



## COUNCIL MINUTES

December 6, 2012

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 6, 2012 at 7:54 a.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  
Linda Crocker

### 1. Review items on the agenda for the December 10, 2012 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items removed from the consent agenda: 4-i, 7-a

Vice Mayor Somers requested an update on item 4-i (Term Contract for Security Services for various City Departments and Facilities).

City Manager Christopher Brady explained that staff is currently working through the formal appeal process with regards to this item. He stated that the Police Department was asked to meet with the vendor to discuss its business experience.

Assistant Police Chief John Meza addressed the Council and said that a committee was formed that interviewed ICU Security regarding its experience as a security guard business. He reported that the Mesa Police Department (MPD) committee is comfortable with the experience and qualifications of ICU Security and will endorse the contract.

Chief Meza provided brief background information relative to the business history of ICU Security Group. He explained that the company has been involved in high-level video surveillance and investigations for high-level companies and noted that the business now includes actual security guards. He added that it is the intention of ICU Security to hire the security guards who are currently employed at the Mesa Arts Center (MAC).

Chief Meza stated that the committee was impressed with ICU Security's management team and recommends that ICU Security be awarded the security services contract.

Councilmember Kavanaugh commented that conducting video surveillance for 18-months within the Phoenix area is not the same as providing security guard services. He said that, in his opinion, video surveillance activities should not count towards the experience or qualifications required under the proposal.

Responding to the comments made by Councilmember Kavanaugh, Chief Meza clarified that the 18-month requirement is currently under appeal and will be adjudicated by Monday. He concurred that video surveillance and security guard services are different, but noted that after reviewing the company's background, the committee is comfortable with ICU Security's management team.

Councilmember Kavanaugh remarked that regardless of whether the Police Department's committee is comfortable with the management team, the business itself does not meet the basic qualifications that have been set forth. He said that this company may need to conduct business in the Phoenix area for an additional period of time in order to meet the qualifications.

Councilmember Kavanaugh expressed concern with regard to the recommendation being brought to Council before the appeal has been adjudicated. He said that this process puts the Council in a difficult situation.

In response to a question from Mayor Smith, Purchasing Administrator Alyce Bengé explained that as of this month, the company has had an investigative private license for a period of 18 months. She noted, however, that at the time the Request for Proposals (RFP) was due, they had not had such a license for 18 months.

Ms. Bengé indicated that the RFP states that the company will have conducted business in the Phoenix area for a minimum of 18 months and noted that ICU Security has been in business since 2005. She also advised that the services provided by ICU have progressed through a series of security related activities and currently meets the requirements of a security guard service.

Mayor Smith stated that at the request of Vice Mayor Somers, item 4-i will be removed from the Consent Agenda.

Mayor Smith commented that requesting the Council approve a contract when a formal protest has been submitted puts the Council in an uncomfortable position. He said that protests on bids are not uncommon, however, there should be some type of protocol or policy established that will help to clarify this issue.

Assistant City Attorney Jim Smith advised that he would finish the adjudication and render a ruling later today. He added that he understands the need for some type of protocol to be in place so that this type of issue will be handled differently in the future.

Mayor Smith remarked that there seems to be a planning issue since Monday night is the last meeting of the year. He pointed out that the Council does not like to be pressured to take action on an item at the last minute and urged that the City tighten up its protocol.

Mayor Smith indicated that this is not the first time a disgruntled loser in a bid situation showed up at a Council meeting to say that they have been wronged. He said that the Council is not part of the formal appeal process, but is asked to approve the formal contract. He added that the Council should be provided the opportunity to make an unpressured informed decision.

In response to a question from Vice Mayor Somers, Mr. Smith advised that he was not part of the team that evaluated the original bid on this item.

Vice Mayor Somers commented that having the same individuals that reviewed the contract, also review the appeal does not seem like a fair system. He stated that he would like to have the City Auditor provide a completely independent review of the contract.

Mayor Smith pointed out that Mr. Smith has indicated that he was not part of the original process and can therefore provide an independent review. He added that he felt comfortable knowing that Mr. Smith was reviewing this contract with fresh eyes.

Vice Mayor Somers concurred with Mayor Smith and noted that he was glad that Mr. Smith was not part of the team that evaluated the original bid. He added, however, that having the City Auditor, who works for the Council, review the contract would be an additional step.

Mayor Smith suggested that staff bring this item back to the Council on Monday to address some of the issues that have been raised and provide an in depth report regarding the decision on the appeal.

2-a. Hear a presentation, discuss and provide direction to the Fire Department regarding the donation of a fire pumper to the East Valley Institute of Technology (EVIT).

Assistant Fire Chief Jim Bloomer reported that Dr. Sally Downy, Superintendent of East Valley Institute of Technology (EVIT) in conjunction with Councilmember Kavanaugh, approached the Fire Department and requested the donation of a fire apparatus. He displayed a PowerPoint presentation (**See Attachment 1**) and provided an overview of the fire pumper truck that is available for donation to EVIT. He said the truck, which was pulled from surplus, is a 1997 Pierce Quantum pumper that currently exceeds all the requirements for vehicle disposal. He also noted that the truck is currently in excess of 200,000 miles and no longer meets the needs of the Fire Department. (See Page 2 of Attachment 1)

Chief Bloomer explained that the Fire Service Program at EVIT trains high school students for potential careers in the fire service. He displayed a series of photographs of the truck that is recommended for donation and said that staff is seeking support or direction from the Council with regards to the donation of the truck to EVIT. (See Page 4 of Attachment 1)

In response to a series of questions from Councilmember Finter, Chief Bloomer explained that the fire truck EVIT is currently using was donated by the Mesa Fire Department approximately ten years ago. He stated that in order to train the students, the school needs a vehicle that will start and pump water.

