



COUNCIL MINUTES

January 11, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 11, 2010 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Alex Finter

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Councilmember Finter from the entire meeting.

Invocation by First Reader, Tracy Sullivan, Christian Science Church.

Pledge of Allegiance was led by Councilmember Higgins.

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 stated that the Council recently approved a plan to transfer the responsibilities of the Downtown Development Committee (DDC), which provided input and direction regarding zoning cases in the Town Center area, to the Planning & Zoning Board (P&Z). He explained that because of the legalistic nature of transferring those responsibilities, the DDC was eliminated. Mayor Smith noted that the City values the contributions of the DDC members and would like to recognize them tonight. He also encouraged those individuals to continue their service to the community in other capacities. Mayor Smith added that the City is working to implement a new process that would allow citizens to provide formal input concerning downtown issues.

Mayor Smith, with the assistance of Vice Mayor Jones, presented awards to the members of the DDC who were present in the audience.

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.

Mayor Smith advised that a citizen requested that item 3a be removed from the consent agenda.

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

Mayor Smith declared the motion carried unanimously by those present.

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

Minutes from the April 2, October 8 and 15, November 5 and 16, December 10, 14 and 17, 2009 and January 7, 2010 Council meetings.

3. Take action on the following liquor license applications:

3a. Mesa Arts Center Foundation

This is a one day charitable event to be held on Saturday, January 30, 2010 from 6:00 p.m. to 11:59 p.m. at 1 East Main Street. **(District 4)**

Ben Clark, 3131 North 70th Street, Suite 1002, Scottsdale, spoke regarding the MACV Foundation, an organization that provides assistance to Arizona's combat veterans.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the above-listed liquor license application be forwarded to the State Liquor Licenses and Control Board with a recommendation of approval.

Mayor Smith declared the motion carried unanimously by those present.

* 3b. Circle K Store 1574

Person to Person Location to Location Transfer of a Liquor Store License for Circle K Store 1574, 2012 West Southern Avenue, Circle K Stores Inc. – Kim Kenneth Kwiatkowski, Agent. This location presently has a Beer & Wine Store License under Circle K Stores Inc. that will revert back to the State. **(District 3) (THIS ITEM WAS CONTINUED TO THE FEBRUARY 8, 2010 COUNCIL MEETING.)**

*3c. CVS Pharmacy 3436

Person to Person Transfer of a Liquor Store License for CVS Pharmacy 3436, 2809 South Sossaman Road, German Dobson CVS LLC – Jason Barclay Morris, Agent. This

location presently has a Liquor Store License under CVS 3436 Mesa LLC that will revert back to the State. **(District 6)**

*3d. Walgreens 03670

New Beer & Wine Store License for Walgreens 03670, 1159 East Southern Avenue, Walgreen Arizona Drug Co. – Randy Allen Guse, Agent. This is an existing building with no previous liquor license at this location. **(District 4)**

*3e. Walgreens 07558

New Beer & Wine Store License for Walgreens 07558, 9233 East Guadalupe Road, Walgreen Arizona Drug Co. – Randy Allen Guse, Agent. This is an existing building with no previous liquor license at this location. **(District 6)**

*3f. Cajun Seafood Corner

New Restaurant License for Cajun Seafood Corner, 2051 South Dobson Road, Suite 18, L&M Enterprise LLC – Melford Denton Horneman Jr., Agent. The previous Restaurant License held at this location by HP Family LLC will revert back to the State. **(District 3)**

*3g. Pachuca Mexican Grill

New Restaurant License for Pachuca Mexican Grill, 4545 East McKellips Road, Pachuca Mexican Grill LLC – Ali Akbar Bipar, Agent. The previous Restaurant License held at this location by Papas NY Pizza Inc. will revert back to the State. **(District 5)**

*3h. Silkes American Grill

New Restaurant License for Silkes American Grill, 2036 North Gilbert Road, Tuckers LLC – Jason Matthew Yonkin, Agent. The previous Restaurant License held at this location by BLSK Management LLC will revert back to the State. **(District 1)**

*3i. Vito's Pizza and Ristorante

New Restaurant License for Vito's Pizza and Ristorante, 1947 North Lindsay Road, Vito's Pizza and Ristorante LLC – Ryan Alexander Vickery, Agent. The previous Restaurant License held at this location by Vito's Pizza Place Inc. will revert back to the State. **(District 1)**

4. Take action on the following bingo application:

*4a. BINGO – CLASS B

Good Life Resort **(District 2)**
Dan Martin
3403 East Main Street
Mesa, AZ 85213

5. Take action on the following contracts:

- *5a. Purchase of Replacement Air Diaphragm Pumps and Vertical Centrifugal Pumps with Appurtenances for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Phoenix Pumps, Inc., at \$131,151.35, including applicable sales tax.

- *5b. Purchase of an Audio/Video System for the Police Department Tactical Support Center (Fully Funded by Asset Forfeiture [RICO] Funds). **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ExhibitOne at \$114,844.17.

- *5c. Purchase of Six (6) Replacement Vehicles for Various City Departments (FY09/10 Vehicle Replacement Program). **(Citywide)**

The Purchasing Division recommends authorizing purchase from State of Arizona contracts with multiple vendors at \$199,570.63, including applicable sales tax.

- *5d. Purchase of One (1) Class 8 Conventional Tractor (Semi-Cab & Chassis) for the Mesa Fire Department (Fully Funded by Federal Homeland Security Program, Urban Area Security Initiative Grant). **(Citywide)**

The Business Services Department recommends purchase from the contract with McCandless of Arizona at \$116,959.66, including applicable sales tax.

