



COUNCIL MINUTES

May 18, 2015

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 18, 2015 at 5:56 p.m.

COUNCIL PRESENT

John Giles
Alex Finter
Christopher Glover
Dennis Kavanaugh
David Luna
Dave Richins
Kevin Thompson

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Agnes Goodwine

(Items were discussed out of order, but for purposes of clarity, will remain as listed on the agenda.)

Mayor's Welcome.

Invocation by Ms. Beverly George with Soka Gakkai International; Buddhist faith.

Pledge of Allegiance was led by Shawn Potts, Scout Troop # 798.

Awards, Recognitions and Announcements.

Dr. Laura Schaffer-Metcalf, a member of the Historic Preservation Board, addressed the Council and presented awards to the winners of the Board's Essay Writing Contest. She explained that the Citywide contest was open to students in grades 4 through 6. She announced the winners as follows: Third Place – Abigail Hall; Second Place – Alisa Ford; and First Place – Gordon Badgett. She also presented the Educator Award to Emily Allen, a teacher at Highland Elementary School.

Mayor Giles stated that in January of this year, Mesa hosted the 4th Annual East Valley Mayors Prayer Breakfast at the Mesa Hilton, which was attended by more than 400 faith, government and community leaders. He explained that one of the goals of the event was to give back to the community and introduced Linda Moeser, Director of For Our City Mesa, who was prepared to present checks to two local non-profit organizations. He thanked Ms. Moeser for her efforts and hard work in organizing the breakfast, which was a very successful event.

Ms. Moeser commented that she was happy to announce that Helen's Hope Chest and Care, Inc. were being recognized and said that each organization would receive a check for \$2,000. She invited Dan Wollam, President and CEO of Mesa United Way, on behalf of Helen's Hope Chest, and Dr. Tim Hampton, Director of Care, Inc., to come forward and receive their checks.

Mayor Giles congratulated the recipients.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

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

Carried unanimously.

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

Minutes from the March 26, 2015, April 9, 20 and 23, 2015 and May 4, 2015 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Ban Chan Korean Cuisine

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Ban Chan Inc., 2909 South Dobson Road, Suite 7 – Jaco Woo, agent. There is currently no existing license at this location. **(District 3)**

*3-b. Thai Season

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Thai Season LLC, 1245 West Baseline Road Suite 101 – Sirichai Mahasirichoke, agent. There is currently no existing license at this location. **(District 3)**

Recommendation for Denial – The staff recommendation is for denial due to evidence that all necessary licenses required by the City have not been obtained. [Ariz. Rev. Stat. Ann. § 4-201 and Ariz. Admin. Code § R19-1-702(A)(3)] A yes vote on the consent agenda for this item will signify Council's recommendation for denial of this liquor license application for this reason.

4. Take action on the following contracts:

*4-a. Three-Year Term Contract for Pipe and Fittings for the Materials and Supply Department (for Citywide Use). **(Citywide)**

This contract will provide pipe and fittings per specifications for new and repair work by departments Citywide. Materials and Supply orders and maintains inventory as needed.

Materials and Supply and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Ferguson Enterprises; Perfect Pipe and Supply; and Thomas Pipe and Supply LLC; cumulatively not to exceed \$32,000.00 annually, based on estimated requirements.

*4-b. Three-Year Term Contract for Commercial Printing for the Business Services Department. **(Citywide)**

Print Services provides printing services to departments to support their programs. Print Services will use this contract for particular projects that they do not have the proper equipment for or it is not economically possible, including booklets, brochures and other custom printing.

An evaluation committee representing Business Services and Purchasing recommends awarding the contract to the highest scored proposal from Di-Mor Business Forms, Inc. at \$40,300.00 annually, based on estimated requirements.

- *4-c. One-Year Renewal Contract for Commercial Printing for the Business Services Department. **(Citywide)**

Print Services provides printing services to departments to support their programs. Print Services will use this contract to print the large quantities of Mesa's Openline newsletters and utility bill inserts and large format full color printing.

Print Services and Purchasing recommend authorizing a one-year renewal with Century Graphics and American Reprographics Company, LLC (a Mesa business), cumulatively not to exceed \$280,000.00 annually, based on estimated requirements.

- *4-d. Purchase of a Replacement Communications Network Analyzer for the Communications Department. **(Citywide)**

The recommended analyzer will allow Communications to quickly analyze the signals from multiple radio towers and determine the cause of problems more quickly and accurately. In addition, this equipment will allow technicians to proactively measure and analyze actual radio coverage and look for interference before problems are reported by users.

The Communications Department and Purchasing recommend awarding the contract to the lowest, responsible and responsive bidder, Talley, Inc., at \$43,915.84.

