



## COUNCIL MINUTES

December 3, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 3, 2012 at 5:45 p.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

Invocation by Pastor David Land, New Life Assembly of God.

Pledge of Allegiance was led by Vice Mayor Somers.

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 over the past year, as part of the City of Mesa's Extraordinary Properties campaign, the City has recognized a number of Mesa citizens who reside in more mature areas of the community and "have gone the extra mile" to beautify and "reinvent" their properties. He noted that tonight, the City will recognize two more property owners and invited Development and Sustainability Department Director Christine Zielonka to come forward and introduce those individuals.

Ms. Zielonka reported that the City receives nominations for the Extraordinary Properties campaign from the community and City staff. She explained that the recipients will receive a certificate and an Extraordinary Properties sign that will be displayed in their yards for three months.

Ms. Zielonka recognized the property owners as follows:

- Adrian and Rhonda Gonzales for their home in the Silver Key Estates neighborhood.

- Jose and Abigail Llamas for their home on East 6<sup>th</sup> Avenue in the Western Homesites neighborhood.

Mayor Smith and Councilmember Glover presented the certificates to the recipients.

Ms. Zielonka acknowledged the panel of community leaders who, on a quarterly basis, review the nominations and select the winners.

Mayor Smith congratulated the property owners and thanked them for their efforts to enhance their respective neighborhoods.

1. Take action on all consent agenda items.

Mayor Smith stated that regarding item 5-a (Adopting an Ordinance of the City Council acknowledging receipt of the report and recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council), at an earlier Study Session, the Council discussed the possibility of modifying the wording of the description of the Ordinance. He noted that City Attorney Debbie Spinner has now informed him that since the Ordinance has already been published, it was not possible to implement such modifications and the language will remain as is.

Mayor Smith, in addition, remarked that at the previous Study Session, the Council also discussed the fact that under the Mesa City Charter, the Council is the only body that can vote on the matter of their compensation, which creates a conflict of interest for all of the Councilmembers. He stated that per State law, each Councilmember must declare a conflict of interest prior to taking action on this item.

Mayor Smith advised that it was the consensus of the Council that each member had a conflict of interest and therefore he was declaring such conflicts at this time.

Mayor Smith further remarked that the Council is adopting an Ordinance that was drafted based on a report authored by the Independent Commission on Compensation for Elected Officials. He explained that this past summer, the Commission was established as an independent body to make such recommendations. Mayor Smith clarified that the Council can either accept or reject the recommendations. He added that tonight, the Ordinance is simply being introduced and said that at the December 10, 2012 Regular Council meeting, the Council will discuss and take formal action on the report and recommendations.

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

Vice Mayor Somers commented that with respect to items 7-a and 7-b, Bridgestone Americas Tire Operations will invest nearly \$40 million in Mesa to construct, operate and maintain a research and development facility to create new methods of making tires. He stated that not only will Bridgestone generate high-wage jobs in the community, but it will also create jobs at a farm in Ajo that it will operate. Vice Mayor Somers expressed appreciation to Mayor Smith, City Manager Christopher Brady, Economic Development Department Director Bill Jabjiniak and Economic Development Project Manager Shea Joachim for their efforts and hard work in this regard.

Mayor Smith called for the vote.

Carried unanimously.

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

Minutes from the October 11 and November 5, 19 and 26, 2012 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Pappas Kids Schoolhouse Foundation

This is a one-day charitable event to be held on Friday, December 7, 2012, from 4:00 p.m. to 10:00 p.m., per the Special Use Permit, at 922 South Country Club Drive. **(District 4)**

\*3-b. Power and Guadalupe Shell

New Beer and Wine Store License for Power and Guadalupe Shell, 6810 East Guadalupe Road, Power and Guadalupe, LLC – Cyrus Mohammadzadeh, Agent. This is an existing building without an active liquor license at this location. **(District 6)**

\*3-c. F.O.E Mesa Tri-City #3468

New Club License for Mesa Tri-City #3468 Fraternal Order of Eagles, Inc., 1712 West Broadway Road, Suite 108, Jay Christopher Powell, Agent. This is an existing building without an active liquor license at this location. **(District 3)**

4. Take action on the following contracts:

\*4-a. Renewal of the Contract for Broker Services and Workers' Compensation Insurance Bond. **(Citywide) (CONTINUED TO THE DECEMBER 10, 2012 REGULAR COUNCIL MEETING.)**

The broker for this program provides consulting services during the year (approximately \$25,000) to include, but is not limited to, annually searching the insurance marketplace on behalf of the City to secure a Surety Bond (approximately \$310,000 annually) at the best price. The Bond is required by the State Industrial Commission in order to allow the City to have a self-insured Workers' Compensation Program. The broker also assists with placing our Excess Workers' Compensation Insurance with a company that offers the most coverage for the best price (previously approved by Council).

Purchasing recommends authorizing a two-year renewal with Arthur J. Gallagher Risk Management Services, Inc. at \$335,000.00 annually.

\*4-b. Renewal of the Term Contract for 3M Library Systems Radio Frequency ID (RFID) Tags. **(Citywide)**

This contract will provide RFID tags that will interface with the existing 3M RFID system at the City's Libraries. RFID technology is a fast, easy and efficient way to track, locate and manage library materials, automating check-in and identifying items out of order on the

shelves with a hand-held device. These tags also act as a security system if an item is moved past the security gates without complete check-out.

Purchasing recommends authorizing a three-year renewal utilizing the Maricopa Contract (sole source) cooperative contract with 3M Library Systems at \$35,000.00 annually, including applicable use taxes.

- \*4-c. Renewal of the Term Contract for the Procurement Card Program Services for Citywide Departments. **(Citywide)**

The City's Procurement Card Program provides an efficient and cost effective way to make certain small purchases and payments with spend controls, reporting tools, online review and transaction approval and an interface with the City's financial system. Mesa is part of the Arizona Public Sector Group, an association of 21 Arizona public sector agencies that leverage their combined spending to increase the program rebate opportunity.

Purchasing recommends authorizing a two-year renewal utilizing the City of Chandler contract with Bank of America.

- \*4-d. Change Order for the Term Contract for asphalt materials as requested by the Transportation Department. **(Citywide)**

This contract provides the supply of asphalt materials as requested by the Transportation and Energy Resources Departments. Vulcan Materials closed their Longmore batch plant as of October 19, 2012, and is no longer able to honor the contract and supply the City with hot mix asphalt.

Purchasing recommends reallocating \$501,000 from Vulcan Materials to the other secondary and tertiary contract vendors as follows: \$250,500 to Edward L. Levy, dba Mesa Materials (a Mesa business); \$250,500 to Cemex. The revised amounts will be: Vulcan Materials at \$137,880.50; Mesa Materials at \$300,500.00; and Cemex at \$350,500.00; annually. The total annual contract amount of \$828,880.50 for all groups remains unchanged.

- \*4-e. Renewal of the Term Contract for Reduced Pressure Backflow Prevention Assemblies for the Water Resources Department. **(Citywide)**

This contract will provide standardized backflow prevention assemblies from Arizona Waterworks Supply, Inc. for the City's large water meter rehabilitation projects. The purchase of Wilkins-brand assemblies is required, first, to be consistent with the selection of units used in the previous meter vault rehabilitation, and second, the cost for this replacement rubber kit is the lowest priced as compared to other manufacturer brands.

Purchasing recommends authorizing a two-year renewal with Arizona Waterworks Supply, Inc. at \$45,000.00 annually, including applicable sales tax.

- \*4-f. Dollar Limit Increase for the Three-Year Supply Contract for Ultraviolet Disinfection System Parts and Supplies for the Water Resources Department. **(Citywide)**

The Greenfield Water Reclamation Plant is in need of a complete lamp and wiper replacement on their Wedeco UV Equipment. The lamps have a two to three-year life expectancy and the wipers have only a one-year life expectancy. The sole source vendor has offered a one-time only savings on a bulk order of these lamps and wipers.

Purchasing recommends authorizing a dollar limit increase of \$131,133.00, increasing the contract amount from \$136,414.50 to \$267,547.50 with Xylem Water Solutions USA, Inc. (Sole Source).

5. Introduction of the following ordinance and setting December 10, 2012, as the date of the public hearing on this ordinance:

- \*5-a. Adopting an Ordinance of the City Council acknowledging receipt of the report and recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council.

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. **Z12-44 (District 3)** 1725 South Country Club Drive. Located north of Baseline Road on the east side of Country Club Drive (50± acres). Modification of the existing PAD Overlay within an LI Zoning District and Site Plan Modification. This request will allow for an approximately 100,000 sq. ft. expansion of the existing Empire Southwest industrial campus. Mesa Campus LLC, owner; Saemisch DiBella, applicant. (PLN2012-00333) – Ordinance No. 5129.

Staff Recommendation: Approval with conditions.

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

- \*6-b. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules – Ordinance No. 5130 and Resolution No. 10160.

7. Take action on the following resolution and zoning ordinance introduced at a prior Council meeting:

- \*7-a. A resolution approving and authorizing the City Manager to execute a Development Agreement with Bridgestone Americas Tire Operations, LLC, for the development of the property located north of the northwest corner of Mountain and Pecos Roads – Resolution No. 10161. **(District 6)**

- \*7-b. **Z12-43 (District 6)** 6533 South Mountain Road. Located north of Pecos Road on the east side of Mountain Road (10± acres). Rezone from AG to GI BIZ and Site Plan Review. This request will allow for the development of a research and development facility. Bridgestone Americas, owner; Richard Rissmiller, applicant. (PLN2012-00359) – Ordinance No. 5131.

Staff Recommendation: Approval with conditions.

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

**Items not on the Consent Agenda**

**8. Conduct a public hearing and take action on the following Minor General Plan Amendment, GP Minor 12-01, Resolution, Development Agreement and Zoning Ordinance introduced at a prior Council meeting:**

8-a. Conduct a public hearing on Minor General Plan Amendment GP Minor 12-01.

Mayor Smith announced that this was the time and place to conduct a public hearing regarding Minor General Plan Amendment GP Minor 12-01.

Councilwoman Higgins commented that at the beginning of this process, the Minor General Plan Amendment and proposed zoning were quite controversial and caused significant concern for the surrounding neighbors. She thanked the developer and City staff for their efforts and hard work in addressing and resolving the neighbors' concerns in a satisfactory and timely manner. Councilwoman Higgins added that she looked forward to the development of "another great neighborhood in northeast Mesa."

There being no citizens wishing to speak on this issue, the Mayor declared the public hearing closed.

8-b. **GPMinor12-01 (District 5)** The 9800 through 10000 blocks of East McKellips Road (south side). Located at the southwest corner of McKellips Road and Crismon Road (40± acres). Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use designation from LDR 0-1 to LDR 1-2. This request will allow the development of a single-residential subdivision. US Development Land, LLC, owner; Ralph Pew, Pew and Lake, PLC, applicant. (PLN2011-00285) – Resolution No. 10162.

P&Z Recommendation: Adoption. (Vote: 6-0, Boardmember Johnson absent.)

Mayor Smith stated that it was the consensus of the Council that agenda items 8-b, 8-c and 8-d would be voted on in a single motion.

It was moved by Councilwoman Higgins, seconded by Vice Mayor Somers, that Resolution Nos. 10162 and 10163 and Ordinance No. 5132 be adopted.

Carried unanimously.

8-c. A resolution approving and authorizing the City Manager to execute a Development Agreement with US Development Land, LLC, related to the development of a parcel of land located at the 9800 to 10000 blocks of East McKellips Road (south side). **(District 5)** – Resolution No. 10163.

**(See item 8-b for the Council's action.)**

- 8-d. **Z11-28 (District 5)** The 9800 through 10000 blocks of East McKellips Road (south side). Located at the southwest corner of McKellips Road and Crismon Road (40± acres). Rezone from RS-35 PAD to RS-15 PAD and consider the preliminary plat of Granite Ridge. This request will allow the development of a single-residential subdivision. US Development Land, LLC, owner; Ralph Pew, Pew and Lake, PLC, applicant. (PLN2011-00286) – Ordinance No. 5132.

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

**(See item 8-b for the Council's action.)**

9. Items from citizens present.

Lesa Crismon, a Mesa resident and owner of Crismon's Baby Boutique, voiced concern that she and her husband recently received letters from the City of Mesa requesting that they pay sales tax on two properties they own, even though no rental income has been generated. She noted that she sent correspondence to the Council in this regard and inquired if they had any comments they would like to make on the issue.

Mayor Smith advised that State law does not allow the Council to respond to Ms. Crismon's comments.

City Manager Christopher Brady stated that he would be happy to have his staff review the matter and get back with Ms. Crismon.

Mayor Smith added that he would meet with Ms. Crismon after the meeting.

10. 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 December, 2012. 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