



COUNCIL MINUTES

February 28, 2011

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 28, 2011 at 5:45 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins
Dave Richins
Scott Somers

COUNCIL ABSENT

Dennis Kavanaugh

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Councilmember Kavanaugh from the entire meeting.

Invocation by Reverend Charles Goraieb, Queen of Peace Catholic Church.

Pledge of Allegiance was led by Councilmember Christopher 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.

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 Glover, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the September 9 and November 18, 2010 and January 19 and February 7, 2011 Council meetings.

3. Take action on the following liquor license applications:

*3-a. St. Bridget Catholic Church

This is a one day religious event to be held on Friday, March 25, 2011 from 5:00 p.m. to 9:00 p.m. at 2213 N. Lindsay Road. **(District 5)**

*3-b. Ultimate Imaginations Inc

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

*3-c. Francis & Sons Food Mart

New Beer & Wine Store License for Francis & Sons Food Mart, 1560 S. Gilbert Road, FNS Ventures LLC – Ehab Francis, Agent. This location presently has a Beer & Wine Store License held by Mesa Petroleum LLC that will revert back to the State. **(District 4)**

*3-d. Brasco Water House

New Restaurant License for Brasco Water House, 1440 S. Country Club Drive, Suite 3, Brascos Water House LLC – Jerry Alexander McClellan, Agent. This location presently has a Restaurant License held by April Louise Hansen that will revert back to the State. **(District 3) – Recommendation for Denial.**

*3-e. MVB Most Valuable Bar & Grill

New Restaurant License for MVB Most Valuable Bar & Grill, 1911 W. Broadway Road, Suite 1, MVB & Grill LLC – Jamal Garmo, Agent. This location previously has a Beer & Wine Bar License held by Small Four Restaurant Corporation. **(District 3)**

*3-f. Smokeys Bar & Grill

New Restaurant License for Smokeys Bar & Grill, 1734 E. Main Street, Suite 4-6, LaNee Marie Lovelady, Individual. This location previously has a Bar License held by SL Wright Gilbert LLC.

4. Take action on the following bingo application:

*4-a. BINGO LICENSE APPLICATION – CLASS A

Alma Gardens Mobile Home Park (**District 4**)
Leo Thiele, Activities Director
530 S. Alma School Road
Mesa, AZ 85210

5. Take action on the following contracts:

*5-a. Term Contract for ADA Bus Shelter Benches for the Transit Division (**Single Bid**)
(Citywide)

The Purchasing Division recommends awarding the term contract to the single bidder, Lacor Streetscape at \$26,166.42, including applicable sales tax.

*5-b. Term Contract for Lycofast® Mechanical Couplings for the Materials & Supply Warehouse (**Sole Source**) **(Citywide)**

The Purchasing Division recommends awarding the contract to sole source vendor, R.W. Lyall & Company, Inc. at \$31,736.74 annually, including applicable use tax and based on estimated requirements.

*5-c. Term Contract for Natural Gas Meter Set Assemblies for the Materials & Supply Warehouse **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Advance Engineering Corporation at \$74,819.88 annually, including applicable sales tax, based on estimated requirements.

*5-d. Purchase of One (1) Replacement Heavy-Duty Rear Loading Refuse Truck for the Solid Waste Management Department (Funded by FY 10/11 Replacement Fund) **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, RWC International, Ltd. at \$193,133.10, including applicable sales tax.

*5-e. Renewal of the Term Contract for Replacement Street Sweeper Brooms for the Fleet Services Department **(Citywide)**

The Purchasing Division recommends authorizing a two (2)-year renewal with West Coast Equipment, Inc. at \$64,358.84 annually, based on estimated requirements.

*5-f. Purchase of 16 Replacement Vehicles for the Police and Transportation Departments (Funded by FY 10/11 Vehicle Replacement Fund (\$516,806.92), Homeland Security (\$46,502.12) and RICO Funding (\$52,065.00) **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with Five Star Ford at \$106,572.36; Sanderson Ford at \$92,061.14 and Midway

Chevrolet at \$416,741.53; including applicable sales tax. The combined total award is \$615,375.03.

- *5-g. Purchase of Transmission/Distribution Line Hardware, Fittings and Switches for the Energy Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder HD Supply Utilities at \$94,151.38, including applicable sales tax, based on estimated requirements.

- *5-i. 81st Street Water Line Replacement **(District 5)**

City Project 01-557-008. This project will abandon water mains in rear yards, and place new water mains and water meters into dedicated public right-of-ways in the front. Also, included, is the installation of fifteen new fire hydrants in an area that is currently served by two fire hydrants.

Recommend award to the low bidder, Tierra Contracting, Inc., in the amount of \$893,589.73 plus an additional \$89,358.97 (10% allowance for change orders) for a total award of \$982,948.70. This project will be funded with the FY 10/11 Water Bond Capital Program.

- *5-j. Country Club Drive Park and Ride, 1830 S. Country Club Drive **(District 3)**

City Project 06-045-001. This project will construct a park-and-ride facility with 305 parking spaces and other site amenities that will support regional bus service, light rail transit (LRT) and carpooling. The project site is approximately seven acres and is currently vacant.

Recommend award to the low bidder, Spire Engineering LLC, in the amount of \$1,664,705 plus an additional \$166,470.50 (10% allowance for change orders) for a total award of \$1,831,175.50. This project will be funded with a Federal Grant from the American Recovery and Reinvestment Act (ARRA) Stimulus funds.

- *5-k. Red Mountain Freeway Park and Ride at Gilbert Road, 2831 N. Gilbert Road **(District 1)**

City Project 01-514-002. This project will construct a park and ride facility on an 8-acre parcel owned by the Arizona Department of Transportation that will support regional bus, light rail transit (LRT) and carpooling. The facility will have 216 parking stalls, pedestrian walkways, bicycle lockers, bus shelters, and an equestrian staging area as requested by the local neighborhood residents.

Recommend award to the low bidder, Spire Engineering LLC, Inc. in the amount of \$1,981,810.30 plus an additional \$198,181.03 (10% allowance for change orders) for a total award of \$2,179,991.33. This project will be funded with a Federal Grant from the American Recovery and Reinvestment Act (ARRA) Stimulus funds.

- *5-l. Red Mountain Freeway Park and Ride Facility at Power Road, 3055 N. Power Road **(District 5)**

City Project 01-514-001. This project will construct a park-and-ride facility on a 4.9-acre parcel owned by the Arizona Department of Transportation with 180 parking stalls and other amenities. This facility will support regional bus service, light rail transit (LRT) and carpooling.

Recommend award to the low bidder, Norquay Construction, Inc., in the amount of \$1,641,325.45 plus an additional \$164,132.55 (10% allowance for change orders) for a total award of \$1,805,458.00. This project is funded with American Recovery and Reinvestment Act (ARRA) Stimulus funds.

*5-m. Energy Efficient Roofs at Various Locations (**Citywide**)

City Project 09-049-001. This project will install energy efficient coating and/or insulation on aging City building roofs to ensure the building is weather tight.

Recommend award to the low bidder, Centimark Corporation, in the amount of \$642,582 plus an additional \$64,258.20 (10% allowance for change orders) for a total award of \$706,840.20. This project will be funded with a Federal Grant from the American Recovery and Reinvestment Act (ARRA) Stimulus funds.

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to execute an Amendment to Intergovernmental Agreement with Maricopa County Department of Public Health to accept grant funding in the amount of \$211,000 for childhood and H1N1 vaccinations – Resolution No. 9806.
- *6-b. Approving a Grant Agreement to accept grant funds in the amount of \$101,322.00 from the Federal Emergency Management Agency to purchase recording/live transmission handles for thermal imaging cameras, transmission receiving monitors, and a command mobile receiving monitor with live recording/playback capability – Resolution No. 9807.
- *6-c. Approving a Grant Agreement Amendment with the Federal Emergency Management Agency to accept grant funds in the amount \$45,475 for the Home Safety Inspection Program and a neighborhood door to door fire alarm install – Resolution No. 9808.
- *6-d. Vacating right-of-way for Velocity Way, South Taxiway Circle and South Cargo Way on Phoenix-Mesa Gateway Airport (**District 6**) – Resolution No. 9809.

Right-of-way is no longer required and will be converted into a roadway easement.
- *6-e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Phoenix-Mesa Gateway Airport Authority for aircraft rescue and firefighting services. (**District 6**) – Resolution No. 9810.
- *6-f. Vacating alley north of West Southern Avenue between South Macdonald Street and South Grand Street (**District 4**) – Resolution No. 9811.
Alley is being vacated at the request of adjacent property owners in order to reduce unwanted activity in the alley.

- *6-g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County for the construction, operation, and maintenance of drainage improvements located near Hibbert and 1st Street. The total estimated project construction cost is \$350,000. The purpose of this IGA is to identify and define the responsibilities of the District and City. The total estimated project construction cost is \$350,000, with the District contributing \$250,000 and City funding the remainder \$100,000 – Resolution No. 9812.
- *6-h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County for the construction, operation, and maintenance of drainage improvements with the Mesa Vista residential subdivision. The purpose of this IGA is to identify and define the responsibilities of the District and City. The total project construction cost is \$330,000, with the District contributing \$247,500 and the City funding the remainder \$82,500 – Resolution No. 9813.

7. Introduction of the following ordinances and setting March 7, 2011 as the date of the public hearing on these ordinances:

- *7-a. Repealing the existing and adopting a new Title 5, Chapter 12 of the Mesa City Code pertaining to Massage Establishment Operations.

8. 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.

- *8-a. **A10-04 (District 4)** Annexing land located east of Country Club Drive and south of the US 60 Superstition Freeway, 112 West Iron Avenue (6.24± ac). Initiated by the property owner, P&H Mining Inc – Ordinance No. 5026.
- *8-b. **Z10-35 (District 4)** 112 West Iron Avenue. Located south of the US 60 Superstition Freeway and east of Country Club Drive (6.3 +/- acres). Rezone from Maricopa County I-2 to City of Mesa M-1. This request will establish city zoning on recently annexed property. P&H Mining Equipment, owner; City of Mesa, applicant. (PLN2010-00403) – Ordinance No. 5027.

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

- *8-c. **Z11-01 (District 4)** 112 West Iron Avenue. Located south of the US 60 Superstition Freeway and east of Country Club Drive (6.3 +/- acres). Rezone from M-1 to M-1PAD and site plan review. This request will allow the expansion of an existing heavy equipment facility. P&H Mining Equipment, owner; Tim Rasnake, applicant. (PLN2010-00389) – Ordinance No. 5028.

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

- *8-d. **Z11-02 (District 4)** 740 West Broadway Road. Located west of Country Club Drive on the north side of Broadway Road (4.82 +/- acres). Council Use Permit. This request will allow the expansion of an existing recycling center in an M-2 zoning district. Jjadar Mamlechet, owner; Pew and Lake, applicant. (PLN2010-00352) – Ordinance NO. 5029

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

- *8-e. Amending Title 8, Chapter 6 of the Mesa City Code to update the Public Nuisance, Property Maintenance and Neighborhood Preservation code language to enhance enforcement efforts – Ordinance No. 5030.

Items not on the Consent Agenda

- 5-h. Lehi Crossing Wastewater Lift Station and Offsite Wastewater Line **(Districts 1 and 5)**

City Project 10-447-001. This project will construct a wastewater lift station with odor control facilities, and installation of approximately 1,800 feet of 8-inch wastewater force main and 9,350 feet of 15-inch gravity wastewater line.

Recommend award to the low bidder, CSW Contractors, Inc. in the amount of \$1,837,835.96 plus an additional \$183,783.60 (10% allowance for change orders) for a total award of \$2,021,619.56. This project will be funded with the FY 10/11 Wastewater Bond Program.

Richard Tracy, a Mesa resident expressed concerns relative to the decreasing value of his home and discussed a notice he had received stating that 400 homes would be going up for auction. He remarked that other cities would be fighting the issue of building homes in a flood plain. He stressed his objection to the project and said that the City did not need 850 new homes but should replace existing homes along Mesa Drive. He pointed out that there were at least 100 empty buildings in the Fiesta Mall area. Mr. Tracy spoke in favor of the advancement of Phoenix-Gateway Airport. He submitted materials for the Council to review and remarked that other cities would not finance projects on the backs of the homeowners.

It was moved by Councilmember Richins, seconded by Councilmember Glover that Agenda Item 5-h be approved.

Mayor Smith commented that Mr. Tracy made some good points and explained that the project had been approved long before the Council took office. He said that there may be differences of opinion, however, a legal right had been established at the time the project was approved. He stated that impact fees paid for growth and sometimes that growth could not be dictated. He advised that this project was covered by Impact Fees and that this Council had tried to take an approach that was more in line with the plan for the Gateway area. He added that Council would do their best to create a City that the citizens could be proud of.

Councilmember Richins expressed his support for the growth in the Gateway area and said that it was a great area for growth due to its location and freeway access. He stated that he would be the last person to advocate for a sprawl type of growth however, the City needed to grow smarter and Gateway was a smart place for Mesa to grow.

Mayor Smith called for the vote.

Carried unanimously.

9. Items from citizens present.

Karen Frias-Long, member of Mesa Prevention Alliance stated that the Mesa Prevention Alliance was dedicated to reducing underage drinking and promoting a safer community. She reported that they had gathered petitions and had 170 signatures and letters from members of the community in support of the Convenience Store Ordinance. She advised that members of the Guardian Angels as well as Peer Leaders of the Mesa Prevention Alliance had conducted a scan of the Broadway Corridor. She displayed two photographs of convenience store windows in that area that lacked visibility, which posed a risk to customers as well as law enforcement. She expressed support for the Convenience Store Ordinance on behalf of the Alliance.

Vianey Lopez, a Peer Leader with the Mesa Prevention Alliance, expressed her support for the Convenience Store Ordinance and said that the Ordinance would provide for a safer community. She said that beer runs were a great concern with the youth and presented signed petitions and letters from citizens to Council that supported the Ordinance.

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 28th day of February 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

bdw