- *4-e. Purchase of a Replacement Cross-Over Vehicle for the Solid Waste Management Department (Single Bid). **(Citywide)**

This purchase is for a 2016 Chevrolet Traverse, 8-passenger vehicle. The cross-over vehicle will have the space to accommodate the equipment and supplies necessary for the City's recycling education program events.

The Fleet Services and Solid Waste Management Departments and Purchasing recommend awarding the contract to the single, responsive and responsible bidder, Courtesy Chevrolet, at \$27,719.76. This purchase is funded: \$11,000 from Solid Waste's education budget and \$19,000 from additional revenues from an audit of the Green Barrel program.

- *4-f. Dollar-Limit Increase to the Term Contract for GPS Equipment and Offender Monitoring Services for the Municipal Court. **(Citywide)**

Due to increased usage as a result of the Public Safety Assessment Court pilot, it is necessary to increase the dollar-limit to ensure payment of the remaining invoices through the first year of the renewal contract term, 6/30/2015.

The Municipal Court and Purchasing recommend authorizing a dollar-limit increase of \$27,000.00, using the Arizona Supreme Court, Administrative Office of the Courts cooperative contract with B.I. Incorporated, increasing the annual contract amount from \$64,000.00 to \$91,000.00, through the contract term ending June 30, 2015.

*4-g. Purchase of 32 Replacement Tactical Headsets for the Police Department. **(Citywide)**

This contract will provide tactical headsets for the Police Department SWAT Unit for hearing protection in the tactical environment and be compatible with the OPS Core helmet and the City's existing portable radios. The current hearing protection has become antiquated and is nearly obsolete.

The evaluation committee recommends awarding the contract to the highest scored and lowest proposal from TJ Communications, Inc., dba Air Comm, at \$50,000.00, based on estimated requirements. The initial purchase is grant funded by the Arizona Department of Homeland Security.

*4-h. Three-Year Term Contract for Jet "A" Aviation Fuel for the Police Department. **(Citywide)**

This contract will provide fuel for the Police Aviation Unit's three helicopters based at Falcon Field Airport. Pricing is a markup against a published index price.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, MercFuel, Inc., dba Mercury Fuels, Inc., at \$275,000.00 annually, based on estimated requirements.

*4-i. Three-Year Term Contract for Generator Rental Services for the Water Resources Department. **(Citywide)**

This contract will provide rental of emergency backup generators, transformers and cables for use in case of power failures. Additionally, Water Resources has been using rental generators during the summer months to supply backup power to pump stations without a redundant power system.

The evaluation committee recommends awarding the contract to the highest scored proposal from Empire Southwest LLC, dba Empire Power System (Primary); and Valleywide Generator Service LLC (Secondary) (a Mesa business); cumulatively not to exceed \$100,000.00 annually, based on estimated requirements.

*4-j. Secondary Contractor Award to the Three-Year Term Contract for Debris Collection and Disposal Services for the Transportation Department. **(Citywide)**

On April 20, 2015, the Council awarded the contract to King Concrete Inc., at \$185,000.00 annually as recommended. The secondary contractor award was inadvertently left out of the Council recommendation.

Transportation and Purchasing recommend awarding the contract to the second, lowest, responsive and responsible bidder, Garbage Guy, Inc., as the secondary vendor.

*4-k. One-year Renewal of the Term Contract for Irrigation Well Inspection, Maintenance and Repair for the Engineering Department. **(Citywide)**

This contract provides for the inspection, maintenance and repair of City-owned irrigation wells south of Coolidge and Mesa's Pinal Water Farms. The City is responsible for the underground pumping equipment, as well as the shaft of deep ground wells.

The Engineering Department and Purchasing recommend authorizing a one-year renewal with Coolidge Engine & Pump, LLC; and John Hoover Well Service; cumulatively not to exceed \$170,000.00, based on estimated requirements.

*4-l. City Wells 7 and 8, Desert Wells 19 and 20. **(Districts 4 and 6)**

These projects will replace two existing wells located in downtown Mesa, which have deteriorated and become unusable. Wells in the "City Zone" help to meet peak demands during normal operation and are the only source of water supply when the Val Vista Water Treatment Plant is shut down for maintenance. This project will also drill two new wells near Signal Butte Road and Elliot Road that will contribute water to meet increasing water demands due to growth in the Phoenix-Mesa Gateway Airport area.

Recommend award to Arizona Beeman Drilling in the amount of \$5,311,364.30, based on the lowest responsible bid of \$4,828,513.00, plus an additional \$482,851.30 (10% allowance for change orders). This project is funded by the 2010 and 2014 authorized Water Bonds.

*4-m. Arterial Reconstruction Project P3 (University Drive/Southern Avenue) (Single Bid). **Districts 2 and 6)**

The asphalt pavement on University Drive from 22nd Place to Val Vista Drive and Southern Avenue from 58th Place to Power Road is nearing the end of its life cycle and is in need of replacement. This project replaces deteriorated asphalt pavement with a new surface course of asphalt pavement over a base course of asphalt pavement that is recycled, using the cold-in-place recycle method. The "cold-in-place" recycle method is an efficient, cost-effective method of recycling existing asphalt, which is processed and then used as a base course and topped with new asphalt. While only one bid was received for this project, it was a "public bid" and met all state and local requirements for competition.

