



COUNCIL MINUTES

November 5, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 5, 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

(*Councilwoman Higgins participated in the meeting through the use of telephonic equipment.)

Invocation by Councilmember Glover.

Pledge of Allegiance was led by Calvin Winger, Scout Troop No. 995.

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.

Mayor Smith stated that it was always a privilege for the Council to recognize accomplishments in the City of Mesa, especially when they are achieved by citizens and City staff. He explained that several years ago, the Mayor's Award for Building a Better Mesa was established to recognize and celebrate the outstanding contributions of Mesa residents, businesses and volunteers to elevate and enhance the community.

Chief of Staff Kathy Macdonald invited Mayor Smith to come forward and present the Mayor's Awards to the following recipients:

- David Short, Executive Director of the Downtown Mesa Association. Mr. Short has taken the organization to an entirely new level. He has aggressively marketed the downtown and

responded to the call for additional events and activities in the downtown by sponsoring, coordinating and supporting more than 25 events over the last two and a half years.

- George Page and Tim Gibbs, representing The Home Depot. These individuals have proactively reached out to the City of Mesa to partner in a variety of service projects throughout the community.
- Francisco and Delilah Varela. The couple's home has been selected as one of the best properties recognized by Mesa's Extraordinary Property Program.

Ms. Macdonald commented that Andrew Wylde and Lorenzo and Eugenia Velazco were also recognized, but noted that they were unable to attend tonight's meeting to receive their awards.

Parks, Recreation and Commercial Facilities (PRCF) Department Director Marc Heirshberg addressed the Council and stated that he was pleased to announce that the Arizona Parks and Recreation Association (APRA) recently recognized the City of Mesa's Parks and Recreation Department and the Skyline Aquatic Center with its 2012 "Outstanding Facility Award." He noted that the facility, which is located at Skyline High School, demonstrates a successful and long-standing partnership between the City of Mesa and Mesa Public Schools.

Mr. Heirshberg, in addition, reported that the City of Mesa also received the APRA's 2012 "Outstanding Youth Enrichment Program Award" for the development of the "Fit Kids Kamp," which is sponsored by Cardon Children's Hospital. He pointed out that the program, which educates youths between the ages of 9 and 12 about the importance of living a healthy lifestyle, has been well received by Mesa residents. He added that it was a tremendous example of public and private entities collaborating on programs to promote a healthier community.

Mr. Heirshberg further remarked that it was an honor and a privilege for him and his staff to work with Cardon Children's Hospital. He invited Rhonda Anderson, CEO of Banner Health's Cardon Children's Medical Center, to come forward and accept the APRA's 2012 "Outstanding Youth Enrichment Program Award."

Mr. Heirshberg further recognized the City's partnership with the Arizona Disabled Sports Association (AzDS) and said that in July, the entities hosted the 2012 National Junior Disability Championships.

AzDS Executive Director Lane Gram and PRCF Recreation Coordinator Mark Grant addressed the Council. Ms. Gram noted that for 20 years, the AzDS has partnered with the City of Mesa to provide adaptive sports for individuals with disabilities. She provided a brief overview of the event, which included over 200 participants ranging in age between 7 and 21 and representing 26 states and Thailand. Ms. Gram stated that she was pleased to report that the economic impact to the City from the event was more than \$700,000. She further thanked the Parks and Recreation Department staff for their hard work and support in making the event such a success.

Ms. Gram presented a decorative plaque to Mr. Heirshberg and noted that it was a gift from the team from Thailand.

City Manager Christopher Brady stated that he wanted to take the opportunity to recognize Mr. Heirshberg, who was recently named to the American Academy for Parks and Recreation Administration (AAPRA). He explained that the AAPRA, which is a national organization for recreational professionals, encourages scholarly efforts both by practitioners and educators to enhance the practice of public parks and recreation administration. Mr. Brady pointed out that membership is limited to 125 practicing professionals at any one time and remarked that Mr. Heirshberg was selected due to his outstanding

innovative leadership within the profession and active involvement in the community, State and national organizations.

Mr. Heirshberg thanked the Council for their leadership and acknowledged his staff for their hard work and dedication to the community. He said that he was most appreciative of the recognition, as well as the opportunities that working for the City of Mesa has provided him.

Mayor Smith thanked everyone who was recognized this evening for their contributions to the community.

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 stated that a citizen requested that item 5-h be removed from the consent agenda.

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

Carried unanimously.

