



COUNCIL MINUTES

June 6, 2011

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 6, 2011 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 Perry Emerick, Central Christian Church.

Pledge of Allegiance was led by Councilwoman Dina 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.

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 Vice Mayor Somers, seconded by Councilwoman Higgins, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the April 7, April 18, April 21, April 28, May 2, and May 16, 2011 Council meetings.

3. Take action on the following liquor license application:

*3-a. Ultimate Imaginations

This is a two day charitable event to be held on Friday, July 1, 2011 from 6:00 p.m. to 10:00 p.m. and Saturday, July 2, 2011 from 6:00 p.m. to 10:00 p.m. at 63 E. Main Street to 251 W. Main Street. **(District 4)**

4. Take action on the following contracts:

*4-a. Purchase of a Replacement Gas Chromatograph and Data Management System for the Police Department **(Sole Source) (Fully Funded by Arizona Criminal Justice Commission Grant)**

The Purchasing Division recommends awarding the Contract to the sole source vendor, PerkinElmer Health Sciences Inc. at \$40,796.97, including applicable use tax.

*4-b. Software Upgrade for DNA Analysis for the Police Department **(Sole Source) (Fully Funded by National Institute of Justice Grant) (Citywide)**

The Purchasing Division recommends awarding the contract to the sole source vendor, Applied Biosystems, LLC at \$60,889.92, including applicable use tax.

*4-c. Term Contract for Traffic Signal Heads and Pedestrian Signals for the Materials and Supply Warehouse **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, McCain Inc. at \$92,875.25 annually, including applicable use tax and based on estimated requirements.

*4-d. Purchase of New Furnishings and Ancillary Equipment for the Public Safety Training Facility for the Police and Fire Departments **(Citywide)**

The Purchasing Division recommends awarding the contract to Arizona Furnishings at \$82,192.46. Other items are being purchased through the normal procurement processes making the total project amount \$118,218.59. Funding is available in the FY 10/11 Police and Fire Department operating budgets.

*4-e. Purchase of Four New Rapid Deployment Emergency Shelters for the Police Department **(Fully Funded by Arizona Homeland Security Grant) (Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, LN Curtis & Sons at \$58,847.12, including applicable use tax.

*4-f. **Term Contract for Reflectorized Sign Sheeting for the Transportation Department (Citywide)**

The Purchasing Division recommends utilizing the ADOT cooperative contract with 3M Company at \$40,000 annually, including applicable sales tax, and based on estimated requirements.

*4-g. **Renewal of the Term Contract for Uniform Garments for the Fire Department (Citywide)**

The Purchasing Division recommends authorizing a one-year renewal with United Fire Equipment Company at \$110,000; and Surf & Ski Enterprises, Inc. (a Mesa business) at \$130,100, including applicable sales taxes, and based on estimated requirements. The combined total contract amount is \$240,100.

*4-h. **Purchase of Additional Enterprise Data Storage Hardware and Software for the Information Technology Department (Citywide)**

The Purchasing Division recommends exercising a purchase option for the purchase of additional data storage hardware and software from GTSI Corporation at \$46,748.85, including applicable taxes.

*4-i. **Elevator Improvements Council Chambers (District 4)**

City Project 09-924-001. This project will upgrade the elevator and machine room to meet current Americans with Disabilities Act (ADA) and building codes. This requires creating a new elevator equipment room within an existing vacant room which will include new elevator equipment, new controls, piping and related electrical equipment.

Recommend award to the low bidder, Guthrie General, Inc., in the amount of \$149,799.00 plus an additional \$14,979.90 (10% allowance for change orders) for a total award of \$164,778.90. This project is funded from the Preliminary FY 11/12 Facilities Maintenance Operating Budget.

*4-j. **Pool Demolition at Mesa Jr. High, Powell Jr. High, and Poston Jr. High (Districts 2, 3, & 4)**

City Project No. 10-920-001. This project will demolish three out-of-service pools at various Junior High Schools, saving the City an estimated \$115,000.00 in yearly maintenance cost. The Mesa Public School District requested these pools be removed from service due to their poor condition as well as the ongoing maintenance costs.

Recommend award of the construction phase contract to Junction LLC, in the amount of \$185,086.00 plus an additional \$18,508.60 (10% allowance for change orders) for a total award of \$203,594.60. This project is funded from the Preliminary FY 11/12 Parks, Recreation and Commercial Facilities Operating Budget.

*4-k. Utilities and Roadway Improvements for First Solar Development – Elliot and Signal Butte Roads **(District 6)**

City Project 10-601-001. This project includes half street improvements along the frontage of the proposed First Solar project located on the southwest corner of Elliot and Signal Butte Roads including new asphalt pavement, sidewalk improvements, street lighting, water and wastewater lines.

Recommend to approve the selection of Achen-Gardner Construction, LLC (AGC) as the Construction Manager at Risk (CMAR) for this project and authorize staff to execute a Design Phase Services contract with AGC in the amount of \$102,227.40. This project is funded from the Preliminary FY 11/12 Water, Wastewater and Street Capital Bonds Program.

*4-i. Brown Road Water Treatment Plant Emergency Filter Repairs **(District 5)**

City Project 10-602-001. This project will repair and/or replace the damaged filters to bring and maintain normal plant production levels.

Recommend award of the construction phase contract to Garney Companies, Inc. as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$511,859.00, plus an additional \$51,185.90 (10% allowance for change orders) for a total award of \$563,044.90. Funding is available in the Preliminary FY 11/12 Water Capital Bond Programs.

5. Take action on the following resolutions:

Mayor Smith advised that items 5c-5m are grant applications under the Indian Gaming Compact and State law requires that grant requests from Indian Gaming funds be channeled through a city. He stated that the City of Mesa did not solicit the grants and is serving as a conduit only unless otherwise indicated.

*5-a. Extinguish a portion of a Public Utilities and Facilities Easement at 257 S. Power Road. **(District 6)** – Resolution No. 9852.

The owner of Lot 6 has submitted a site plan that shows a portion of the new building encroachment within the existing Public Utilities and Facilities Easement (PUFE) area. Development and Sustainability Department (DSD), after reviewing the site plan, is recommending that a portion of the PUFE be extinguished to allow the construction of the building that is encroaching within the existing PUFE.

*5-b. Approving and authorizing the City Manger to enter into a License Agreement with T-mobile to construct a wireless communication facility on City-owned property at 8435 E. Scarlet. The City will receive \$103,993.00 for the initial term, and if renewed, an additional \$467,737.00. **(District 6)** – Resolution No. 9853.

*5-c. Approving and supporting the submittal of a grant application by Arizona Career Pathways to the Gila River Indian Community in the amount of \$00,000 to support efforts to provide workforce development for low income adults in Maricopa County – Resolution No. 9854.

- *5-d. Approving and supporting the submittal of a grant application by Arizonans for Children, Inc. to the Gila River Indian Community in the amount of \$100,000 to provide services for children and youth in foster care in Maricopa County – Resolution No. 9855.
- *5-e. 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 to support emergency shelter services – Resolution No. 9856.
- *5-f. Approving and supporting the submittal of a grant application by Lutheran Social Services of the Southwest to the Gila River Indian Community in the amount of \$80,000 to provide counseling and classes for homeless women in the East Valley – Resolution No. 9857.
- *5-g. Approving and supporting the submittal of a grant application by the Mesa Convention and Visitors Bureau to the Gila River Indian Community in the amount of \$80,000 to provide a marketing and sales campaign to promote Phoenix Mesa Gateway Airport – Resolution No. 9858.
- *5-h. Approving and supporting the submittal of a grant application by the Mesa Police Department to the Gila River Indian Community in the amount of \$15,000 to provide a Teen Dating Violence Education Program – Resolution No. 9859.
- *5-i. Approving and supporting the submittal of a grant application by Paz de Cristo Community Center to the Gila River Indian Community in the amount of \$49,000 for evening meal service and food bank programs – Resolution No. 9860.
- *5-j. Approving and supporting the submittal of a grant application by Banner Health Foundation to the Gila River Indian Community in the amount of \$500,000 to assist with construction and renovation of Ronald McDonald house on the campus of the Cardon Children’s Medical Center in Mesa – Resolution No. 9861.
- *5-k. Approving and supporting the submittal of a grant application by the Fellowship Square Foundation to the Gila River Indian Community in the amount of \$50,000 to provide financial support for elderly residents who become indigent while receiving custodial services at the Fellowship Square facility in Mesa – Resolution No. 9862.
- *5-l. Approving a supporting the submittal of a grant application by the Gene Lewis Boxing Club to the Gila River Indian Community in the amount of \$75,000 for a team vehicle, gym equipment and supplies – Resolution No. 9863.
- *5-m. Approving and supporting the submittal of a grant application by the Mesa Arts Center to the Gila River Indian Community in the amount of \$20,000 to support efforts to provide a series of programs targeted to youth-at-risk for cross-cultural learning – Resolution No. 9864.

6. Take action on the following resolution and contract:

- *6-a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between Arizona State University and the City of Mesa for design and completion of certain improvements and the operation of City-owned utilities and facilities on the Arizona State University Polytechnic campus (**District 6**) – Resolution No. 9865.

*6-b. ASU Polytechnic Campus Roadway and Utility Improvements (**District 6**)

City Project 06-011-002 and 06-079-001. This project will include roadway widening to accommodate a through lane in each direction and a continuous left turn lane, bike lanes, sidewalk, street lighting, installation of water and wastewater lines, removal of the existing pressure reducing valves and several above ground master water meters, installation of new storm water retention basins and other associated improvements.

Recommend award of the construction phase contract to Hunter Contracting as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$10,537,834.09, plus an additional \$1,053,783.41 (10% allowance for change orders) for a total award of \$11,591,617.50. This project is funded from the Preliminary FY 11/12 Water, Wastewater, and Streets Capital Bond Programs.

7. Introduction of the following ordinances and setting June 27, 2011, as the date of the public hearing on these ordinances:

- *7-a. Modifying rates for electric utility services. The proposed modifications are to combine the components of the purchased power pass-through into one charge and other miscellaneous administrative updates. These modifications do not increase revenues or customers' bills.
- *7-b. Modifying rates for natural gas utility services.
- *7-c. Modifying rates for water utility services.
- *7-d. Modifying rates for wastewater utility services.
- *7-e. Modifying fees and charges for Utility Customers. Includes items such as security deposits, late fees, turn-off/on or disconnect fees; meter installation, repair or replacement charges, as well as other matters related to establishing city utility services.
- *7-f. Modifying the Terms and Conditions for the Sale of Utilities. The Terms and Conditions for the Sale of Utilities is a document established by ordinance that defines the responsibilities of the City and of the customer who is seeking Mesa utility services. This document is reviewed and updated annually.

8. 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.

- *8-a. **Z11-14 (District 5)** The 4400 to 4800 block of east McKellips Road (north side); the 2000 to 2900 block of north Greenfield Road (east side); the 4400 to 5100 block of East McDowell Road (south side); and the 2200 to 2900 block of north Higley Road (west side). Located north of McKellips Road and east of Greenfield Road (578.45± acres). Rezone from M-1 to M-1-PAD. This request will establish Design Guidelines to guide future development at Falcon Field Airport. (PLN2010-00386) City of Mesa owner; Corrine Nystrom, applicant. - Ordinance No. 5040

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

Items not on the Consent Agenda

9. Take action on the adoption of the tentative proposed Fiscal Year 2011-12 Budget Plan.

A motion was made by Vice Mayor Somers to adopt the tentative Budget for the Fiscal Year 2011-12 in the amount of \$883,054,279 for the operating portion, \$159,900,743 for scheduled bond and capital improvements, and \$120,000,000 in anticipated carry over, for a total City Budget appropriation of \$1,162,955,022, it was seconded by Councilmember Kavanaugh.

Mayor Smith called for the vote.

Carried unanimously.

10. 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.

10-a. **Z11-08 (District 6)** 5503 South Power Road. Located south of Ray Road on the east side of Power Road (4.34 acres). Rezone from C-2 to M-1 and Site Plan Review. This request will allow the development of an RV/Boat Storage Facility. (PLN2010-00148) James McDowell, owner; Tony Cooper, applicant. – Ordinance No. 5041

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

Planning Director John Wesley provided a brief update and stated that the General Plan for the area is for mixed use. He advised that the proposed site plan is for an RV/Boat Storage Facility and is not intended to be a long term use. In addition, he said that the General Plan encourages a more active use of the area. He added that staff as well as the Planning and Zoning Board recommend approval of the rezoning.

Councilwoman Higgins expressed her opposition to the temporary use of the property located in the Phoenix-Mesa Gateway area. She suggested that a stipulation be included to review the rezoning in 5 to 10 years to ensure that the temporary use does not remain longer than intended.

Vice Mayor Somers commented that RV/Boat storage is a low intensity use and would be easy to reuse. He stated that he did not have an issue with the rezone.

Councilmember Kavanaugh expressed his opposition to the application and stated that interim uses tend to become permanent uses. He added that the application is not consistent with the development plans for the area.

Mayor Smith stated that the plans for the Gateway area will take time to be implemented and this issue will continue to arise. He expressed his concern that the rezoning could set a precedent that could potentially become a problem without a definition of interim included in the zoning. He expressed his support at this time for the rezoning and requested that an approach to temporary uses be explored.

It was moved by Vice Mayor Somers, seconded by Councilmember Glover, that item 10-a be approved.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES - Smith-Finter-Glover-Richins-Somers
NAYS - Higgins-Kavanaugh

Mayor Smith declared the motion carried by majority vote.

- 10-b. **Z11-13 (District 4)** The 1600 block of South Stapley Drive (east side). Located south of the US 60 Superstition Freeway and east side of Stapley Drive (72± acres). Council Use Permit. This request will allow the development of a 65' tall Freeway Landmark Monument sign at the Mesa Grand commercial retail center. (PLN2011-00049) Vestar Arizona, Owner; Paul Bleier, applicant.

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

(Item 10-b was continued to the Regular Council meeting on June 27, 2011)

- 10-c. Adopting a new Title 6, Chapter 22 of the Mesa City Code relating to Convenience Stores implementing crime prevention designs as a means to prevent and reduce crime. **(Option 1)**

(Item 10-c was continued to the Regular Council meeting on July 7, 2011)

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the meeting adjourned at 6:08 p.m.

ATTEST:

SCOTT SMITH, MAYOR

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 6th day of June 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

bdw