



COUNCIL MINUTES

November 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 November 18, 2013 at 5:48 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Invocation by Pastor David Land, New Life Assembly of God.

Pledge of Allegiance was led by Ryan Gerr, Mayor's Youth Committee.

Mayor's Welcome

Awards, Recognitions and Announcements.

Mayor Smith Mayor stated that he was privileged to work with the Mayor's Youth Committee (MYC), which includes a select group of junior and senior high school students from various high schools in the community. He said that these students participate in various community service projects in order to learn about City government. He introduced Jaylia Yan, President of the MYC.

Jaylia Yan, President of the 2013-2014 MYC, addressed the Council and said that students are selected through a competitive process to represent their school on the MYC. She explained that the MYC is a year-long program where representatives attend meetings, participate in public service and learn about the functions of City government through interactions with the Mayor, Council and City staff. She said that this year, students will be asked to research a topic, which will then be discussed on the Mesa Youth Summit television broadcast on Mesa Channel 11. She introduced the members of the 2013-2014 Mayor's Youth Committee who were present in the audience.

Mayor Smith thanked the students for their participation on the Mayor's Youth Committee, and recognized his Chief of Staff Kathy Macdonald and City staff for their work with this Committee.

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 Glover, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the June 17 and November 4, 2013 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, December 6, 2013, from 5:00 p.m. to 10:00 p.m., on Main Street from Center Street to Robson. **(District 4)**

*3-b. Fountain of the Sun Community Association

This is a one-day civic event to be held on Saturday, November 23, 2013, from 4:00 p.m. to 11:00 p.m., at 560 South 80th Street. **(District 5)**

*3-c. Ultimate Imaginations, Inc.

This is a one-day charitable event to be held on Friday, January 3, 2014, from 5:00 p.m. to 10:00 p.m., on Main Street from Center Street to Robson. **(District 4)**

*3-d. Ultimate Imaginations, Inc.

This is a one-day charitable event to be held on Friday, February 7, 2014, from 5:00 p.m. to 10:00 p.m., on Main Street from Center Street to Robson. **(District 4)**

*3-e. Ultimate Imaginations, Inc.

This is a one-day charitable event to be held on Friday, March 7, 2014, from 5:00 p.m. to 10:00 p.m., on Main Street from Center Street to Robson. **(District 4)**

*3-f. Auntie Pastos

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Auntie Pastos, 1859 West Guadalupe Road, Suite 101, Dobson Dining Group, LLC – Lauren Kay Merrett, agent. This location has a Restaurant License held by Tutti Santi Mesa, LLC, that will revert back to the State. **(District 3)**

*3-g. Roadhouse Cafe/Double Duece

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Roadhouse Cafe/Double Duece, 7000 East Main Street, Michelle Lee Bailey, individual. This location has a Restaurant License held by BS, Inc., that will revert back to the State. **(District 5)**

4. Take action on the following contracts:

*4-a. Dollar-Limit Increase for the Term Contract for the Structure Leather Boot Program as requested by the Fire and Medical Services Department **(Citywide)**

This contract provides boots for Fire personnel for structural firefighting, providing safety from flame, heat and hazardous materials. The City provides an allowance of \$300 per firefighter for a pair of leather structure boots.

Fire and Medical requests the dollar increase of \$60,000 because of the new inspection/cleaning program, which was implemented in August, 2013. The program has been implemented to be in compliance with NFPA1851 standard, which requires all elements of the “ensemble” to undergo an advanced inspection once every 12 months.

Fire and Medical and Purchasing recommend authorizing a dollar-limit increase of \$60,000, from \$25,000 to \$85,000 for the current contract period to: Fire Equipment Company, Industrial Shoe Company, LN Curtis & Sons and Municipal Emergency Services; based on estimated requirements.

*4-b. Dollar-Limit Increase to the Term Contract for Twelve-Lead Heart Monitors/Defibrillators, Supplies and Services as requested by the Fire and Medical Services Department **(Citywide)**

An increase is needed for additional supplies and services through January 2014, while staff works on a new contract. In 2011, Council approved the term contract for monitors/defibrillators and related supplies and services. For 2013, management approved \$25,000 for supplies and repair services.

Fire and Medical and Purchasing recommend authorizing a dollar-limit increase of \$8,000, from \$25,000 to \$33,000, with Zoll Medical Corporation, based on estimated requirements.

- *4-c. Three (3) Year Term Contract for Street Sweeper Brooms for the Fleet Services Department **(Citywide)**

Fleet Services and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, United Rotary Brush Corporation, at \$70,200 annually, based on estimated requirements.

- *4-d. One-Year Renewal of the Term Contract for Pad Mounted Three Phase Switchgear for the Materials and Supply Warehouse **(Citywide)**

This contract provides switchgear devices to be used to upgrade the underground electrical system. The electrical devices will be used for the operation, maintenance and restoration of electric service at various substations and on the underground distribution circuits.

Materials and Supply and Purchasing recommend authorizing a one-year renewal with G&W Electric Co., at \$63,000, based on estimated requirements.

- *4-e. Purchase of an Upgrade to the Automatic Call Distribution and Interactive Voice Response System for the Information Technology Department (Single Proposal) **(Citywide)**

A committee representing Information Technology evaluated the proposal response and recommends awarding the contract to the qualified vendor, Blackbox Network Services, at \$549,291.35; and additionally, Information Technology recommends authorizing purchase from cooperative State of Arizona contracts: Custom Storage, at \$84,640.40, EMC Corporation, at \$93,049.52, SHI International, at \$31,949.53 and project contingency in the amount of \$27,464.57. The combined total contract award is \$786,395.37.

- *4-f. Purchase of Two (2) Replacement Sport Utility Vehicles for the Police Department **(Citywide)**

This purchase will provide two replacement Police SUVs (Chevrolet Tahoes) for the Police Department SWAT Unit, which have met established criteria and will be retired and sold at auction. This purchase is an additional purchase against a contract originally awarded on April 1, 2013, through the City's bid process, which provided for additional purchases.

Fleet Services, Police and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Midway Chevrolet, at \$77,012.34. This purchase is funded by the Vehicle Replacement Fund.

- *4-g. Term Contract for Services for Solid Waste Disposal, Recyclable Material Processing and Green Waste Processing for the Solid Waste Management Department **(Citywide)**

This contract will provide six pre-qualified vendors for the City of Mesa, Town of Gilbert and the City of Tempe (collectively the "Municipal Parties") on a regional basis. The Municipal Parties sought proposals for services upon expiration of their respective contracts. Each municipality will select the vendors, options and services most favorable

to their respective communities based on several factors such as tipping fees, location of site, etc.

An evaluation committee representing the SAIC (the project consultant) and the Municipal Parties evaluated responses, and recommends awarding the contract to multiple vendors: Republic Services; River Recycling; Salt River Landfill; Waste Management of Arizona, Inc.; Right Away Disposal; and United Fibers, LLC.

In addition, Solid Waste recommends awarding Mesa's agreement to Republic Services, River Recycling, Salt River Landfill, Waste Management and Right Away Disposal for a ten-year initial term; and to United Fibers for a five-year initial term for a total of \$5,628,000 annually, based on estimated requirements.

*4-h. Purchase of New Field Maintenance Equipment for Riverview Park **(Citywide)**

The purchase will provide mowers and other field maintenance equipment required for City maintenance of the new facilities at Riverview Park and Baseball Player Development areas. With Riverview Park construction nearly completed, Parks, Recreation and Commercial Facilities anticipate beginning field maintenance activities ahead of overall site completion.

Parks, Recreation and Commercial Facilities and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders: Jacobsen West, at \$112,406.53, Arizona Machinery Co., at \$41,671.53, Simpson Norton Corporation, at \$235,917.12, and Bingham Equipment Co. (a Mesa business), at \$53,197.42. The combined total award is \$443,192.60. This purchase is funded by the Enterprise Fund, Cubs Spring Training Facility.

*4-i. West Mesa Sports Complex **(Districts 3 and 4)**

This project will be completed using the Construction Manager at Risk contracting method. Kleinman Park Renovation (an iMesa project), and the former Powell Jr. High fields, are both slated to receive new lighted multipurpose fields and ball fields and, thus, the projects have been combined into a single project under the West Mesa Sports Complex name. At the conclusion of the design phase, staff will bring the construction contract Guaranteed Maximum Price (GMP) package to Council for consideration. Staff also anticipates the need for one or more early GMPs for procurement of long-lead equipment, underground utility work and/or field establishment, which staff will also bring before Council for approval.

Recommend award of the pre-construction services contract to D.L. Withers, in the amount of \$82,775.00. This project is funded by 2012 Park Bond funds.

*4-j. Purchase of a Cloud-based Customer Relationship Management (CRM) and Box Office Ticketing System for the Mesa Arts Center **(Citywide)**

A committee representing Arts and Culture and Information Technology evaluated responses, and recommends awarding the contract to the highest scored proposal from AudienceView Ticketing Corp. for a five (5) year total of \$533,350, plus applicable taxes.

*4-k. Val Vista Water Transmission Main Project – Phase 1 Construction Guaranteed Maximum Price (GMP) No. 2 **(District 1)**

Mesa has initiated the design and construction of the Val Vista Water Transmission Main project to install a new water main, parallel to the existing Val Vista Water Transmission Main that delivers water to three City-owned reservoirs located in the “City Zone”. This new main will serve as a dedicated water transmission main for the City to fulfill the requirements of an existing intergovernmental agreement with the City of Phoenix. Mesa has rights to 90 million gallons per day at the Val Vista Water Treatment Plant and this main will deliver water to the three “City Zone” reservoirs.

Recommend award for the GMP No. 2 to Garney Construction Company, at \$10,553,220.46, based on the construction cost of \$10,050,686.15, plus an additional \$502,534.31 (5%) for contingencies. This project is funded by the voter approved 2010 Water Bond Fund.

*4-l. Mesa Jr. High Community Conversion **(District 4)**

This project will be completed using the Construction Manager at Risk contracting method. It is included in the Community Partnership projects that will be completed in partnership with Mesa Public Schools to convert school properties into parks. The Mesa Jr High Community Conversion is such a project and is slated to renovate the site with the construction of new lighted multipurpose fields and ball fields. At the conclusion of the design phase, Staff will bring Council the construction contract Guaranteed Maximum Price (GMP) package for consideration. Staff also anticipates the need for one or more early GMPs for procurement of long-lead equipment, underground utility work, and/or field establishment, which staff will also bring before Council for approval.

Recommend award of the pre-construction services contract to Valley Rain Construction Corporation in the amount of \$64,771.39. This project is funded by 2012 Park Bond funds.

*4-m. Job Order Master Contract Water and Wastewater Construction Services **(Citywide)**

This contract is for the selection of two Job Order Master Contracts for Water and Wastewater Construction Services to include minor construction improvements related to Water and Wastewater plants, systems and related infrastructure improvements throughout the City.

Recommend to approve the selection of Felix Construction Company and PCL Construction, Inc., for a period of one full year, with the option to extend the contract for four additional one-year periods, based on successful contractor performance and City concurrence. These two master contracts allow for the issuance of multiple individual job orders with an upper maximum limit of \$1,000,000 per job order. The total contract value per year will not exceed \$10,000,000 per contract.

*4-n. Authorize the Mayor to sign an amended employment contract with the City Manager

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to accept funding made available through a SubGrantee Agreement with the Arizona Department of Homeland Security. This Agreement provides \$31,925 to the Mesa Police Department for CopLink maintenance fees. **(Citywide)** – Resolution No. 10355.
- *5-b. Approving and authorizing the City Manager to enter into a Lease Agreement with Barry and Peggy Goldwater Library & Archives, an Arizona non-profit corporation, for property located at the southeast corner of Macdonald Street and 1st Avenue. **(District 4)** – Resolution No. 10356.
- *5-c. Approving the Assessment Diagram for the Elliot Road Improvements, Street Assessment Project **(District 6)** – Resolution No. 10357.

