



COUNCIL MINUTES

March 18, 2013

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 18, 2013 at 5:46 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Invocation by Pastor Neal Snider, St. Peter Lutheran Church.

Pledge of Allegiance was led by Councilmember Somers.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and 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.

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

Carried unanimously.

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

Minutes from the January 31, 2013, February 14, 2013, and March 4, 2013 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Arizona Community Foundation

This is a two-day charitable event to be held Friday, April 12, 2013, from 6:00 p.m. to 9:00 p.m. and Saturday, April 13, 2013, from 6:00 p.m. to 9:00 p.m. at 845 South Crismon Road. **(District 6)**

*3-b. Military Assistance Mission

This is a one-day charitable event to be held Saturday, May 25, 2013, from 10:00 a.m. to 10:00 p.m. at 922 South Country Club Drive **(District 4)**

*3-c. 99 Cent Store 145

New Beer and Wine Store License for 99 Cent Store 145, 1120 South Country Club Drive, 99 Cents Only Stores of California Inc. – Randy D. Nations, agent. This is an existing building without an active liquor license at this location. **(District 4)**

4. Take action on the following contracts:

*4-a. Additional Telephones and Hardware for the Citywide Telephone System Replacement/Unified Communications System Project. **(Citywide)**

The project to replace the City's aging telephone system is two-thirds complete with the completion anticipated by June, 2013. This request is for the final phones, equipment and licensing needed to complete replacement of the 3,900-device system that provides redundancy for critical services. Because this new system runs on the computer network, hardware and services were purchased to provide key locations in the City infrastructure to ensure phone service during a network outage and this purchase will provide the necessary components to extend this critical functionality to the City Fire Stations. Also, this has been a multi-year initiative and additional phones are needed to finish the project.

Information Technology and Purchasing recommend authorizing the purchase from Siemens, Inc., for \$229,063.91, including applicable taxes.

*4-b. Purchase of Server Licenses to Upgrade the Police Department's Laboratory Information Management System. **(Citywide)**

Since 2007, Mesa Forensic Services has been using the JusticeTrax Laboratory Information Management System (LIMS) software to track evidence throughout the lab, record scientific results, and to report their findings upon completion of scientific analysis. Forensic Services is completely paperless and all work conducted in the laboratory is retained in the LIMS system. JusticeTrax, Inc. is the Mesa-based corporation that exclusively manufactures and distributes the LIMS software.

JusticeTrax, Inc. has discontinued future support of Oracle servers for their systems and now supports SQL servers. This upgrade will move the LIMS system from an Oracle server to a SQL server. This conversion is critical to keep Mesa operational with the JusticeTrax system.

Police and Purchasing recommend authorizing the purchase using the State of Arizona, WSCA cooperative contract with SHI International, Corp. at \$26,556.19. This purchase is funded by an Arizona Criminal Justice Commission, Full Service Crime Lab Grant.

*4-c. Purchase of One Replacement Motorcycle for the Police Department. **(Citywide)**

The Police Department's motorcycle fleet consists of 29 motorcycles, 25 utilized for traffic enforcement and four older units for training new officers. Once a motorcycle has been damaged beyond repair during police patrol, a replacement is needed. The replacement motorcycle will maintain the fleet of 29. The Kawasaki ZG1400 was specified to be consistent with the existing motorcycle fleet.

Fleet Services, Police and Purchasing recommend awarding the contract to the single bidder, Kelly's Kawasaki (a Mesa business), at \$30,831.06. This purchase is funded by the Vehicle Replacement Fund.

*4-d. Purchase of Additional Replacement Dual Band Two-Way Portable and Mobile Radios and Accessories for the Fire and Medical Services Department. **(Citywide)**

Mesa Fire and Medical Services and Apache Junction Fire District, through a regional partnership, are replacing radios on operational pumpers, ladders and rescues. This purchase will provide 17 portable and 2 mobile Dual Band Two-Way Radios and accessories. The radios are needed to meet the mandates required in the Federal Communications Plan. This is an additional purchase under the original grant award.

Fire and Medical and Communications recommend awarding the contract to the single bidder, Motorola Solutions, Inc., at \$132,719.41, including applicable tax. This purchase will be funded by the Assistance to Firefighter Grant at \$101,567.07 and through a budgeted City match from the Capital General Fund at \$31,152.34; with \$10,315.44 reimbursed by Apache Junction Fire District.

*4-e. Purchase of Replacement Carpet at two City locations as requested by the Facilities Maintenance Department. **(Citywide)**

The Fire Admin/Life Safety Office has 25 year-old carpet that is in poor condition and the life cycle of this carpet has been exceeded and needs to be replaced. The Museum for Youth has also requested that their worn carpet be replaced at this time as part of the rebranding and renovation of the museum.

Facilities Maintenance recommends authorizing the purchase using the State of Arizona cooperative contract with Continental Flooring at approximately \$30,000, including applicable construction sales tax.

