



COUNCIL MINUTES

June 4, 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 4, 2012 at 5:48 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

Invocation by Councilmember Finter.

Pledge of Allegiance was led by Councilwoman Higgins.

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.

Andrew Wigglesworth, President and CEO of the MedicAlert Foundation, stated that several weeks ago in Washington, D.C., the MedicAlert Foundation and the Congressional Fire Services Institute (CFSI) recognized the Mesa Fire Department's (MFD) Fire and Medical Department for their innovation and leadership with the "Excellence in Fire Service-Based EMS" Award.

Mr. Wigglesworth commented that the MFD's development and utilization of Transitional Response Vehicles (TRVs) is an extraordinary and innovative approach to the delivery of pre-hospital care. He also pointed out that what makes this innovation so important is the fact that the MFD, the Fire union and City management all came together to develop a model that can be utilized across the country by other fire service-based EMS entities.

Bill Webb, Executive Director of the CFSI, a coalition organization comprised of 42 national fire and emergency services organizations, addressed the Council. He commented that a majority of the calls that fire departments respond to are medical emergencies and said that innovations are occurring

throughout the country to deliver time-critical care to the patients that require that type of response. Mr. Webb further remarked that the purpose of the award is to share such innovative programs with fire departments throughout the nation in an effort to address challenges and concerns they may have encountered in terms of providing emergency medical services. He added that on behalf of the MedicAlert Foundation and the CFSI, it was his honor and privilege to present this award to Mayor Smith and the citizens of Mesa.

Fire Chief Harry Beck stated that he was very humbled that the Fire and Medical Department has received such recognition. He explained that the development of the TRV program occurred at a time when the MFD was challenged by budget constraints to continue to seek out innovative ways in which to serve the community. Chief Beck expressed appreciation not only to the Council and the City Manager for their guidance, but also to the entire community for their support. He, in addition, thanked MFD Medical Director Dr. Gary Smith, who assisted with the TRV pilot program.

Bryan Jefferies, President of the United Mesa Firefighters Association, concurred with Chief Beck's comments and acknowledged the collaborative efforts of all of his MFD coworkers. He also stated that because of the MFD's innovations and expertise, Mesa is one of the safest communities in the country.

Mr. Wigglesworth and Mr. Webb presented the award to Mayor Smith, Councilmember Kavanaugh, who serves as Chairman of the Public Safety Committee, and Chief Beck.

Mayor Smith commented that four years ago when the Council took office, they were confronted with a downturn in the economy and significant budget reductions. He stated that despite those difficulties, the Council challenged staff to create innovative programs so that Mesa would continue to excel and be recognized as a leader. Mayor Smith noted that the TRV program exemplifies the MFD's efforts to meet that challenge and expressed pride that national organizations such as the MedicAlert Foundation and the CFSI have recognized the Department's dedication and hard work.

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 clarified that agenda item 8-c, **Z12-23**, was incorrectly read into the record as **Z12-13**.

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

Carried unanimously.

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

Minutes from the April 2 and 26, May 17, 21 and 24, 2012 Council meetings.

3. Take action on the following liquor license applications:

*3-a. The Beer for Brains Foundation

This is a one-day charitable event to be held on Friday, June 22, 2012, from 5:00 p.m. to 9:30 p.m. at 235 North Country Club Drive. **(District 4)**

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 Vehicle Replacement Fund and Utility Replacement Extension and Renewal Fund. **(DELETED)**

*4-b. Purchase of One Replacement Cleaning (Eductor) Truck for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Norwood Equipment, Inc., at \$395,765.46, including applicable sales tax. The purchase is funded by the FY 11/12 Vehicle Replacement Fund and the Utility Replacement Extension and Renewal Fund.

*4-c. Term Contract for Traffic Control Sign Hardware for the Transportation Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to multiple vendors: Zumar Industries, dba Zumar, at \$140,000; Centerline Supply West, Inc., at \$5,000; and Lordon, Inc. at \$7,000; including applicable taxes, based on estimated annual usage. The combined total contract award is \$152,000 annually.

*4-d. Dollar-Limit Increase for the Term Contract for Fertilizers due to increased maintenance needs for park basins for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

The Purchasing Division recommends authorizing a dollar-limit increase of \$17,336.00 with Fertizona LLC, from \$123,137.60 to \$140,473.60.

*4-e. Dollar-Limit Increase for the Term Contract for Landia® Mast Mounted Submersible Mixers for the Water Resources Department. **(Sole Source) (Citywide)**

The Purchasing Division recommends authorizing a one-time, dollar-limit increase of \$26,100 (from \$26,100 to \$52,200) with the sole source vendor, Landia, Inc.