Chief Bloomer said the trucks that are donated are no longer useful to the Fire Department. He reported that the truck EVIT is currently using is at the end of its lifecycle and, it is uncertain what EVIT plans to do with it.

Councilmember Finter commented that collectors will pay a lot of money for old pumper trucks. He suggested that the Fire Department trade out the old truck and allow one of the volunteer organizations to sell it and generate some revenue.

Councilmember Kavanaugh expressed his appreciation to the Fire Department for its recommendation and noted that the City has maintained a great relationship with EVIT. He said the City's donation of the truck will help to enhance the student's educational experience at EVIT.

Discussion ensued regarding whether the City would have any liability if the donated truck were involved in an incident at EVIT.

City Attorney Debbie Spinner indicated that staff will review the agreement to ensure that the standard "as is" provision and an acceptance of risk is included in the agreement.

It was moved by Councilmember Glover, seconded by Councilmember Kavanaugh that the donation of a fire pumper to the East Valley Institute of Technology, be approved.

Carried unanimously.

3. Hear a report on upcoming Job Order Contract projects.

City Engineer Beth Huning briefly reviewed the projects contained in the Job Order Contract (JOC) report. **(See Attachment 2)** Those items included the following:

- Replace the boiler and heat system in the Utility Building
- Install emergency generators at two water pump stations
- Construct a bus pullout on Date Street and Brown Road (Mesa Grande Ruins Project)

Ms. Huning reported that Maricopa County has approved a Bus Use Agreement that will allow buses to park while visiting the Mesa Grande Ruins. She noted that the bus pullout project is more than 95% complete.

Councilmember Richins commented that he recently toured the Mesa Grande Ruins Project and said that the facility will be a great addition to the City's cultural amenities.

In response to a question from Vice Mayor Somers, Ms. Huning clarified that as requested by the Council, staff created a JOC Mesa Subcontractor Participation Report. **(See Attachment 3)** She indicated that the Council was provided with an example of the report that will be presented on a quarterly basis. She inquired as to whether the information provided in the report was sufficient.

Vice Mayor Somers indicated that the Council will review the format of the report and notify staff if additional information is desired.

Mayor Smith thanked staff for their efforts.

4. Hear reports on meetings and/or conferences attended.

Councilmember Kavanaugh: Building Strong Neighborhoods District 3  
East Valley Institute of Technology Toy Drive

Councilwoman Higgins: SRP Rebate Check Ceremony  
National League of Cities' Conference

Vice Mayor Somers: East Valley Partnership Economic Forum

Councilwoman Higgins remarked on the Mayor's discussion on National Public Radio regarding the various universities that are located in Arizona.

Councilmember Glover encouraged the Council to attend the groundbreaking ceremony for Escobedo at Verde Vista.

5. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Saturday, December 8, 2012 – Household Hazardous Waste Event

Saturday and Sunday, December 8 and 9, 2012, 10:00 a.m. – Mesa Arts Festival

Monday, December 10, 2012, 5:00 p.m. – Study Session

Monday, December 10, 2012, 5:45 p.m. – Regular Council Meeting

Mayor Smith discussed the Twitter Town Hall that will be held at 6:00 p.m. this evening.

6. Items from citizens present.

There were no items from citizens present.

7. Adjournment.

Without objection, the Study Session adjourned at 8:27 a.m.

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SCOTT SMITH, MAYOR

ATTEST:

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DEEANN MICKELSEN, INTERIM CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 6<sup>th</sup> day of December, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

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DEEANN MICKELSEN, INTERIM CITY CLERK

bdw  
(attachments – 3)

# **FIRE Apparatus Donation**

**East Valley Institute of  
Technology (EVIT)**

# Apparatus Donation

- **Donation of one fire pumper truck:**
  - 1997 Pierce Quantum, 1500 gpm fire pumper.
  - Vehicle has been in service since 1997 and has met its replacement criteria in one or more of the following categories: age, mileage, and/or obsolescence.

# Apparatus Donation

- **This unit is no longer cost effective as a frontline or backup vehicle in the Mesa Fire fleet, however it would be a valuable resource to EVIT.**
  - EVIT has limited resources for purchase of fire trucks and equipment
  - This vehicle would be used for the training of local students for a potential career in the Fire Service.





## Planned Job Order Projects

No.	Project Name/Address	Project Description	Estimated Construction Cost	Estimated Start Date (Mnth/Yr)	Contractor	District
1	Replace boiler and controls in Utility Building-640N. Mesa Drive	Demolition of outdated/inefficient boiler and associated components. Installation of new boiler, associated piping, controls, pumps and related items.	\$150,000.00	March-2013	Centennial	4
2	Install emergency generators at two pump stations	Installation of backup generators and associated electrical improvements at county line pump station 1 and Apache Junction pump station 2.	\$280,000.00	April-2013	B & F	5
3	Mesa Grande Bus Pull Out - Date & Brown Road	Install new bus pull out on North Date Street	\$46,500.00	December-2012	Valley Rain	1

## JOC Mesa Subcontractor Participation (Cumulative)

JOC Contractor	JOC Type	No. of Job Orders Awarded to date	Total Construction Costs to date	Mesa Subcontractor Dollars	Mesa Subcontractor Percentage
Centennial	General Contractor				
Valley Rain	Landscaping				
Talis Construction	Transportation				
B&F Contracting	Utilities				