



COUNCIL MINUTES

September 24, 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 24, 2012 at 5:47 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 Dr. James E. Adams, Cornerstone 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.

Mark Burdick, the Immediate Past President of the Arizona Fire Chiefs Association (AFCA), addressed the Council and said that the mission of the AFCA is to provide leadership and professional development through networking to Chief Fire Officers. He recognized Goodyear Fire Chief Mark Gaillard, Gilbert Fire Chief Collin DeWitt, Apache Junction Fire Chief Paul Bourgeois, Mesa Assistant Fire Chief Mary Cameli and Bryan Jeffries, President of the United Mesa Firefighters Association who were present in the audience.

Mr. Burdick introduced Mesa Fire Chief Harry Beck and remarked on a few of the creative and innovative accomplishments that have been implemented by Chief Beck and his Department, such as the Transitional Response Vehicles (TRV), the Physician Assistant program, and the Fire Department name change (Mesa Fire and Medical Department). He stated that because of Chief Beck's contributions he has been named Fire Chief of the Year for 2012 by the AFCA.

Chief Beck expressed his appreciation to the AFCA for the award and said that it was an honor to serve as the Fire Chief for the City of Mesa. He also stated that he was proud of not only the Fire Department's accomplishments, but those of the City as well.

Mayor Smith thanked the AFCA for recognizing the innovative efforts of Chief Beck and the Mesa Fire Department. He said that the changes that have been implemented by Chief Beck during these difficult economic times have improved the Fire Department's service to the City.

Councilmember Kavanaugh congratulated Chief Beck and indicated that he had served on the Committee that originally hired Chief Beck. He stated that Chief Beck's service has been a benefit to both the City and the State.

Mayor Smith also congratulated Chief Beck on his accomplishments.

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 advised that a speaker card was received from a citizen who wished to speak in support of item 4-a on the consent agenda (Consider approving a resolution to gate the City alley located west of Stapley, east of Spencer, between Jarvis and Nielson Avenues in response to safety and nuisance issues being experienced by the neighborhood. Council action is being requested because it is an exception to the existing alley abandonment process and petition signature requirements).

Jon Beuler, a Mesa resident, expressed his appreciation for the Council's action regarding item 4-a. He said that he, as well as other residents in the neighborhood, were looking forward to having some of the issues in the neighborhood resolved. He advised that discussions regarding the need for a visual police presence in the area would take place at a future date.

Mayor Smith thanked Mr. Beuler for his comments and said that gating the alley would be somewhat of a new approach and that staff would be evaluating the situation.

Mayor Smith stated that it was the consensus of the Council that item 4-a remain on the consent agenda.

It was moved by Councilmember Finter, seconded by Vice Mayor Somers, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the August 23, August 27, September 6, September 10, and September 13, 2012 Council meetings.

3. Take action on the following contracts:

*3-a. Purchase of two replacement five reel mowers for the Dobson Ranch Golf Course **(Citywide)**

This purchase will provide two replacement Toro Reelmaster 5510 five reel mowers to replace the two existing mowers at Dobson Ranch Golf Course. Over a year, these mowers cover 3,750 acres of turf.

Purchasing recommends authorizing purchase from the National Intergovernmental Purchasing Alliance Contract with Simpson Norton Corporation (Sole Source) at \$100,230.18, including applicable sales tax.

*3-b. Term Contract for Replacement Commercial Grade Fitness Equipment and Supplies for the Fire, Police and Parks, Recreation and Commercial Facilities Departments as needed **(Citywide)**

The commercial grade fitness equipment covered under this contract will include: Cardio Fitness Equipment; Strength Fitness Equipment; and Fitness Supplies. The contract is available to multiple City departments including Fire; Police, Parks, Recreation and Commercial Facilities; and Solid Waste. Parks uses the contract to keep the equipment at the Red Mountain Multi-Generational Center current and functional.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, Fitness 4 Home Superstore, Inc., dba Commercial Fitness Superstore, at \$186,000 for year 1, \$106,000 for years 2 through 5, based on estimated requirements, and \$90,000 contingent for future fire stations.

*3-c. Renewal of the Term Contract for Automatic Transmission Repairs and Services for the Fleet Services and Fire Departments **(Citywide)**

This contract provides automatic transmission parts and repair services for the City's heavy-duty vehicles (fire apparatus, refuse trucks and heavy-duty trucks) and light-duty vehicles (medium trucks and passenger cars). The City worked with Mesa Public Schools to develop the Request for Proposal for these services.

Purchasing recommends authorizing a one-year renewal using the Mesa Public Schools contract with W. W. Williams at \$195,000; and Sun Devil Auto (a Mesa business) at \$45,000 annually, based on estimated requirements, for the combined total contract award of \$240,000 annually.

*3-d. Term Contract for Generator Maintenance and Repair Services for the Water Resources Department **(Citywide)**

Water Resources currently requires the 8,000 hours interval top end overhaul service on one of their generators at the Northwest Water Reclamation Plant. As part of its "Green Initiative," the plant utilizes Co-Generation technology which converts methane gas into power to power this generator. The generator has been under generator maintenance contract with another company but they have notified the City that they were unable to perform this overhaul to the generator. Caterpillar, the manufacturer, requires factory interval service of specific repairs to be performed by a Caterpillar dealer. The existing generator runs approximately 2,350 hours per year. The cost to replace this generator would be approximately \$380,000 plus installation and shipping.

Purchasing recommends utilizing the National Intergovernmental Purchasing Alliance cooperative through the City of Tucson contract with Empire Southwest LLC, dba Empire Power Systems (a Mesa business) at \$50,000 annually, including applicable sales tax.

*3-e. Renewal of the Term Contract for Landscape Maintenance for Parkway Medians and Rights of Way in Section IV for the Transportation Department **(Citywide)**

The City currently has a total of twelve landscape maintenance contracts. The contract will furnish all supervision, labor and equipment to provide landscape maintenance of parkway medians and right of way areas owned by the City in an area designated as Section IV. Major tasks include but are not limited to cleaning, irrigation, sprinkler system maintenance, trimming, mowing, weed control, fertilization, etc., depending on whether the area is turf, desert, or a combination of both.

Purchasing recommends authorizing a two-year renewal with Environmental Earthscapes, dba The Groundskeeper, at \$150,100.72 annually, based on estimated annual requirements.

*3-f. Communications Building Generator Exhaust Replacement **(District 4)**

This request will increase the Contract amount of this project by \$35,000.00. The original design entailed replacing the exhaust piping system. After the new exhaust system was constructed and generators were tested, the building occupants noticed an objectionable odor. As the cause of this odor leak was determined, City staff decided to reinstall the exhaust system on the exterior of the building in an effort to eliminate the possibility of discharging any odor inside the building in the event the piping developed a leak. It was also determined that a new fresh air intake is needed for the building to provide improved ventilation. Contractor will replace the defective work at no additional costs to the City; however, the cost of the revised piping location and the fresh air intake will exceed the awarded limit of the contract.

The original contract with J.E. Bowen Construction, awarded on July 14, 2011, was \$185,900.00. With this increase of \$35,000.00, the new total project cost is 220,900.00. Funding is available from the FY 12/13 Facilities Operating Budget.

*3-g. Waste Water Service Line Inspection Program **(Citywide and Pinal County)**

This project will be to perform video inspection of all waste water service lines adjacent to gas services lines, which were installed using boring techniques on previous City gas line replacement projects. By video inspecting the waste water lines, the City can ensure that the gas service lines were not bored through the waste water service line during installation.

Recommend award to the lowest responsible bidder, StormWater Pros LLC, in the amount of \$340,060.00, plus an additional \$34,006.00 (10% allowance for change orders) for a total award of \$374,066.00. Funding is available in the FY 12/13 Gas Bond Capital Program.

4. Take action on the following resolutions:

- *4-a. Consider approving a resolution to gate the City alley located west of Stapley, east of Spencer, between Jarvis and Nielson Avenues in response to safety and nuisance issues being experienced by the neighborhood. Council action is being requested because it is an exception to the existing alley abandonment process and petition signature requirements (**District 4**) – Resolution No. 10134.
- *4-b. Approving and authorizing the City Manager to execute a Development Agreement with La Mesita Apartments, LP, A New Leaf, Inc., and Native American Connections, Inc., regarding the development of real property generally located at 2254 West Main Street – Resolution No. 10135.
- *4-c. Approving and authorizing the City Manager to execute a Loan Agreement with La Mesita Apartments, LP, regarding the development of real property generally located at 2254 West Main Street – Resolution No. 10136

5. Introduction of the following ordinance and setting October 1, 2012, as the date of the public hearing on this ordinance:

- *5-a. Amending the Mesa City Code, Title II, Chapter 17, “Self-Insurance Program Board of Trustees” to define the powers and duties of the Self-Insurance Program Board of Trustees.

6. 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.

- *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) – Ordinance No. 5119.

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) – Ordinance No. 5120.

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) – Ordinance No. 5121.

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) – Ordinance No. 5122.

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)** – Ordinance No. 5123.
- *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)** – Ordinance No. 5124.

Items not on the Consent Agenda

7. Items from citizens present.

Martin Hernandez, a Mesa resident, described an incident that involved Mesa Police officers who detained a woman who did not speak English and could not answer their questions. He expressed his concerns regarding how the Police Department will ensure that the rights of Mesa residents are not violated under the recently imposed SB 1070. He stated that the City would suffer if it did not publicly take a position on SB 1070 and protect the civil rights of Mesa residents. He concluded his comments by saying that the actions of the Police Department could cause citizens to be hesitant when reporting crimes and calling for service.

Mayor Smith thanked Mr. Hernandez for his comments and said that he anticipates that there will be additional conversations regarding SB 1070 in the future.

8. Adjournment.

Without objection, the meeting adjourned at 6:09 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 24th day of September, 2012. 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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