-savings.

MD Helicopters has provided a Purchase Agreement in the amount of \$3,192,316.00, which includes a deposit requirement of \$798,079 at the time of order. Police and Purchasing recommend awarding the contract to the sole source vendor, MD Helicopters, Inc., (a Mesa business), at \$3,192,316.00. This purchase is funded by 2013 Public Safety Bonds.

Mesa Police Chief Frank Milstead addressed the Council and introduced Assistant Police Chief Mike Dvorak, who was prepared to respond to any questions the Council might have.

Chief Milstead reported that included in the 2013 Public Safety Bond package was a request to purchase a new helicopter for the Mesa Police Department (MPD). He explained that the request was made in order to replace the MPD's 504 helicopter, a 1996 MD 500E model, the oldest helicopter in the fleet. He stated that two weeks ago, the helicopter experienced a catastrophic engine failure, which caused the pilots to make an emergency landing. He added that as a result, the helicopter was considered a total loss.

Chief Milstead indicated that in seeking out a new helicopter, staff determined that it was advisable to upgrade to an MD 530F model. He noted that the aircraft has a stronger and more powerful engine that is adaptable to Arizona's extreme heat, thereby increasing the safety parameters for the pilots. He further remarked that the helicopter was bid by sole source, based on the fact that MD Helicopters, which is located in Mesa, is the only manufacturer of that particular helicopter.

Chief Milstead, in addition, remarked that the average life of a helicopter is approximately 12 years; that the 1996 MD 500E has approximately 20,000 airframe hours; that a helicopter becomes used or old with approximately 10,000 airframe hours; that the purchase of a new helicopter would provide the MPD with at least 12 years of service; that currently, MPD's helicopters are flown an estimated 800 hours per year; and that as the MPD continues to upgrade its fleet, staff would propose to replace the older units with the MD 530F.

Chief Milstead also commented that the purchase of the new helicopter includes a warranty for three years or 2,000 airframe hours; that there would be no significant maintenance for the first three years or approximately 2,400 hours of the new aircraft; and that training for five pilots and two mechanics would be included in the purchase of the new aircraft.



Tina Cannon, a Mesa resident and local business owner, addressed the Council and stated the opinion that a sole source condition does not exist with respect to this item. She highlighted the language in the City of Mesa Procurement Rules, Sections 4.22 "Sole Source Procurements" and 4.22 A to illustrate her reasoning for that opinion. **(See Attachment 1)**

Ms. Cannon stated that back in May, she wrote to the Mayor and Council to advise them that she had an alternative for them to consider as opposed to moving forward with the proposed contract. She explained that housed at her business facility is an MD 530F helicopter, which is owned by a client of hers. She pointed out that the helicopter has only 126 airframe hours and "still has a new car smell." She added that she did not understand how 126 airframe hours equates to paying \$550,000 more for that helicopter or buying it new from MD Helicopters.

Ms. Cannon further remarked that in addition to the \$550,000 procurement price, the MPD asked that her company quote the options list, which it did. She stated that her company's quote was \$196,000 less than that from the factory. She noted that the City would save nearly three-quarters of a million dollars, in addition to a savings on taxes, since the procurement cost would be less. She reiterated that she did not understand how .63 of one percent of the life of the helicopter, (126 hours versus 20,000 hours) is worth over three-quarters of a million dollars

Ms. Cannon, in addition, commented that several years ago, the U.S. Department of State was interested in purchasing five MD 530F helicopters to be sent to Iraq to carry the country's men and women who are serving in the Armed Forces. She stated that the government's only requirement was that the aircraft have 200 airframe hours or less. She added that if such a requirement was acceptable by the Department of State, why that would not be the case for the City of Mesa.

In response to a question from Councilmember Richins, Ms. Cannon commented that based on buying aircraft new from MD Helicopters as opposed to sourcing options, in her opinion, it would be helpful for the MPD and the Council to conduct additional research to determine if, in fact, her proposed option is a good value.

Ms. Cannon further spoke regarding various warranties as follows: MD Helicopters warranties the workmanship of the fuselage; Rolls-Royce warranties the engine; Helicopter Technology warranties the blades; and MD Helicopters does not warranty the batteries, avionics and other items. She suggested that the pilots from the MPD Aviation Unit come to her facility and fly the helicopter, inspect the parts and equipment, review the paperwork and log book and then make a decision.

Councilmember Richins stated that he would be inclined to have staff conduct a cost benefit analysis of the option proposed by Ms. Cannon.

Mayor Finter pointed out that Ms. Cannon's e-mail referenced "an unofficial estimate" and stated that her proposal was not an "official bid" that included a warranty, training for the pilots and mechanics and other items.

Ms. Cannon responded that the June 16, 2014 City Council Report indicates that no additional training will be needed due to the fact that flying the 500E and 530F models is

quite similar. She also commented that the same would apply to the mechanics. She said that the annual inspection on the helicopter has just been completed and that the aircraft was available immediately. She added that her estimate includes a warranty for all of the options that were quoted.

In response to a question from Councilmember Kavanaugh, Business Services Department Director Ed Quedens clarified that if the City elected not to purchase the helicopter from MD Helicopters as a sole source vendor, then it would be necessary to go out for bid.

Responding to a question from Councilmember Somers, Chief Dvorak advised that since the new helicopter was not going to be acquired through a bid process, staff was seeking cost estimates from Ms. Cannon's company, a Mesa business, with respect to the configuration of the police-related equipment so that the aircraft would be functional and serve its purpose.

Chief Dvorak reiterated that from the inception of this process, staff intended to purchase a new helicopter, as reflected by the language contained in the bond package. He stated that for that reason, the City did not go out for bids to acquire a used helicopter.

Chief Milstead further remarked that the MPD looked at the new helicopter and in different configurations. He pointed out that he and Police Aviation Administrator John Cauthen met with the CEO of MD Helicopters and negotiated a price, with the bond dollars that were authorized, for the new helicopter and all of the necessary accessories. He added that staff did not examine Ms. Cannon's helicopter, but only the parts.

In response to a question from Councilmember Somers, Chief Milstead indicated that he never saw Ms. Cannon's helicopter and had no idea what it would take to bring it up to the specifications of the aircraft being voted on tonight.

Ms. Cannon respectfully disagreed with Chief Milstead's comments and stated that the MPD Aviation Unit did, in fact, examine the helicopter at her facility. She stated that the list of options she was asked to quote was based on the configuration of the aircraft. She added that it was her understanding that the information was submitted to the City and the MPD chose to purchase a new helicopter.

Councilmember Richins suggested that this matter be tabled for a few weeks so that staff and the Council could conduct further research in this regard.

It was moved by Councilmember Richins, that this item be tabled until the July 1, 2014 Regular Council Meeting.

In response to a question from Councilmember Benelli, Mr. Cauthen clarified that the contract that was negotiated by the parties includes training for five pilots and two mechanics. He stated that Ms. Cannon was correct that the MD 530F helicopter is very similar to the MD 500E, but noted that there are some differences mechanically with respect to the engine, as well as starting the aircraft. He explained that he would not anticipate substantial training, such as to train a new pilot, but rather a review of safety measures to ensure that the pilots are flying in accordance with the published manuals.

Discussion ensued relative to the ongoing investigation of the aircraft that experienced the recent engine failure; that the National Transportation Safety Board (NTSB) and the Federal Aviation Administration (FAA) have taken over the investigation; that the engine was sent to the Rolls-Royce facility; that as a result of the incident, the Air Unit has gone from three aircraft in the operational rotation to two aircraft; that the Air Unit currently flies 2,500 hours per year, which will now be divided between the two remaining aircraft; that the maintenance dictated by the FAA is on a calendar year; that the MPD conducts a progressive maintenance program, which breaks up the annual maintenance over a course of six phases and allows the aircraft to operate on a more routine basis; and that having a third aircraft as soon as possible will be extremely helpful.

Mr. Cauthen commented that staff is aware that by going through MD Helicopters, in accordance with the bond language, it will allow the MPD to purchase a new aircraft in a timely manner. He explained that the City is purchasing the base model helicopter, including all of the options that are required by the Department in order to fulfill its mission. He added that it was his understanding that the City should be able to receive the aircraft within three to six months. He noted, on the other hand, if the City goes out to bid nationwide, it is likely that a bid could be awarded for the purchase of a helicopter and a second bid awarded for the completion work on the aircraft.

Councilmember Richins inquired why the City could not just go out to bid for the completed helicopter and include all of the necessary specifications in the bid.