- *4-f. Two-Year Renewal of the Term Contract for Deceased Animal Collection Services for the Neighborhood Outreach/Animal Control Department. **(Citywide)**

This contract provides for the removal and disposal of carcasses of all animals that are reported to be on the public right-of-way within the corporate limits of the City of Mesa. The vendor is responsible for proper disposal by cremation or other means in accordance with the standards and methods approved by the Maricopa County Health Department. In addition, the contractor must possess a valid medical waste haulers permit from Maricopa County Environmental Services Department.

Neighborhood Outreach/Animal Control and Purchasing recommend authorizing a two-year renewal with APM/Couts Enterprises, Inc., dba Arizona Pet Mortuary, at \$50,400 annually.

- *4-g. Purchase of a Replacement Medium-Duty Truck with an Aerial Bucket Device and Utility body for the Transportation Department. **(Citywide)**

The bucket truck will be used by the Intelligent Transportation Systems group in Transportation primarily for routine and emergency maintenance of the traffic signal systems. The vehicle is engineered to support the maintenance of energized lines, luminaires, traffic signals, etc.

Fleet Services and Transportation recommend awarding the contract to the lowest, responsive and responsible bidder, Berge Ford (a Mesa business), at \$120,584.22. This purchase will be funded by the Vehicle Replacement Fund.

- *4-h. Three-Year Term Contract for Preformed Thermoplastic Pavement Marking Materials for the Transportation Department. **(Citywide)**

This contract will provide preformed thermoplastic pavement marking for use by Transportation Traffic Operations. These durable retro-reflective materials will be suitable for use as a lane line, delineation, crosswalk, stop line, legend or symbol marking for use on roadways, bike lanes, intersections or parking lots.

Transportation recommends awarding the contract to the lowest, responsive and responsible bidder, Flint Trading, Inc., dba Ennis-Flint, at \$45,600.00 annually, based on estimated requirements.

- *4-i. Chicago Cubs Spring Training Facility and Riverview Site Development Riverview Park Package. **(District 1)**

The Riverview Park Package is the final Guaranteed Maximum Price to be awarded to Hunt Construction Group for the Construction Manager at Risk. This package includes, but is not limited to, the following components: landscaping and irrigation systems, hardscape, water features including fountains and splash deck, site lighting and electrical, ramadas, rock wall, site furnishing, and restroom and irrigation pump station building.

The recommended total GMP award amount for this project is \$8,360,000.00. Funding is available in the 2012 Park Bonds, the FY 12/13 General Fund Capital, and the FY 12/13 Cubs' Stadium Bond program.

- *4-j. Purchase of Four New Submersible Pad-Mounted Transformers for the Energy Resources Department. **(District 4)**

This contract will provide two types of submersible pad-mounted transformers for the Encore on First Project at 25 West 1st Avenue. One of each type of transformer is required to provide new electrical services at the location and the others will be necessary spares.

Energy Resources – Electric Utility, Engineering and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Wesco Distribution ABQ, dba Wesco Distribution, at \$87,152.76, including applicable sales tax. This purchase is fully funded by Electric Utility Bonds.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Town of Florence for the sharing of radio communications sites and facilities **(Citywide)** – Resolution No. 10195.
- *5-b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Apache Junction Fire District, the Town of Queen Creek Fire Department and the Federal Emergency Management Agency (FEMA) to accept grant funds in the amount of \$333,280, with a required applicants' match of \$83,320 (which will be funded at estimated costs by Mesa at \$63,740, Apache Junction Fire District at \$13,780 and Queen Creek at \$5,800) for total project funds of \$416,600. The project funds will be used for the assistance in funding a regional ground survival training along with the purchase of equipment and training supplies **(Citywide)** – Resolution No. 10196.
- *5-c. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement with DMB Mesa Proving Grounds LLC, a Delaware Limited Liability Company, in the amount of \$556,829.50, for a residential development known as Eastmark Phase 1, located at 5014 South Signal Butte Road **(District 6)** – Resolution No. 10197.
- *5-d. Extinguish all Drainage Easements on the final plat of Crismon Commons East **(District 6)** – Resolution No. 10198.

The Development and Sustainability Department requires the extinguishment of these easements as part of the plan to replat and resubdivide this area as Crismon Gateway. Under the new approved plat, the drainage areas have been redesigned to avoid conflicts with the proposed improvements.

- *5-e. Extinguish three Temporary Retention Easements at 2850 South Country Club Drive **(District 3)** – Resolution No. 10199.

Prior to development of this parcel, these Temporary Retention Easements were dedicated to address drainage issues in the area. Retention improvements were installed when the property was later developed. The owner of this property is requesting these easements be extinguished to clear these encumbrances from the title.

- *5-f. Approving and adopting a resolution amending the twenty-sixth supplemental resolution authorizing the issuance and sale of City of Mesa, Arizona Utility Systems Revenue Refunding Bonds to provide flexibility regarding the payment dates for the payments to be made into the bond fund for the refunding bonds – Resolution No. 10200.
- *5-g. Staff has successfully negotiated purchases on 100 parcels (64 property owners) and continues to negotiate with the remaining 23 parcels (17 property owners), but have not yet been able to acquire the property. Staff is requesting approval to continue negotiations to acquire certain property along the Central Mesa Light Rail Extension (Sycamore Light Rail Station to Country Club Drive, along Main Street), and if necessary to avoid construction delays, authorizing and directing staff that fee title, easements or other interests in and possession of certain real property be acquired by the City of Mesa through eminent domain as a matter of public necessity (**District 4**) – Resolution No. 10201.
- *5-h. Adopting a resolution authorizing the execution and delivery of a purchase agreement, trust agreement, continuing disclosure certificate, obligation purchase contract and approving an official statement; approving the sale and proportionate interest of Excise Tax Revenue Obligations, Series 2013 evidencing a proportionate interest of the owners thereof in the purchase agreement; and authorizing related documents; and declaring an emergency – Resolution No. 10202.

6. Introduction of the following ordinances and setting April 1, 2013, as the date of the public hearing on these ordinances:

- *6-a. **A12-08 (District 5)** Annexing land located north of the northeast corner of Brown and Crismon Roads. 14.31 ± ac. Initiated by the property owners.
- *6-b. **Z13-10 (District 5)** The 1200 through 1300 blocks of North Crismon Road (east side). Located north of Brown Road on the east side of Crismon Road (15.53± acres). Rezone from Maricopa County R1-35 to City of Mesa RS-35. This request will establish City zoning on recently annexed property. La Jara Farms LLC, owner; Beus Gilbert PLLC, applicant. (PLN2012-00437)

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 5-0, Boardmembers Arnette and Hudson absent.)

- *6-c. **Z13-11 (District 5)** The 1200 through 1300 blocks of North Crismon Road (east side). Located north of Brown Road on the east side of Crismon Road (15.53± acres). Rezone from RS-35 to RS-15 Pad and Site Plan Review. This request will allow the development of a single-residence subdivision. La Jara Farms LLC, owner; Beus Gilbert PLLC, applicant. (PLN2012-00437)

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 5-0, Boardmembers Arnette and Hudson absent.)

- *6-d. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Speed Limits (50mph): 10-4-2 and Speed Limits (45 mph): 10-4-3

Increase the speed limit from 45 mph to 50 mph on Ellsworth Road from Elliot Road to the south City limits. **(District 6)**

Items not on the Consent Agenda

(Note: This item was added to the Consent Agenda at the Study Session preceding the Regular Council meeting.)

7. Take action on the following contract:

- *7-a. Broadway Road Improvements – Sossaman Road to Hawes Road **(District 5)**

In 1972, Broadway Road between Sossaman and Hawes Roads was built with an inverted crown and without a storm drain system. During severe weather, this section of Broadway Road floods to the point it is impassable and the road must be completely closed. This project will remove the inverted crown and replace it with the City's standard crowned roadway section and a new storm drain system. The new storm drain system will collect and convey stormwater to the Sossaman Road drainage channel. Other improvements include; widening the Project area to three through lanes, dual left-turn lanes, a right-turn lane, and a bike lane.

There was a bid protest by second low bidder, Nesbitt Contracting Co., Inc., and a rebuttal by the apparent low bidder, Blucor Contracting, Inc. The rebuttal was accepted by the City and copies of the protest, rebuttal and the City's response are attached.

Recommend award to the lowest responsible bidder, Blucor Contracting Inc. (a Mesa business), in the amount of \$8,633,270.75 plus an additional \$863,327.08 (10% allowance for change orders) for a total award of \$9,496,597.83. Funding is available in the 2008 Streets Bond Authorization and 2010 Wastewater Bond Authorization.

8. Items from citizens present.

Peter O'Malley, a Mesa resident, addressed the Council and provided brief background information on United Nations Agenda 21/Sustainable Development policies. He stated that Agenda 21 is a plan that is being implemented worldwide as a way to inventory and control all land, water, minerals, plants, animals, information and human beings on the planet. He added that "smart growth" prevents cities from growing horizontally and encourages people to leave their private lands and move into the city. He also said that "smart growth" measures are designed to eliminate the suburbs so that as much as 50% of the country can revert back to uninhabited lands. He expressed his concern that "smart growth" and sustainable development are becoming the cornerstones of Mesa's future.

9. Adjournment.

Without objection, the meeting adjourned at 5:59 p.m.

SCOTT SMITH, MAYOR

ATTEST:

DEE ANN MICKELSEN, INTERIM 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 18th day of March, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, INTERIM CITY CLERK

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