



COUNCIL MINUTES

December 7, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 7, 2009 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Dr. Brant Baker, First Presbyterian Church.

Pledge of Allegiance was led by Scout Michael Barker, Troop # 851.

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.

Fire Chief Harry Beck reported that in October of this year, the Mesa Volunteer Fire Corps was presented the 2009 National Fire Corps Award of Excellence. He stated that the award is sponsored by the International Association of Fire Service Instructors. Chief Beck explained that in 2008, 140 Mesa Fire volunteers provided more than 2,900 hours of services, responded to 3,800 calls and saved the Fire Department and the community an estimated \$585,000. He briefly highlighted the five components of the Volunteer Fire Corps including the Connector Program, Home Safety Inspection Program, Bilingual Assistance Team, Community Response Team and Social Service Intern Program.

Chief Beck invited the five City staff members who manage each of the above-referenced teams to come forward so that they could be recognized for their efforts and hard work.

Mayor Smith expressed his appreciation to all City volunteers who serve the community and also acknowledged the staff members who coordinate those efforts in an efficient and effective manner.

City Manager Christopher Brady reported that as a result of a team building exercise that took place at a senior staff meeting on November 18th, the "Great Turkey Tuesday" campaign was initiated by City employees. He explained that the goal of the program was to donate 500 turkeys and \$2,500 in cash to Mesa's United Food Bank by November 24th and an additional 500 turkeys and \$2,500 in cash by December 22nd. Mr. Brady stated that in addition to staff's efforts, various City vendors and contractors also participated in the campaign.

Mr. Brady advised that by November 25th, City employees and vendors successfully donated more than 1,000 turkeys and nearly \$9,000, thereby reaching staff's overall goal a month early. He said that on November 24th, the turkeys were delivered to the United Food Bank as well as a donation of almost \$6,000.

Robert Evans, Chief Executive Officer of the United Food Bank, addressed the Council and expressed appreciation for the City's "unprecedented campaign." He stated that as a result of staff's efforts, more than 50,000 meals were provided to the needy. Mr. Evans added that in the first five months of 2009, Mesa's United Food Bank distributed over 43% more food than during the same time last year.

Mayor Smith and Mr. Brady presented a check for the remaining \$3,000 in donations to Mr. Evans and Donna Rogers, Vice President of Resource Development for the United Food Bank.

Mr. Brady recognized Public Information and Communications Director Steve Wright, who made City management aware of the United Food Bank's needs. He also thanked City staff for their generosity and willingness to donate to such a worthy cause.

Development and Sustainability Department Director Christine Zielonka recognized Grady Van Noy for his service to the City of Mesa as a community volunteer. She noted that Mr. Van Noy was the first person to volunteer for the Mesa Sign Sweep Team and has been instrumental in the group's efforts to pick up more than 12,000 bandit signs that were placed in Mesa's rights-of-way. Ms. Zielonka also recognized members of the Sign Sweep Team who were present in the audience.

Neighborhood Services Department Director Ray Villa further reported that in addition to his work on the Mesa Sign Sweep Team, Mr. Van Noy also volunteers with the Police Department's Citizens Academy Alumni Association, the Police Chief's Disability Forum and is a member of the Transportation Advisory Board.

Mr. Villa, Ms. Zielonka and Mayor Smith presented a plaque to Mr. Van Noy for his service to the City of Mesa.

Mr. Van Noy thanked everyone for the honor and presented "Mesa Sign Sweep Team" t-shirts to the Councilmembers and Mr. Brady.

Mr. Villa stated that if Mesa residents are interested in participating in the Sign Sweep Program, they can contact Volunteer Coordinator Katie Brown at 480-644-3705.

Mayor Smith thanked the Sign Sweep Team for their efforts and hard work.

Councilmember Higgins expressed appreciation to Nathaniel Jabjiniak, an Arizona State University student who worked as an intern in the City Council Office during the fall semester. She also wished him success in his future endeavors.

Mayor Smith and Councilmember Higgins presented Mr. Jabjiniak with a Letter of Commendation.

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 Somers, that the consent agenda be approved.

Mayor Smith stated that Maxanne Stevens submitted a speaker card expressing her support for item 6b, but did not wish to address the Council.

Mayor Smith called for the vote.

Carried unanimously.

