



COUNCIL MINUTES

June 25, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 25, 2012 at 5:49 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dennis Kavanaugh
Dave Richins
Scott Somers*

COUNCIL ABSENT

Dina Higgins

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Councilwoman Higgins from the entire meeting.

(*Vice Mayor Somers participated in the meeting via telephonic equipment.)

Invocation by Pastor Dave Wagner, Mountain Vista Bible Church.

Pledge of Allegiance was led by Councilmember Christopher Glover.

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.

Citizens dressed as George and Martha Washington addressed the Council and invited everyone to the third annual Arizona Celebration of Freedom, which will take place on June 29th and 30th from 6:00 p.m. to 10:00 p.m. in Downtown Mesa.

Mayor Smith stated that the Arizona Celebration of Freedom was a free event sponsored by over 40 different businesses and organizations. He also noted that the award-winning event would include a fireworks display on Saturday night.

1. Take action on all consent agenda items.

(Note: At the June 25, 2012 Study Session immediately preceding this meeting, item 9-a was moved to the consent agenda.)

It was moved by Councilmember Kavanaugh, seconded by Councilmember Glover, 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 February 27, April 26, May 10, June 4, and June 7, 2012 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Ultimate Imaginations Inc.

This is a two-day charitable event to be held on Friday, June 29 and Saturday, June 30, 2012, from 5:00 p.m. to 10:00 p.m. at 1 to 270 West Main Street. **(District 4)**

*3-b. Superstition Springs Golf Club

Person to person transfer of a Bar License for Superstition Springs Golf Club, 6542 East Baseline Road., Fore Golf Management, LLC – Andrea Dahlman Lewkowitz, Agent. This location has a Bar License held by Eagl Arizona Beverage, LLC that will be transferred to the new applicant. **(District 6)**

*3-c. TL Qik Gas & Food

New Beer and Wine Store License for TL Qik Gas & Food, 1821 South Country Club Drive, Dulari Enterprises Inc. – Hira Sagar Gaur, Agent. This is an existing building without an active liquor license at this location. **(District 3)**

*3-d. Robby Bobby's Pizza

New Restaurant License for Robby Bobby's Pizza, 961 West Main Street, Rama Dining, LLC – Robert Jon Alten, Agent. This location has a Restaurant License held by Posidon Greek Restaurant & Market, Inc., that will revert back to the State. **(District 4)**

*3-e. TQLA Dana Park

New Restaurant License for TQLA Dana Park, 1840 South Val Vista Drive, TQLA Dana Park, LLC – Amy S. Nations, Agent. This is an existing building without an active liquor license at this location. **(District 2)**

4. Take action on the following contracts:

*4-a. Purchase of Three Replacement Backhoes – One Replacement for the Transportation Department and Two Replacements for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Empire Southwest, LLC, of Mesa, Arizona, at \$413,425.43, including applicable sales tax. The backhoe for the Transportation Department is partially funded from Local Street Sales Tax and from the Capital Budget. The backhoes for the

Water Resources Department are funded from the FY 11/12 Utility Replacement Extension Reserve Fund.

- *4-b. Purchase of Seven Replacement Vehicles (Six Pickups and One SUV) for the Fire Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder: Peoria Pontiac GMC, dba Liberty GMC, at \$200,315.71, and to Arizona Emergency Products at \$33,541.51 (for light bar components and accessories), including applicable sales taxes. The combined total award is \$233,857.22. The funding for this purchase is available in the Fire Department's FY 11/12 Capital Budget.

- *4-c. Purchase Hardware and Software to Upgrade the Police Department Records Management. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State contracts with Hewlett Packard at \$61,816.36 and SHI International Corporation at \$16,508.14; from the lowest, responsive and responsible bidder, Intergraph Corporation, at \$41,778.67, and from the master agreement with GTSI at \$84,519.91, including applicable taxes. The combined total contract award is \$204,623.08. This purchase is fully funded by Asset Forfeiture RICO funds.

- *4-d. Purchase of Two (2) Replacement Greens Mowers for the Parks, Recreation and Commercial Facilities Department, Dobson Ranch Golf Course. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the City of Tucson contract, available through the National Intergovernmental Purchasing Alliance, with Simpson Norton (authorized Toro dealer in Arizona) at \$62,700.22, including applicable sales tax. The funding for this purchase is available in the Parks, Recreation and Commercial Facilities FY 11/12 Capital Budget; one mower from the Golf Enterprise Fund and one from Cell Tower Revenues in the General Fund.

