



## COUNCIL MINUTES

February 10, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 10, 2014 at 5:50 p.m.

### COUNCIL PRESENT

Scott Smith  
Alex Finter  
Christopher Glover  
Dennis Kavanaugh  
David Luna  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

Invocation by Mayor Smith.

Pledge of Allegiance was led by Aaron Kafka, Scout Troop #557.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Mayor Smith stated that the City of Mesa has the finest group of employees in the State, if not in the nation. He noted that during his tenure as Mayor, it has been a pleasure to work with these dedicated and focused people who "give it their all" on a daily basis. He remarked that such efforts would not be achieved if it were not for the strong leadership of the City Manager's Office.

Deputy City Manager Kari Kent, who also serves as the 2014 Arizona City/County Management Association (ACMA) President, addressed the Council. She reported that the ACMA represents local government managers from 91 cities, towns and counties throughout Arizona. She explained that last week, the organization held its winter conference award ceremony and recognized individuals who not only have demonstrated the highest level of professional excellence in local government, but also made life contributions in serving this profession.

Ms. Kent stated that one of the awards she presented was the John J. DeBolske Professional Excellence Award, which is the highest honor that the ACMA bestows upon an active City or County Manager. She indicated that the award was named after Jack DeBolske, who was the past Executive Director of the League of Arizona Cities and Towns for 40 years and an advocate for the Council/Manager form of government.

Ms. Kent further remarked that she was proud to announce that she had the honor of awarding the John J. Bolske Professional Excellence Award to Mesa City Manager Christopher Brady. She noted that Mr. Brady was recognized for his 25 years of service to the local government profession and most notably his outstanding accomplishments in Mesa by partnering with the City Council, staff and the residents in creating transformative projects to "Build a Better Mesa."

Ms. Kent stated that Mr. Brady was also recognized for creating a leadership pipeline, which fosters the next generation of local government leaders; meeting on a regular basis with college students to share his expertise; creating internships and full-time employment opportunities for recent college graduates; creating the Executive Management Program, which rotates four City employees through the City Manager's Office; and sharing Mesa's best practices with other ACMA communities.

Ms. Kent concluded her remarks by commenting that Mesa was fortunate to have a City Manager who is a strategic leader and dedicated professional, as well as someone who recognizes the importance of the Council/Manager relationship in order to create a successful community and build trust with its citizens.

City Manager Christopher Brady stated that he was humbled by the recognition. He expressed appreciation to the Mayor and City Council for giving him and City staff the support and the opportunities "to do great things." He commented that a municipality can have a talented City Manager with excellent skills and experience, but pointed out that unless that person has the support of the elected officials, it would be difficult "to get things done."

Mayor Smith commented that when this Council first came into office, it placed an emphasis on striving for excellence and participating in outside affirmations (i.e., celebrating our successes). He stated that Mr. Brady and City staff are the reasons Mesa has been recognized for its innovations and achievements and congratulated Mr. Brady on his well-deserved award.

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 stated that he received a speaker card from Andrea Lewkowitz, who was in support of items 3i, 3j, 3k and 3l, but did not wish to speak unless it was necessary.

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

Carried unanimously.

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

Minutes from the November 21, 2013, January 23 and 27, 2014 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Commemorative Air Force Airbase Arizona

This is a one-day charitable event to be held on Saturday, March 8, 2014, from 5:00 p.m. to 11:30 p.m., at 2017 North Greenfield Road. **(District 5)**

\*3-b. Fountain of the Sun Community Association

This is a one-day civic event to be held on Friday, February 14, 2014, from 5:30 p.m. to 8:30 p.m., at 560 South 80<sup>th</sup> Street. **(District 5)**

\*3-c. **DELETED.**

\*3-d. **DELETED.**

\*3-e. **DELETED.**

\*3-f. All Saints Men's Ministry

This is a one-day religious event to be held on Friday, February 14, 2014, from 6:00 p.m. to 9:00 p.m., at 1534 North Recker Road. **(District 5)**

\*3-g. St. Bridget Catholic Church

This is a one-day religious event to be held on Saturday, March 1, 2014, from 6:00 p.m. to 9:00 p.m., at 2213 North Lindsay Road. **(District 1)**

\*3-h. Maya NY Pizza, Bar & Grill

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Maya NY Pizza, Bar & Grill, 223 East Brown Road, Maya Business Ventures, LLC – Violetta Pivac-Dujakovic, agent. This is an existing building with no current liquor license. **(District 1)**

\*3-i. Applebee's Neighborhood Grill & Bar

A Restaurant that serves lunch and dinner is requesting a new Restaurant License for Applebee's Neighborhood Grill & Bar, 2032 East Baseline Road, RMH Franchise Corporation – Andrea Dahlman Lewkowitz, agent. This location has a Restaurant License held by Thomas & King, Inc. that will revert back to the State. **(District 3)**

\*3-j. Applebee's Neighborhood Grill & Bar

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Applebee's Neighborhood Grill & Bar, 2053 South Alma School Road, RMH Franchise Corporation – Andrea Dahlman Lewkowitz, agent. This location has a Restaurant License held by Thomas & King, Inc. that will revert back to the State. **(District 3)**

\*3-k. Applebee's Neighborhood Grill & Bar

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Applebee's Neighborhood Grill & Bar, 1143 North Higley Road, RMH Franchise Corporation – Andrea Dahlman Lewkowitz, agent. This location has a Restaurant License held by Thomas & King, Inc. that will revert back to the State. **(District 5)**

\*3-l. Applebee's Neighborhood Grill & Bar

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Applebee's Neighborhood Grill & Bar, 6259 East Southern Avenue, RMH Franchise Corporation – Andrea Dahlman Lewkowitz, agent. This location has a Restaurant License held by Thomas & King, Inc. that will revert back to the State. **(District 6)**

4. Take action on the following contracts:

\*4-a. Purchase of Replacement LED Lighting System for the Upper Level City Council Chambers as requested by the Office of Public Information and Communications. **(Citywide)**

This purchase is part of the renovation and update project for the City Council Chambers (upper-level) replacing the more than 20 year old lighting system that is used for the production of live City Council meetings. The current lighting is not energy efficient and produces significant heat, which creates more demand on the air conditioning system, especially during summer months. The recommended system will allow for less energy use, while providing enhanced control features for live program production.

The Office of Public Information and Communications and Purchasing recommend authorizing the purchase using the Mohave Educational Cooperative contract with Barbizon Lighting Company, at \$34,843.78.

\*4-b. Purchase of Replacement Carpet at the Mesa City Council Chambers as requested by the Facilities Maintenance Department. **(Citywide)**

The carpet in the Council Chambers is in poor condition and ready for life-cycle replacement. The old carpet is worn and damaged and may cause trip hazards.

Facilities Maintenance and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Continental Flooring, at \$29,701.13, including applicable construction sales tax.

\*4-c. Twenty Nine (29)-Month Term Contract for Service Recognition Awards for the Human Resources Department. **(Citywide)**

This contract provides recognition awards for the City's Service Award Program administered by the Human Resources Department.

Human Resources and Purchasing recommend authorizing a 29-month term contract using the Arizona State University cooperative contract with O.C. Tanner (a Mesa business), at \$65,000 annually, based on estimated requirements.

- \*4-d. Three (3)-Year Term Contract for Light-Duty Automotive Body Shop Repair Services for the Fleet Services Department. **(Citywide)**

This contract will establish a qualified vendor list of pre-qualified automotive body repair firms to provide non-exclusive repair service on an as-needed-basis. The selected firms will furnish all labor, tools, materials, garage facility and insurance to perform body and related mechanical repair work for the City's fleet of light-duty vehicles as directed by the City.

An evaluation committee representing Fleet Services and Purchasing recommends placing the six highest scored proposals onto the qualified vendor list: Arcadia Body Shop and Collision Center in Scottsdale; and Mesa businesses: Berge Ford; Dependable Autobody East, Inc.; LP's Body and Paint Center, LLC; MAACO Collision Repair; and Superstition Body and Paint. The annual contract amount is \$250,000, not to cumulatively exceed.

- \*4-e. Purchase of One (1) Replacement DUI Command Vehicle for the Police Department. **(Citywide)**

This contract will provide one heavy-duty mobile command vehicle for the Police DUI Team, including the upfit cost.

Fleet Services, Police and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, La Mesa RV Center, Inc. (a Mesa business), at \$123,258.03 for the vehicle purchase, and using the State of Arizona cooperative contract with Steele Quality, dba Quality Vans, at \$177,861.85 for the upfit purchase. The combined total award is \$301,119.88. The purchase is grant funded by the Governor's Office of Highway Safety (\$275,000), the Capital-General Fund (\$25,000) and the Police Department operating budget (\$1,119.88).

- \*4-f. Three (3)-Year Term Contract for Vehicle Decals for the Fire and Medical and Police Departments (Single Response). **(Citywide)**

This contract will provide vehicle decals, graphics, and installation on Mesa's Fire/Medical, and Police Departments' vehicles, apparatus and equipment for identification of station/area location, type of apparatus and vehicle function.

Fire and Medical, Police and Purchasing recommend awarding the contract to the qualified single bidder, RV Stripes and Graphics, at \$60,680 annually, based on estimated requirements.

- \*4-g. Purchase of One (1) Replacement Heavy-Duty Truck and Mounted Highway Striper System for the Transportation Department. **(Citywide)**

Fleet Services, Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, M-B Companies, Inc., at \$420,744.19. This purchase is funded by the Vehicle Replacement Fund.

- \*4-h. Three (3)-Year Term Contract for LED Traffic Signal Heads and Pedestrian Signals for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract will provide traffic signal heads, pedestrian heads, mounts for these heads, as well as pedestrian pushbutton stations.

Transportation, Materials and Supply and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, McCain, Inc., at \$88,700; and JTB Supply Company, at \$40,200; annually, based on estimated requirements.

- \*4-i. Purchase of Two (2) Replacement Trailer-Mounted Water Pumps for the Transportation Department. **(Citywide)**

This contract will provide two trailer-mounted water pumps: one, four-inch trailer mounted and one, six-inch trailer mounted. Transportation, Field Operations will use these pumps for small dewatering and pumping for storm events.

Fleet Services, Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Water Movers, at \$71,850.27. This purchase is funded by the Vehicle Replacement Fund (\$56,000) and by the Capital - General Fund (\$15,850.27).

- \*4-j. Purchase of Three (3) Replacement Solid Odor Control Recirculation Pumps for the Greenfield Water Reclamation Plant (GWRP) for the Water Resources Department (Sole Source). **(Citywide)**

The current recirculation pumps in the GWRP have experienced several failures in specific areas of design. Two years ago, a test unit of the new pump was installed and has proven to be successful in addressing the problem areas with a more reliable robust design. Staff recommends purchase of the newly designed pump from the original manufacturer in order to maintain original engineered curved performance of the recirculation pumps.

Water Resources and Purchasing recommend awarding the contract to sole source vendor, Pump Systems, Inc., at \$47,197.85. This purchase is 58.2% (\$27,469.15) funded through reimbursements by the Towns of Gilbert and Queen Creek, and 41.8% (\$19,728.70) funded by Mesa's Greenfield WRP Joint Venture Fund through 2010 Wastewater Bonds.

- \*4-k. Purchase and Installation of New Equipment to Upgrade Two (2) Waste Gas Burners at the Greenfield Water Reclamation Plant as requested by the Water Resources Department (Sole Source). **(Citywide)**

The BioGas Flare System at the Greenfield Water Reclamation Plant (GWRP) is designed to burn off methane and other gaseous byproducts produced in the treatment of wastewater before these toxins are released into the atmosphere. This purchase will provide for the complete supply and install/commissioning of new equipment (enhancement to the existing flares at GWRP) by John Zink factory personnel. After installation, this enhancement will ensure compliance with the Maricopa County Department of Air Quality regulations.

Water Resources and Purchasing recommend awarding the contract to the sole source vendor, John Zink Company, LLC, at \$54,592.51. This purchase is funded 58.2%

(\$31,772.85) through reimbursements by the Towns of Gilbert and Queen Creek, and 41.8% (\$22,819.66) funded by Mesa through the Greenfield WRP Joint Venture Fund.

- \*4-l. Purchase and Installation of Three (3) Replacement Articulating Arms to upgrade Utility Maintenance Vehicles (Valve Trucks) as requested by the Water Resources Department (Sole Source). **(Citywide)**

The reliability of the distribution system is critical for the delivery of safe drinking water and fire protection, which includes the maintenance of more than 39,000 in-line valves and 18,000 fire hydrant valves. In order to efficiently maintain these valves, three existing utility maintenance vehicles (valve trucks) will be upgraded with this purchase.

Water Resources and Purchasing recommend awarding the contract to sole source vendor, Balar Equipment, at \$53,951.01. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- \*4-m. This is the third Guaranteed Maximum Price package (GMP No. 3) for the Oakland Athletics Spring Training Facility, a Construction Manager at Risk project. The GMP No. 3 includes the remaining scope of work necessary to complete the project at Fitch Park and Hohokam Stadium. **(Districts 1 and 4)**

Recommend award for GMP No. 3 to W.E. O'Neil, in the amount of \$14,524,738, based on the contract price of \$13,927,413, plus an additional \$597,325 as an allowance for change orders. The funding is available from the Spring Training Construction Fund.

5. Take action on the following resolution:

- \*5-a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) and Resolution for the 90<sup>th</sup> Street and Butternut Avenue Drainage Improvement Project. **(District 5)** – Resolution No. 10381.

This IGA identifies and defines the responsibilities of the Flood Control District of Maricopa County (District) and the City for the design, right-of-way acquisition, utility relocations, construction, construction management and operation and maintenance of the proposed project. The City must participate in the construction cost of the project, and also operate and maintain the facilities. The District will fund 75% of the project construction cost incurred and invoiced between July 1, 2014 and June 30, 2015, with the funding from the District capped at \$250,000, in accordance with the District's Program, and as stated in the IGA.

The total project construction cost is estimated to be \$172,300. The District will fund 75% of the project construction cost incurred, at \$129,225, with the City funding the remaining 25%, at \$43,075.

6. Introduction of the following ordinances and setting February 24, 2014 as the date of the public hearing on these ordinances:

- \*6-a. **Z14-004 (District 5)** 4004 East Hermosa Vista Drive (north side). Located south and east of McDowell Road and Val Vista Drive (12.7± acres). Rezone from RS-35 to RS-35-

PAD and Site Plan Review. This request will allow the development of a single-residence subdivision.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 6-0-1, abstain, Vice Chair Coons.)

- \*6-b. **Z14-002 (District 1)** The 3200 to 3300 blocks of East McKellips Road (north side) and the 2000 to 2100 blocks of North 32<sup>nd</sup> Street (east side). Located at the northeast corner of McKellips Road and 32<sup>nd</sup> Street. Rezone 4± acres from LC to RS-35-PAD and rezone 33.07± acres from AG to RS-35-PAD and Site Plan Review. This request will allow the development of a single-residence subdivision.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 6-0-1, abstain, Boardmember Hudson.)

7. Take action on the following subdivision plat:

- \*7-a. "Map of Dedication – South Encore" (**District 6**) The 5400 - 5700 blocks of South Encore. Located west of Signal Butte Road and south of Ray Road (1.52± acres). EM646, LLC, owner; Joe Kraft, EPS Group, Inc., surveyor.

8. Take action on the following resolution and ordinance that was introduced at a prior Council meeting regarding amending the Mesa Zoning Ordinance; Title 11 of the Mesa City Code:

- \*8-a. Adopting a resolution declaring "Appendix A: Amendments to the Mesa Zoning Ordinance, January 13, 2014" a public document, and providing for availability of the document to the general public. (**Citywide**) – Resolution No. 10382.
- \*8-b. Amending the Mesa Zoning Ordinance; Title 11 of the Mesa City Code. Amendments include various housekeeping items and minor revisions to Title 11, Chapters 2 through 8 and 30 through 34. (**Citywide**) – Ordinance No. 5201.

The housekeeping items include minor revisions to: spelling, grammar, establishing land use and development standards related to residential, commercial, downtown and industrial zoning districts, building setbacks, accessory buildings in residential districts, allowance of community gardens, indoor recycling facilities, recreational vehicle storage lots, establishing standards for the temporary use of modular buildings during remodeling of existing buildings, modifying parking standards for sites adjacent to transit stops, making allowances for substitutions of ocotillo plants for required landscape trees, making minor technical changes with regard to listing of form-based transect district and measuring required separations between land uses. Also, preserving rights and duties that have already matured and proceedings, which have already begun.



**Items not on the Consent Agenda**

9. Take action on the following liquor license application:

Circle K Store #8862

- 9-a. A convenience store is requesting a Location Transfer of a Liquor Store License for Circle K Store #8862, 753 West Broadway Road, Circle K Stores, Inc – Kim Kenneth Kwiatkowski, agent. This location has a Beer and Wine Store license held by Circle K Stores, Inc., that will revert back to the State. **(District 4)**

Mayor Smith stated that this matter was discussed in the prior Study Session and noted that staff addressed Circle K's compliance with the City's Convenience Store Ordinance that was passed three years ago. He indicated that Councilmember Richins asked that this item be removed from the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Luna, that the Circle K Store liquor license application be forwarded to the State Liquor Licenses and Control Board with a recommendation for approval.

Councilmember Richins commented that staff informed the Council that Circle K is, in fact, complying with the Convenience Store Ordinance at this store and said that he would not oppose the motion.

Mayor Smith called for the vote.

Carried unanimously.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:10 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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DEE ANN MICKELSEN, 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 10<sup>th</sup> day of February 2014. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

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