*4-f. Renewal of the Term Contract for Police Motorcycle Maintenance and Repair Services for the Police Department. **(Citywide)**

The Purchasing Division recommends authorizing renewal with Probity Cycle, Inc. (a Mesa business) at \$125,000 annually, based on estimated requirements.

*4-g. **Shade Structures at Various Parks. (Districts 2, 5, and 6)**

To provide year-round play experience, Countryside, Skyline and Red Mountain were identified as parks that would benefit most from the installation of shade structures over the playgrounds. These shade structures would enable a longer and more comfortable play experience and will also slow sun damage on the play equipment.

Recommend award to the lowest bidder, Shade N' Net of Arizona, in the amount of \$322,382.00 plus an additional \$32,238.20 (10% allowance for change orders) for a total award of \$354,620.20. Funding for this project is available through an Arizona Sports and Tourism Authority grant for \$200,000, and the remaining \$154,620.20 being funded from the FY 11/12 Parks, Recreation and Commercial Facilities operating budget.

*4-h. **Los Alamos Park Rock Climbing Structure, 2840 East Covina. (District 1)**

The wooden play structures at this park are 27 years old and they require frequent attention to maintain a safe play environment due to the deteriorated condition of the wooden posts. Also, the existing play area does not comply with the Americans with Disabilities Act (ADA) of 1990. This project will install new play equipment and a new engineered wood fiber surface, making the play area fully ADA compliant.

Recommend award to lowest bidder, J. Thomas Builders, Inc., in the amount of \$179,566.00 plus an additional \$17,956.60 (10% allowance for change orders) for a total award of \$197,522.60. Funding for this project is available through the FY 11/12 Parks, Recreation and Commercial Facilities operating budget.

*4-i. **Power Road Improvements, Pecos Road to San Tan Freeway. (District 6)**

This project will widen the road to three lanes in each direction with a raised median and full intersection improvements at Ray Road and Williams Field Road. This contract is the second of two Guaranteed Maximum Price (GMP) contracts and covers the majority of the project work. The GMP included work near the Roosevelt Water Conservation District (RWCD) Canal.

Recommend award of the final construction phase services contract to Haydon Building Corporation, as the Construction Manager at Risk (CMAR) Contractor for this project with a Guaranteed Maximum Price (GMP No. 2) of \$28,627,089.26 plus a 10% change order allowance of \$2,862,708.93, for a total award of \$31,489,798.19. The Maricopa Association of Governments (MAG) Regional Transportation Plan is responsible for approximately 70% of the total cost of the project, which is estimated to be \$15,477,938. The Town of Gilbert, Maricopa County Department of Transportation, and the City of Mesa will fund the remaining 30% of the total project cost, which will be approximately one-third for each agency. Therefore, Mesa's share will be funded through the FY 11/12 Streets Bond, Wastewater Bond, and Gas Bond Programs.

5. Take action on the following resolutions:

- *5-a. Approving and supporting the submittal of a grant application by the Lutheran Social Services of the Southwest to the Gila River Indian Community in the amount of \$25,000 to support their I-HELP emergency lodging program for homeless women without children in the East Valley – Resolution No. 10039.
- *5-b. Approving and supporting the submittal of a grant application by the Boy Scouts of America to the Gila River Indian Community in the amount of \$150,000 for the expansion of their traditional Scouting programs – Resolution No. 10040.
- *5-c. Approving and supporting the submittal of a grant application by the Arizona Burn Center to the Gila River Indian Community in the amount of \$150,000 over three years to support their Forever Courage House at the burn center – Resolution No. 10041.
- *5-d. Approving and supporting the submittal of a grant application by the City of Mesa Arts Center to the Gila River Indian Community in the amount of \$20,000 for their Creative Arts Partnership initiative – Resolution No. 10042.
- *5-e. Approving and supporting the submittal of a grant application by Mesa Community College to the Gila River Indian Community in the amount of \$200,000 for their music program – Resolution No. 10043.
- *5-f. Approving and supporting the submittal of a grant application by Mesa Community College to the Gila River Indian Community in the amount of \$3,000,000 for the renovation and expansion of the existing childcare center on campus – Resolution No. 10044.
- *5-g. Approving and supporting the submittal of a grant application by United Cerebral Palsy to the Gila River Indian Community in the amount of \$300,000, provided at \$100,000 per year for three years, to support their after school and summer programs – Resolution No. 10045.
- *5-h. Approving and supporting the submittal of a grant application by the Arizonans for Children, Inc., to the Gila River Indian Community in the amount of \$30,000 for program operating expenses for their Children’s Visitation Centers – Resolution No. 10046.
- *5-i. Approving and supporting the submittal of a grant application by the Gene Lewis Boxing Club to the Gila River Indian Community in the amount of \$35,000 to expand and build youth programs at the boxing club – Resolution No. 10047.
- *5-j. Approving and supporting the submittal of a grant application by the Gene Lewis Boxing Club to the Tohono O’odham Nation in the amount of \$25,000 to expand and build youth programs at the boxing club – Resolution No. 10048.
- *5-k. Approving and supporting the submittal of a grant application by the Banner Healthcare Foundation to the Gila River Indian Community in the amount of \$150,000 for the Native American Outreach Program at Banner Alzheimer’s Institute in Phoenix – Resolution No. 10049.

- *5-l. Approving and supporting the submittal of a grant application by the Banner Healthcare Foundation to the Gila River Indian Community in the amount of \$50,000 to launch their Breast Cancer HOPE program at Banner MD Anderson Cancer Center in Gilbert – Resolution No. 10050.
- *5-m. Approving and supporting the submittal of a grant application by the City of Mesa Parks, Recreation and Commercial Facilities Department to the Gila River Indian Community in the amount of \$30,000 to support their Fun ‘N Fitness Mobile Recreation Program – Resolution No. 10051.
- *5-n. Approving and supporting the submittal of a grant application by the City of Mesa Police Department to the Gila River Indian Community in the amount of \$38,000 to support two youth programs within their Youth Services Unit – Resolution No. 10052.
- *5-o. Approving and supporting the submittal of a grant application by the Child Crisis Center to the Gila River Indian Community in the amount of \$75,000 for their Emergency Shelter Program – Resolution No. 10053.
- *5-p. Approving and supporting the submittal of a grant application by Arizona Career Pathways to the Gila River Indian Community in the amount of \$90,000 for the assistance of low-income students in career planning – Resolution No. 10054.
- *5-q. Approving and supporting the submittal of a grant application by the Save the Family Foundation to the Gila River Indian Community in the amount of \$30,000 to support their transitional housing, case management and supportive services for homeless families – Resolution No. 10055.
- *5-r. Approving and authorizing the City Manager to execute an amended grant agreement with the Department of Defense in the amount of \$30,000 to further assist with the Base Relocation and Closure Process for the Mesa Air Force Research Lab – Resolution No. 10056. **(District 6)**
- *5-s. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Phoenix-Mesa Gateway Airport to provide vehicle maintenance services through Mesa’s Fire Maintenance Division – Resolution No. 10057. **(District 6)**
- *5-t. Approving and authorizing the City Manager to execute a SubGrantee Agreement with the Arizona Department of Homeland Security to accept grant funds in the amount of \$25,337. The funds will be used to purchase a satellite system and satellite subscription for the Police Department’s Mobile Communication Platform – Resolution No. 10058. **(Citywide)**
- *5-u. Approving and authorizing the City Manager to execute a development agreement with Mesa Housing Associates, LLC, related to the development of a five-story, low-income senior housing development located at 25 West 1st Avenue, and the lease of such property and subsequent sale to Mesa Housing Associates, LLC, contingent upon compliance with conditions. **(DELETED)**
- *5-v. Approving the Assessment Diagram Map for the Signal Butte Road Street Assessment Project – Resolution No. 10059. **(District 6)**

- *5-w. Setting July 2, 2012, as the public hearing date for the review and approval of the proposed final assessments for the Signal Butte Road Street Assessment Project – Resolution No. 10060. **(District 6)**

6. Take action on the following resolutions and contracts:

- *6-a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Maricopa County Sheriff's Office to accept funds in the amount of \$57,349.98 from the State Homeland Security Grant Program. The funds will be used to purchase an Activity Correlations Technology (ACT) license and configuration software for the Police Department's Coplink System – Resolution No. 10061. **(Citywide)**

- *6-b. Purchase of License Rights and Configuration Services for Coplink (AZLink) Program Initiative. **(Sole Source) (Citywide)**

The Purchasing Division recommends awarding a professional services contract for the license rights and configuration services to Knowledge Computing Corporation (an IBM Company) in the amount of \$57,693.17. This purchase is funded by the Maricopa County Sheriff's Office through the Arizona Department of Homeland Security Grant Program at \$57,349.98 and \$343.19 from the Police Department's operating budget.

- *6-c. Approving and authorizing the City Manager to execute a SubGrantee Agreement with the Arizona Department of Homeland Security to accept \$56,744 of reallocated 2010 grant funds for the Mesa Fire Department to go toward the purchase of eight portable transport ventilators – Resolution No. 10062. **(Citywide)**

- *6-d. Purchase of Eight Additional Portable Transport Ventilators (PTVs) and Related Equipment for the Fire Department. **(Sole Source) (Citywide)**

The Purchasing Division recommends authorizing purchase from the current Term Contract with the sole source vendor, CareFusion 203, Inc., at \$120,964.14, including applicable use tax. The purchase of the PTVs is partially funded by the Arizona Department of Homeland Security Grant Program at \$56,744 and \$64,220.14 through the Fire Department's operating budget.

7. Take action on the following resolution, introduce the following ordinance to adopt the Form-Based Code and setting June 14, 2012, as the date of the public hearing:

- *7-a. Declaring that certain document filed with the City Clerk and entitled "The Form-Based Zoning Code Final Draft" a public record – Resolution No. 10063.

- *7-b. **Form Based Code (Citywide)** – Amending Title 11 of the Mesa City Code (the Mesa Chapter 56 through 64 of Title 11). This amendment includes a Regulating Plan map that applies opt-in Form-Based Code transect districts to existing and established traditional zoning districts affecting: the 300 block of West University Drive through to the 0 Block of East University Drive, south side; the 300 Block of West 3rd Place through to the 0 block of West 3rd Place, both sides; the 300 Block of West 2nd Street through to the 600 block of East 2nd Street, both sides; the 300 block of West 1st Street through to the 600 block of East 1st Street, both sides; the 500 block of West Main Street through to the 700 block of East Main Street, both sides; the 400 block of West 1st Avenue through to the 700 block

of East 1st Avenue, both sides; the 400 block of West 3rd Avenue through to the 700 block of East 3rd Avenue; and the 400 block of East Broadway Road through to the 700 block of East Broadway Road, north side. 775 acres \pm .

This request involves adoption of a Form-Based Code for potential Citywide application, and with an initial application on land parcels within the vicinity of Downtown Mesa.

P&Z Recommendation: Approval with modifications. (Vote: 6-0-1, Boardmember DiBella abstained.)

Staff Recommendation: Adoption as recommended by the Planning and Zoning Board, with a modification to the Regulating Plan recommended by staff.

8. Introduction of the following ordinances and setting June 25, 2012, as the date of the public hearing on these ordinances:

- *8-a. Amending Title 5 (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.
- *8-b. Modifying rates for water utility services. The proposed changes eliminate one existing rate schedule and remove the Arizona Department of Water Resources pass-through charge. The proposed changes also create one new utility rate schedule for Commercial Large Landscape Water Service.
- *8-c. **Z12-23 (District 5)** 2605 North Power Road. Located south of McDowell Road and on the east side of Power Road (5 \pm 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)

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

9. 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.

- *9-a. **Z12-20 (District 5)** 7555 East Eagle Crest Drive. Located east of Power Road and north of Thomas Road. Modifications to the existing PAD overlay for the Las Sendas Golf Club Planned Area Development and Site Plan Review. (5.2 \pm acres). This request will allow the development of a banquet facility. PLN2012-00058. LSM Golf LLC, owner; David Iverson, applicant – Ordinance No. 5095.

P&Z Recommendation: Approval with conditions. (Vote: 6-0-1, Boardmember Arnett abstained.)

- *9-b. The amendment proposes revisions to Section 11-8-3, Land Use Regulations, by revising Table 11-8-3 to include additional land uses relating to recycling facilities and providing references to existing additional land use regulations relating to the operation of recycling

facilities. The proposed amendments would revise only the permitted land uses for the DB-1 and DB-2 zoning districts – Ordinance No. 5096.

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

- *9-c. Adopting an Ordinance establishing the number of signatures required for the Mesa District Council Candidate Nomination Petitions to be two hundred and fifty signatures or five percent of the vote cast for Mayor in that district, whichever is less, in the last preceding District election – Ordinance No. 5097.
- *9-d. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 5098:

Speed Limits (40 mph): 10-4-4 and Speed Limits (35 mph): 10-4-5

Increase the speed limit from 35 mph to 40 mph on Broadway Road from Stapley Drive to Country Club Drive. **(District 4)**

Increase the speed limit from 35 mph to 40 mph on Center Street from University Drive to a point 640 feet north of 8th Street. **(Districts 1 and 4)**

Increase the speed limit from 35 mph to 40 mph on Country Club Drive from the leg of 2nd Avenue to University Drive. **(District 4)**

Increase the speed limit from 35 mph to 40 mph on Mesa Drive from Broadway Road to Brown Road. **(Districts 1 and 4)**

Increase the speed limit from 35 mph to 40 mph on Stapley Drive from Broadway Road to University Drive. **(District 4)**

Increase the speed limit from 35 mph to 40 mph on University Drive from Standage to Stapley Drive. **(Districts 1, 3, and 4)**

- *10. Take action on the adoption of the tentative proposed Fiscal Year 2012-12 Budget Plan.

Items not on the Consent Agenda

There were no items off the Consent Agenda.

- 11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the meeting adjourned at 6:10 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 4th 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

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