This Project improved portions of Elliot Road from Signal Butte Road to the west 1,600 feet. The Project included pavement, curb and gutter, sidewalk and storm drainage improvements.
- *5-d. A resolution fixing the Hearing Date to December 9, 2013, on the Final Assessments for the Elliot Road Improvements, Street Assessment Project **(District 6)** – Resolution No. 10358.
- *5-e. Approving and authorizing the City Manager to execute all necessary documents to effectuate the conveyance of the property known as the former Air Force Research Lab (AFRL) from the United States Air Force to the City of Mesa **(District 6)** – Resolution No. 10359.
- *5-f. Approving and authorizing the City Manager to execute the Second Amendment to the Mesa Proving Grounds Pre-Annexation and Development Agreement with DMB Mesa Proving Grounds, LLC, to resolve City obligations related to impact fee credits and to extend performance dates for accelerated infrastructure projects related to the future hospitality and convention center developments **(District 6)** – Resolution No. 10360.
- *5-g. Canvassing, declaring and adopting the results of the Special Bond Election held on November 5, 2013 – Resolution No. 10361.

6. Introduction of the following ordinance and setting December 2, 2013 as the date of the public hearing on this ordinance:

- *6-a. Amending various sections of the Mesa City Code; Title 9 (Public Ways and Property), Chapter 13 (Foreign Trade Zone), to update Title 9, Chapter 13, and to make changes to conform to Federal Law; and providing penalties for violations of the Ordinance.

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

- *7-a. **Z13-050 (District 2)** 3831 and 3841 East Main Street. Located east of Val Vista Drive on the south side of Main Street (1.63± acres). Rezone approximately 0.64 acres from LC to GC and Site Plan Review. This request will allow the expansion of an existing general commercial use - Ordinance No. 5192.

Staff Recommendation: Approval with Conditions

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

- *7-b. **Z13-052 (District 6)** 6560 South Mountain Road. Located north of Pecos on the west side of Mountain Road (4.8± acres). Rezone from AG to HI-AF-PAD and Site Plan Review. This request will allow the expansion of an existing industrial facility - Ordinance No. 5193.

Staff Recommendation: Approval with Conditions

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

- *7-c. **Z13-051 (District 5)** The 8900 block of East Upper Canyon Drive (north side). Located north of McKellips Road on the west side of Ellsworth Road (37.1± acres). Rezone from RS-35-PAD to RS-15-PAD-PAD and Site Plan Review. This request will allow a single-residence subdivision in Parcel 2 of the Mountain Bridge master plan – **REMOVED.**

Staff Recommendation: Approval with Conditions

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

8. Take action on the following subdivision plats:

- *8-a. "Corte Bella at Mountain Bridge" **(District 5)** The 8700 to 8800 blocks of East McKellips Road (north side). Located north and west of East McKellips Road and North Ellsworth Road. 75 RS-15 PAD lots (28.2 ± acres) Pinnacle Ridge Holdings, LLC, owner; Darrell D. Smith, Wood, Patel & Associates, Inc., engineer.
- *8-b. "Parcel 9 at Mountain Bridge" **(District 5)** The 8700 to 8800 blocks of East McKellips Road (north side). Located north and west of East McKellips Road and North Ellsworth Road. 48 RS-15 PAD lots (28.5 ± acres) Pinnacle Ridge Holdings, LLC, owner; Darrell D. Smith, Wood, Patel & Associates, Inc., engineer.

Items not on the Consent Agenda

9. Conduct a public hearing prior to the release of the petition for signature for the following proposed annexation:

- *9-a. **A13-04 (District 5)** Annexing land located north of Adobe Road and west of Signal Butte Road (40 +/- ac). Initiated by the property owner, Landholdings Investment Co., LLC.

Mayor Smith announced that this was the time and place to conduct a public hearing regarding annexing land located north of Adobe Road and west of Signal Butte Road. (40+/- ac.)

There being no citizens wishing to address the Council, the Mayor declared the public hearing closed.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:04 p.m.

SCOTT SMITH, MAYOR

ATTEST:

DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 18th day of November, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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