Recommended total award to single bidder Nesbitt Contracting Co., Inc., in the amount of \$2,625,405.37, based on the lowest responsible bid of \$2,386,732.15, plus an additional \$238,673.22 (10% allowance for change orders). This project is funded by the 2013 authorized Street Bond.

*4-n. Broadway Road Improvements – Power Road to Sossaman Road. **(District 5)**

During construction, unstable soil conditions were discovered that required additional labor and materials to prepare the roadway sub-grade before Broadway Road could be paved. Also, the City plans to build a short segment of a new masonry wall along the Broadway Road frontage due to road widening and curbs becoming closer to homes. The increase of the contract amount for this project is requested to cover the cost of unstable soil conditions, and an upgrade to the existing fencing with a masonry wall, which will provide a more uniform corridor appearance for Broadway Road between Power and Hawes.

Recommend that the Council increase Skanska USA Civil West's construction contract by \$250,000.00, for a new total award of \$5,199,533.99. The new total award amount is comprised of the original award amount of \$4,949,533.99 and \$250,000.00 for the added scope-of-work. This project is funded by the 2013 authorized Street Bond.

*4-o. Magma Road Gas Main Extension, Hunt Highway to Stardust Drive. **(Pinal County)**

The existing infrastructure serving the Johnson Ranch subdivision requires additional support to stabilize pressures and limit the number of customer outages during scheduled shutdowns for maintenance and repairs due to damage. It will also make natural gas available for the next phase of the Johnson Ranch subdivision on the southeast corner of Stardust Drive and Indigo Sky Boulevard/Magma Road.

Recommend award to Arizona Pipeline Company in the amount of \$151,286.00, based on the lowest responsible bid of \$137,533.00, plus an additional \$13,753.00 (10% allowance for change orders). This project is funded by the 2014 authorized Gas Bond.

5. Take action on the following resolutions:

*5-a. Modifying fees and charges for the Engineering Department. **(Citywide)** – Resolution No. 10627.

*5-b. Modifying fees and charges for the Fire and Medical Department. **(Citywide)** – Resolution No. 10628.

*5c. Modifying fees and charges for the Transportation Department. **(Citywide)** – Resolution No. 10629.

*5d. Modifying fees and charges for the Development and Sustainability Department. **(Citywide)** – Resolution No. 10630.

*5e. Approving and authorizing the City Manager to enter into and execute a first amendment to the Intergovernmental Agreement between the Maricopa County Library District and the City of Mesa for the Library Assistance Program. **(Citywide)** – Resolution No. 10631.

*5f. Approving and authorizing the City Manager to enter into a Conduit Use License with Zayo Fiber Solutions for a ten-year term. **(District 2)** – Resolution No. 10632.

This License allows for the rental of 4500 linear feet of City conduit located along Main Street between Lindsay Road and Val Vista Drive. The City will receive \$58,500 for the initial ten-year term.

*5g. Extinguishing drainage easements located on the property at 2628 West Birchwood Circle. **(District 3)** – Resolution No. 10633.

The property owner has requested the City extinguish a Drainage Easement and a Temporary Drainage Easement in order to accommodate a re-plat of their commercial property.

6. Introduction of the following ordinances and setting June 1, 2015 as the date of the public hearing on these ordinances:

- *6-a. A10-01 (**District 6**) Repealing Ordinance No. 5001, which annexed a portion of the Power Road right-of-way from Baseline Road to approximately 1300 feet south of Guadalupe Road.
- *6-b. A14-08 (**District 6**) Annexation of a portion of the Power Road right-of-way that is within Maricopa County, from approximately 1300 feet south of Guadalupe Road north to Baseline Road. 15.77± acres.
- *6-c. A14-09 (**District 6**) Annexation of de-annexed territory from the Town of Gilbert in compliance with an Intergovernmental Agreement for the improvements to Power Road right-of-way. 2.79± acres. This annexation is contingent upon the Town of Gilbert's de-annexation of the territory and the County's determination of compliance with A.R.S. §9-471.02.

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

- *7-a. Repealing and Replacing Title 5 (Business Regulations), Chapter 12 (Massage Establishment Operations) of the Mesa City Code for the purposes of: simplification; the removal of certain requirements including, but not limited to, requirements related to a massage manager license; and the establishment of new requirements related to the operation and licensing of a massage establishment. (**Citywide**) – Ordinance No. 5285.
- *7-b. An ordinance amending Title 5, Chapter 13, Section 2 of the Mesa City Code regarding the Solid Waste Residential Fee. (**Citywide**) – Ordinance No. 5286.

Items not on the Consent Agenda

8. Conduct a public hearing and take action on the following resolution related to the annual assessments for the Mesa Town Center Improvement District No. 228:

- 8-a. Conduct a public hearing.

Mayor Giles announced that this is the time and place for a public hearing regarding the annual assessments for the Mesa Town Center Improvement District No. 228.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

- 8-b. A resolution approving the 2015 District Assessments for Mesa Town Center Improvement District No. 228. The final assessments do not include any rate increases. (**District 4**) – Resolution No. 10634.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that Resolution No. 10634 be adopted.

Carried unanimously.

9. Conduct a public hearing and take action on the following ordinances adopting modified City-owned utility terms/rates/fees/charges.

- 9-a. Conduct a public hearing on modifications to terms/rates/fees/charges of City-owned utilities: Items 9-b through 9-f.

Mayor Giles announced that this is the time and place for a public hearing regarding modifications to City-owned utility terms/rates/fees/charges for electric services, natural gas services, water services, wastewater services and solid waste services.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

- 9-b. An ordinance modifying terms/rates/fees/charges for electric utility services. **(Districts 1 and 4)** – Ordinance No. 5287.

Mayor Giles stated that if there were no objections from the Council, items 9-b through 9-f would be voted on in one motion.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that Ordinance Nos. 5287, 5288, 5289, 5290 and 5291 be adopted.

Carried unanimously.

- 9-c. An ordinance modifying terms/rates/fees/charges for natural gas utility services. **(Citywide)** – Ordinance No. 5288.

(See Council action under item 9-b)

- 9-d. An ordinance modifying terms/rates/fees/charges for water utility services. **(Citywide)** – Ordinance No. 5289.

(See Council action under item 9-b)

- 9-e. An ordinance modifying terms/rates/fees/charges for wastewater utility services. **(Citywide)** – Ordinance No. 5290.

(See Council action under item 9-b)

- 9-f. An ordinance modifying terms/rates/fees/charges for solid waste utility services. **(Citywide)** – Ordinance No. 5291.

(See Council action under item 9-b)

10. Conduct a public hearing and take action on the proposed Five-Year Capital Improvement Program for fiscal years ending 2016-2020.

- 10-a. Conduct a public hearing.

Mayor Giles announced that this is the time and place for a public hearing regarding the proposed Five-Year Capital Improvement Program for fiscal years ending 2016-2020.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

- 10-b. A resolution approving a Five-Year Capital Improvement Program for fiscal years ending 2016-2020. **(Citywide)** – Resolution No. 10635.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that Resolution No. 10635 be adopted.

Carried unanimously.

11. Items from citizens present.

Art Hendey, representing Hendey Meter Company, Beaumont, California, stated that several months ago, his company submitted a bid with the City of Mesa for 10,000 water meters. He noted that the bid specified that the equipment must be made in the U.S.A. He pointed out that there were no water meter manufacturers in this country that make the kind of meters that the City required. He also commented, among other things, that his bid was \$20,000 lower than the company that was awarded the contract; that he disclosed his water meters were “globally sourced;” and that the winning bidder was untruthful by indicating that their meters were made in the U.S.A., since most of the parts for the water meters are made in China. He urged that the City reconsider this matter and disqualify the above-referenced vendor.

City Manager Christopher Brady thanked Mr. Hendey for bringing this item to his attention. He assured him that City staff would look into the matter and follow up with him.

Ana Gallegos, a resident of Mesa Royale Trailer Park, expressed concern that the City of Mesa has informed the residents of the community that they have until October 31, 2015 to vacate the property, after which time the trailers will be torn down. She noted that the City has indicated that the trailers are unsafe for the residents to live in, but stated that in her opinion, it has not done anything to “fix the problem.” She also commented that some of the residents have lived at the trailer park for nearly 25 years and added that many of the families will have no place to go if the City removes the trailers from the site.

Yolanda Medina, a resident of Mesa Royale Trailer Park, concurred with the comments of the previous speaker. She also said that the children, the elderly, single mothers and parents do not want to move from their homes in the trailer park.

Mayor Giles acknowledged that there were many Mesa Royale residents in the audience who are anxious to obtain some feedback from the City with respect to this matter. He noted, however, that since the item was not included on tonight’s agenda, the Council cannot address the speakers’ concerns.

Councilmember Luna, who spoke in English and Spanish, informed the Mesa Royale residents in the audience that tomorrow night at 6:00 p.m., a meeting will be held at the First Evangelical Lutheran Church, which is located at 142 North Date. He indicated that the residents were welcome to attend.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:25 p.m.

JOHN GILES, MAYOR

ATTEST:

AGNES GOODWINE, DEPUTY 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 May, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

AGNES GOODWINE, DEPUTY CITY CLERK

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