- *5e. Term Contract for Apparatus Intercom Equipment for the Fire Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Creative Communications Sales and Rentals, Inc., at \$47,744.67, including applicable sales tax.

- *5f. Purchase of Four (4) Replacement Rapid Mixer Drives with Motors for the Water Resources Department. **(Sole Source) (Citywide)**

The Purchasing Division recommends authorizing purchase from the sole source bidder, Philadelphia Mixing Solutions Ltd., at \$66,887.04, including applicable use tax.

- *5g. Term Contract for Dust and Erosion Control Services and Acrylic Copolymer for the Development and Sustainability Department (Fully Funded through Mesa's Federal Environmental Compliance Fee Revenue). **(Citywide)**

The Purchasing Division recommends awarding the contract to International Soil Technologies, LLC, dba SoilWorks at \$100,000.00 annually, including applicable sales tax, and based on estimated requirements.

- *5h. Renewal of the Term Contract for Asphalt Materials for the Transportation Department (Fully Funded by Transportation Sales Tax). **(Citywide)**

The Purchasing Division recommends renewal of the contract with Vulcan Materials Company at \$700,000.00 annually, and Mesa Materials to \$150,000.00 annually, for the combined total contract amount of \$850,000.00.

- *5i. Term Contract for Traffic Signal Uninterruptible Power Supply Units for the Transportation Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, Phoenix Highway Products, Inc., at \$106,972.75 annually, based on estimated requirements.

- *5j. Purchase of a Replacement Voice Logging Recorder for the Police Department (Fully Funded by American Recovery and Reinvestment Act [ARRA], Justice Assistance Grant). **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Gosserco, Inc. at \$295,100.00, including applicable sales tax.

- *5k. Purchase of a Leak Detection System for the Water Resources Department. **(Sole Source) (Citywide)**

The Purchasing Division recommends awarding the contract to the sole source bidder, Fluid Conservation Systems, Inc., at \$148,473.60, including applicable use tax.

- *5l. Desert Well No. 21 Equipping Phase. **(District 6)**

City Project No. 05-065-002. This well was recently drilled as a separate project and this project will install the necessary pump, piping, electrical equipment and chlorination equipment for the well to operate.

Recommend award to the low bidder, Weber Group, in the amount of \$651,472.00, plus an additional \$65,147.20 (10% allowance for change orders) for a total award of \$716,619.20. (Funding is available in the Water Bond Program)

- *5m. Waste Water Line Video Inspection. **(Citywide)**

City Project No. 09-931-001. This project is an annual contract to perform waste water pipeline video inspection on City capital improvement projects and development projects for the upcoming fiscal year. The City will then be able to effectively inspect waste water lines being accepted into the City system for maintenance.

Recommend award to the low bidder, Sahuaro Pipeline Corp., dba Valley Hydrovac, in the amount of \$67,250, plus an additional \$6,725 (10% allowance for change orders) for a total award of \$73,975. These services will be charged to the individual Waste Water Capital Projects for which the waste water line video inspection is performed.

*5n. Arizona Museum for Youth Expansion. **(District 4)**

City Project No. 06-053-001. This is to request Council's approval of an increase to the contract amount to pay for unforeseen conditions discovered during construction of the Arizona Museum for Youth Expansion project.

The increase in the contract amount is \$33,220; the total contract amount will become \$156,739. Funding is available in the approved FY 09/10 Arts and Cultural Capital Program, using Cultural Impact Fees restricted for the expansion of facilities.

6. Introduction of the following ordinance and setting January 25, 2010, as the date of the public hearing on this ordinance:

*6a. Amendment to the Mesa City Code regarding Title 11 as it applies to the Planning and Zoning Board, Downtown Development Committee, and Design Review Board.

P&Z Recommendation: Approval as written. (Vote: 5 – 0, Boardmembers Roberts and Hudson absent.)

7. Take action on the following resolutions:

*7a. Approving and authorizing the City Manager to execute a Grant Agreement with the State of Arizona, Office of the Attorney General to secure grant funds in the amount of \$63,400 for two Victim Notification Clerks in the Police Department – Resolution No. 9617.

*7b. 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 \$37,680 for traffic enforcement programs – Resolution No. 9618.

*7c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Flood Control District of Maricopa County for the construction, operation and maintenance of the Broadway Road and 72nd Street Drainage Improvements project. The total estimated project construction cost is \$335,000. Mesa's estimated share is \$85,000. (Funding is available in the Street Bond Program) **(District 6)** – Resolution No. 9619.

*7d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Flood Control District of Maricopa County for the construction, operation, and maintenance of a new storm drain system on Broadway Road west of Mesa Drive. The total estimated project construction cost is \$335,000. Mesa's estimated share is \$85,000. (Funding is available in the Street Bond Program) **(District 4)** – Resolution No. 9620.

8. 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.

*8a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Turns From Driveways: 10-3-15(B)

On the west side of Gilbert Road from the driveway with centerline approximately 65 feet south of the centerline of Covina Street (west of Gilbert Road, north of University Drive).
(District 2) – Ordinance No. 4969.

9. Take action on the following subdivision plat:

- *9a. “Longbow Business Park Lot 6 Replat” **(District 5)** – 5722 East McDowell Road. Located west of Recker Road and north of McDowell Road. 5 M-1 DMP industrial lots (21.8± ac.) Robert McNichols, Dover Associates LLC, owner; Gary E. Stocker, P.E., R.L.S., Site Consultants, Inc., engineer.

10. Take action on the following recommendation from the Audit and Finance Committee:

- *10a. Accept the City’s Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2009.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the meeting adjourned at 6:05 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 11th day of January 2010. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK