



COUNCIL MINUTES

February 27, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 27, 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 Dr. Brent Baker, First Presbyterian Church.

Pledge of Allegiance was led by Councilmember Kavanaugh.

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.

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 January 25, 2012 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Ultimate Imaginations Inc.

This is a one day charitable event to be held on Friday, March 2, 2012, from 5:00 p.m. to 10:00 p.m. at 1-166 W. Main Street. **(District 4)**

*3-b. Ultimate Imaginations Inc.

This is a one day charitable event to be held on Friday, April 6, 2012, from 5:00 p.m. to 10:00 p.m. at 1-270 W. Main Street. **(District 4)**

*3-c. Ultimate Imaginations Inc.

This is a one day charitable event to be held on Friday, May 4, 2012, from 5:00 p.m. to 10:00 p.m. at 1-270 W, Main Street. **(District 4)**

*3-d. Community Asset & Resource Enterprise Partnership

This is a one day charitable event to be held on Saturday, March 17, 2012, from 8:00 a.m. to 12:00 p.m. at 1910 S. Gilbert Road. **(District 4)**

*3-e. Village Family Service Center

This is a one day charitable event to be held on Sunday, March 4, 2012, from 10:00 a.m. to 2:30 p.m. at 526 E. Main Street. **(District 4)**

*3-f. 101 Exchange

New Beer and Wine Store License for 101 Exchange, 2259 W. Broadway Road, BZ Enterprises, LLC – Lauren Kay Merrett, Agent. This location has a Beer and Wine Store License held by North Star of Arizona, LLC, that will revert back to the state. **(District 3)**

*3-g. Bin 68 Wine & Tapas Café

New Restaurant License for Bin 68 Wine & Tapas Café, 6638 E. Superstition Springs Blvd, Suite 101, Bin 7000, LLC – Kin H Chan, Agent. This location has a Restaurant License held by Street of NY, Inc., that will revert back to the State. **(District 6)**

*3-h. O'Neill's Place

New Restaurant License for O'Neill's Place, 2855 N. Power Road, Suite 101, O'Neill Five, Inc. – Paul Joseph O'Neill, Agent. This location has a Restaurant License held by Hero 29, LLC, that will revert back to the State. **(District 5)**

4. Take action on the following contracts:

- *4-a. Purchase of Four (4) New Full Port Valves for the Energy Resources Department used for natural gas distribution and transmission systems at the City's regulatory stations **(Single Bid/Sole Source) (Citywide)**

The Purchasing Division recommends awarding the contract to the single bidder/sole source vendor, Broen, Inc. at \$28, 282.26, including applicable use tax.

- *4-b. Purchase of Thirteen (13) Replacement Portable Transport Ventilators and Related Equipment for the Fire Department **(Fully funded by 2011 Department of Homeland Security, Metropolitan Medical Response System (MMRS) Grant) (Citywide)**

The Purchasing Division recommends purchase from the current contract, CareFusion 203, Inc., at \$190,610, including applicable use tax. **(Sole Source)**

- *4-c. Purchase of TASER® Duty and Training Cartridges and Device Batteries for the Police Department **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State contract with Proforce Marketing, Inc., dba Proforce Law Enforcement, at \$35,000, including applicable sales tax, based on estimated inventory needs.

- *4-d. Purchase of a New On-Officer Video System including Fifty (50) Cameras, Accompanying Hardware, Enterprise Software, and Services **(Sole Source) (Funded by Police Department RICO Act Funds)**

The Purchasing Division recommends awarding the contract to sole source vendor, Taser International Inc., at \$67,526.68, including applicable sales tax, based on estimated requirements.

- *4-e. Term Contract for Ballistic Shields and Helmets for the Police Department **(Citywide)**

The Purchasing Division recommends awarding the contract to lowest, responsive and responsible bidder, 030530 Uniforms, LLC, dba Ace Uniforms of Phoenix, at \$150,000 annually, based on estimated requirements.

- *4-f. Supply Contract for Janitorial and Sanitation Supplies for Citywide Use **(Citywide)**

The Purchasing Division recommends authorizing a supply contract through the cooperative National IPA contract with Waxie Sanitary Supply (in Mesa), at \$45,000, including applicable sales tax, based on estimated requirements.

- *4-g. Term Contract for Sludge Grinder Repairs and Replacements for the Water Resources Department **(Sole Source) (Citywide)**

The Purchasing Division recommends awarding the contract to sole source vendor, JWC International, LLC, at \$77,008.91 for FY 11/12; \$76,031.38 for FY 12/13; and \$43,083.46 for FY 13/14, including applicable use taxes.

*4-h. Annual Wastewater Manhole Rehabilitation Program (**Citywide**)

City Project 01-476-009. This project will rehabilitate eighty (80) deteriorated manholes.

Recommend award to the lowest bidder, Quest Civil Constructors, in the amount of \$706,708.00, plus an additional \$70,670.80 (10% allowance for change orders) for a total award of \$777,378.80. Funding for this project is available in the FY 11/12 Wastewater Bond Capital Program.

4-i Chicago Cubs Spring Training Facility and Riverview Site Development – **was removed from the Consent Agenda and considered under “Items not on the Consent Agenda.”**

5. Take action on the following resolutions:

*5-a. Extinguishing a Three-foot Public Utility Easement at 3325 E. Grove Circle. (**District 2**)

Three (3) feet of a public utility easement is being extinguished at the request of the Development and Sustainability Department. This will allow the owner to install a swimming pool and not encroach on a public utilities easement – Resolution No. 9984.

*5-b. Approving and authorizing the City Manager to execute Grant Agreement with the Federal Emergency Management Agency (FEMA) to accept grant funds in the total amount of \$1,075,022 inclusive of the City match of \$20,264 for the purchase of portable radios, mobile radios, batteries, battery chargers and hand microphones for the partnership of the Mesa and Apache Junction Fire Departments (Citywide) **DELETED – Continued to March 5th Council Meeting.**

*5-c. Approving and supporting the submittal of a grant application by the Transportation Department, and if awarded, approving and authorizing the City Manager to execute a Grant Agreement, with the Arizona Department of Transportation (ADOT) and accept funds in the amount of \$750,000, plus a match of \$45,334 by the City. The grant will be used for the design and construction of a shared-use path between the west City limit and the planned Chicago Cubs complex. (**District 1**) – Resolution No. 9985.

*5-d. Approving and authorizing the City Manager to declare an agreement with A New Leaf/Native American Communities to provide preliminary City support and assistance to a proposed transit-oriented development project at the existing LaMesita property, located at 2254 West Main Street – Resolution No.9986.

*5-e. Approving and authorizing the City Manager to declare and agreement with The Gorman/Save the Family/West Mesa Community Development Corporation to provide preliminary City site control for the City-owned, Escobedo property, generally located north of University, between Sistine and Hibbert Roads – Resolution No. 9987.

*5-f. Approving and authorizing the City Manager to declare an agreement with the Mesa Housing Associated, LLC, to provide preliminary City site control for a City-owned parking lot, located east of Mesa City Plaza at 20 East Main Street – **was removed from the Consent Agenda and considered under “Items not on the Consent Agenda.”**

6. Introduction of the following ordinances and setting March 5, 2012, as the date of the public hearing on these ordinances:

- *6-a. Amending Mesa City Code, Title 6, Chapter 15 – Alarm Systems, with the intent of decreasing the number of false alarm activations in Mesa.

7. Assign delinquent accounts to collection services for the three-month period ending December 31, 2011, totaling \$251,319. (Citywide).

Items not on the Consent Agenda

- *4-i. Chicago Cubs Spring Training Facility and Riverview Site Development – Riverview Park Tree Salvage, northwest corner of Dobson Road and 8th Street (District 1)

City Project 10-554-001. The Chicago Cubs Spring Training Facility and Riverview Site Development Project is anticipated to be delivered by the Construction Manager at Risk (CMAR) using multiple contract awards. This first contract award includes the salvage of approximately 205 trees located on the Riverview Golf Course and Riverview Park sites.

Recommend award of the construction phase services contract to Hunt Construction Group, for the Riverview Park Tree Salvage, with a Guaranteed Maximum Price (GMP) of \$385,437.00, plus an additional \$38,543.70 (10% allowance for change orders) for a total award of \$423,980.70. Funding is available in the FY 11/12 Cub's Stadium Bond program.

Gary Sievers, a Mesa resident, expressed his support for item 4-i. He, along with Mesa residents Dave Hutzler and Craig Peck, performed a musical number to commemorate the first phase of the construction of the Chicago Cubs Spring Training facility.

It was moved by Councilmember Richins, seconded by Councilmember Glover that item 4-i be approved.

Mayor Smith called for the vote.

Carried unanimously.

- 5-f. Approving and authorizing the City Manager to declare an agreement with the Mesa Housing Associated, LLC, to provide preliminary City site control for a City-owned parking lot, located east of Mesa City Plaza at 20 East Main Street – Resolution No. 9988.

It was moved by Councilmember Richins, seconded by Councilmember Glover that item 5-f be approved with Councilmember Richins proposed amendments as follows:

- That reference to a 99-year lease rate term be replaced with “long-term lease.”
- Section 1 shall include the language “The City of Mesa agrees to lease the land with terms and conditions to be outlined in a development agreement and agrees to record the lease agreement in accordance with the 2012 Qualified Allocation Plan. The City further agrees to assist Mesa Housing Associates in securing support in accordance to Section 2.7J of the Arizona Department of Housing 2012 Qualified Allocation Plan.”
- The words “tax credit financing” shall be replaced with “tax credit allocation.”

Councilwoman Higgins indicated that she would not be supporting the motion as she believes that this type of a project was premature. She stated that it would be in the best interest of the City to complete the entire Downtown Development Plan before allowing low-income, tax credit housing in the area. She stressed the importance of determining where educational and other housing options will be located before pursuing this type of project. She added that she, as well as other residents, would not qualify for low-income housing and would not have any housing options available to them should they one day wish to relocate to downtown Mesa.

Mayor Smith stated that he would not be supporting this motion for the reasons he enunciated during the Study Session last week. He advised that he had met with the developers prior to this meeting and explained his reasons for not supporting the project at this time. He said that his decision was not based on the quality of the development and that he believes that this project would be a good addition to Main Street in the proper time.

Mayor Smith advised that in the near future the iMesa Steering Committee will be presenting some spectacular visions and ideas that involve the area surrounding City Plaza. He explained that the plans for this area were first laid out as part of the Central Main Plan and have not evolved to a point where other development should be considered. He added that he appreciates that good quality developers are coming forward with solid proposals however, he believes that the City needs to do the right thing and not rush on these proposals or give false impressions.

Mayor Smith concluded his statement by saying that until the plans for the area surrounding Mesa City Plaza have been developed he was not willing to risk what he believes will be a transformative project.

Mayor Smith called for the vote.

Upon tabulation of the votes, it showed:

AYES - Finter-Glover-Kavanaugh-Richins
NAYS - Smith-Higgins-Somers

Mayor Smith declared the motion carried by majority vote.

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

- 8-a. Adopting an Ordinance establishing the number of signatures required for the Mesa Mayoral Candidate Nomination Petitions to be one thousand signatures or five percent of the vote for Mayor in the last preceding Mayoral election, whichever is less – **DELETED**

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

- 9-a. **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.
- 9-b. **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 owners, Pacific Proving, LLC.

Mayor Smith announced that this was the time and place for a public hearing regarding annexing Land located south of Ray Road alignment and east of Ellsworth Road. 484.37± ac. Initiated by the property owners, Pacific Proving, LLC. and annexing land located north of Williams Field Road and east of the Signal Butte Road alignment. 105.69± ac. Initiated by the property owners, Pacific Proving, LLC.

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

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 6:21 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 27th day of February 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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