



COUNCIL MINUTES

October 15, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 15, 2012 at 5:54 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

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

Invocation by Councilmember Finter.

Pledge of Allegiance was led by Joseph Aposhian, Scout Troop No. 258.

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.

Mayor Smith welcomed the members of Scout Troop No. 863, who were in attendance at the meeting.

Awards, Recognitions and Announcements.

Public Information and Communications Director Steve Wright reported that on an annual basis, the City-County Communications and Marketing Association (3CMA), a national organization of public-sector marketing and communications professionals, recognizes outstanding public relations efforts and programs nationwide. He explained that the entries are judged by local government public relations professionals and individuals from professional/academic communities who are knowledgeable with respect to marketing and communications.

Mr. Wright stated that at this year's Savvy Awards, 3CMA recognized the City of Mesa for various events and programming as follows:

- The Southwest Ambulance Arizona Celebration of Freedom – Savvy Award in the “Special Event/Recurring Event” Category and the 2012 President's Award for the “Most Outstanding Marketing Program.”
- Mayor Smith's Twitter Town Hall – Award of Excellence in the “TV and Video Interview/Talk Show News Programming” Category.

Mr. Wright pointed out that three years ago, the collaboration and hard work of City staff, key sponsors, numerous community organizations and hundreds of volunteers resulted in the creation of a new and unique Independence Day festival. He said that in the first year, the event attracted an estimated 30,000 citizens and added that attendance has increased to more than 45,000 visitors in subsequent years. Mr. Wright further indicated that the three awards represent significant national recognition for the efforts and hard work of the entire community.

Mr. Wright displayed the awards to the Council and the audience.

Mayor Smith commented that he was proud to see that the Arizona Celebration of Freedom was recognized by a group of professionals outside of the City. He also stated that it was important to remember that the festival is a community event, as opposed to a City event, and that everyone involved in the process worked extremely hard to ensure the success of such a unique and innovative event.

Mr. Wright expressed appreciation to the Council for their support of the Arizona Celebration of Freedom and said that he looked forward to next year's event.

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 stated that he received speaker cards from citizens who requested that items 7a and 7b be removed from the consent agenda.

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 October 1 and 4, 2012 Council meetings.

3. Take action on the following liquor license applications:

*3-a. American Diabetes Association

This is a one-day charitable event to be held on Saturday, November 3, 2012, from 10:00 a.m. to 11:00 p.m., at 922 South Country Club Drive. **(District 4)**

*3-b. Christ the King Roman Catholic Church

This is a one-day charitable event to be held on Saturday, November 10, 2012, from 4:00 p.m. to 10:00 p.m., at 1551 East Dana Avenue. **(District 4)**

*3-c. Downtown Mesa Association

This is a one-day charitable event to be held on Saturday, October 27, 2012, from 6:00 p.m. to 1:00 a.m., on Main Street from Center to Drew; alley between Monsterland and Milano's. **(District 4)**

*3-d. Foundation for Exceptional Kids

This is a one-day charitable event to be held on Saturday, November 3, 2012, from 6:00 p.m. to 10:00 p.m., at 35 North Robson. **(District 4)**

*3-e. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, November 2, 2012, from 5:00 p.m. to 10:00 p.m., on Main Street from Center to Robson. **(District 4)**

*3-f. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, December 7, 2012, from 5:00 p.m. to 10:00 p.m., on Main Street from Center to Robson. **(District 4)**

*3-g. Sigma Iota Epsilon

This is a one-day charitable event to be held on Saturday, November 10, 2012, from 8:00 a.m. to 11:59 p.m., at 1415 South Westwood. **(District 3)**

*3-h. Arizona Asian American Association

This is a two-day charitable event to be held on Saturday, November 3, 2012, from 11:00 a.m. to 10:00 p.m., and Sunday, November 4, 2012, from 11:00 a.m. to 5:00 p.m., at 1 East Main Street. **(District 4)**

