



## COUNCIL MINUTES

September 10, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 10, 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 Scott Jones, St. Mark's Episcopal Church.

Pledge of Allegiance was led by Vice Mayor Somers.

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 Vice Mayor Somers, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the August 16 and 27, 2012 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Iowa Cafe

New Restaurant License for Iowa Cafe, 1129 North Higley Road, ALEMAP LLC – Pamela Sue Ohsman, Agent. This is an existing building without an active liquor license at this location. **(District 5)**

\*3-b. Piggly's at the Fair

New Restaurant License for Piggly's at the Fair, 1633 South Stapley Drive, Craig Sawyers Enterprises LLC – David J. Dziedzic, Agent. This is an existing building without an active liquor license at this location. **(District 3)**

\*3-c. Sizzler

New Restaurant License for Sizzler, 1050 South Country Club Drive, McDaniel Restaurant Group, Inc. – Wayne France McDaniel, Agent. This is an existing building without an active liquor license at this location. **(District 4)**

\*3-d. Sprouts Farmers Market #5

New Beer and Wine Store License for Sprouts Farmers Market #5, 1933 East Brown Road, SF Markets LLC (FN) – Randy D. Nations, Agent. This location has a Beer and Wine Store License held by Sprouts Farmers Market LLC that will revert back to the State. **(District 1)**

\*3-e. Sprouts Famers Market #10

New Beer and Wine Store License for Sprouts Farmers Market #10, 5225 East Southern Avenue, SF Markets LLC (FN) – Randy D. Nations, Agent. This location has a Beer and Wine Store License held by Sprouts Farmers Market LLC that will revert back to the State. **(District 2)**

4. Take action on the following contracts:

\*4-a. Term Contract for Painting Services for Citywide Facilities as requested by the Facilities Maintenance Department. **(Citywide)**

This contract will furnish qualified journeyman painters and painter's helpers, and all tools and transportation to perform painting and necessary surface preparation on various small City projects (\$25,000 and less).

Purchasing recommends pre-qualifying the five highest-scored respondents onto the qualified vendors list: Skyline Builders & Restoration, Inc.; BWC Enterprises, Inc., dba Woodruff Construction; East Valley Disaster Services, Inc.; Ghaster Painting & Coatings, Inc.; and Metro Valley Painting Corp. The annual contract amount is \$225,000.

- \*4-b. Term Contract for Original Equipment Manufacturer Auto and Light Truck Parts for the Fleet Services Department. **(Citywide)**

This contract will provide genuine Original Equipment Manufacturer General Motors, Chrysler/Jeep and Ford parts to maintain and repair the City's fleet of sedans, light trucks and vans.

Purchasing recommends awarding the contract to multiple vendors: Brown & Brown Chevrolet (a Mesa business) at \$150,000; Chapman Chrysler Jeep Dodge at \$25,000; and Camelback Ford Lincoln Mercury at \$275,000; for the combined total award of \$450,000 annually.

- \*4-c. Two-Year Renewal of the Term Contract for Police Vehicle Maintenance and Repair Services for the Police Department. **(Citywide)**

This contract provides preventative maintenance and repair services for the City's Police vehicle fleet consisting of Police patrol, undercover and administrative vehicles. Fleet Services staff performs repairs on large diesel-powered trucks and selected other vehicles in-house, but lacks sufficient staffing and facilities to perform all vehicle maintenance activities.

Purchasing recommends authorizing renewal with Chapman Ford (as the primary vendor) at \$120,000 and Berge Ford (a Mesa business) (as the secondary vendor) at \$30,000 based on estimated annual requirements and purchases, for the combined total award of \$150,000 annually.

- \*4-d. Term Contract for Contractor Building Maintenance Services for Citywide Facilities as requested by the Facilities Maintenance Department. **(Citywide)**

This contract will furnish experienced journeyman, all tools and transportation to perform a variety of tasks including rough and finish carpentry, remodel work, such as walls, ceilings, doors, windows, drywall, stairs, tile, masonry, concrete, et cetera, and other small type repairs within City facilities on various small City projects (\$25,000 and less) as directed by the City.

Purchasing recommends pre-qualifying the five highest-scored respondents onto the qualified vendors list: Diamond Ridge Development Corp.; Jokake Construction Services, dba Jokake Specialty Services Team; BWC Enterprises, Inc., dba Woodruff Construction; Hernandez Companies, Inc.; and Carlson Building Company, Inc. (a Mesa business). The annual contract amount is \$225,000.

- \*4-e. Renewal of the Term Contract for Centrifuge Parts and Service for the Water Resources Department. **(Citywide)**

A total of nine centrifuges are used with four located at the Northwest Plant and five located at the Greenfield Plant. The parts and service to be performed would include centrifuge overhauls, bearing replacements, scroll retiling and parts replacement.

Purchasing recommends authorizing a one-year renewal with the sole source vendor/contractor, GEA Mechanical Equipment US, Inc. (Sole Source) at \$270,000, based on estimated requirements.

- \*4-f. Term Supply Contract for Streetlight and Traffic Signal Poles, Mast Arms and Anchor Bolts for Warehouse Inventory. **(Citywide)**

This contract will provide for the supply of streetlight and traffic signal poles, mast arms and anchor bolts. Streetlight and traffic signal poles are used for maintenance and replacement of existing poles, as well as to be supplied to the contractor when the Transportation Department constructs smaller projects in-house.

Purchasing Division recommends awarding the contract to multiple vendors: A&M Nut & Bolt at \$44,100; Southwest Fabrication at \$333,700; and Valmont Industries at \$338,400; including applicable taxes, based on estimated requirements. The combined total contract award is \$716,200 annually.

- \*4-g. Purchase of Monitoring Software and Services for the Information Technology Department. **(Citywide)**

This purchase will provide a multi-function monitoring product, Splunk Software, that will replace the existing security monitoring system, resulting in annual maintenance savings of approximately \$42,000 while providing additional functionality including accessing the data repository to help isolate problems, mitigate risks, improve processes, and generate business efficiencies.

Purchasing recommends authorizing purchase from the lowest, responsive and responsible bidder, Carahsoft Technology Corporation, at \$115,252.00, including applicable use tax.

- \*4-h. Pool Replaster at Brimhall Junior High School, 4949 East Southern Avenue. **(District 2)**

This project will remove and replace the existing plaster lining on the pool, remove and replace the existing pool filters, and upgrade the existing pool drains to meet the current requirements of the Maricopa County Environmental Services Department (MCESD).

Recommend award to the lowest bidder, Shasta Industries, in the amount of \$245,400, plus an additional \$24,540 (10% allowance for change orders) for a total award of \$269,940. Funding is available in the FY 12/13 Parks, Recreation and Commercial Facilities Operating Budget.

- \*4-i. Police Headquarters Conference Rooms Renovation Project, 130 North Robson. **(District 4)**

This project is located on the fourth floor of the Police Headquarters building and will convert an existing small conference room into two offices. A new centrally located

conference room will be created from the area left by the vacant Fusion Center. An additional air conditioning unit will be added to the new conference center to meet current standards. In addition, doors will be added within the hallways of the fourth floor to better secure sensitive areas.

Recommend award to the lowest bidder, C3 Construction Inc., in the amount of \$109,463.00 plus an additional \$10,946.30 (10% allowance for change orders) for a total award of \$120,409.30. Funding is available from Asset Forfeiture (RICO) Funds in the FY 12/13 Police Operating Budget.

- \*4-j. Ellsworth Road 16-inch Water Line Connection to County Line Pump Station No. 3 and County Line Reservoir No. 2. **(District 5)**

This project will install approximately 7,800 feet of 16-inch water line that will connect the City's County Line Pump Station No. 3 (CLPS3) with the City's County Line Reservoir No. 2. Currently, there is an existing 12-inch water line which connects the pump station to the reservoir fill line. An additional 16-inch water transmission main is required in parallel to convey this increased pumping capacity from CLPS3 to County Line Reservoir No. 2.

Recommend award to the lowest bidder, Crush Construction, LLC, in the amount of \$1,454,840, plus an additional \$145,484 (10% allowance for change orders) for a total award of \$1,600,324. Funding is available in the FY 12/13 Water Bond Capital Program.

- \*4-k. Job Order Master Contract – General Landscaping Construction Services. **(Citywide)**

This Job Order Master Contract (JOC) is for minor construction, maintenance, repair, renovations, and facility upgrades for a broad range of City landscaping improvement projects.

Recommend to approve the selection of Valley Rain Construction Corporation for the General Landscaping Construction Services and to execute a Job Order Master Contract for one full year, with the option to extend the contract for four additional one-year option periods based on successful contractor performance and City concurrence.

This Master Contract allows for the issuance of multiple individual job orders that may be written up to a maximum of \$1,000,000 per project, with a total value not to exceed \$5,000,000 for the first year of the contract.

- \*4-l. Job Order Master Contract – General Contracting Construction Services. **(Citywide)**

This Job Order Master Contract is for General Contracting Construction Services, which will include minor construction projects, renovations and repairs, additions, demolition, reconstruction and alteration services to City facilities.

Recommend to approve the selection of Centennial Contractors Enterprises, Inc., for the General Contracting Construction Services and to execute a Job Order Master Contract for one full year, with the option to extend the contract for four additional one-year option periods based on successful contractor performance and City concurrence.

This Master Contract allows for the issuance of multiple individual job orders that may be written up to a maximum of \$1,000,000 per project, with a total value not to exceed \$5,000,000 for the first year of the contract.

\*4-m. Job Order Master Contract – Utility Construction Services. **(Citywide)**

This Job Order Master Contract (JOC) is for Utility Construction Services, which will include minor construction improvements of City facilities and infrastructure related to gas, electric, storm sewer, water, and wastewater. The JOC allows for the issuance of multiple individual job orders that may be written up to a maximum of \$1,000,000 per project, with a total value not to exceed \$15,000,000 for the first year of the contract.

Recommend to approve the selection of B&F Contracting, Inc., for the Utility Construction Services and to execute a Job Order Master Contract for one full year, with the option to extend the contract for four additional one-year option periods based on successful contractor performance and City concurrence.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to execute an Airport Improvement Program Grant Agreement with the Federal Aviation Administration (FAA), not to exceed \$92,258.00, for the design of a runway guard light system and contingencies, reimbursement for updates to the Airport Disadvantaged Business Enterprise Program and approving the revised FAA Grant Assurances for Airport Sponsors at Falcon Field Airport – Resolution No. 10118. **(District 5)**
- \*5-b. Approving and authorizing the City Manager to execute a Fifth Amendment to an Intergovernmental Agreement with the Maricopa County Library District for the Reciprocal Borrowing Program. Under the agreement, participating Libraries are reimbursed for the new number of non-resident cards issued – Resolution No. 10119. **(Citywide)**
- \*5-c. Approving and authorizing the City Manager to execute a grant agreement with the Federal Emergency Management Agency (FEMA) and accept funds in the amount of \$85,252 for the Mesa Fire and Medical Department. The grant funds will be used for smoke alarms for the hearing impaired, dual sensor smoke alarms, and extended life batteries. The approved project cost is \$105,315, with \$84,252 funded by the grant and the remaining \$21,063 funded by the City – Resolution No. 10120. **(Citywide)**
- \*5-d. Approving and authorizing the City Manager to accept funds made available through a Tactical Diversion Task Force Agreement with the Drug Enforcement Administration. The Task Force Agreement provides \$17,202.25 for overtime – Resolution No. 10121. **(Citywide)**
- \*5-e. Approving and authorizing the City Manager to accept funds made available through a Phoenix Task Force Group 2 Task Force Agreement with the Drug Enforcement Administration. The Task Force Agreement provides \$17,202.25 for overtime – Resolution No. 10122. **(Citywide)**
- \*5-f. Approving and authorizing the City Manager to accept funds made available through a Phoenix Task Force Group 3 Task Force Agreement with the Drug Enforcement

Administration. The Task Force Agreement provides \$17,202.25 for overtime – Resolution No. 10123. **(Citywide)**

- \*5-g. Approving and authorizing the City Manager to accept and expend Neighborhood Stabilization Program 3 (NSP 3) Federal grant funds in the amount of \$4,019,457, made available from the United States Department of Housing and Urban Development (HUD) – Resolution No. 10124. **(Citywide)**
- \*5-h. Approving and authorizing the City Manager, or his designee, to approve the sale of residential property acquired by Federal entitlement grants issued by the United States Department of Housing and Urban Development (HUD) – Resolution No. 10125. **(Citywide)**
- \*5-i. Approving and authorizing the City Manager to accept funds made available through a grant agreement with the Department of Interior, Bureau of Reclamation. The agreement provides \$25,000 for water-efficient plumbing fixtures at City facilities, based upon recommendations from the recent Citywide energy and water efficiency study – Resolution No. 10126. **(Citywide)**
- \*5-j. Approving and authorizing the City Manager to accept funds make available through a grant agreement with the Department of Interior, Bureau of Reclamation. The agreement provides \$25,000 for landscape conversion rebates for non-residential water customers – Resolution No. 10127. **(Citywide)**
- \*5-k. Approving and authorizing the City Manager to execute a Memorandum of Understanding with the Mesa Police Association – Resolution No. 10128.
- \*5-l. A resolution adopting the Citizen Involvement Plan (CIP) for the Mesa 2040 General Plan Update – Resolution No. 10129. **(Citywide)**

The CIP establishes a program City Staff will use to educate and inform the public on what the General Plan is, why it is important, and what their role is in the update process. The CIP includes forming a Citizen Plan Advisory Committee, providing opportunities for stakeholders and local agencies to provide input, and building on the iMesa initiative to solicit citizen involvement.

6. Introduction of the following ordinances and setting September 24, 2012, as the date of the public hearing on these ordinances:

- \*6-a. **Z12-34 (District 5)** Parcel 14/15 at Mountain Bridge. Located south of McKellips Road and west of Ellsworth Road (32.1± acres). Rezone from RS-9-PAD-PAD to RS-9-PAD-PAD and Site Plan Review. This request will allow the development of a single-residence subdivision. Pinnacle Ridge Holdings, LLC, owner; Paul Dugas, applicant. (PLN2012-00185)

P&Z Recommendation: Approval with conditions. (Vote: 6-0)

- \*6-b. **Z12-36 (District 1)** 2211 East Quince Street. Located north of McDowell Road and east of Gilbert Road (15± acres). Rezone from AG to RS-43 and Site Plan Review. This request will allow the development of a single-residential subdivision. Laron J. Dewitt,

Sally R. Dewitt, Page E. Dewitt, Mark A. Miku, Surfside Trust by R. Marziale, Carrol L. Powell, Doris E. Powell, Page E. Dewitt Trust, owners; Page Dewitt-Porter, applicant. (PLN2012-00166)

P&Z Recommendation: Approval with conditions. (Vote: 6-0)

- \*6-c. **Z12-38 (District 5)** Parcel 1/3 at Mountain Bridge. Located north of McKellips Road east of Hawes Road (34.9± acres). Modification of an existing PAD overlay within an RS-9 zoning district and Site Plan Review. This request will allow the development of a single-residence subdivision. Pinnacle Ridge Holdings, LLC, owner; Paul Dugas, applicant. (PLN2012-00185)

P&Z Recommendation: Approval with conditions. (Vote: 6-0)

- \*6-d. **Z12-39 (District 5)** Parcel 10/11 at Mountain Bridge. Located north of McKellips Road and west of Ellsworth Road (39.1± acres). Modification of an existing PAD overlay within an RS-9 zoning district and Site Plan Review. This request will allow the development of a single-residence subdivision. Pinnacle Ridge Holdings, owner; Paul Dugas, applicant. (PLN2012-000185)

P&Z Recommendation: Approval with conditions. (Vote: 6-0)

- \*6-e. Amending the Mesa City Code Title II, Chapters 2 and 24: Repealing Title II, Chapter 2 (Human Services Advisory Board); Revising Title II, Chapter 24 (Housing Advisory Board) to incorporate changes that merge both Boards into a board known as the Housing and Community Development Advisory Board **(Citywide)**
- \*6-f. Repealing and replacing Title 8, Chapter 6, Sections 1 through 20, of the Mesa City Code, relating to Public Nuisances, Property Maintenance and Neighborhood Preservation, and adding the term "Article IV" to Title 8, Chapter 6, to take effect 30 days after adoption. **(Citywide)**

7. 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.

- \*7-a. A resolution approving and authorizing the City Manager to execute a development agreement with Pacific Proving LLC and Harvard Ventures Inc., related to the sale and development of a parcel of land (Pacific Proving Grounds North) located at the 5200 to 5300 blocks of South Ellsworth Road (east side) and north of the alignment of State Route 24 to approximately one-quarter mile east of the Crismon Road alignment – Resolution No. 10130. **(District 6)**
- \*7-b. **A12-01 (District 6)** Annexing land located south of the Ray Road alignment and east of Ellsworth Road. 484.37± ac. Initiated by the property owners, Pacific Proving LLC – Ordinance No. 5113.
- \*7-c. **Z12-27 (District 6)** The 5200 to 5300 blocks of South Ellsworth Road (east side). Located on the north side of the future State Route 24 freeway alignment between



Ellsworth Road to approximately one-quarter mile east of the Crismon Road alignment; southern portion of the former General Motors Proving Grounds (485± acres). District 6. Rezone from Maricopa County Rural 43 SUP to City of Mesa LI. This request will establish City zoning on recently annexed property. Pacific Proving LLC, owner; Beus Gilbert PLC, applicant – Ordinance No. 5114.

P&Z Recommendation: Approval with conditions. (Vote: 6-0)

- \*7-d. **Z12-28 (District 6)** The 5200 to 5300 blocks of South Ellsworth Road (east side). Located on the north side of the future State Route 24 freeway alignment between Ellsworth Road to approximately one-quarter mile east of the Crismon Road alignment; southern portion of the former General Motors Proving Grounds (485± acres). District 6. Rezone from LI to PC. This request will establish the Pacific Proving Grounds North Community Plan. Pacific Proving LLC, owner; Beus Gilbert, applicant. (PLN2011-00321) – Ordinance No. 5115.

P&Z Recommendation: Approval with conditions. (Vote: 6-0)

### **Items not on the Consent Agenda**

8. Conduct a public hearing and take action on the following Minor General Plan Amendment and the ordinances that were introduced at a prior Council meeting.

- 8-a. Conduct a public hearing on Minor General Plan Amendment GPMInor 12-02.

Mayor Smith announced that this was the time and place for a public hearing regarding Minor General Plan Amendment GPMInor 12-02.

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

- 8-b. **GPMInor12-02 (District 6)** The 10800 to 11100 blocks of East Williams Field Road (north side) and the 5600 to 6000 blocks of South Signal Butte Road (east side). Located at the northeast corner of Signal Butte Road and Williams Field Road (105± acres). Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use designation from Business Park (BP) to Medium Density Residential 4-6 du/acre (MDR 4-6). This request will facilitate the future development of a single-residential subdivision and commercial corner. Pacific Proving LLC, owner; Beus Gilbert PLC, applicant. (PLN2011-00358) – Resolution No. 10131.

P&Z Recommendation: Adoption. (Vote: 6-0)

It was moved by Vice Mayor Somers, seconded by Councilmember Richins, that Resolution No. 10131 be adopted.

Carried unanimously.

- 8-c. A resolution approving and authorizing the City Manager to execute a development agreement with Harvard Ventures Inc., related to the development of a parcel of land located at the 10800 to 11100 blocks of East Williams Field Road (north side) and the 5600 to 6000 blocks of South Signal Butte Road (east side) – Resolution No. 10132. **(District 6)**

Mayor Smith stated that agenda items 8-c, 8-d, 8-e and 8-f would be voted on by the Council in a single motion.

It was moved by Vice Mayor Somers, seconded by Councilmember Richins, that Resolution No. 10132 (8-c), Ordinance No. 5116 (8-d), Ordinance No. 5117 (8-e) and Ordinance No. 5118 (8-f) be adopted.

Carried unanimously.

- 8-d. **A12-02 (District 6)** Annexing land located north of Williams Field Road and east of the Signal Butte Road alignment. 105.69± ac. Initiated by the property owner, Pacific Proving LLC – Ordinance No. 5116.

**(See motion under item 8-c.)**

- 8-e. **Z12-29 (District 6)** The 10800 to 11100 blocks of East Williams Field Road (north side) and the 5600 to 6000 blocks of South Signal Butte Road (east side). Located at the northeast corner of Signal Butte Road and Williams Field Road (105± acres). District 6. Rezone from Rural 43 SUP to City of Mesa LI. This request will establish City zoning on recently annexed property. Pacific Proving LLC, owner; Beus Gilbert, applicant – Ordinance No. 5117.

P&Z Recommendation: Approval with conditions. (Vote: 6-0)

**(See motion under item 8-c.)**

- 8-f. **Z12-30 (District 6)** The 10800 to 11100 blocks of East Williams Field Road (north side) and the 5600 to 6000 blocks of South Signal Butte Road (east side). Located at the northeast corner of Signal Butte Road and Williams Field Road. District 6. Rezone from LI to RS-6 (70 acres) and RSL-4.5 (35 acres). This request will facilitate the future development of a single-residence subdivision. Pacific Proving LLC, owner; Beus Gilbert PLC, applicant. (PLN2011-00358) – Ordinance No. 5118.

P&Z Recommendation: Approval with conditions (Vote: 6-0)

**(See motion under item 8-c.)**

9. Conduct a public hearing prior to release of the petition for signatures for the following proposed annexations:

- 9-a. **A08-51 (District 5)** Annexing land located at 7604 East Oasis Drive, located north and east of McDowell Road and Sossaman Road. 1.17± ac. Initiated by the property owners, Douglas and Ronda White.

Mayor Smith announced that this was the time and place for a public hearing regarding annexing land located at 7604 East Oasis Drive.

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

9-b. **A12-05 (District 6)** Annexing land located east of Power Road and south of Elliot Road. 1.15± ac. Initiated by the property owners, J&M Land Investment Co., et al.

Mayor Smith announced that this was the time and place for a public hearing regarding annexing land located east of Power Road and south of Elliot Road.

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

10. Items from citizens present.

Ann Berryman, a Mesa resident, addressed the Council and voiced opposition to light rail being built in Mesa. She stated the opinion that such efforts would “take away from the small town atmosphere” that makes Mesa appealing to many of its residents.

11. Adjournment.

Without objection, the meeting adjourned at 6:02 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 10<sup>th</sup> day of September, 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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