



COUNCIL MINUTES

October 3, 2011

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 3, 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

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

Invocation by Senior Pastor Roger Williams, Jr., Calvary Baptist Church.

Pledge of Allegiance was led by Scout Parker Layton, Troop No. 153.

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.

There were no awards, recognitions or 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 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 August 29 and September 26, 2011 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Downtown Mesa Association

This is a one-day civic event to be held on Friday, November 4, 2011 from 6:00 p.m. to 10:00 p.m. at 1 to 270 West Main Street. **(District 4)**

*3-b. Downtown Mesa Association

This is a one-day civic event to be held on Friday, December 2, 2011 from 6:00 p.m. to 10:00 p.m. at 1 to 270 West Main Street. **(District 4)**

4. Take action on the following contracts:

*4-a. Term Contract for Centrifuge Parts and Service for the Riverview and Greenfield Water Reclamation Plants. **(Sole Source) (Citywide)**

The Purchasing Division recommends awarding the contract to the sole source vendor/contractor, GEA Mechanical Equipment US, Inc., at \$263,040 annually, based on estimated requirements.

*4-b. Falcon Field Airport Taxiway "B" Reconfiguration and Installation of Runway Guard Lights, 4800 East Falcon Drive. **(District 5)**

City Project 07-041-002. This project will remove the existing Taxiway "B" pavement between each runway and its parallel taxiway, and construct four new angled taxiways to provide positive guidance for aircraft movements. Construction of the new taxiways will include new drainage culverts, airfield electric circuits, taxiway edge lighting, guidance signage, elevated runway guard lights, a new natural gas-fueled emergency back-up generator for the airfield lighting system and control tower.

Recommend award to the lowest bidder, Visus Engineering Construction, Inc., in the amount of \$1,492,000.00, plus an additional \$149,200.00 (10% allowance for change orders), for a total award of \$1,641,200.00. Total project funding of \$1,650,000.00 is available from a Federal Aviation Administration Airport Improvement Program grant (\$1,567,500.00), from the FY 11/12 Falcon Field Capital Improvement Program (\$41,250.00) and from a Federal matching grant from the State of Arizona (\$41,250.00).

*4-c. High Pressure Gas Main Extension – Waste Management CNG Facility 4040 South 80th Street. **(District 6)**

City Project 10-611-001. This project will install a new natural gas line (9,000 linear feet of 6-inch steel gas pipe) and meter set assembly to serve a new compressed natural gas (CNG) fueling station that Waste Management is installing at its existing transfer station.

Recommend award to the lowest bidder, Henkels and McCoy, Inc., in the amount of \$776,165.00, plus an additional \$77,616.50 (10% allowance for change orders), for a total award of \$853,781.50. Funding is available from the FY 11/12 Gas Bond Capital Program.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to execute a Highway Safety Agreement with the Governor's Office of Highway Safety. This Contract provides \$100,000 for overtime expenses to enhance and support DUI enforcement – Resolution No. 9929.
- *5-b. Approving and authorizing the City Manager to execute a Fourth Amendment to an Intergovernmental Agreement between the City of Mesa and the Maricopa County Library District for the Reciprocal Borrowing Program. Under the agreement, participating Libraries are reimbursed for the net number of non-resident cards issued – Resolution No. 9930.

6. Take action on the following resolutions regarding Memorandums of Understanding with the United Mesa Fire Fighters Association and the Mesa Police Association.

- *6-a. Approving and authorizing the City Manager to execute a Memorandum of Understanding with the United Mesa Fire Fighters Association – Resolution No. 9931.
- *6-b. Approving and authorizing the City Manager to execute a Memorandum of Understanding with the Mesa Police Association – Resolution No. 9932.

7. Introduction of the following ordinance and setting October 17, 2011, as the date of the public hearing on this ordinance:

- *7-a. **Z11-22 (District 1)** East and West of Dobson Road, along the 202 Freeway (south side). Modification of a Council Use Permit. This request will allow for the redesign of the Freeway Landmark Signs for the Mesa Riverview retail center. Kimco Riverview, owner; Kimco Realty, applicant.

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

Items not on the Consent Agenda

8. Take action on the following resolution:

- 8-a. Approving the recommendations of the City of Mesa Redistricting Commission concerning the establishment of Council District Boundaries in accordance with the 2010 U.S. Decennial Census – Resolution No. 9933.

Mayor Smith stated that at the September 12, 2011 Study Session, the Redistricting Commission Members made a presentation and recommendation to the Council with respect to the Final Redistricting Map for the City of Mesa.

It was moved by Councilmember Richins, seconded by Councilmember Finter, that Resolution No. 9933 be adopted.

Richard Tracy, a Mesa resident, voiced concern that the City of Mesa, in his opinion, has expended "millions of dollars" in certain areas of the community that are dominated by people of the Mormon religion. He stated that the residents in proposed District 3 would not be fairly represented due to "a long-standing conflict" between the areas of Riverview, Fiesta Mall and around Mesa Drive. Mr. Tracy further suggested that those Councilmembers who are Mormon should abstain from voting when dealing with matters that will put the Riverview area in conflict with Lehi and downtown Mesa where the Mormon Temple is located.

Councilmember Kavanaugh commented that with due respect to Mr. Tracy, in the 11 years he has served on the Council, which church the Councilmembers attend has never impacted their decisions with respect to City issues. He stated that the focus of tonight's discussion should be related to the efforts and dedication of the Redistricting Commission Members. He noted that their proposed map creates "fair and equitable change" in the Council district boundaries that reflects a shift in population and demographics in Mesa.

Councilmember Kavanaugh noted that when the Redistricting Commission Members initially presented their recommendations to the Council, he had significant reservations concerning the proposed boundaries for District 3. He noted, however, that because he has always deeply respected the recommendations of Mesa's citizen advisory boards, and especially with an issue as important as redistricting, he would support the motion.

Councilmember Kavanaugh discussed his participation as a member of the group that drafted the City of Mesa's Redistricting Plan that was approved by the voters. He stated that the group worked to create a system that would keep Mesa's districts as recognizable and contiguous as possible. Councilmember Kavanaugh advised that over the years, District 3's east/west boundaries have basically stayed the same, but noted that at one time, the northern boundary was Main Street and in 2000, it extended to University Drive. He added that he always thought the boundary would continue to move north to include the Riverview area, which is proposed at this time.

Councilmember Kavanaugh further remarked that he continues to have concerns relative to District 3 extending east to Lindsay Road. He noted, however, that during his first several years on the Council, he represented the City at large, including that neighborhood and other neighborhoods added to District 3. Councilmember Kavanaugh acknowledged that by creating a district with "strange boundaries that are confusing," it would be somewhat of a challenge for the Council, citizens and staff, but added that he would do his best to connect the new areas of District 3 within its existing boundaries.

Councilmember Kavanaugh, in addition, commented that the City has "broken the template" that it has had since the voters approved the districting system, which will create additional challenges for the Redistricting Commission ten years from now. He reiterated that he would support the motion to accept the Redistricting Commission's recommendations and said that he

was confident that staff and whoever represents District 3 would serve the needs of the community.

Councilmember Finter remarked that there was "hypersensitivity" at the City with respect to Mr. Tracy's concerns. He stated that if Mr. Tracy had the opportunity to speak with the Council and staff, he would learn that significant effort has gone into ensuring that everyone is treated fairly and that a preference is not given to one religion or class of people over another. Councilmember Finter expressed support for the motion and thanked the Redistricting Commission Members for their efforts and hard work.

Responding to a series of questions from Councilmember Richins, Deputy City Attorney Alfred Smith clarified that pending Council adoption of the Resolution, staff will prepare a Redistricting Plan that will be submitted to the U.S. Department of Justice (DOJ) for approval. He explained that the Redistricting Plan would include the proposed redistricting map, the rationale behind selecting the map, and assurances that the minority voters in District 4 have the opportunity to elect a candidate of their choice. Mr. Smith also advised that within the parameters set forth in the Voting Rights Act, the DOJ will determine whether to approve Mesa's Redistricting Plan. He said that the map would become effective when the City receives written notification of DOJ's approval and added that the new boundaries would be used for the next City Council election.

In response to a question from Councilwoman Higgins, City Attorney Debbie Spinner explained that once the City receives notification that DOJ has approved Mesa's redistricting map, staff will conduct outreach to inform Mesa residents which Council district they will be located in.

Vice Mayor Somers voiced appreciation to the Redistricting Commission Members and stated that while they developed a map that "looks a little odd," it meets all of the requirements that they were tasked to complete. He noted that it was important to remember that the reason for having a district system is to ensure that there is proper spatial representation throughout the community.

Vice Mayor Somers further commented that this Council has never thought "parochially" in terms of their individual districts and said he would hope that they continue to consider what is best for the entire community. He said that "what builds a strong west Mesa, also helps build a strong east Mesa." Vice Mayor Somers added that he looked forward to continuing to work with his fellow Councilmembers and Mesa's new district system in hopes of "Building a Better Mesa."

Mayor Smith thanked the Redistricting Commission Members for their dedication and service to the community. He stated that as long as the DOJ and the Voting Rights Act impose certain legal restrictions on the City with respect to redistricting, he would anticipate "more gyrations and funny looking districts."

Mayor Smith also concurred with Vice Mayor Somers' comments and said that success in one part of the community helps Mesa as a whole. He also remarked that all six Council districts have unique challenges and opportunities and noted that it was the Council's responsibility to allocate the City's limited resources in such a manner to benefit the entire community. Mayor Smith, in addition, expressed appreciation to all of the citizens who participated in this process and added that he would vote in support of the motion.

Mayor Smith called for the vote.

Mayor Smith declared the motion carried unanimously by those present and Resolution No. 9933 adopted.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:15 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 3rd day of October 2011. 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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