*3-i. Pizza Pit

New Restaurant License for Pizza Pit, 1954 South Dobson Road, Suite 5, EPMM LLC – Matthew Jason McKee, Agent. This location has a Restaurant License held by CJV Investments, LLC that will revert back to the State. **(District 3)**

*3-j. Courtyard by Marriott

New Hotel/Motel License for Courtyard by Marriott, 1221 South Westwood, Courtyard Management Corporation – Ricardo J. DeLaGuardia, Agent. This is an existing building without an active liquor license at this location. **(District 3)**

4. Take action on the following contracts:

*4-a. Dollar Limit Increase to the Term Contract for Citywide Temporary Agency Worker Services. **(Citywide)**

Temporary agency workers are used to provide service to the citizens of the City of Mesa by staffing positions in various areas for temporary needs and in instances where it is more cost effective than hiring employees. City departments' budgets to cover the cost of these services.

The Purchasing Division recommends a dollar limit increase to the contract with Allstaff Services, Inc., Professional Search Associates, dba Corporate Job Bank Personnel, GCA Services Group Mountain States, LP (a Mesa business), and Job Brokers in the amount of \$451,000, increasing the overall contract limit to \$4,790,000 annually.

*4-b. Purchase of a Renewal License for Google Search Hardware and Software, which provides the ability to search internal City website pages and documents for the Information Technology Department. **(Citywide)**

The City currently uses Google Search to provide the ability to search the City's Intranet web site (InsideMesa) and related documents. Employees conduct approximately 265,000 search requests a year. Searches vary from providing information to citizens, finding specific procedures or policies, researching Council matters, and completing their everyday work assignments. The familiar Google search tools by the public and used on the City's external mesaaz.gov website cannot access or search the websites and files inside the City network. Google offers the capability to search an organization's internal websites through this hardware device that requires renewal every three years.

Purchasing recommends authorizing the purchase of a 36-month renewal license from the lowest, responsive and responsible bidder, Fig Leaf Software, at \$41,901.21, including applicable use tax.

*4-c. Purchase of Vaccines for the Fire and Medical Services Department's Childhood Immunization Program and for Public Safety Personnel. **(Citywide)**

This purchase will provide vaccines and other pharmaceuticals to include: Influenza; Tuberculin skin tests; tetanus, diphtheria, pertussis (Tdap); measles, mumps, rubella (MMR); Varicella; Hepatitis B and Hepatitis A for the program. Some of the vaccines may supplement the Intergovernmental Agreement between the Maricopa County Department of Public Health and the City of Mesa Fire and Medical Services (contractor) providing immunization services and operations to the community, as well as for Public Safety Personnel, as recommended by the Centers for Disease Control (CDC), Occupational Safety and Health Administration (OSHA) and the National Fire Protection Association (NFPA) 1582.

Purchasing recommends utilizing the Minnesota Multistate Contracting Alliance for Pharmacy Cooperative with multiple vendors: Sanofi Pasteur, GlaxoSmithKline, Merck Sharp & Dohme Corp. and McKesson, not to cumulatively exceed \$60,000. This purchase is funded through Arizona's Indian Gaming Compact, County and State Childhood Immunizations Grants, and budgeted City funds.

*4-d. Renewal of the Term Contract for Tires for Warehouse Inventory. **(Citywide)**

Different brands of tires are required to meet the needs of varying vehicles and applications, as well as to match existing tires on vehicles and equipment throughout the City. Tires are inventoried and ordered as-needed by the Warehouse. The State has extended its contract from 10/1/2012 through 9/30/2013, which allows the City to select the distributor.

Purchasing recommends authorizing a one-year renewal, continuing purchases through the State of Arizona Department of Transportation contract with Purcell Tire Company (a Goodyear Tires distributor and Mesa business) at \$792,000, including applicable sales tax, based on estimated requirements.

