



COUNCIL MINUTES

December 12, 2011

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 12, 2011 at 5:45 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins
Dennis Kavanaugh

COUNCIL ABSENT

Dave Richins
Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Rector Scott Jones, St. Marks's Episcopal Church.

Pledge of Allegiance was led by Boy Scout Brett Marquez.

The Mayor excused Vice Mayor Somers and Councilmember Richins from the entire meeting.

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 recognized the Gunslinger Pop Warner Football team who completed their season by winning the State Championship for the second consecutive year. Mayor Smith said that the team consists of boys between the ages of 10 and 12 years old who are coached by Dave Marquez, Jason Clement, Dane Porter, Steve Sanchez, Lemoni Mora, Dave Lawson, Fred Lyons, and Dorian Pollian.

Dave Marquez, a Coach for the Gunslinger Pop Warner Football team, thanked the Mayor and Council for recognizing their accomplishments. He advised that the majority of the team and its coaches have been together for the past four years. He said coaching provides an opportunity to witness the life lessons kids learn from playing football.

Mayor Smith congratulated the team players, parents and coaches for their accomplishments.

Mayor Smith explained that the Extraordinary Properties campaign was created to recognize residents who have made extra efforts or investments that enhance their property and make our City a more attractive place. He introduced Director of Development and Sustainability Christine Zielonka, who provided a brief history of the Extraordinary Properties campaign.

Ms. Zielonka advised that Mesa is the only city in Arizona to implement a program that recognizes residents who take exceptional care of their property. She explained that nominations for Extraordinary Properties are received from City employees and residents and the winners are selected by a community panel on a quarterly basis.

Ms. Zielonka announced that the property owners that will be recognized for their Extraordinary Properties this quarter are:

- Commercial Property – John Dennett, President of CG Promo Group on North Stapley Drive.
- Residential Property – Lorenzo and Eugenia Velazco, Golden Grove subdivision.

Mayor Smith thanked staff and the Extraordinary Property winners for their efforts.

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 Finter, that the consent agenda items be approved.

Mayor Smith declared the motion carried unanimously by those present.

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

Minutes from the November 17, December 1, and December 5, 2011 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Ultimate Imaginations Inc.

This is a one day charitable event to be held on Friday, January 6, 2012 from 6:00 p.m. to 10:00 p.m. at 1 - 270 E. Main Street. **(District 4)**

*3-b. The Hub Grill and Bar

New Restaurant License for The Hub Grill and Bar, 1925 S. Sossaman Road Suite 101, B Street Grill and Bar LLC – David George Bee, Agent. This location has a Restaurant License held by East Coast Ventures AZ Inc. that will revert back to the State. **(District 6)**

*3-c. RT O'Sullivan's

New Bar License for RT O'Sullivan's, 1610 S. Stapley Drive, Glencar Restaurant LLC – Timothy Raymond O'Sullivan, Agent. This is an existing building without an active liquor license at this location. **(District 4)**

*3-d. RT O'Sullivan's II

New Restaurant License for RT O'Sullivan's II, 1010 W. Southern Avenue, Rossbeigh Inc. – Timothy Raymond O'Sullivan, Agent. This location has a Bar License held by Rossbeigh Inc. Requesting a location to location transfer of the bar license to the new Stapley Drive location. **(District 3)**

*3-e. Chipotle Mexican Grill #1764

New Restaurant License for Chipotle Mexican Grill #1764, 1955 S. Signal Butte Road Suite 101, Chipotle Mexican Grill Inc. – HJ Lewkowitz, Agent. This is an existing building without a previous liquor license at this location. **(District 6)**

4. Take action on the following contracts:

*4-a. Purchase of new Intelligent Return and Sorting Systems for the Library Department **(Funded by Library Bond Funds and Library Restricted Funds) (Citywide) (Sole Source)**

The Purchasing Division recommends authorizing purchase from the Maricopa County Cooperative Sole Source Contract with 3M Track and Trace Solutions at \$553,962.87, including applicable use taxes and estimated shipping and handling costs.

*4-b. Purchase of Software and Support for City's Enterprise Backup System for the Information Technology Department **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, Custom Storage, Inc. at \$149,262.59, including applicable taxes.

*4-c. Purchase of replacement (upgrade) Radio Communication Console Equipment for the Fire, Police, Energy and Water Resources Departments **(78% Funded by 2008 Public Safety Bonds) (Citywide)**

The Purchasing Division recommends awarding the contract to the sole source vendor, Motorola Solutions, Inc. at \$574,640.63, including applicable use tax, plus an additional \$53,906.25 (10% of proposal price, change order allowance), for a total award of \$628,546.88.

*4-d. Purchase of four replacement vehicles (2 sedans, 1 minivan and 1 Ford Explorer) for the Police Department **(Funded by FY 11/12 Vehicle Replacement Fund) (Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Chapman Ford at \$69,298.72 and with Larry Miller Toyota at \$26,973.43. The combined contract award is \$96,272.15, including applicable sales taxes.

- *4-e. Purchase of a replacement front-end loader for the Transportation Department **(Citywide) DELETED**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Medley Material Handling dba JCB of Phoenix at \$121,742.64, including applicable sales tax.

- *4-f. Purchase of a replacement heavy-duty slurry seal truck for the Transportation Department **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, California Pavement Maintenance dba Rayner Equipment Systems, Inc., at \$395,554.04, including applicable use tax.

- *4-g. Term Contract for Traffic Signal Controllers, Video Detection Systems and Components for the Transportation Department **(Single Bid) (Citywide)**

The Purchasing Division recommends awarding the contract to the single bidder, Econolite, at \$538,542.13 annually, including applicable use tax, based on estimated requirements.

- *4-h. Removal and Replacement of a Packaged Water Pump Skid at Red Mountain Park. The pump skid is a structural steel frame that contains the pumps, motors and other components necessary for pump operation **(Single Response/Sole Source) (Citywide)**

The Purchasing Division recommends awarding the contract to the sole source, Precision Electric Co., Inc., (a Mesa business) at \$42,029, including applicable tax.

- *4-i. Brown Road Water Treatment Plant Filter No. 7 Repairs, 7750 E. Brown Road **(District 5)**

City Project 10-602-004. Due to recent failures of the system of filters at this water treatment plant, the City repaired six of the 18 filters (numbers 13 through 18) with an emergency project in July 2011. Filter No. 7 experienced a failure that required more time for design, so it was not repaired at the time. Repair of Filter No. 7 is a high priority in order to bring the plant production to full capacity.

Recommend award of the construction phase service contract to Garney Companies, Inc., as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$292,821.00 plus an additional \$29,282.10 (10% allowance for change orders) for a total award of \$322,103.10. Funding is available in the FY 11/12 Water Bond Capital Program.

5. Take action on the following resolutions:

- *5-a. Authorizing and approving the City Manager to execute Airport Development Reimbursement Grant Agreement No. E2F93 with the Arizona Department of Transportation (ADOT) for the reconfiguration of the Taxiway B pavement and installation of a runway guard light system along Taxiway B at Falcon Field Airport, and any related amendments or supplements thereto.

The total estimated cost of the project is \$1,650,000. The ADOT grant will be in an amount not to exceed \$45,375 (41,250 base grant plus an additional 10% allowance for change orders) and will cover 2.5% of the construction costs for this project. The City's matching 2.5% will also be an amount not to exceed \$45,375, and will be paid using City funds approved and appropriated in the FY 2011-12 Airport Capital Improvement Program budget for this project. **(District 5)** Resolution No. – 9958.

- *5-b. Authorizing investment in and authorizing the City Manager to deposit, transfer, and withdraw monies for the Local Government Investment Pool (LGIP) for a State Aviation Fund Grant, and acknowledging that the State of Arizona has the legal authority to authorize an ADOT Representative to deposit, transfer, and withdraw monies in the City of Mesa LGIP Account. **(District 5)** Resolution No. – 9959.
- *5-c. Approving and authorizing the City Manager to execute an Amendment to the 2011-2012 Mesa Police Association Memorandum of Understanding (MOU) Resolution No. – 9960.

6. 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 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.

- *6-a. **Z11-27 (District 2)** 915 North Val Vista Drive. Located north side of Adobe Road on the east side of Val Vista Drive (40.4± acres). Modification of the existing PAD. This request will allow the development of a single-residential subdivision. Taylor Morrison/Arizona Inc., owner: W. Ralph Pew, Pew & Lake, PLC, applicant. (PLN2011-00298) Ordinance No. – 5072.

P&Z Recommendation: Approval with conditions. (Vote: 6-0, Chair Carter absent)

7. Take action on the following subdivision plat:

- *7-a. "Map of Dedication Sunland Springs Memory Care" – **(District 6)** The 2400 block of South Signal Butte Road. Located north and east of Signal Butte Road and East Guadalupe Road (6.6± ac.) Sunland Springs Memory Care, LLC, owner; Robert J. Blake, Clouse Engineering, Inc., surveyor.

Items not on the Consent Agenda

8. Take action on the following liquor license application:

8-a. **Shell #74**

New Beer and Wine Store License for Shell #74, 6807 E. Baseline Road, Carioca Company – Howard Everett Magee, Agent. This location has a Beer and Wine Store License held by Wolverine Retail LLC that will revert back to the state. **(District 6) – Recommendation for Denial**

It was moved by Councilwoman Higgins, seconded by Councilmember Finter, that Item 8-a be forwarded on the State Liquor Board with the recommendation that the liquor license application be approved.

Mayor Smith called for the vote.

Upon tabulation of the votes, it showed:

AYES - Smith-Finter-Glover-Higgins
NAYS - Kavanaugh
ABSENT - Richins-Somers

Mayor Smith declared the motion carried by majority vote of those present.

9. Take action on the following resolution:

9-a. Approving and authorizing the City Manager to execute the amended and restated TOPAZ Regional Wireless Cooperative Intergovernmental Agreement. **DELETED**

10. Items from citizens present.

Mayor Smith stated that speaker cards have been received from individuals wishing to speak on an item that is not on the agenda. He explained that in accordance with State law the Council does not discuss, answer or acknowledge any items that are not on the agenda however, citizens are allowed to speak on any subject during this line item. He noted that two people have requested to speak and that a large number of speaker cards have been received from individuals who do not wish to speak but have indicated that they are in support of those who are speaking.

Dale Eames, a Mesa resident, stated that he has never been active in any type of politics however, after attending last week's Council meeting where individuals spoke on the Utah Compact he was encouraged to attend this meeting. He said he has reviewed the Utah Compact and expressed his disagreement with the statement that "local law enforcement resources should be focused on criminal activities and not civil violations." He reported that in reviewing the City of Mesa's crime statistics he found that the crime rate has declined 3.7% since SB1070 has been in place and that Employer Sanctions have dropped 16%. He described a situation where his vehicle was burglarized and a camera, as well as a box of business cards, was stolen. He remarked that by adopting something similar to the Utah Compact the City Council could

“communicate a message” to the people of Mesa. In addition, he said that he was part of a “silent majority” that wants the laws to be enforced.

Dinah Lundell, a Mesa resident, addressed the Council and quoted the following line from the Utah Compact, “strong families are the foundation of successful communities and we oppose policies that unnecessarily separate families, we champion policies that support families and improve the health, education and well-being of all Utah children.” She reported that illegal immigrants cost the nation \$338 billion a year in healthcare, education and incarceration costs. Ms. Lundell briefly highlighted various crimes committed by illegal immigrants and said that since SB 1070 was passed crime rates have declined tremendously.

Mayor Smith thanked the speakers for their comments.

Mayor Smith stated that the following citizens submitted speaker cards in opposition of the Utah Compact, but did not wish to address the Council:

Nina Sue Eames
Jerilyn Anderson
Logan Pearce
Andrea Pearce
Evelyn Brenkerhoff
Janyce Miller
Bonnie Peterson
Dine Krauss
Nada Allen
J. Leroy Allen
Tauni Orton
Vaughn Eames
Brittany Eames
Bart Eames
Kenneth Champagne
Ernest Gaddie
Reed Gaddie
Delite Gaddie
Peggy McRae
Arden Rowley

Additional cards submitted in opposition of the Utah Compact but were not read into the record include the following:

Mischel Whipple
Jan Brock

Mayor Smith thanked the individuals who submitted speaker card for being part of the process.

11. Adjournment.

Without objection, the meeting adjourned at 6:13 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 12th day of December 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

bdw