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

Minutes from the October 22, November 16 and 19, 2009 Council meetings.

3. Take action on the following liquor license application:

*3a. Pizza Pit

New Restaurant License for Pizza Pit, 1954 South Dobson Road, Suite 5, CJV Investments, LLC – Cory J. Valentine, Agent. The previous Restaurant License held at this location by The Village Idiot, Inc. was terminated with the State on March 31, 2008.
(District 3)

4. Take action on the following contracts:

*4a. Term Contract for 15kV Electric Aluminum Cable for the Energy Resources Department.
(Citywide)

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Wesco Distribution, at \$159,163.49, including applicable use tax.

*4b. Term Contract for Reduced Pressure Principle Backflow Prevention Assemblies for the Materials and Supply Warehouse. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, Arizona Waterworks Supply, at \$85,664.93, including applicable sales tax.

*4c. Term Contract for Replacement Badger Fire System Water Meters for the Water Resources Department. (Sole Source) **(Citywide)**

The Purchasing Division recommends authorizing purchase from the sole source bidder, BadgerMeter, Inc., at \$198,413.96, including applicable use tax.

- *4d. Change Order for the Traffic Control Sign Material and Sign Imaging Contract for the Transportation Department. **(Citywide)**

The Purchasing Division recommends approving the change order to increase the contract by \$84,438.75 with Safeway Sign Company from \$361,023.17 to \$445,461.92.

- *4e. Purchase of Twenty-Five (25) Replacement Vehicles for Various City Departments. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with multiple vendors at \$681,031.03, including applicable sales tax.

- *4f. Contract Extension and Dollar Limit Increase for Cationic Emulsion Polymer for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends a six-month contract extension and increasing the contract amount by \$200,000 with Polydyne Inc. from \$307,419.60 to \$507,419.60.

- *4g. Term Contract for Pad Mounted Three Phase Switchgear for Materials and Supply Warehouse. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, G & W Electric, at \$67,730.22, including applicable sales tax.

- *4h. Southeast Water Reclamation Plant Ground Fault System Installation, 6308 East Baseline Road. **(District 6)**

City Project No. 08-003-001. This project will install the transformers and relays necessary to detect a ground fault on Salt River Project's (SRP) system and disconnect the Southeast Water Reclamation Plant (SEWRP) from the SRP grid in the event of an interruption in the electrical feed for the plant. The City's agreement with SRP requires these protective devices be installed to protect their workers from injury.

Recommend award to the low bidder, JK Communication and Construction, Inc. dba Kleven Construction, in the amount of \$36,157.00 plus an additional \$3,615.70 (10% allowance for change orders) for a total award of \$39,772.70. This project is funded from the adopted FY 09/10 Wastewater Capital Bond Program.

- *4i. Guadalupe Road and Dobson Road Intersection Improvements. **(District 3)**

City Project No. 01-370-001. This project will construct the north and southbound Dobson Road intersection approaches to full six-lane arterial street standards. This will include dual left-turn lanes as well as southbound and eastbound right-turn lanes, a new traffic signal system and new street lights. In addition to the street improvements, the project will construct 8-foot high barrier walls along the residential properties impacted by this project.

Recommend award to the low bidder, Visus Engineering Construction Inc., in the amount of \$1,696,929.00 plus an additional \$169,692.90 (10% allowance for change orders) for a total award of \$1,866,621.90. This project will be funded with the adopted FY 09/10 Street Bond Program.

- *4j. Motorola Upgrade Assistance Plan and Technical Support Service for the 800 MHz Radio System.

This plan will provide planned system upgrades and vendor support required to maintain the regional radio communications system serving public safety and municipal users for the period July 1, 2010 through June 30, 2015 in the amount of \$2,833,251 and technical support service for the period July 1, 2010 through June 30, 2015 in the amount of \$320,346.60. The total award is \$3,153,597.60. As the administrative manager of the TOPAZ Regional Wireless Cooperative (TRWC), Mesa will manage the plan. Each member will pay their apportioned amount of the total in accordance with the TRWC Governance Agreement.

- *4k. Purchase of Motorola High Performance Data (HPD) System and modems for Public Safety Mobile Data. (Sole Source) **(Citywide)**

This will replace the existing system, which is no longer supported by the manufacturer. The new system provides higher bandwidth than the existing system and will be part of the TOPAZ Regional Wireless Cooperative (TRWC). The cost for the system is \$842,703.47. Each member will pay their apportioned amount of the total in accordance with the TRWC Governance Agreement and be responsible for the purchase of mobile data modems. Mesa will be purchasing 465 modems at \$1,050,536.11. The total award is \$1,893,239.58. This project is funded from the FY 09/10 Public Safety Bond Program.

5. Take action on the following resolutions:

- *5a. Approving and authorizing the City Manager to execute documents for the sale of City-owned properties acquired under the Neighborhood Stabilization Program – Resolution No. 9609.
- *5b. Approving and authorizing the City Manager to execute an Agreement with the Governor's Office of Highway Safety to accept grant funds in the amount of \$87,920 for the Arizona-East Valley DUI Task Force Enforcement Program – Resolution No. 9610.

6. Introduction of the following ordinances and setting December 14, 2009, as the date of the public hearing on these ordinances:

- *6a. Amending Title 9, Chapter 11 of the Mesa City Code to adopt modified Floodplain Management Regulations. The amendments are necessary to comply with the Federal Emergency Management Agency (FEMA) requirements. Amendments are administrative in nature including referring to the latest version of State and Federal standards, maps, as well as State Statutes for penalties. These modifications keep the City current with floodplain requirements so that properties within the City and a floodplain can continue to acquire floodplain insurance. **(Citywide)**
- *6b. Amending Title 8, Chapter 6 of the Mesa City Code regarding livestock regulations.

- *6c. Amending Title 6, Chapter 12 of the Mesa City Code related to offensive, excessive and prohibited noises. This ordinance will amend the section on unruly gatherings to include public places and allow enforcement by other City departments as designated by the City Manager.
- *6d. **Deleted.**
- *6e. **Z09-22 (District 6)** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± s.f.). Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. Daniel Deryke, Western Horizons Development, LLC, owner; Debra Gomez, applicant.

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

- *6f. **Z09-24 (District 5)** The 10000 block of East Brown Road (north side). Located at the northeast corner of Crismon Road and Brown Road (5.78± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0-1 Boardmember Randy Carter abstained)

- *6g. **Z09-25 (District 5)** 2701 East Lehi Road. Located north of McDowell Road and east of Gilbert Road (7.65± acres). Rezone from Maricopa County RU-43 to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0-1 Boardmember Randy Carter abstained)

- *6h. **Z09-26 (District 5)** 9016 East Gary Lane. Located north of Brown Road and west of Ellsworth Road (0.15± acres). Rezone from Maricopa County R1-6 to City of Mesa R1-6. This request will establish City of Mesa zoning on recently annexed property. Harlan and Sarah Finzer, owner; City of Mesa, applicant.

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

- *6i. **Z09-27 (District 5)** 2415 North Hawes Road. Located north of McKellips Road on the east side of Hawes Road (2.02± acres). Rezone from Maricopa County R1-18 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. Stephen and Laurie Loper, owner; City of Mesa, applicant.

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

7. 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.

*7a. Amending Section 2-18-2 of the Mesa City Code relating to Personnel Appeals Board Procedural Guidelines – Ordinance No. 4956.

7b. Amending Title 2, Chapter 1 of the Mesa City Code to modify the duties of the Planning and Zoning Board and repealing Title 2, Chapter 20 of the Mesa City Code eliminating the Downtown Development Committee – Ordinance No. 4960.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Higgins, that Ordinance No. 4960 be adopted.

Richard T. Tracy, Sr., a Mesa resident, provided the Council with a number of documents for their review. (**See Attachment 1**). He also expressed concerns regarding a number of urban renewal opportunities that failed to materialize in the City of Mesa.

In response to a question from Mayor Smith, Mr. Tracy clarified that 7b is “a step in the right direction” and said that the entire community should be considered and not just the downtown area.

Councilmember Kavanaugh stated that when the Council first began to consider this issue several months ago, he expressed significant reservations regarding the elimination of the Downtown Development Committee (DDC). He stated that he has considered staff’s recommendations and reflected back on the origins of the DDC and the purpose that it serves.