- *4-e. Renewal of the Term Contract for Water Treatment Chemicals for the Water Resources Department and Materials and Supply Division. **(Citywide)**

The Purchasing Division recommends authorizing renewals with: Univar USA, Inc.; General Chemical Performance Products LLC; NORIT Americas, Inc.; Siemens Water Technologies; Thatcher Company of Arizona; Brenntag Pacific; Polydyne, Inc.; Kemira Water Solution; and Hill Brothers. The combined total annual amount is \$2,429,561.25, based on estimated requirements and is available in the Water Resources Department and Materials and Supply Division's FY 11/12 budgets.

- *4-f. Term Contract for Safety Related Products/Supplies for Warehouse Inventory for Citywide Use. **(Citywide)**

The Purchasing Division recommends utilizing the City of Tempe/Mesa cooperative contract with multiple vendors: Fisher Scientific Company, LLC, at \$25,110; Copper State Supply, Inc., (a Mesa business) at \$7,100; and AGS Safety & Supply at \$9,650; for the combined total award of \$41,860 annually, based on estimated requirements. The

funding for this purchase is available in the Materials and Supply Division FY 11/12 budget for inventory purchases.

- *4-g. Dollar-Limit Increase for the Term Contract for Ford Auto and Light Truck Parts, for the Fleet Services Department. **(Citywide)**

The Purchasing Division recommends authorizing a dollar-limit increase of \$75,000.00 with Camelback Ford Lincoln Mercury, from \$200,000 to \$275,000 to bridge to the contract expiration on 8/31/2012.

- *4-h. Elevator Improvements at Various City Building Locations. **(District 4)**

This project will modernize elevators at four City buildings. These elevators will be brought up to the current Building Codes and Americans with Disabilities Act.

Recommend award to the lowest bidder, Sun Eagle Corporation, in the amount of \$2,258,000, plus an additional \$225,800 (10% allowance for change orders) for a total award of \$2,483,000. Funding for this project is available in the FY 11/12 Facilities Maintenance Operating Budget.

- *4-i. Crismon Road Improvements south of Skyline High School and Signal Butte Road Capacity Improvements at US HWY 60 **(District 6)**

This project will widen the west side of Crismon Road to ultimate width by constructing new curb, gutter and sidewalk. The existing traffic signal at the south entrance to Skyline High School will also be relocated to accommodate the widening of the street.

Recommend award to the lowest bidder, Visus Engineering Construction, Inc., in the amount of \$132,360 plus an additional \$13,236 (10% allowance for change orders) for a total award of \$145,596. Funding for this project is available in the FY 11/12 Streets Bond and Streets Capital Programs.

- *4-j. Improvements to Brooks and Lindsay Pump Stations. **(Districts 1 and 3)**

This contract will increase the amount of this project by \$300,000 to pay for changes due to differing site conditions that were discovered during the construction phase.

The original contract with MGC Contractors, Inc. was \$6,330,825, plus \$633,082.50 (10%) for possible change orders, for an original contract award of \$6,963,907.50. With this increase of \$300,000, the new total project cost is \$7,263,907.50. Funding for this project is available from the FY 11/12 Water Bond Capital Project.

- *4-k. Fiesta District Police Station, northwest corner of Grove and Westwood. **(District 3)**

The existing Dobson Station was constructed in 1980 and is a shared facility between Police and Fire. There is no room for expansion at this location. The City acquired a vacant parcel of land in 2010, approximately 4.9 acres, on the northwest corner of Grove and Westwood. The proposed replacement building will include approximately 34,000 square feet for current and future Police personnel. This project will comply with the Fiesta District Design Guidelines.

Recommend contract award to D.L. Withers Construction, as the Construction Manager at Risk (CMAR) Contractor for this project, with a Guaranteed Maximum Price (GMP) of \$10,108,532.50, based on a GMP of \$9,189,575.00, plus an additional \$918,857.50 (10% allowance for change orders). Funding is available from FY 11/12 Public Safety Capital Bond.

- *4-l. Authorizing the City Manager to enter into an agreement with the Mesa Convention and Visitors Bureau to continue promoting tourism and convention business in Mesa.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into a Lease Agreement with the Mesa Convention and Visitors Bureau for the use of City-owned property at 120 North Center Street – Resolution 10065.
- *5-b. Modifying fees and charges for the Arts and Culture Department – Resolution No.10066.
- *5-c. Modifying fees and charges for the Police Department Records Unit – Resolution No.10067.
- *5-d. Modifying fees and charges for the Library – Resolution No.10068.
- *5-e. Modifying fees and charges for the Falcon Field Airport – Resolution No.10069.
- *5-f. Modifying fees and charges for the Engineering Department – Resolution No.10070.
- *5-g. Modifying fees and charges for the Development and Sustainability Department – Resolution No.10071.
- *5-h. Modifying fees and charges for the Business Services Department – Resolution No.10072.
- *5-i. Modifying In Lieu Payment Fee from Utility and Telecommunication Companies for Pavement Surfacing Replacement – Resolution No. 10073.
- *5-j. Eliminating the Fee for Block Party Barricades – Resolution No.10074
- *5-k. Approving and authorizing the City Manager to execute an agreement with the Arizona Criminal Justice Commission through the Crime Victim Assistance Program to secure grant funds for salaries and fringe benefits for the City Prosecutor’s Office Victim Services Program **(Citywide)** – Resolution No. 10075.
- *5-l. Approving and authorizing the City Manager to execute an agreement with the Arizona Department of Public Safety Victims of Crime Act (VOCA) to secure grant funds for salaries and fringe benefits for the City Prosecutor’s Office Victim Services Program **(Citywide)** – Resolution No. 10076
- *5-m. Approving and authorizing the City Manager to execute the First Amendment to the Intergovernmental Agreement with Mesa Public Schools to add roll-off solid waste collection services – Resolution 10077.

(Note: item 5-n was not listed.)

- *5-o. Approving and authorizing the City Manager to execute a 4th amendment to the Intergovernmental Agreement with the Maricopa County Department of Public Health (MCDPH) for the Fire Department to continue to provide childhood immunizations **(Citywide)** – Resolution No. 10078
- *5-p. Approving and authorizing the City Manager to execute a Memorandum of Understanding with the United Mesa Fire Fighters Association – Resolution No. 10079.
- *5-q. Approving the Electric Integrated Resource Plan (IRP) in conformance with Federal regulations (CFR 905.11) that qualify the City of Mesa to receive electric power generated at Federally-owned hydroelectric plants. The IRP is a systematic approach to identify and select resources to meet our customers' electric needs. The IRP will be submitted to the Western Area Power Administration upon Council approval **(Districts 1 and 4)** – Resolution No.10080.

6. Take action on the following resolutions, map of dedication and final plats relating to Eastmark Development:

- *6-a. Approving and authorizing the City Manager to enter into a Memorandum of Understanding with DMB Mesa Proving Grounds, LLC, for development of Development Unit 7 South and the associated portions of the Great Park in Eastmark **(District 6)** – Resolution No. 10081.
- *6-b. Approving and authorizing the City Manager to enter into a Maintenance Agreement with DMB Mesa Proving Grounds, LLC, for maintenance of specialty features and materials, arterial roadway landscaping, and the Great Park associated with the development of Development Unit 7 of Eastmark **(District 6)** – Resolution No. 10082.
- *6-c. Approving the Map of Dedication Eastmark Phase I **(District 6)** The 10200-10700 blocks of East Ray Road. The 4800-5100 blocks of South Signal Butte Road. The 5000-5100 blocks of South Ellsworth Road. The 5100 block of South Inspirian Parkway. The 5000-5100 blocks of South Eastmark Parkway. The 4800-5100 blocks of South Everton Terrace. (19.79 ± ac.) DMB Mesa Proving Grounds LLC, owner; Kent M. Groh, surveyor.
- *6-d. Eastmark DU-7 South Parcel 7-1 **(District 6)** The 10600-10700 blocks of East Ray Road (north side). Located north and west of Signal Butte and Ray Roads. 84 PC lots. (15.90± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-e. Eastmark DU-7 South Parcel 7-2 **(District 6)** The 10400-10600 blocks of East Ray Road (north side). Located north and west of Signal Butte and Ray Roads. 79 PC lots. (19.25± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-f. Eastmark DU-7 South Parcel 7-3A **(District 6)** The 5100 block of South Everton Terrace (east side). Located north and west of Signal Butte and Ray Roads. 63 PC lots. (19.52± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.