*4-e. Term Contract for Repair and Refurbish of Metal Bins and Roll-Off Containers for the Solid Waste Management Department. **(Citywide)**

Solid Waste Management utilizes metal front-loading bins and metal roll-off containers to service commercial and residential customers. During the life cycle, the bins and containers become damaged due to normal usage, wear and tear. City staff anticipates repair and refurbish costs of these items will be significantly less than the cost of purchasing new items, which would yield a substantial cost savings to the City.

Purchasing recommends awarding the contract to Action Container Solutions (single bid) at \$150,000 annually, based on estimated requirements.

*4-f. Renewal of the Term Contract for Crack Seal Material and Application Services for the Transportation Department. **(Citywide)**

Transportation Field Operations seals cracks in roadways throughout Mesa as a routine ongoing maintenance operation. This contract provides full surface crack seal application services including materials on arterial, collector and residential streets, intersections and parking lots, totaling approximately 2,011,665 square yards.

Purchasing recommends authorizing a one-year renewal with CPC Construction, Inc. at \$735,000 annually, including applicable sales tax, based on projected annual usage.

*4-g. Term Contract for Utility Infrastructure Repair and Adjustment Services for the Transportation, Water and Energy Resources Departments. **(Citywide)**

This contract will provide services such as the height adjustment and minor repair of gas and water valves, survey monuments, sewer cleanouts, and manholes associated with street paving work, utility cut repairs and/or failed utility frames throughout the City.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, Specialty Companies Group, LLC, at \$170,425 annually, including applicable sales tax, based on estimated requirements.

*4-h. Term Contract for Odor Control Service for the Water Resources Department. **(Citywide)**

This contract will provide a Peroxide Regenerated Iron-Sulfide Control service, which will be an essential component of the City's odor control efforts in the vicinity of the future Cubs' Spring Training Campus located at the northwest corner of 8th Street and Riverview Parkway. The service includes all equipment and the installation, operation and maintenance of the equipment at the Brooks Water Reservoir site.

Purchasing recommends awarding the contract to U.S. Peroxide, LLC (sole source) at \$51,000 for Year One, \$45,000 for Years Two and Three, based on estimated requirements.

*4-i. Police Metro Building – Heating, Ventilation and Air Conditioning (HVAC) Upgrades, 225 West Juanita Avenue. **(District 3)**

The City of Mesa Police Department uses this building for police activities including training, storage, office space, and other police operations. The City of Mesa Facilities Maintenance Department provides maintenance support for this building and has identified the need to replace specific air conditioners and evaporative coolers required to provide a comfortable work environment. A new wall partition and electrical improvements have also been identified by the Mesa Police Department as necessary to improve building and operational conditions for their staff and equipment.

Recommend award to the lowest responsible bidder, Builders Guild, Inc., in the amount of \$318,915.00, plus an additional \$31,891.50 (10% allowance for change orders) for a total award of \$350,806.50. Funding is available in the FY 12/13 Police Operating and Facilities Maintenance Budgets.

5. Take action on the following resolutions:

*5-a. Approving and authorizing the City Manager to execute Amendment No. 1 to the Airport Improvement Program Grant Agreement with the Federal Aviation Administration in an amount of \$41,829.00, for costs associated with Airfield Storm Drainage Improvements – Resolution No. 10141. **(District 5)**

*5-b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement regarding solid waste disposal and recyclable materials services procurement with the Town of Gilbert, the City of Scottsdale and the City of Tempe – Resolution No. 10142. **(Citywide)**

*5-c. Approving and authorizing the City Manager to execute a Subgrantee Agreement with the Arizona Department of Homeland Security for grant funds in the amount of \$185,000 for the Fire and Medical Services Department for the purchase of a Mobile Generating System that will provide the City of Mesa and the surrounding region an additional resource for power in the event of a future power outage – Resolution No. 10143. **(Citywide)**

- *5-d. Approving and authorizing the City Manager to execute a Subgrantee Agreement with the Arizona Department of Homeland Security for grant funds in the amount of \$4,000 to sustain the Citizen Emergency Response Team (CERT) for the Fire and Medical Services Department. These funds will support equipment, training, management and administration – Resolution No. 10144. **(Citywide)**
- *5-e. Approving and authorizing the City Manager to execute a Subgrantee Agreement with the Arizona Department of Homeland Security for grant funds in the amount of \$133,120 to sustain the Urban Area Security Initiative Terrorism Rapid Response Team (RRT) for the Fire and Medical Services Department. These funds support equipment, training, exercises and planning in response to local or regional disasters – Resolution No. 10145. **(Citywide)**
- *5-f. Approving and authorizing the City Manager to execute a Subgrantee Agreement with the Arizona Department of Homeland Security for grant funds in the amount of \$4,000 to sustain the Urban Area Security Initiative Terrorism Liaison Officer (TLO) Program for the Fire and Medical Services Department. These funds support equipment, training exercises and planning in response to local or regional disasters – Resolution No. 10146.
- *5-g. Extinguish a sixteen (16) foot Public Utility Easement in the 2200 block of West Main Street at La Mesita – Resolution No. 10147. **(District 3)**
- *5-h. Vacate a fifteen (15) foot wide alley right-of-way located within the City-owned Escobedo Housing Complex at 400 North Pasadena – Resolution No. 10148. **(District 4)**

This Public Utility Easement is being extinguished because it is no longer needed and will conflict with new development.

This alley right-of-way is being vacated because it is no longer needed.

6. Take action on the following resolution and contract relating to the property located at 225 East Main Street:

- *6-a. A resolution approving and authorizing the City Manager to enter into a Lease Agreement with Benedictine University for property located at 225 East Main Street and authorizing the sale of the leased property to the tenant by granting the tenant an option to purchase the property during the lease term – Resolution No. 10149. **(District 4)**
- *6-b. In April 2012, the Council approved both the selection of D.L. Withers as the Construction Manager at Risk (CM@Risk) and the award of the interior demolition and abatement phase contract Guaranteed Maximum Price (GMP #1). D.L. Withers has completed the work associated with GMP #1 and is prepared to begin the renovation phase discussed herein. The renovation package (designated GMP #2) includes improvements to the existing building to provide classrooms, offices, and student and community gathering spaces. The 34,374 square feet on the first floor will be built out and an additional 8,000 square feet on the second floor will be completed – a total of approximately 42,000 square feet of the existing 68,436. Building improvements also include new mechanical, electrical and plumbing infrastructure. Site improvements include a landscaped plaza, signage, parking lot improvements, landscaping, and storm water retention.

The recommended total award amount for the GMP #2 package is \$9,002,565, based on the CM@Risk proposal of \$8,184,150 plus an additional \$818,415 (10% allowance for change orders). This project is funded by the Economic Investment Fund (included in the City's Enterprise Fund).

(SEE AGENDA ITEM 7 UNDER "ITEMS NOT ON THE CONSENT AGENDA.")

8. Introduction of the following ordinance and setting November 5, 2012, as the date of the public hearing on this ordinance:

- *8-a. **Z12-40 (District 3)** 2254 West Main Street. Located west of Dobson Road on the north side of Main Street (3.4± acres). Rezone from RM-4 BIZ CUP to RM-4 BIZ CUP, Site Plan Review and Preliminary Plat Approval of A New Leaf – La Mesita. This request will allow the redevelopment of a social service facility for A New Leaf. (PLN2012-00312)

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

Items not on the Consent Agenda

7. Take action on the following resolutions relating to the development Escobedo at Verde Vista, LLC:

- 7-a. Approving and authorizing the City Manager to Reapply Declarations of Restrictions for Phase I and Phase II of City-owned land intended for development by Escobedo at Vista Verde LLC that were adopted on July 9, 2012 – Resolution No. 10150. **(District 4)**
- 7-b. Approving and authorizing the City Manager to execute an amended and restated lease agreement with the option to purchase by Escobedo at Vista Verde LLC, for a project on City-owned property located east of Center Street and on the north and south sides of University Drive – Resolution No. 10151. **(District 4)**

Mayor Smith commented that the above-referenced items relate to a public/private partnership to redevelop a site that was once a City of Mesa housing project (i.e. Escobedo Apartments). He explained that approximately six years ago, the project was closed and noted that the buildings have remained vacant since that time.

Mayor Smith remarked that the City has been looking for a partner to redevelop and modernize the site in such a manner that not only would it be compatible with the existing neighborhood, but also evolve into homeownership of the units in the future. He added that the proposal is an element of the Council's downtown initiative to bring citizens into the area.

Mayor Smith stated that he received a speaker card from David Montague, who indicated that he did not wish to address the Council, but was opposed to items 7a and 7b.

Heather Scantlebury, a downtown Mesa resident, addressed the Council and voiced opposition to the project and the agreement between the City and the developer. She offered a series of comments including, but not limited to, the following: that many of her neighbors oppose the development; that "another subsidized housing project in downtown Mesa is status quo;" that the area already has an abundance of low and moderate-income rental housing; that the

development of the subject property, as well as Site 17, which is located across the street, will influence each other positively or negatively; that the establishment of four college campuses in downtown Mesa conforms to the Central Main Street Plan, but the proposed redevelopment of the Escobedo site does not; and that “filling in this property” with the proposed development, as opposed to waiting for a more appropriate project in the future, is “short-sighted,” especially when the developer is requesting a 65-year lease

Councilwoman Higgins expressed appreciation to Ms. Scantlebury for taking the time to address the Council. She said that she did not disagree with any of her comments and, in fact, had many of the same concerns earlier in this process. Councilwoman Higgins noted, however, that for more than six months, the parties have worked on this issue and said that it would be disingenuous for her to oppose the project now since she had not done so in the past.

Mayor Smith thanked Ms. Scantlebury for her comments and remarked that when the City and the developer began this process, many of the recent successes in the downtown area (i.e., bringing four college campuses to downtown Mesa; a specific funding plan in place for extending light rail to Gilbert Road) were not yet realized. He stated that when the developer proposed the redevelopment of the Escobedo site, it was gratifying to know that for the first time in many years, there was an interest in downtown Mesa.

Mayor Smith further indicated that it was understandable how citizens could equate low-income or subsidized housing with low quality, but pointed out that the Council has been insistent that the developer create a high-quality project. He added that the Council was unwilling to accept a substandard product simply for the willingness of a developer to invest in the community.

Mayor Smith also remarked that since market-rate projects are not financeable at this time, the Council determined that subsidized housing was a reasonable option to consider and could serve to attract other kinds of investment in the downtown area. He added that once the project was completed, he was confident that “the next wave of development” would attract the kind of market-rate investment that the Council was seeking.

Mayor Smith, in addition, remarked that until tonight, he had not heard any feedback from citizens outside of the Escobedo neighborhood. He said that he was somewhat perplexed why there was not greater involvement by downtown residents, such as Ms. Scantlebury, earlier in the process.

Councilmember Finter commented that it was his understanding that some of the obstacles in the development of Site 17 were as a result of the vacant buildings at the Escobedo property. He stated the opinion that the completion of the high-quality development at the Escobedo property will, in fact, spur growth and development at Site 17. He added that the proposal has been well received by the residents of the Escobedo and Washington Park neighborhoods.

Mayor Smith stated that items 7a and 7b would be considered by the Council in one motion.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that Resolution Nos. 10150 and 10151 be adopted.

Mayor Smith declared that Vice Mayor Somers was absent for purposes of the vote.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES – Smith-Finter-Glover-Higgins-Kavanaugh-Richins

NAYS – None

ABSENT – Somers

Mayor Smith declared the motion carried unanimously by those present and Resolution Nos. 10150 and 10151 adopted.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:27 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 15th day of October, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag