



COUNCIL MINUTES

February 4, 2013

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 4, 2013 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
Dee Ann Mickelsen

Invocation by Pastor Terry Darnall, Mesa Palms Seventh-Day Adventist 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. Election of Vice Mayor.

Mayor Smith stated that with the seating of the new Council on January 8, 2013, the City Charter calls for the election of the Vice Mayor. He noted that it was an important position, in that the Vice Mayor presides over meetings during the Mayor's absence and would also assume the role of Mayor if, for whatever reason, the Office of Mayor became vacant.

Mayor Smith commented that in November 2012, as a result of a voter-approved Charter amendment, the process regarding the permanent filling of the Office of Mayor was modified. He explained that in the past, the Vice Mayor would serve as Mayor for the remainder of the term, but said that the Charter amendment now allows the Council, if they so choose, to call a Special

Election to fill a vacancy in the Office of Mayor if the vacancy occurs with more than two years remaining in the term.

Mayor Smith further remarked that in many ways, the Vice Mayor is “the face of the City” and represents Mesa and the Council in accordance with their objectives.

It was moved by Mayor Smith, that Councilmember Dave Richins be elected to serve as Vice Mayor.

Mayor Smith stated that any member of the Council could serve as Vice Mayor, with the exception of Vice Mayor Somers, who has now completed his service in that position. He thanked Vice Mayor Somers for his efforts and hard work during his tenure as Vice Mayor.

Mayor Smith commented that the position of Vice Mayor traditionally goes to the most senior member of the Council, although not always. He explained that the Mayor often nominates an individual and noted that the Charter says the Council shall select generally the person the Mayor has nominated. He added that this year, the Council does not have a senior member since four Councilmembers were elected at the same time.

Mayor Smith further stated that he was nominating Councilmember Richins to serve as Vice Mayor since he has served admirably on Maricopa Association of Governments (MAG) committees, regional committees and national committees, such as the National League of Cities, which was a stated objective of this Council. He clarified that this was not a matter of “somebody is better than somebody else,” but simply his belief that Councilmember Richins would continue to serve this Council and the City in an honorable manner and advance the overall objectives that the Council has adopted.

Mayor Smith declared the motion died for lack of a second.

Mayor Smith apologized to Councilmember Richins for putting him in this position and opened the matter for discussion.

It was moved by Councilmember Glover, seconded by Councilwoman Higgins, that Councilmember Alex Finter be elected to serve as Vice Mayor.

Mayor Smith stated that since Councilmember Glover made the motion, perhaps he could explain to Councilmember Richins why he did not support him.

Councilmember Glover responded that there was nothing against Councilmember Richins. He commented that in his opinion, Councilmember Finter was an excellent candidate for the position of Vice Mayor at this time.

Councilmember Richins stated that he would like to hear from his colleagues.

(None of the Councilmembers responded to Councilmember Richins’ request.)

Mayor Smith remarked that he hoped he was friends with everyone on the Council, all of whom are “fine Councilmembers.” He said that there was not “a pecking order” and reiterated his apology to Councilmember Richins for putting him in this position.

Mayor Smith, in addition, commented that he has known Alex Finter for 35 years and considers him to be "a fine man, a fine gentleman and a fine Councilmember." He said that his vote in opposition to the motion should not be considered as a reflection on Councilmember Finter in any way. Mayor Smith added that it was unfortunate that the Council has not followed what has been a tradition in Mesa for many, many years.

Mayor Smith called for the vote.

Upon tabulation of votes it showed:

AYES – Finter-Glover-Higgins-Kavanaugh-Somers

NAYS – Smith-Richins

Mayor Smith declared the motion carried by majority vote.

2. 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 Councilmember Somers, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the November 1 and 8, 2012 and January 28, 2013 Council meetings.

4. Take action on the following liquor license application:

*4-a. Soccer Village Foundation

This is a two-day charitable event to be held on Saturday, February 23, 2013, from 7:00 a.m. to 7:00 p.m. and Sunday, February 24, 2013, from 10:00 a.m. to 7:00 p.m., at 11349 South Ellsworth Road. **(District 6)**

5. Take action on the following contracts:

*5-a. One-Year Renewal of the Term Contract for Concrete and Asphalt Saw Cutting Services for the Transportation Department. **(Citywide)**

This contract provides a qualified contractor for horizontal concrete and asphalt saw cutting services at a variety of locations. Services will include horizontal concrete curb cutting, radius horizontal curb cutting and flat concrete, and asphalt cutting and saw cutting, to remove tripping hazards.

Transportation recommends authorizing a one-year renewal with AZ Saw & Remove, LLC, for the total contract award of \$82,775.00 annually.

- *5-b. One-Year Renewal of the Contract for Traffic Signal LED Replacement Services for the Transportation Department. **(Citywide)**

This contract provides LED re-lamping services for traffic signal poles and associated equipment on an as-needed basis for the Transportation Department. The City supplies all LED indications and pedestrian signal head visors.

Transportation recommends authorizing a one-year renewal with Brooks Bros. Utility Contractors, LLC (a Mesa business) at \$78,000.00, based on estimated requirements.

- *5-c. Three-Year Term Contract for Traffic Signal Head Replacement Services for the Transportation Department. **(Citywide)**

This contract will provide traffic signal head replacement services for two Capital Improvement Program projects. The contract will replace 208 existing 8-inch vehicular indications with 12-inch vehicular indications at 54 City intersections. Additionally, 472 pedestrian modules will be replaced with new countdown modules at 73 City intersections.

Transportation recommends awarding the contract to the lowest, responsive and responsible bidder, Brooks Bros. Utility Contractors, LLC (a Mesa business), at \$66,825.00 annually, based on estimated requirements.

- *5-d. Purchase of Upgrade/Replacement Technology Hardware Equipment for the Police Department Network. **(Citywide)**

This purchase will provide replacement technology hardware for the Mesa Police Department (PD) network upgrade. The new hardware is needed to improve network encryption performance (routing and encryption of all PD data) and replace aging network equipment purchased in 2004. The majority of the Department's equipment is at end-of-life and has not been supported since December 2010. The upgrade will also accommodate the transition to the City's new telephone system.

Police recommends authorizing purchase from the lowest, responsive and responsible bidder, Insight Sector, Inc., at \$727,567.10, including applicable sales tax. This purchase is funded by the 2009, 2010 and 2011 American Recovery and Reinvestment Act (ARRA) JAG Grants.

- *5-e. Purchase of Eight (8) Digital Microwave Radios and Interfaces; Four (4) New and Four (4) Replacement. **(Citywide)**

This purchase will provide four new and four replacement digital point-to-point microwave radios, antennas and spares to replace the obsolete and unserviceable microwave radios currently in service between the TOPAZ Regional Wireless radio site and Apache Junction Fire Station 262; the Twin Knolls radio site and Apache Junction Fire Station 264; and four new point-to-point microwave radios, antennas and spares to connect a new radio site on Shaw Butte to the Thompson Peak radio site and the Range Rider radio

site. The digital point-to-point radios will provide increased capacity and reliability for Mesa and TOPAZ Regional Wireless Cooperative (TRWC) partner data, two-way radio voice, and fire station alerting. Additionally, this purchase is required for relocating White Tank's radio site to Shaw Butte, which will improve public safety radio coverage in the West Valley.

Communications recommends awarding the contract to the lowest, responsive and responsible bidder, CRB Acquisition Co., Inc., LLC, dba EZ Wireless, at \$102,469.86, including applicable use tax. This purchase is fully funded by 2008 Public Safety Bonds. Twenty-five percent (25%) of the cost of the radios will be reimbursed to the City by the other members of the TRWC.

- *5-f. Dollar-Limit Increase and Two-Year Renewal of the Term Contract for Sodium Hypochlorite Chemicals for the Water Resources Department. **(Citywide)**

This contract provides sodium hypochlorite for the City's water reclamation plants for odor control and to oxidize the hydrogen sulfide in waste water. There are other options for both odor control and disinfection, but changing to other processes and chemicals would require large capital investments. Sodium hypochlorite has proven to be the most cost effective of the available options. Additionally, sodium hypochlorite is required to avoid violations in air permits and effluent discharge permits.

Water Resources and Purchasing recommend authorizing the dollar-limit increase of \$32,000.00 from \$385,400.00 to \$417,400.00 with Hasa, Inc. through 2/28/2013 and a two-year renewal at \$425,000.00 annually, based on the average annual usage.

- *5-g. Chicago Cubs' Spring Training Facility and Riverview Site Development Riverview Park Equipment Package. **(District 1)**

The next Guaranteed Maximum Price to be awarded to Hunt Construction Group for the Construction Manager at Risk is the Riverview Park Equipment Package. This work includes kids play area equipment, shade structures, park bridge structures and a park lake water inlet weir.

The recommended total GMP award amount for this project is \$1,858,934.00. Funding is available in the 2012 Park Bonds, the FY 12/13 General Fund Capital, and the FY 12/13 Cubs' Stadium Bond Program.

6. Take action on the following resolution:

- *6-a. Approving the assessment of property located at the northwest corner of the intersection of Crismon Road and Forge Avenue for the Crismon Road Improvements project. These assessments will cover the cost of certain roadway improvements to the adjacent property owner at the time the property develops – Resolution No. 10185. **(District 6)**

7. Introduction of the following ordinances and setting February 25, 2013, as the date of the public hearing on these ordinances:

- *7-a. **Z12-46 (District 6)** The 10800 to 11000 blocks of East Ray Road (south side). Located east of Signal Butte Road on the south side of Ray Road (22.42± acres). Modification of

the PAD within an existing RS-6 zoning district. Approval of the preliminary plat of Bella Via Unit 11A. This request will allow the development of single-residence lots. Pulte Group, owner; Andy Baron, Anderson Baron, applicant. (PLN2012-00397)

Staff Recommendation: Approval with conditions.

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

- *7-b. **Z13-03 (District 3)** 1830 West Main Street. Located east of Dobson Road on the north side of Main Street (4± acres). Rezone from GC to ID-2 and Site Plan Review. This request will allow the development of a transit-oriented mixed-use apartment complex with first floor retail along Main Street. Islandia Mesa, LLC, owner; Matthew Segerdal, AMCAL Multi-Housing, Inc., applicant. (PLN2012-00477)

Staff Recommendation: Approval with conditions.

P&Z Recommendation: Approval with conditions. (Vote: 6-1, Boardmember Arnett voting nay.)

8. Discuss, receive public comment, and take action on the ordinance 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. **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 – Ordinance No. 5133.

9. Take action on the following subdivision plat:

- *9-a. “Map of Dedication for Mountain Bridge – East Hermosa Vista Drive” **(District 5)** The 8400 Block of East Hermosa Vista Drive. Located north and east of East McKellips Road and North Hawes Road. Pinnacle Ridge Holdings, LLC, owner; Darrel Smith, Wood/Patel, Engineer.

Items not on the Consent Agenda

10. Take action on the following recommendation from the Audit, Finance and Enterprise Committee:

- 10-a. Accept the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2012.

Mayor Smith stated that Councilwoman Higgins asked that this item be removed from the consent agenda.

Councilwoman Higgins commented that over the weekend, she had difficulty electronically opening the entire Comprehensive Annual Financial Report (CAFR) and only received a hard copy of the document this afternoon. She stated that at the Audit, Finance and Enterprise Committee meeting, which was held earlier today, she had remarked that although she “did not have a problem” with the CAFR, she had not had a sufficient amount of time to thoroughly review

the document. She noted, therefore, that she opposed the Committee's motion that the CAFR be forwarded on to the full Council for discussion and consideration.

Vice Mayor Finter, who serves as Chairman of the Audit, Finance and Enterprise Committee, reported that although there were a few exceptions, in general, the Committee received "a good report." He said that this resulted in a 2-1 vote to move the item forward to the full Council.

Vice Mayor Finter acknowledged Councilwoman Higgins' concerns and pointed out that he had similar complaints with respect to having difficulty opening the large file on his iPad. He further commented that staff was under certain deadlines with respect to Council acceptance of the CAFR and added that a majority of the Committee determined that they were comfortable in forwarding this matter on to the full Council at this time.

Responding to a question from Councilmember Somers, Chief Financial Officer Michael Kennington clarified that action on this item could be postponed per the discretion of the Council. He explained that documents such as the CAFR are used for other purposes. He cited, by way of example, that on February 18, 2013, staff has scheduled ratings calls with respect to the City's debt ratings and would like to use the CAFR for that purpose. He said that the rating agencies would like to obtain the document prior to that time in order to prepare any questions they might have for the call.

Councilmember Somers stated that he was willing to vote on this matter now or do so in a Special Council Meeting on February 14th.

Mr. Kennington apologized for the difficulty in opening the CAFR file and assured the Council that it would not happen again. He reiterated that the City received an unqualified opinion, with no prior period adjustments. Mr. Kennington added that staff met with Vice Mayor Finter last week in an effort to respond to his questions regarding the CAFR.

Councilwoman Higgins inquired if there would be a problem with the CAFR if the Council did not vote unanimously to accept the document. She reiterated that she did not have a problem with it, but simply did not have sufficient time to review it.

Mayor Smith clarified that the City would not receive an unqualified opinion if there were material misstatements or any internal control deviations. He noted that he understood Councilwoman Higgins' concerns, but questioned what the Council would gain by postponing action on this item beyond tonight.

Mayor Smith, in addition, remarked that he respects the process, which includes an audit by an outside auditor, who gave an unqualified opinion; that the matter is reviewed by the Audit, Finance and Enterprise Committee; that he trusts the Committee Chairman's comments, who indicated that he was comfortable with the opinion; and that he would have no problem supporting the Committee's recommendation.

It was moved by Vice Mayor Finter, seconded by Councilmember Kavanaugh, that the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2012, be accepted.

Carried unanimously.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the meeting adjourned at 6:05 p.m.

SCOTT SMITH, MAYOR

ATTEST:

DEE ANN MICKELSEN, INTERIM 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 4th day of February, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, INTERIM CITY CLERK

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