- *6-g. Eastmark DU-7 South Parcel 7-3B **(District 6)** The 4900 block of South Signal Butte Road (west side). Located north and west of Signal Butte and Ray Roads. 47 PC lots. (11.17± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-h. Eastmark DU-7 South Parcel 7-4A **(District 6)** The 5000 block of South Everton Terrace (east side). Located north and west of Signal Butte and Ray Roads. 43 PC lots. (15.99± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-i. Eastmark DU-7 South Parcel 7-4B **(District 6)** The 4800 block of South Signal Butte Road (west side). Located north and west of Signal Butte and Ray Roads. 41 PC lots. (16.26± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-j. Eastmark DU-7 South parcel 7-5 **(District 6)** The 4800 block of South Signal Butte Road (west side). Located north and west of Signal Butte and Ray Roads. 66 PC lots. (25.06± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-k. Eastmark DU-7 South Parcel 7-18 **(District 6)** The 4800-5000 blocks of South Everton Terrace (west side). Located north and west of Signal Butte and Ray Roads. 85 PC lots. (29.04± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-l. Eastmark DU-7 South Parcel 7-19 **(District 6)** The 4900-5000 blocks of South Eastmark Parkway (east side). Located north and west of Signal Butte and Ray Roads. 103 PC lots. (23.82± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-m. Eastmark DU-7 South Parcel 7-20 **(District 6)** The 4900-5000 blocks of South Everton Terrace (west side). Located north and west of Signal Butte and Ray Roads. 80 PC lots. (10.89± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.
- *6-n. Eastmark DU-7 south Parcel 7-21 **(District 6)** The 10200-10300 blocks of East Ray Road (north side). Located north and west of Signal Butte and Ray Roads. 84 PC lots. (18.93± ac.) DMB Mesa Proving Grounds LLC, owner; Daniel G. Francetic, surveyor.

7. Introduction of the following ordinances and setting July 2, 2012, as the date of the public hearing on these ordinances:

- *7-a. Amending Section 203 of the Mesa City Charter to set the procedures for filling a vacancy in the Office of the Mayor and Council District Office.
- *7-b. Amending Section 605(A) of the Mesa City Charter to require the City Manager to provide the Five-Year Capital Program to the Council prior to the beginning of each fiscal year.
- *7-c. Amending Section 701(A) of the Mesa City Charter to allow Council to set dates for City of Mesa elections.
- *7-d. Amending Sections 201(C) and 201(D) of the Mesa City Charter to allow Council to set dates for the commencement of terms for the Mayor and Council.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who 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.

*8-a. Amending Title 5 of the Mesa City Code (Business Regulations) by adopting a new chapter (Chapter Two) titled "Off Track Betting" for the purpose of protecting the health, safety and welfare of residents by means of the regulation of Off Track Betting operators – Ordinance No. 5100.

*8-b. **Z12-23 (District 5)** 2605 North Power Road. Located south of McDowell Road and on the east side of Power Road (5± acres). Rezone from NC PAD to LC and Site Plan Review. This request will allow the development of a fitness center. Steven Darak, owner; Jorge Calderon, applicant (PLN2012-00129) – Ordinance No. 5101.

P&Z Recommendation: Approval with conditions. (Vote: 4-0, Boardmembers Carter and Johnson absent.)

9. Introduction of the following ordinance and setting July 2, 2012, as the date of the public hearing on this ordinance:

*9-a. Amending Section 201(F) of the Mesa City Charter to state that if less than three (3) candidates file nominating petitions, qualifying as candidates for the Office of Mayor or District Councilmember, the Primary Election will be dispensed with for that office and the candidates will appear on the ballot for the General Election.

Items not on the Consent Agenda

There were no items off the Consent Agenda.

10. Items from citizens present.

Ray Speakman, a Mesa resident, addressed the Council and reported that he was seeking election to the Office of Representative for Legislative District (LD) 26, which includes approximately one-third of the City of Mesa. He briefly discussed his background and history with the City of Mesa and said that considering the fact that he did not have any prior political experience, his run for LD 26 would be based solely on his values. He concluded his comments by saying that he looked forward to participating in future conversations with each of the Councilmembers.

Mayor Smith thanked Mr. Speakman for his comments.

11. Adjournment.

Without objection, the meeting adjourned at 6:12 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 25th day of June, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

bdw