



## COUNCIL MINUTES

May 21, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 21, 2012 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 Reverend Blaine C. Mays, D.D., Community Church of New Thought.

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.

Mayor Smith introduced Donna Bengé, President of Mesa's Historic Preservation Board, who provided a brief overview of the Historic Preservation Program. She said that the theme for this year's Historic Preservation Awards was "Discovering America's Hidden Gems."

Ms. Bengé recognized the members of the Historic Preservation Board and provided brief background information relative to each of the awards, the recipients and their accomplishments. She, along with Mayor Smith, presented the 2012 Mesa Historic Preservation Awards to the following recipients:

- Outstanding Achievement & Adaptive Reuse – Martin Luther King Celebration Committee & Association of Hispanic Citizens Committee
- Outstanding Achievement in Restoration – Ron Peters
- Outstanding Achievement in Community Activism & Education – Save Our Train Committee

- Outstanding Achievement in Leadership – Mesa Preservation Foundation

Mayor Smith congratulated the award recipients and thanked the Historic Preservation Board for their efforts.

Energy Resources Department Director Frank McRae addressed the Council and advised that the City of Mesa's Energy Resources Department recently received the Reliable Public Power Provider Award and the Electric Utility Safety Award. He recognized Electric Division Director Marty Hunter, Transmission and Distribution Supervisor John VanGundy, Marketing/Communications Specialist Lucy Lopez and Senior Fiscal Analyst Mary Larsen, who were present in the audience. Mr. McRae provided brief background information relative to each of the awards and thanked the Council and various City Departments who assist in the delivery of services to Mesa customers.

Mayor Smith thanked the Utility Services staff for their efforts.

Mayor Smith recognized Presiding Magistrate Matt Tafoya and his wife Barbara, as well as Magistrate Robin Allen and his wife Cathy, who were present in the audience.

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 Councilmember Glover, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the February 23, and May 7, 2012 Council meetings.

3. Take action on the following recommendations from the Judicial Advisory Board:

- \*3-a. Reappointment of Presiding City Magistrate Matt Tafoya for a four-year term beginning July 1, 2012, and ending June 30, 2016.
- \*3-b. Reappointing of City Magistrate Robin Wayne Allen for a four-year term beginning July 1, 2012, and ending June 30, 2016.

4. Take action on the following liquor license application:

\*4-a. Ultimate Imaginations, Inc.

This is a one-day charitable event to be held on Friday, June 1, 2012, from 5:00 p.m. to 10:00 p.m. at 1-166 W. Main Street. **(District 4)**

\*4-b. Tacos y Mariscos la Mantaraya

New Restaurant License for Tacos y Mariscos la Mantaraya, 1040 E. Main Street, Elvira Adilene Quinonez, Individual. This is an existing building without a previous liquor license at this location. **(District 4)**

5. Take action on the following bingo license application:

\*5-a. BINGO LICENSE APPLICATION – CLASS A

The Orchard II **(District 2)**  
Syble Walthall, Manager  
108 North Greenfield Road  
Mesa, AZ 85205

6. Take action on the following contracts:

\*6-a. 2012-13 Season Brochure Printing and Distribution for the Mesa Arts Center **(Citywide)**

The Mesa Arts Center recommends awarding the contract to Republic Direct/Arizona Republic at \$62,567.25, including applicable sales tax.

\*6-b. Purchase of Heavy Duty Truck Brake and Wheel Parts as Requested by the Fleet Services Department **(Citywide)**

The Purchasing Division recommends utilizing the ADOT cooperative contract with Arizona Brake & Clutch Supply, Inc., at \$50,000, including applicable sales tax.

\*6-c. Purchase of Three (3) Replacement Fire Pumper Trucks for the Fire Department **(Citywide)**

The Purchasing Division recommends authorizing purchase from Pierce Manufacturing, Inc., at \$1,875,920.15, including applicable use tax. This purchase is partially funded from Fire Bonds at \$1,200,000 and the remaining \$675,920 from the Fire Department's Operating Budget.

\*6-d. Purchase of Replacement Respiratory Protection Equipment for the Police Department **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, Fisher Scientific Co., LLC, at \$44,523.41, including applicable use tax.

\*6-e. Purchase of a Radio Console Recording Interface License and Integration Services for Police Public Safety Communications **(Sole Source) (Citywide)**

The Purchasing Division recommends awarding a professional service contract to Goserco, Inc. (a Mesa business) at \$53,420.00.

\*6-f. Purchase of a New NetApp Storage Solution for the Information Technology Department **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, Custom Storage, at \$135,038.96, including applicable taxes.

\*6-g. Term Contract for Leak Detection Products for the Water Resources Department **(Sole Source) (Citywide)**

The Purchasing Division recommends awarding the contract to the manufacturer and sole source distributor, Fluid Conservation Systems, Inc., at \$314,032.94, for the three-year initial term, including applicable use tax, based on estimated requirements.

\*6-h. Northwest Water Reclamation Plant Mixer Rehabilitation for the Water Resources Department **(Sole Source) (Citywide)**

The Purchasing Division recommends awarding the contract to the manufacturer and sole source supplier, Philadelphia Mixing Solutions, Ltd., (PMSL) at \$327,259, including applicable use tax, based on estimated requirements.

\*6-i. Term Contract for Commercial Printing for the Public Information & Communications Department and Print Services Division **(Citywide)**

The Purchasing Division recommends awarding the contract to multiple vendors: Century Graphics at \$54,000; Di-Mor Business Forms, Inc., at \$6,000; Century Graphics at \$23,000; Ray Buse Printing & Advertising, Inc., at \$3,000; Di-Mor Business Forms, Inc., at \$15,000; American Reprographics Company LLC (a Mesa business) at \$10,000; including applicable taxes, based on estimated requirements. The combined total contract award is \$111,000, annually.

\*6-j. Term Contract for Fence and Gate Repair/Installation for the Transportation Department, Field Operations **(Citywide)**

The Purchasing Division recommends awarding the contract to the highest scored proposers: Capital Fence Builders, Inc.; Empire Fence, LLC, dba Empire Fence (a Mesa business); Phoenix Fence Company (Corp.); and Western Fence Co., Inc., for the combined total award of \$75,000, annually. These qualified consultants will be eligible to respond to Request for Quotes for future projects, not to cumulatively exceed the total contract award of \$75,000, annually.

\*6-k. Roofing Repairs at various City Buildings **(Districts 3 and 4)**

This project will make repairs to buildings that were identified as needing either a new sprayed-on seal coat or foam roof, over the existing roofs, to ensure that the buildings remain weather tight.

Recommend award to the lowest bidder, Progressive Services, Inc. (DBA Progressive Roofing), in the amount of \$415,300, plus an additional \$41,530 (10% allowance for change orders) for a total award of \$456,830. Funding for this project is from the FY 11/12 Facilities Maintenance operating budget.

\*6-l. ITD Conduit and Fiber System Expansion Project – Utility and Public Safety Sites **(Citywide)**

This project is for the purchase and installation of fiber optic cable, conduit, fiber optic equipment and other related materials to improve connectivity to six public safety and utility sites. This will extend the City's high-speed network to these facilities and will replace existing wireless (microwave or radio) connections and leased communication lines. The fiber will ultimately connect at the City's Information Technology Department (59 E. 1<sup>st</sup> St.) and at each of the sites.

Recommend award to the lowest bidder, Roadway Electric LLC, in the amount of \$298,915.88, plus an additional \$29,891.59 (10% allowance for change orders) for a total award of \$328,807.47. Funding is available in the FY 11/12 Water and Fire Bonds Capital Programs and Information Technology Department Operations Budget.

\*6-m. Dobson Ranch Lake Edge Renovation **(District 3)**

The lakes at Dobson Ranch Golf Course have had major erosion around the edges. This erosion is now undercutting existing concrete golf cart paths and represents potential safety hazards. This project will backfill the areas that have eroded and a concrete pad edge will be installed around the entire perimeter of the lake to prevent future erosion.

Recommend award to the lowest bidder, Tri-Com Corporation, in the amount of \$159,555.00, plus an additional \$15,955.50 (10% allowance for change orders) for a total award of \$175,510.50. Funding for this project is available in the FY 11/12 Parks, Recreation & Commercial Facilities Operating Budget.

\*6-n. Improvements to Pasadena Pump Station and Reservoir **(District 4)**

This project will increase station pumping capacity to meet existing and projected water demands in the City Water Zone. Proposed improvements include a new electrical room, electrical and controls systems, pumps, motors and a new chlorination system. In addition, this project will install a solar-powered reservoir mixing system to improve water quality, upgrade the existing electrical systems, and site security will be improved with the installation of a card access system, gates and masonry walls. This project will also install a reservoir liner over the existing concrete floor and walls.

Recommend award to the lowest bidder, Garney Construction, in the amount of \$5,766,250, plus an additional \$576,625 (10% allowance for change orders) for a total award of \$6,342,875. This project is funded from the preliminary FY 12/13 Water Bond Capital Program.

\*6-o. Interior Demolition and Abatement Contract, 225 East Main Street **(District 4)**

The Economic Development Department is currently negotiating a fifteen-year lease agreement for 225 East Main Street with Benedictine University, which includes an option to buy. Design for the remodel of the building is underway.

The recommended total award amount for this Guaranteed Maximum Price #1 package is \$816,025, based on the Construction Manager at Risk proposal of \$741,841 plus an

additional \$74,184 (10% contingency allowance for change orders). This project is funded by the Economic Investment Fund (included in the City's Enterprise Fund).

\*6-p. Reuse of 51 East Main Street for Benedictine University (**District 4**)

The Economic Development Department has negotiated a lease agreement with Benedictine University to use 51 East Main Street as a recruitment space. The lease will be for 24 months and includes three optional one-year renewals, for a total of up to five years.

The recommended total amount for this Guaranteed Maximum Price package is \$495,795.30, based on the Construction Manager at Risk proposal of \$450,723.00 plus an additional \$45,072.30 (10% contingency allowance for change orders). This project is funded by the Economic Investment Fund (included in the City's Enterprise Fund). Benedictine University will reimburse the City \$45,533.00 per the proposed lease agreement.

7. Take action on the following resolutions:

- \*7-a. Approving and authorizing the City Manager to execute necessary documents and enter into a Lease Agreement with Benedictine University for the use of City-owned property at 51 East Main Street (**District 4**) – Resolution No. 10033.
- \*7-b. Approving and authorizing the City Manager to execute a Memorandum of Understanding to accept grand funds of \$138,780 made available through the 2012 Byrne Justice Assistance Grant Program. The funds will be used to implement the Justice Web Interface Program for the Police Department (**Citywide**) – Resolution No. 10034.
- \*7-c. Approving and authorizing the City Manager to execute an Amendment to the Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the Superstition Springs Park and Ride Lot. The amendment extends Mesa's responsibilities of operations and maintenance to include the improvements and expanded lot area made by Valley Metro (**District 6**) – Resolution No. 10035.
- \*7-d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for Traffic Signal Enhancements to be installed with the construction of SR 24 (Gateway Freeway), between SR 202 and Ellsworth Road. The cost of the project is estimated at \$46,910 to be paid with Transportation Sales Tax funding (**District 6**) – Resolution No. 10036

8. Introduction of the following ordinances and setting June 4, 2012, as the date of the public hearing on these ordinances:

- \*8-a. 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.
- \*8-b. Amending various sections of the Mesa City Code regarding the following traffic modifications:

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 8<sup>th</sup> Street. **(Districts 1 and 4)**

Increase the speed limit from 35 mph to 40 mph on Country Club Drive from the leg of 2<sup>nd</sup> 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)**

- \*8-c. **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± acres). This request will allow the development of a banquet facility. PLN2012-00058. LSM Golf LLC, owner; David Iverson, applicant.

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

- \*8-d. The amendment proposes revision 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.

P&Z Recommendation: Approval as submitted. (Vote 6-0, Chair Carter 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. **Z12-14 (District 4)** 32 South Center Street. Located south of Main Street on the west side of Center Street (1± acres). Council Use Permit and Site Plan Modification. This request will allow the development of a sport court at an existing charter school. PLN2012-00097. Earl Taylor, owner/applicant – Ordinance No. 5090.

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

- \*9-b. **Z12-18 (District 3)** 1840 & 1910 South Stapley Drive. Located north of Baseline Road and west of Stapley Drive (17± acres). Rezone from LC to PEP. This request will allow for the development of business park uses. DAZ3-Stapley LLC, owner; City Staff, applicant – Ordinance No. 5091.

P&Z Recommendation: Approval of PEP zoning with conditions. (Vote: 6-0, Chair Carter absent)

- \*9-c. **Z12-19 (District 6)** The 10000 to 10200 block of East Baseline Road. Located at the northeast corner of Crismon Road and Baseline Road (24.7± acres). Rezone from LC to LC BIZ (10.4± acres) and from LC BIZ to LC (14.3± acres) and Site Plan Review. This request will allow the development of a medical center. PLN2011-0039. Richard Richmond, Crismon Gateway LP owner; Bill Smith, Banner Health, applicant – Ordinance No. 5092.

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

- \*9-d. **Z12-02 (District 6)** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± sf). Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. (PLN2011-00375) Daniel Deryke, Western Horizons Development LLC, owner; Steven Mills, University Public Schools, applicant – Ordinance No. 5093.

P&Z Recommendation: Approval with conditions. (Vote: 5-0-1, Boardmember Roberts abstained, Chair Carter absent)

- \*9-e. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules – Ordinance No. 5094 and Resolution No. 10037.

10. Adopt the following Notice of Intention and setting June 25, 2012, as the date of Public Hearing:

- \*10-a. Adopt a Notice of Intention to adjust utility rates.

**Items not on the Consent Agenda**

11. Conduct a public hearing and take action on the proposed annual assessments for the Mesa Town Center Improvement District No. 228:

- 11-a. Public hearing on the 2012 (tax year) annual assessments for the Mesa Town Center Improvement District No. 228. **(District 4)**

Mayor Smith announced that this was the time and place for a public hearing regarding the 2012 annual assessments for the Mesa Town Center Improvement District No.228.

There being no citizens wishing to speak on this issue, the Mayor declared the public hearing closed.

- 11-b. Approving the 2012 (tax year) annual assessments for the Mesa Town Center Improvement District No. 228 **(District 4)** – Resolution No. 10038.



It was moved by Councilmember Glover, seconded by Councilmember Kavanaugh, that Resolution No. 10038 be adopted.

Carried unanimously.

12. Items from citizens present.

Ralph Calderon, a Mesa resident, expressed concern with regard to the playground equipment in City parks that can become hot enough to burn a child during the summer months. He requested that some of the funding from Parks and Recreation be used to install canopies that would shade the playground equipment. He also suggested that restrooms be installed in the parks that are frequently used by families for birthday parties.

Kim Kisner, a Mesa resident, addressed the Council and voiced concerns with respect to a \$635.89 assessment she received from the City of Mesa. She stated that she was 71 years old and had senior valuation protection, which prevents any property tax increases. She added that she purchased the property in 1987 and plans to spend her retirement at that location.

Mayor Smith advised Ms. Kisner that staff would be available after the meeting to address her concerns.

13. Adjournment.

Without objection, the meeting adjourned at 6:26 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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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 21<sup>st</sup> day of May 2012. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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