Mr. Cauthen responded that he did not know that the City was precluded from proceeding in that manner, but noted that in this case, staff never got to that point.

Responding to comments from Councilmember Richins, Chief Milstead clarified that MD Helicopters initially quoted a price for the aircraft that was several hundred thousand dollars more than the City could afford. He stated that he and Mr. Cauthen negotiated the price down similar to what someone would do at a car dealership when purchasing a new vehicle.

Councilmember Richins commented that it seemed somewhat odd that staff is negotiating with someone directly and then pushing off another proposal by saying it would delay the process and it would be necessary for the City to issue a Request for Proposals (RFP). He reiterated that he would prefer to continue this item for a couple weeks so that staff can conduct a cost benefit analysis of Ms. Cannon's proposal.

Councilmember Somers inquired if this matter was delayed for two weeks, whether the City would lose the negotiated purchase price that the parties agreed to.

City Manager Christopher Brady stated that he was sure MD Helicopters would be willing to hold its price for a few weeks. He indicated that if the Council is agreeable, staff could make a presentation at the June 26, 2014 Study Session regarding their cost comparison analysis of Ms. Cannon's proposal. He further remarked that if the Council chooses not to move forward with the Purchase Agreement with MD Helicopters, it would be necessary for the City to restart this process and go out for bids with parameters for a used helicopter. He added that even though Ms. Cannon has offered another option for the Council to consider, they would not be able to consider it without the City going out for bids.

Councilmember Kavanaugh expressed opposition to the motion. He indicated that the City's past experience of purchasing used helicopters has resulted in lengthy delays of adding an aircraft to the MPD's fleet. He stated that if this item had been brought to the Council a month ago, he might have supported a continuance. He noted, however, that with one fewer aircraft patrolling the community, it was imperative that a replacement helicopter be acquired as soon as possible.

Councilmember Kavanaugh further remarked that there have been extensive discussions and challenging negotiations between the City and MD Helicopters regarding the price of the new helicopter. He stated that he would doubt that a cost comparison analysis would come to a different conclusion and added that he would not support further delays in the MPD acquiring a new helicopter.

Responding to a question from Councilmember Luna, Mr. Brady clarified that the MPD and Purchasing made the determination that there was sufficient reason and need for the MPD to purchase a new helicopter. He explained that once staff came to that conclusion, the only option they pursued was to purchase the same type of MD helicopter that is currently in the Air Unit's fleet. He stated that this factor, in turn, led staff to the sole source procurement and the discussions and negotiations with MD Helicopters.

Councilmember Richins remarked that he was not concerned about the MPD having a used helicopter and noted that the City has made similar purchases in the past.

Councilmember Somers commented that given the information the Council has been provided this evening, they owe it to the taxpayers to table this matter for two weeks so that staff can provide a more detailed explanation as to why they "took the path that they did."

Councilmember Somers seconded the motion.

Mayor Finter indicated that during his tenure on the Council, he has observed that the MPD purchasing used aircraft, including fixed-wing and rotorcraft, has not been a positive experience. He stated that what seems like a low bid has ended up costing the City a fortune in the long run. He noted that with respect to Ms. Cannon's option, she listed a price for the helicopter, but did not include sales tax and several other items. He added that for those reasons, he would not support the motion.

Mayor Finter called for the vote.

Upon tabulation of votes, it showed:

AYES – Benelli-Richins-Somers  
NAYS – Finter-Glover-Kavanaugh-Luna

Mayor Finter declared the motion failed by lack of a majority vote.

It was moved by Councilmember Luna, seconded by Councilmember Kavanaugh, that staff's recommendation to purchase a replacement helicopter for the Mesa Police Department's Aviation Unit be approved.

Councilmember Somers commented that although he would have preferred that staff provide additional information to the Council in this regard, he would support the motion.

Councilmember Benelli stated that after the meeting, she would like staff to update her relative to the City's purchase of used helicopters in the past.

Councilmember Richins indicated that a vote in opposition to the motion is not a vote against the City purchasing a helicopter for the MPD's Aviation Unit. He stated that he would have preferred to have the additional time to consider the matter.

Mayor Finter called for the vote.

Upon tabulation of votes, it showed:

AYES – Finter-Benelli-Glover-Kavanaugh-Luna-Somers  
NAYS – Richins

Mayor Finter declared the motion carried by majority vote.

8. Conduct a public hearing and take action on the following resolution regarding a new General Plan:

- 8-a. Conduct a Public Hearing on a new General Plan – This is My Mesa: Mesa 2040 General Plan.

Mayor Finter announced that this was the time and place to conduct a public hearing regarding a new General Plan.

Councilmember Somers thanked staff for their efforts and hard work in creating a vision for the City as a whole. He stated that the new General Plan focuses not only on great neighborhoods, but also addresses the preservation of Mesa's economic and transportation corridors and airport regions for the purpose of high-wage job growth.

Kenneth Steel, representing the Arizona Alliance for Livable Communities, expressed support for This is My Mesa: Mesa 2040 General Plan. He highlighted three key components of the General Plan as follows: Mesa neighborhoods and character areas; healthy community design; and transportation options. He expressed appreciation to City staff for their efforts and hard work and also the community members who served on the General Plan Advisory Committee.

David Dube, who represents the Maricopa County Department of Public Health, concurred with the comments of the previous speaker. He thanked City staff for their professionalism and dedication in drafting a document that will benefit the City of Mesa for years to come.

With no additional citizens wishing to address the Council, the Mayor declared the public hearing closed.

- 8-b. A resolution adopting a new General Plan – This is My Mesa: Mesa 2040 General Plan – Resolution No. 10495.

It was moved by Councilmember Richins, seconded by Councilmember Somers, that Resolution No. 10495 be adopted.

Carried unanimously.

9. Items from citizens present.

Wally Rodgers, a Mesa resident, spoke regarding the trap, neuter, return program for wild, free-roaming feral cats, which is addressed under A.R.S. § 13-2910. He noted, however, that there is no protection offered for fixed, managed, fed and veterinary-cared for feral cat colonies. He proposed that the City of Mesa draft an ordinance that would protect these animals and added that the efforts of individuals, such as himself, who care for these cats is being nullified by the mass euthanization of fixed and managed feral cat colonies.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:03 p.m.

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ALEX FINTER, 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 16<sup>th</sup> day of June 2014. 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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#### 4.20 Responsibility of Respondents

- A. Factors to be considered in determining if a Respondent is Responsible include:
1. The Respondent's financial, physical, personnel or other resources, including Subcontracts.
  2. The Respondent's record of performance and integrity.
  3. Whether the Respondent is legally qualified to Contract with the City.
  4. Whether the Respondent, including all Affiliates, is current in obligations due the City.
  5. The degree to which a Respondent promptly supplies information in connection with an inquiry with respect to Responsibility.
- B. If the Procurement Officer determines that a Respondent is Non-Responsible, the Procurement Officer will issue a Determination that sets forth the basis for the decision. The Determination shall be made part of the Procurement file.
- C. A notice shall be promptly sent to the Non-Responsible Respondent. The notice shall state:
1. The basis for the decision.
  2. That Responses shall not be solicited or accepted from the Vendor and, if received, will not be considered.
  3. That the decision may be protested as provided in Article 6.
- D. Information furnished by a Respondent determined to be non-Responsible this Section shall not be disclosed outside of the office of the Procurement Officer without prior written consent by the Respondent except to the extent set forth in Section 6.13.

#### 4.21 Extension of Response Acceptance Time

After receipt of Responses, the Procurement Officer may request in writing Respondents who have submitted timely Responses to extend the time during which the City may accept their Responses. A Respondent may withdraw their Response without penalty if they submit a written request subsequent to the notification of the extension. No other modifications shall be allowed.

#### 4.22 Sole Source Procurements

A Contract may be Awarded for a Material or Service without competition if the Procurement Officer determines in writing that there is only one source for the required Material or Service. Sole source procurements should be avoided, unless there is only one source for the required Material or Service and no other type of Materials or Service will satisfy the requirements of the City.

- A. City Departments seeking a Sole Source Procurement shall prepare a written request documenting the existence of a Sole Source condition, including why no other type of Material or Service will satisfy the needs of the City and the specific efforts made to determine the availability of any other source. The Department Head and Chief Procurement Officer shall approve the request.
- B. The Procurement Officer may require the submission of cost or pricing data in connection with an Award under this Section.