



## COUNCIL MINUTES

May 3, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 3, 2010 at 5:50 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

Kyle Jones

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Mayor Smith excused Vice Mayor Jones from the entire meeting.

Invocation by Pastor Ottley W. Holmes Jr., Shiloh Missionary Baptist Church.

Pledge of Allegiance was led by Scout Danson Brinkerhoff, Troop #385.

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.

Mayor Smith said that Motorcycles on Main Street, held monthly on the first Friday, has been a very successful event in the downtown area. He read a proclamation (**see Attachment 1**) declaring May 2010 as Motorcycle Awareness and Celebration Month in the City of Mesa. Mayor Smith invited the following individuals to come forward to accept the proclamation: Margie Ferrucci of the American Brotherhood Aimed Toward Education, an organization that promotes the safe operation and awareness of motorcycles, and Jon Richards, representing the Motorcycles on Main Street event.

#### 1. Take action on all consent agenda items.

Mayor Smith noted that Freddy Curry, representing the Downtown Mesa Association, submitted a speaker/comment card in support of item 10g but does not wish to remove the item from the consent agenda.

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

Upon tabulation of votes, it showed:

AYES – Finter-Higgins-Kavanaugh-Richins-Smith-Somers  
NAYS – None  
ABSENT – Jones

Mayor Smith declared the motion carried unanimously by those present.

Mayor Smith noted that items 3a and b, which were passed on the consent agenda, addressed the reappointments of Magistrates Michelle Lue Sang and Elizabeth Arriola. He congratulated Magistrate Lue Sang and requested that she stand to be recognized. Mayor Smith also extended congratulations to Magistrate Arriola who was unable to be present at the meeting, and he thanked both Magistrates for their service.

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

Minutes of the April 19, 2010 Council meeting.

3. Take action on the following recommendations from the Judicial Advisory Board:

- \*3a. Reappointment of Magistrate Michelle Lue Sang for a four-year term beginning July 1, 2010 and ending June 30, 2014.
- \*3b. Reappointment of Magistrate Elizabeth Arriola for a four-year term beginning July 1, 2010 and ending June 30, 2014.

4. Conduct a public hearing on the proposed CDBG/HOME/ESG Annual Action Plan for FY 2010/2011, the Five Year Consolidated Plan for FY 2010-2014 and the Analysis of Impediments to Fair Housing.

Mayor Smith announced that this was the time and place to conduct a public hearing regarding the proposed CDBG/HOME/ESG Annual Action Plan for FY 2010/2011, the Five Year Consolidated Plan for FY 2010-2014 and the Analysis of Impediments to Fair Housing.

John R. Smith, representing Housing our Communities, came forward to speak in support of the programs. He said that his organization, which has been in operation for 22 years, represents a coalition of 14 nonprofit agencies that is the largest producer of first-time homebuyers in Maricopa County. Mr. Smith advised that in the most recent cycle, 160 first-time homebuyers purchased homes in the City of Mesa. He explained that the organization promotes sustainable home ownership by providing financial education, counseling and training to first-time homebuyers, many of whom do not need financial assistance. Mr. Smith reported that the foreclosure rate for his organization's clients is one every 4.4 years and that the organization generates a new homebuyer in Maricopa County every 2.5 days. He thanked the Council for their support.

There being no additional speakers, the Mayor declared the public hearing closed.

5. Take action on the following resolutions:

Mayor Smith announced that agenda items 5a through 5f would be considered by the Council in a single motion.

It was moved by Councilmember Richins, seconded by Councilmember Somers, that Resolution Nos. 9674, 9675, 9676, 9677, 9678 and 9679 be adopted.

Upon tabulation of votes, it showed:

AYES – Finter-Higgins-Kavanaugh-Richins-Smith-Somers  
NAYS – None  
ABSENT – Jones

Mayor Smith declared the motion carried unanimously by those present and Resolution Nos. 9674, 9675, 9676, 9677, 9678 and 9679 adopted.

- 5a. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2010-2011 funding for nonprofit organization projects through the Community Development Block Grant (CDBG) program – Resolution No. 9674.
- 5b. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2010-2011 funding for City Department projects through the Community Development Block Grant (CDBG) program – Resolution No. 9675.
- 5c. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2010-2011 funding for nonprofit organization projects through the HOME Investment Partnerships program – Resolution No. 9676.
- 5d. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2010-2011 funding for City Department projects through the HOME Investment Partnerships program – Resolution No. 9677.
- 5e. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2010-2011 funding of the Emergency Shelter Grant (ESG) program – Resolution No. 9678.
- 5f. Approving and authorizing the City Manager to approve the City of Mesa Annual Action Plan for FY 2010/2011, the Five Year Consolidated Plan for FY's 2010/2014 and the Analysis of Impediments to Fair Housing – Resolution No. 9679.

6. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

- \*6a. Public Hearing on Minor General Plan Amendment

**GPMInor09-06 (District 6) – Tabled – Action will not be taken on this item.**

- \*6b. Take action on the following resolution:

**GPMInor09-06 (District 6) – Tabled – Action will not be taken on this item.**

- \*6c. Take action on the following ordinance introduced at a prior Council meeting:

**Z09-20 (District 6) – Tabled – Action will not be taken on this item.**

7. Take action on the following liquor license applications:

- \*7a. Gilbert Historical Society Inc.

This is a two-day charitable event to be held Saturday, May 15, 2010 from 5:00 p.m. to 9:30 p.m. and Saturday, June 19, 2010 from 5:00 p.m. to 9:30 p.m. at 3440 S. Hawes Road. **(District 6)**

- \*7b. Ultimate Imaginations Inc.

This is a one-day civic event to be held Friday, May 14, 2010 from 6:00 p.m. to 10:00 p.m. at 1 to 270 W. Main Street. **(District 4)**

8. Take action on the following contracts:

- \*8a. Contract for a New Electronic Patient Care Records System for the Fire Department **(Citywide)**.

The Purchasing Division recommends awarding the contract to Sansio at \$137,829; subscription fees use tax at \$7,112; various system components purchased through normal purchasing processes with multiple vendors at \$23,821.30; and 10% project contingencies at \$16,876.23. The combined total award is \$185,638.53, including applicable taxes.

- \*8b. Purchase of One (1) Replacement Road Hazard Response Truck for the Transportation Department **(Citywide)**.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract at \$52,566.57, including applicable sales tax.

- \*8c. Purchase of Replacement Server Infrastructure Equipment for Citywide Use for the Information Technology Department **(Citywide)**.

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with Insight Networking Solutions at \$649,648.16; Hewlett Packard at

\$18,504.64; and Dell at \$66,560.73, including applicable taxes. Additionally, Purchasing recommends the purchase of cabling and equipment for the installation at \$5,000 and a 10% project contingency at \$73,361.92. The combined total award is \$813,109.95, including applicable taxes.

\*8d. Supply Contract for Paint for the Transportation Department **(Citywide) (Single Bid)**.

The Purchasing Division recommends authorizing purchase from the single bidder, Tnemec Company, Inc. at \$62,472.17 annually, based on estimated requirements.

\*8e. Two-month extension of the Term Contract for Tires for the Warehouse and Fire Maintenance Inventory **(Citywide)**.

The Purchasing Division recommends authorizing a two-month extension through the State of Arizona contract with Goodyear Tire & Rubber Company in the amount of \$140,000, including applicable sales tax, based on estimated requirements.

\*8f. Lindsay Booster Pump Station Grouting Operation, Adobe Road east of Lindsay Road **(District 2)**.

City Project No. M99-2009-003. This project will fill the void space beneath the building that has settled with a flowable, pumpable cement grout material that will harden beneath the building once it is in-place. This will also improve the building's structural performance during wind or earthquake events.

Recommend award to the low bidder, Arizona Ramjack LLC, in the amount of \$47,815.50, plus an additional \$4,781.55 (10% allowance for change orders) for a total award of \$52,597.05. Funding is available in the FY 09/10 Water Bond Capital Program.

\*8g. Electrical Upgrades at City Well 18, Falcon Well 14, City Well 19, City Well 15, and City Well 20 **(Citywide)**.

City Project Nos. 01-465-003 and 01-465-004. This project will install new electrical equipment at all of the well sites, and install a new block wall at City Well 19.

Recommend award to the low bidder, Weber Group L.C. in the amount of \$1,565,859, plus an additional \$156,585.90 (10% allowance for change orders) for a total award of \$1,722,444.90. Project will be funded from the tentative FY 10/11 Water Bond Capital Program.

\*8h. Expand Highland Pump Station No. 1 **(District 5)**.

City Project No. 04-069-001. This project will add an additional pump, for a total of three pumps at this station. This will increase the site's pumping capacity in order to meet the projected water demands and pumping capacity requirements.

Recommend award to the low bidder, Gilbert Pump and Equipment Company in the amount of \$120,000.00, plus an additional \$12,000.00 (10% allowance for change orders) for a total award of \$132,000.00. Project will be funded from the tentative FY 10/11 Water Bond Capital Program.

9. Introduction of the following ordinances and setting May 17, 2010 as the date of the public hearing on these ordinances:

- \*9a. Amending the Mesa Tax Code (MTC) as a result of the adoption of changes to the Model City Tax Code (MCTC).

10. Take action on the following resolutions:

- \*10a. Approving and supporting the submittal of a grant application by the Child Crisis Center to the Ak-Chin Indian Community in the amount of \$25,000 to support their emergency shelter for children – Resolution No. 9666
- \*10b. Approving and supporting the submittal of a grant application by the Child Crisis Center to the Gila River Indian Community in the amount of \$50,000 in support of the Emergency Shelter Education Program – Resolution No. 9667.
- \*10c. Approving and supporting the submittal of a grant application by Paz de Cristo to the Ak-Chin Indian Community in the amount of \$25,000 for operational support to meet increased demand for hunger services – Resolution No. 9668.
- \*10d. Granting an Underground Pipeline Easement to Transwestern Pipeline Company on City-owned property in Pinal County – Resolution No. 9669.

This easement is necessary for Transwestern Pipeline Company to supply natural gas to the Coolidge Power Plant.

- \*10e. Approving and authorizing the City Manager to execute an Agreement with the Governor's Office of Highway Safety to secure grant funds in the amount of \$51,156 for the Police Department's impaired driving enforcement programs – Resolution No. 9670.
- \*10f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Game and Fish Commission regarding the stocking of fish at Mesa's urban fishing lakes – Resolution No. 9671.
- \*10g. Approving and authorizing the City Manager to execute a lease with the Downtown Mesa Association for usage of the City facility located at 100 North Center Street – Resolution No. 9672.
- \*10h. Approving and authorizing the City Manager to execute a Second Amendment to the Development Agreement between Pinnacle Holdings, LLC and the City of Mesa. This second amendment modifies the road construction phasing for completion of McKellips and Ellsworth Roads. These half-street improvements are being required by Mesa in conjunction with the Mountain Bridge residential development located at 8402 East McKellips Road – Resolution No. 9673. **(District 5)**

11. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the 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 Clerk before Council votes on the consent agenda.

\*11a. Amending Title 1, Chapter 20 of the Mesa City Code to delegate authority to the City Manager to grant and assign certain easements and dedicate rights-of-way and easements to the public from City-owned land – Ordinance No. 4975.

\*11b. **Z10-08 (District 3)** 502 South Dobson Road Suite #3. Located south of Broadway Road on the west side of Dobson Road (1,900± s.f.). Council Use Permit. This request will allow the operation of a pool hall. Cary Newton, owner; Duc Nguyen, applicant – Ordinance No. 4976. (PLN2009-00060)

P&Z Recommendation: Approval with Conditions. (Vote 4 – 0, Boardmembers Mizner and Coons absent)

\*11c. **Z10-09 (District 6)** 7825 East Paloma Avenue. Located north of Elliot Road and east of Sossaman Road (3.77± acres). Site Plan Review. This request will allow the development of a construction yard. Shalena Weidenbener, owner; Steve Nevala, applicant – Ordinance No. 4977. (PLN2010-00032)

P&Z Recommendation: Approval with Conditions. (Vote 4 – 0, Boardmembers Mizner and Coons absent)

\*11d. **Z10-12 (District 5)** 7464 East Main Street. Located north of Main Street and west of Sossaman Road (18,742± s.f.). Council Use Permit. This request will allow the operation of a school within a commercial zoning district. Mansoor Alyeshmerni Revocable Trust, owner; Dick Buckingham, applicant – Ordinance No. 4978. (PLN2010-00031)

P&Z Recommendation: Approval with Conditions. (Vote 4 – 0, Boardmembers Mizner and Coons absent)

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the meeting adjourned at 6:10 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, 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 3<sup>rd</sup> day of May 2010. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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Attachment (1)