Councilmember Kavanaugh offered a brief historical overview of the downtown visioning process, which began in the early 1990’s and ultimately resulted in the formation of the DDC. He stated that over the years, staff from the Town Center Office worked directly with the advisory board in order to create a “one stop shop” (i.e., addressed issues of planning and zoning, sign code and historic preservation) in an effort to encourage downtown development. Councilmember Kavanaugh noted, however, that due to the recent downturn in the economy, City departments were consolidated and resources were reallocated in order to best serve the community. He said that the resources that currently support the DDC are different than those provided in the past.

Councilmember Kavanaugh further commented that although he has changed his position with regard to this issue and would support the motion, he does so with the understanding that the Council is committed to “good and healthy development” in downtown Mesa, acquiring the necessary resources so that staff can promote economic development in the area, and also adopting form-based zoning standards. He added that he sees staff’s proposed changes as having the potential for a positive outcome and not denigrating the work that was done by the DDC.

Councilmember Somers stated that he has expressed the same reservations as Councilmember Kavanaugh and voiced concern that the City is losing “institutional focus on the downtown” with the elimination of the DDC. He explained that he does not mean to say that the Council, various individuals and organizations outside of the downtown are not committed to encouraging

economic development in downtown Mesa. Councilmember Somers also commented that the Central Main Street Plan takes planning in the right direction for renewal, anticipates the arrival of light rail, and also looks at vertically integrated mixed use and high density residential.

Councilmember Somers indicated that he would support the motion, but commented that in 2010, he would like the General and Economic Development Committee to focus on the downtown area. He suggested that the Committee address the issue of implementing an urban village system; examine opportunities to bolster economic development in the downtown; and draft “an actionable agenda” for the next five years that specifically outlines what steps the City, the Downtown Mesa Association (DMA) and Mesa residents should take in order to build a vibrant downtown.

Mayor Smith remarked that he appreciates the comments of his fellow Councilmembers and said that in many ways, Council adoption of this ordinance is “the first step” in what he believes is the establishment of a more formal look at downtown Mesa. He stated that by streamlining various processes, it becomes the City’s obligation to take the changes that are implemented and “do something with it.” Mayor Smith also noted that when light rail comes through downtown Mesa, it will change the area forever and added that it is essential that the City is prepared for that eventuality.

Mayor Smith further indicated that he would like staff and the Council to look at the building codes and the manner in which they are implemented in the downtown area. He commented that it is important to recognize that building use in the downtown, which has many aging structures, is quite different than in a suburban strip center.

Mayor Smith suggested that staff and the Council consider the development of a code that would “bridge” the difference between 2009 codes and a building constructed in 1909 that may not meet, for instance, current fire standards. He added that such a code would allow the City to provide safe buildings that could be reused in such a manner so that it would not be necessary for investors to completely retrofit the structures.

Mayor Smith called for the vote.

Carried unanimously.

- *7c. Repealing Title 5, Chapter 12 of the Mesa City Code related to massage establishments and adopting a new Title 5, Chapter 12 that strengthens oversight of massage establishments. This ordinance incorporates changes based on meeting with massage establishment stakeholders – Ordinance No. 4957.

- *7d. **Z09-17 (District 6)** The 4800 through 5200 block of South Hawes Road. Located south of the Loop 202 Freeway on the east and west sides of the Hawes Road alignment, including the southeast corner of the Hawes and Ray Road alignments (230± acres). Rezone from AG-AF to C-2 and PEP with a BIZ overlay and a Council Use Permit, and the establishment of the Gateway 202 Airpark Development Master Plan. This request will allow for the development of a high quality master planned Mixed Use Employment area with office, retail, hotel, and urban living components. Brad Hansen, 202 Holdings, owner; Stephen Earl, Earl, Curley and Lagarde P.C., applicant – Ordinance No. 4958.

P&Z Recommendation: Approval with conditions. (Vote: 5-0-1 Boardmember Coons abstained, Boardmember Perkinson absent)

- *8. Take action on an ordinance and resolution repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules – Ordinance No. 4959 and Resolution No. 9611.
- *9. Assign delinquent accounts to collection services for the three-month period ending September 30, 2009, totaling \$467,827.
- 10. Items from citizens present.

There were no items from citizens present.

Mayor Smith wished good luck to the members of the Mesa High School Jackrabbits football team in their upcoming State championship game.

- 11. Adjournment.

Without objection, the meeting adjourned at 6:31 p.m.

SCOTT SMITH, MAYOR

ATTEST:

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 7th day of December 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK