



COUNCIL MINUTES

September 26, 2011

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 26, 2011 at 5:45 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins*
Dennis Kavanaugh
Scott Somers

COUNCIL ABSENT

Dave Richins

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Councilmember Richins from the entire meeting.

*Councilwoman Higgins participated in the entire meeting through the use of teleconferencing equipment.

Invocation by Reverend Tommy Foster, Harmony Community Baptist Church.

Pledge of Allegiance was led by Councilmember Glover.

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.

Doug Brimhall, former Chairman for the Museum and Cultural Advisory Board, read a Proclamation declaring September 30, 2011 as "Mesa Encore Theatre Day." He introduced Dott McDaniel, Vice President of the Board of Directors for the Mesa Encore Theatre.

Ms. McDaniel provided a brief history of the Mesa Encore Theatre and expressed her appreciation to the Council for recognizing the 75th Anniversary of the Theatre. She presented Mayor Smith with a 75th Anniversary t-shirt and introduced some of the members and volunteers of the Mesa Encore Theatre.

Mayor Smith thanked the members of the Mesa Encore Theatre for their dedicated service and congratulated them on their 75th Anniversary.

Mayor Smith advised that the City is engaged in a joint venture with Mesa Community College (MCC) and Mesa Public Schools (MPS) and proclaimed this week as "Mesa Goes to College" week. He introduced Dr. Michael Cowan, Superintendent of MPS, and Dr. Shouan Pan, President of MCC.

Dr. Pan thanked the Mayor and Council for proclaiming September 26, 2011 through October 2, 2011 as "Mesa Goes to College" week. He reported that many of Mesa's high school graduates do not complete college. He explained that it is important for the community, City government, businesses, faith-based organizations, and educational institutions to answer the call and support higher education. He added that MCC will continue to collaborate with MPS, City government, businesses and civic organizations to strengthen the "educational pipeline," improve job readiness, strengthen economic vitality and, "Build a Better Mesa."

Dr. Cowan addressed the Council and displayed a video from the "future leaders" of the City of Mesa. He said that MPS has joined with the City and MCC in an effort to ensure that the educational capacity of students is increased. In addition, he said that on Monday, October 3, 2011, MPS will host its 31st "Op Shop" at Dobson High School. He explained that the "Op Shop" provides individuals with an opportunity to learn more about different universities and colleges across the country. Dr. Cowan thanked the Mayor and Council for supporting the Mesa Counts on College Program and encouraged the Council to attend the "Op Shop" and see some of the options and opportunities available to Mesa students.

Mayor Smith reported that in 2009, Arizona ranked 31st in the United States in educational attainment and said that by 2018, 63% of the jobs created will require workers to have some type of post-secondary education. He remarked that our youth are not prepared to cope with the challenges of the future, and said that as a community, it should be a top priority to provide resources to assist individuals in the pursuit of their educational goals.

Dr. Pan presented Mayor Smith with a memento from the opening of the Virtual Incident Command Center (VICC), which is a training facility for students as well as a command center for firefighter professionals.

Mayor Smith thanked Dr. Cowan and Dr. Pan for their comments.

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 Vice Mayor Somers, that the consent agenda items be approved.

Mayor Smith declared the motion carried unanimously by those present.

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

Minutes from the August 25, 2011 and September 12, 2011 Council meetings.

3. Take action on the following liquor license applications:

*3-a. American Diabetes Association

This is a two day charitable event to be held on Saturday, October 22, 2011 from 5:00 p.m. to 9:00 p.m. and Sunday, October 23, 2011 from 10:00 a.m. to 4:00 p.m. at 922 S. Country Club Drive. **(District 3)**

*3-b. AZ Choir Boys Law Enforcement Motorcycle Club

This is a one day charitable event to be held on Saturday, October 8, 2011 from 11:00 a.m. to 10:00 p.m. at 922 S. Country Club Drive. **(District 3)**

*3-c. Christ the King Roman Catholic Church

This is a one day religious event to be held on Saturday, October 15, 2011 from 4:00 p.m. to 11:00 p.m. at 1551 E. Dana Avenue. **(District 4)**

*3-d. Southeast Valley Regional Association of Realtors

This is a one day fraternal event to be held on Friday, October 21, 2011 from 5:00 p.m. to 9:00 p.m. at 1363 S. Vineyard. **(District 3)**

*3-e. Ultimate Imaginations

This is a one day charitable event to be held on Friday, October 7, 2011 from 6:00 p.m. to 10:00 p.m. at 1 to 270 W. Main Street. **(District 4)**

*3-f. Chipotle Mexican Grill 1710

New Restaurant License for Chipotle Mexican Grill 1710, 3440 E. Baseline Road Suite 104, Chipotle Mexican Grill Inc – HJ Lewkowitz, Agent. This is an existing building without a previous liquor license at this location. **(District 2)**

*3-g. On The Green Sports Grill

New Restaurant License for On The Green Sports Grill, 801 S. Power Road Suite 101 & 104, Lindsey Family LLC – Chad Edward Elliget, Agent. This location has a Restaurant License held under Mr. Baseball AZ LLC that will revert back to the State. **(District 6)**

*3-h. Valero

New Beer and Wine Store License for Valero, 415 N. Stapley Drive, Asse Gas LLC – Lawrence Edward Elliget, Agent. This location has a Beer and Wine Store License held under Clayton Gas LLC that will revert back to the State. **(District 2)**

4. Take action on the following contracts:

- *4-a. Purchase of an Additional Automated Fingerprint Identification System for the Police Department. **(Sole Source) (Fully Grant Funded by Arizona Criminal Justice Commission) (Citywide)**

The Purchasing Division recommends awarding the contract to the sole source vendor, MorphoTrak, Inc., at \$51,524.41, including applicable use tax.

- *4-b. Purchase of New Furniture and Ancillary Equipment for the Police Department's Fusion Center Relocation. **(Funded by a grant through the Arizona Attorney General's Office) (Citywide)**

The Purchasing Division recommends awarding the contract to Arizona Furnishings at \$56,403.24. Other items are being purchased through normal procurement processes at \$53,596.76. (These other items include PC workstations, office renovations, and telephone and computer relocations.) The combined total project amount is \$110,000. This funding is included in the Police Department FY 11/12 operating budget.

- *4-c. Purchase of Cisco Hardware for the City's Enterprise Hardware Storage System. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidders, Frontier Computer Corp. at \$2,878.20 and Reliant Technology at \$44,772.00, including applicable taxes. The combined total award is \$47,650.20.

- *4-d. Purchase of an Enterprise Data Backup Solution for the Information Technology Department. **(Citywide)**

The Purchasing Division recommends exercising an additional purchase option for the enterprise data backup solution under a previously awarded contract with GTSI Corporation at \$255,154.24, including applicable taxes.

- *4-e. Purchase of a Replacement Regenerative Air Street Sweeper for the Transportation Department. **(90% grant-funded by the Maricopa Association of Governments (MAG)) (Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Balar Equipment, at \$243,036.20, including applicable sales tax.

- *4-f. Purchase of Two Replacement Crew Trucks for the Energy Resources Department. **(Fully Funded by FY 11/12 Vehicle Replacement Program) (Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Freightliner Sterling Western Star of Arizona, at \$248,499.36, including applicable sales tax.

- *4-g. Renewal of the Term Contract for Padlocks and Keys for Various City Departments as Requested by the Materials & Supply Division. **(Citywide)**

The Purchasing Division recommends authorizing a two-year renewal with Clark Security Products Inc. at \$26,491.15 annually, including applicable sales tax, based on estimated requirements.

- *4-h. Renewal of the Term Contract for Perennial Seed for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

The Purchasing Division recommends authorizing a two-year renewal with Wilbur-Ellis Company at \$91,033.04 annually, including applicable sales tax, based on estimated requirements.

- *4-i. Purchase of Three (3) Replacement Air Bearing Turbo Blowers for CIP Project 10-479-001, Southeast Water Reclamation Plant Aeration Improvements. **(Fully Funded by FY 2011/12 Wastewater Bonds) (Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, APGN, Inc., dba APG – Neuros at \$607,000.

- *4-j. East 6th Place – 8” Water Line and 2” Gas Line Replacement at Fitch Park. **(District 4)**

City Project 10-467-001. This project will abandon the existing water and gas lines that currently run under the baseball fields, and place the new lines in the East 6th Place roadway. Water meters will be replaced to upgrade them to current standards and a new fire hydrant will be installed to meet current fire protection coverage requirements.

Recommend award to the lowest bidder, The Fishel Company, in the amount of \$267,972.24, plus an additional \$26,797.22 (10% allowance for change orders) for a total award of \$294,769.46. Funding is available in the FY 11/12 Water Bond Capital and Gas Bond Capital Programs.

- *4-k. 34th Place and McDowell Road Utility Improvements Project. **(District 5)**

City Project 10-603-001. This project will replace a water main in 34th Place, from McDowell Road to Palm Lane, with an 8-inch pipe that conforms to City of Mesa Standards. The existing pipe is a 6-inch asbestos cement pipe (ACP) installed in 1972. An existing sewer stub on McDowell Road will be extended to the north so that residences in the area that currently have septic systems can connect to the City's wastewater line. Also, this project will replace and install new fire hydrants.

Recommend award to the lowest bidder, Action Direct LLC, DBA: Redpoint Contracting, in the amount of \$232,215.00, plus an additional \$23,221.50 (10% allowance for change orders) for a total award of \$255,436.50. Funding is available in the FY 11/12 Water and Wastewater Bond Capital Programs.

5. Take action on the following resolution:

- *5-a. Approving and authorizing the City Manager to execute Grant Agreement Amendment No. 2 to extend the expiration date of existing grant No. E7S59 (Airport Master Plan Update – Phase 2) between the Arizona Department of Transportation (ADOT) and the City of Mesa from June 30, 2011 to June 30, 2012 **(District 5)** – Resolution No. 9928.

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. **Z11-22 DELETED**

- *6-b. **Z11-19 (District 3)** 550 West Juanita Avenue. Located west of Country Club Drive and north of Baseline Road (7.8± acres). Rezone from LI to GI with a Council Use Permit and Site Plan Review. This request will allow the expansion of an existing manufacturing facility – Ordinance No. 5063.

P&Z Recommendation: Approval with conditions (Vote: 6-0-1, Boardmember Roberts absent)

7. Take action on the following subdivision plat:

- *7-a. “Riverview Auto Park” – **(District 1)** The 900 block of North Dobson Road. Located south of the Red Mountain 202 Freeway and west of Dobson Road. 4GC PAD commercial lots (90.4± ac.) Miller Family Real Estate Development, LLC, owner; Michael J. Thompson, Helix Engineering, LLC, surveyor (PLN2011-00149)

Items not on the Consent Agenda

There were no items off the Consent Agenda.

8. Items from citizens present.

Thomas Schuelke, a Mesa resident, advised that he has repeatedly asked the Council to allow four weeks between the disclosure of the Cubs’ Development Agreement and a Council vote. He said that the public deserves an unhurried opportunity to read and ask questions regarding the Development Agreement and that a rushed vote gives the appearance that the Council wants to rush an approval before the facts are disseminated. Mr. Schuelke remarked that Wrigleyville was presented as a “done deal” and Mesa has now committed to spend \$99 million towards the building of the stadium. In addition, he said that the Cubs would be subject to a mere \$250,000 penalty should they decide not build the Entertainment District.

Mr. Schuelke suggested that the City not commit to building the stadium until the Cubs commit to building Wrigleyville. He also suggested that instead of a \$250,000 penalty, that a \$99 million penalty be imposed against the Cubs should they not follow through with development of the Entertainment District. Mr. Schuelke noted that Westgate in Glendale, which was built around two stadiums, is now bankrupt. He remarked that Westgate, Gaylord and Waveyard should be ample warning that Wrigleyville West is far from a sure thing and that the terms of the agreement are different from what voters were led to believe. He added that the Council should refer the Development Agreement to the voters.

Mr. Schuelke advised that Hunt Construction, which was a major contributor to Prop. 420, was selected without a competitive bid. He said, according to campaign records, Councilmembers accepted campaign contributions from individuals identified as Hunt executives. He requested that the Councilmembers who accepted campaign contributions be identified and explain why a no-bid contract was used, and why a conflict of interest was not declared during the selection of Hunt Construction.

Mayor Smith clarified that the City Councilmembers were not involved in the selection process of the architect or the contractor for the stadium project.

9. Adjournment.

Without objection, the meeting adjourned at 6:17 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 26th day of September 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

bdw