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OFFICE OF THE CITY CLERK

COUNCIL MINUTES

February 8, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 8, 2010 at 5:48 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
Mayor Scott Smith	None	Christopher Brady
Alex Finter		Debbie Spinner
Dina Higgins		Linda Crocker
Kyle Jones		
Dennis Kavanaugh		
Dave Richins		
Scott Somers		

(Councilmember Somers participated in the meeting through the use of telephonic equipment.)

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

Pledge of Allegiance was led by Isaac Nording, Scout Troop # 845.

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.

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 Vice Mayor Jones, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the December 17, 2009 and January 25, 2010 Council meetings.

3. Take action on the following liquor license applications:

*3a. Arizona Bike Week

This is a two-day charitable event to be held on Friday, April 9, 2010 from 12:00 p.m. to 11:00 p.m. and Saturday April 10, 2010 from 9:00 a.m. to 11:00 p.m. at 944 South Country Club Road. **(District 3)**

*3b. Commemorative Air Force Arizona Wing Museum

This is a one-day charitable event to be held on Saturday, March 20, 2010 from 4:30 p.m. to 11:30 p.m. at 2017 North Greenfield Road. **(District 5)**

*3c. St. Bridget Catholic Church

This is a one-day religious event to be held on Friday, March 5, 2010 from 5:00 p.m. to 10:00 p.m. at 2213 North Lindsay Road. **(District 5)**

*3d. 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) (CONTINUED FROM THE JANUARY 11, 2010 COUNCIL MEETING.)**

*3e. Swan Thai Restaurant

New Restaurant License for Swan Thai Restaurant, 5110 East Southern Avenue, Suite 104, Jack and Jame Corporation – Tommy Chow, Agent. The previous Restaurant License held at this location by Mike Thai Restaurant LLC became inactive with the State on April 16, 2008. **(District 6)**

4. Take action on the following contracts:

*4a. Term Contract for Hazardous Materials Protective Ensembles for the Fire Department **(Sole Source)** (Fully Funded by Federal Homeland Security Grant Program, Urban Area Security Initiative Grant). **(Citywide)**

The Purchasing Division recommends awarding the contract to sole source bidder, Trelleborg-Viking Inc., at $65,387.52, including applicable use tax.

*4b. Purchase of New and Replacement Furniture and Chairs for the City Prosecutor's Office (Fully Funded by the Series 2009 Bond Funds).

The Purchasing Division recommends authorizing purchase from Goodman's Interior Structures at $62,632.04, including applicable taxes.

*4c. Purchase of One (1) Replacement K-9 SUV for the Police Department (Fully Funded Asset Forfeiture [RICO] Funds). **(Citywide)**

The Purchasing Division recommends authorizing purchase from Midway Chevrolet at $48,982.96, including up-fitting costs and applicable sales tax.

*4d. Purchase of Personal Computers, Laptops and Monitors for the City's Cycle Replacement Program for the Information Technology Department (Tax Exempt Lease). **(Citywide)**

The Purchasing Division recommends authorizing purchase from Dell, Inc., at $259,942.01, including applicable sales tax.

*4e. Police Shooting Range and Classroom Improvements. **(District 1)**

City Project No. 01-252-001. The existing classroom is a mobile trailer that is over 25 years old. This facility will be demolished and the existing septic systems for the classroom and shooting range armory will be abandoned. A new 4,500 square foot insulated concrete form building will be constructed.

Recommend award to the low bidder, Edge Construction, in the amount of $736,671.21, plus an additional $73,667.12 (10% allowance for change orders) for a total award of $810,338.33. Funding is available in the adopted FY 09/10 Law Enforcement Capital Bond Program.

5. Introduction of the following ordinances and setting February 22, 2010, as the date of the public hearing on these ordinances:

*5a. **Z10-01 (District 2)** 2639 East Broadway Road, Suite 105. Located west of Lindsay Road and south of Broadway Road (3,000+ sq. ft.), Council Use Permit. This request will allow an existing restaurant to operate with 30% of its gross revenue coming from food sales in association with a "Grill" liquor license. Michael Pollack, owner. Kimberly Guethle, applicant.

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

*5b. **Z10-03 (District 6)** 6560 South Mountain Road. Located north of Pecos Road on the west side of Mountain Road (8.7± acres) Rezone from AG to M-2, Council Use Permit and Site Plan Modification. This request will allow the expansion of an existing industrial development. MGC Pure, owner; Aaron Goodmansen, applicant.

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

*6. Take action to increase the vacation accrual for the City Attorney and City Clerk by 5 hours per month.

7. Take action on the following resolutions:

*7a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County to locate a Workforce Connection Access Point at the Mesa Public Library – Resolution No. 9632.

*7b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the State of Arizona, Department of Homeland Security to accept grant funding in the amount of $46,060.00 for equipment for the Fire Department's Rapid Response Team – Resolution No. 9633.

*7c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the City of Phoenix to accept funding in the amount of $9,400,000 for the design, land acquisition and construction of three Park-and-Ride lots. The total estimated project construction cost is $12,453,500. Mesa's estimated share of the project cost is $392,230, with the balance of the project cost to come from a combination of American Recovery and Reinvestment Act ($9,400,000), Federal ($2,442,799), and regional funds ($218,471) – Resolution No. 9634.

- West Mesa Park and Ride, located at 1830 South Country Club Drive. **(District 3)**
- Red Mountain Park and Ride at Power Road, located at Power and the Loop 202 (Red Mountain) Freeway. **(District 5)**
- Red Mountain Park and Ride at Gilbert Road, located at the northeast corner of Gilbert and McDowell Roads. **(District 1)**

*7d. Approving and authorizing the City Manager to execute Amendment Two to the original Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa to accept American Recovery and Reinvestment Act funding in the amount of $666,755.00 for the construction, construction management, and operation and maintenance of pathways in the Consolidated Canal Phase II B (Main Street to Lindsay Road) – Resolution No. 9635. **(District 2)**

*7e. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Circle K, Inc. and the City of Mesa for reimbursement of $54,624.00 for regional street improvements that are being required by Mesa in conjunction with a proposed commercial development known as Circle K Store, located at 2012 West Southern Avenue. Mesa's share of funding for the improvements is budgeted in the FY 2009/2010 City Share budget from Transportation Sales Tax – Resolution No. 9636. **(District 3)**

7f. Approving and authorizing the City Manager to execute a lease with A New Leaf for usage of the City facility located at 415 North Pasadena – Resolution No. 9639. **(District 4)**

Vice Mayor Jones declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Richins, seconded by Councilmember Higgins, that Resolution No. 9639 be adopted.

Upon tabulation of votes, it showed:

AYES - Smith-Finter-Higgins-Kavanaugh-Richins-Somers
NAYS - None
ABSTAIN - Jones

Mayor Smith declared the motion carried unanimously by those voting and Resolution No. 9639 adopted.

8. Take action on the following resolutions and contract regarding aquatic facility at Skyline High School:

*8a. Take action on resolution approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Mesa Unified School District No. 4 related to the design and construction of the aquatic facility at Skyline High School – Resolution No. 9637. **(District 6)**

*8b. Take action on resolution approving and authorizing the City Manager to execute documents for the transfer of City-owned property in the northwest corner of the Basin 111 property adjacent to the retention area as referenced in the Intergovernmental Agreement with Mesa Unified School District No. 4 related to the aquatic facility at Skyline High School – Resolution No. 9638. **(District 6) (Related to Item 8a)**

*8c. Take action on the following contract:

Skyline Aquatic Center, 845 South Crismon Road **(District 6)**

City Project No. 07-033-001. The Skyline Aquatic Center will be built on the campus of Skyline High School at the southwest corner of the school. The Project will be comprised of a competition pool and a recreation pool. A new building with enclosed restrooms, lockers, offices, and a classroom will also be constructed.

Recommend award to Sun Eagle Corporation, with a Guaranteed Maximum Price (GMP) of $7,714,596.00, plus an additional $771,459.60 (10% allowance for change orders) for a total award of $8,486,055.60. Funding is available in the approved FY 09/10 Aquatics Capital Program and Mesa Public Schools ($4.6 million) via an Intergovernmental Agreement. The off-site sewer line will be constructed using existing Wastewater Bond proceeds of $161,373.00.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned 5:58 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

CITY OF MESA CORPORATE SEAL MARICOPA COUNTY, AZ.

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 8th day of February 2010. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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