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

Minutes from the September 27 and October 15, 2012 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Commemorative Air Force Arizona Wing Museum

This is a one-day charitable event to be held on Saturday, March 9, 2013, from 4:30 p.m. to 11:30 p.m., at 2017 North Greenfield Road. **(District 5)**

*3-b. Downtown Mesa Association

This is a one-day charitable event to be held on Saturday, December 8, 2012, from 10:00 a.m. to 10:00 p.m., at Macdonald Street, from Main Street to Pepper; and the west half of the Pepper Street Lot. **(District 4)**

*3-c. Folds of Honor Foundation

This is a one-day charitable event to be held on Saturday, February 9, 2013, from 6:00 a.m. to 8:00 p.m., at 2401 South Lansing. **(District 6)**

*3-d. Queen of Peace Catholic Church

This is a one-day charitable event to be held on Sunday, November 18, 2012, from 9:00 a.m. to 8:00 p.m., at 141 North Macdonald. **(District 4)**

*3-e. The Arizona Event Center

Person-to-person and location-to-location transfer of a Bar License for The Arizona Event Center, 1300 South Country Club Drive, Suite 105. The Arizona Event Center LLC – Andrea Dahlman Lewkowitz, Agent. This is an existing building without an active liquor license at this location. **(District 3)**

*3-f. Gus's New York Pizza

New Restaurant License for Gus's New York Pizza, 2015 North Power Road, Suite 106, Kaya Business Ventures LLC – Mustafa Erdem, Agent. This location has a Restaurant License held by Pisa Pizza Restaurante, Inc. that will revert back to the State. **(District 5)**

4. Take action on the following bingo applications:

*4-a. Bingo License Application – Class A

Mi Casa Nursing Home **(District 2)**
Misti Valentino, Manager
330 South Pinnule Circle
Mesa, AZ 85206

*4-b. Bingo License Application – Class B

VDO Resort Bingo **(District 6)**
Darl Smith, President
1452 South Ellsworth Road
Mesa, AZ 85209

5. Take action on the following contracts:

*5-a. Term Contract for Bio-Solids Removal and Reuse/Disposal Services for the Water Resources Department. **(Citywide)**

This contract will provide a qualified vendor to provide all materials, equipment and labor to load, transport and reuse/dispose of dewatered bio-solids from Mesa's Northwest and Greenfield Water Reclamation Plants.

Purchasing recommends awarding the contract to the highest scored proposal, Terra Renewal West, at \$300,000.00 annually, based on estimated requirements.

*5-b. Term Contract for a Subscription Based Software Application for the Library Services Department. **(Citywide)**

CollectionHQ is a hosted web application that will allow the Library to analyze the performance of both newly acquired and existing materials. With this product, the Library will save staff time with automated reporting and improve purchasing decisions because CollectionHQ provides both statistical and trend information. In addition, this product allows the Library to manage its materials inventory more effectively by giving it the information to not only identify gaps, but also to locate and promote items more effectively in order to increase circulation.

Purchasing recommends awarding the contract to Bridgeall Libraries Limited (sole source) at \$34,050.00 for the first year, and \$26,550.00 per year for years two and three, based on the sole source pricing offered.

*5-c. Replacement of Automatic Gate Openers at Four City Locations. **(Citywide)**

This contract will provide for the removal of old gate operators and the replacement of new automatic gate operators at four City of Mesa facilities: Police Department Superstition Substation; Fire Station No. 212 at 2430 South Ellsworth Road; Communications Building North at 161 East 6th Place; and Pasadena Pump Station 1 at 601 North Pasadena Road. The existing operators and activation loops are in poor condition.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, AA Anchor Fence, Inc. dba Associated Fence, at \$57,960.79, including applicable sales tax.

*5-d. Renewal of the Term Contract for Helicopter Engine Parts for the Police Department, Aviation Unit. **(Citywide)**

This contract provides helicopter engine repair and/or overhaul parts and service for the Aviation Unit's three MD helicopters. Engine parts and services are used to maintain the helicopters in a safe and airworthy condition as recommended by the manufacturer and as mandated by the Federal Aviation Administration. Much of the contract amount covers the replacement of items within the turbine engines that are detected while the engines are undergoing detailed inspections during an overhaul.

Purchasing recommends authorizing a two-year renewal with AeroMaritime America Inc. (a Mesa business) at \$390,000.00 annually, based on estimated requirements.

*5-e. Purchase of Three New Mobile Emergency Electric Generators (Two for the Energy Resources Department and one for the Fire and Medical Services Department). **(Citywide)**

The purpose of these generators will be to supply backup power to critical City of Mesa facilities in the event of an extended power outage or state of emergency.

Purchasing recommends utilizing the National Intergovernmental Purchasing Alliance (NIPA)/City of Tucson cooperative contract with Empire Southwest LLC (a Mesa business) at \$567,483.42, including applicable sales tax. Funding sources include: \$185,000 from the Fire and Medical Services Department budget through the Arizona Department of Homeland Security, Urban Area Security Initiative grant funding and

\$382,483.42 from the FY 2012/13 Energy Resources Capital Fund and Election Enterprises Sub Fund.

- *5-f. Term Contract for Streetlight Maintenance and Rusted Pole Replacement Services for the Transportation Department. **(Citywide)**

This contract will provide streetlight maintenance and rusted pole replacement services on an as needed, where needed basis for the Transportation Department.

Purchasing recommends awarding the contract to Brooks Bros. Utility Contractors, LLC (a Mesa vendor) as the primary vendor at \$324,750.00 annually; and CS Construction, Inc. as the secondary vendor at \$25,000 annually; including applicable taxes, based on estimated requirements. The combined total contract award is \$349,750.00 annually.

- *5-g. Purchase of a Replacement Heavy Duty Bucket Truck with an Aerial Device and Utility Body for the Transportation Department. **(Citywide)**

The bucket truck will be used by the Intelligent Transportation Systems group in Transportation. The truck will have an extended reach and will be primarily used to service and repair ITS communications equipment including antennas, closed circuit television equipment and video detection cameras that are not reachable by smaller trucks and routine and emergency maintenance of the traffic signal system.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, RWC International, Ltd, at \$201,268.63, including applicable sales tax. Funding of \$135,000 by the FY 2012/13 Vehicle Replacement Fund and \$66,268.63 by the Transportation operations budget.

(Note: Item 5-h is listed under “Items not on the consent agenda.”)

- *5-i. Anti-Graffiti Coating and Vending Security Door Installation at the Power Road and Gilbert Road Park-N-Ride Facilities. **(Districts 1 and 5)**

This project will finalize the construction of both park-n-ride facilities by installing anti-vandalism items such as vending security doors and an anti-graffiti coating.

Recommend award to the lowest responsible bidder, JE Bowen Construction LLC, in the amount of \$57,000, plus an additional \$5,700 (10% contingency allowance for change orders) for a total award of \$62,700. This project is funded by a Federal Grant from the American Recovery and Reinvestment Act stimulus bill.

- *5-j. Purchase of Excess Liability, Property, Aviation and Workers' Compensation Insurance. **(Citywide)**

Recommend purchase of Excess Liability Insurance from Star Insurance for \$15 million in excess of the City's \$3 million Self-Insured Retention (SIR). The cost of this policy is \$290,000.

Recommend purchase of 2nd layer Excess Liability Insurance from Great American Assurance Company for an additional \$25 million in liability coverage. The cost of this policy is \$175,000.

Recommend purchase of Property Insurance from Travelers Insurance with coverage of \$300 million per occurrence and a \$50,000 deductible. The cost of this policy is \$410,058.

Recommend purchase of Airport Liability Insurance from Chartis Aerospace Insurance with \$0 deductible and \$100 million per occurrence coverage. The cost of this policy is \$15,024.

Recommend purchase of Aircraft Hull and Liability Insurance from Chartis Aerospace Insurance with \$0 deductible and \$100 million per occurrence coverage. The cost of this policy is \$72,806.

Recommend purchase of Excess Workers' Compensation Insurance from Safety National Casualty Corporation with an SIR for \$1 million per accident/injury/illness policy limit. The cost of this policy is \$266,104.

- *5-k. Assign delinquent accounts to collection services for the three-month period ending June 30, 2012, totaling \$224,676. **(Citywide)**

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to execute a revised Intergovernmental Agreement with Mesa's Dispatch Agencies and with the City of Phoenix and its Dispatch Agencies for the Valley Wide Automatic Aid System, which provides emergency fire and medical services across jurisdictional boundaries – Resolution No. 10152. **(Citywide)**

- *6-b. Approving and authorizing the City Manager to accept funds made available through a SubGrantee Agreement with the Arizona Department of Homeland Security. The Agreement provides \$133,120 for equipment and training for the Police Department's Rapid Response Team – Resolution No. 10153. **(Citywide)**

(Note: Item 6-c is listed under "Items not on the consent agenda.")

- *6-d. Approving and authorizing the City Manager to execute an amendment to an existing License Agreement, originally established with AGL Networks, LLC, to establish a transfer of this License to Zayo Fiber Solutions, Inc. This license allows for the continued use of the public right-of-way by Zayo for fiber optic communications infrastructure – Resolution No. 10154. **(Citywide)**

- *6-e. Acquire Right-of-Way Easement and Temporary Construction Easements from the Gila River Indian Community (GRIC), northeast corner of Power Road and Williams Field Road – Resolution No. 10155. **(District 6)**

This right-of-way is needed to accommodate new road improvements. The City of Mesa will be responsible for the delivery of \$197,920 to GRIC within thirty (30) days of execution of the Agreement by the City of Mesa and GRIC.

7. Introduction of the following ordinances and setting November 19, 2012, as the date of the public hearing on these ordinances:

*7-a. **A12-05 (District 6)** Annexing land located east of Power Road and south of Elliot Road. (1.15± ac.) Initiated by the property owners, J & M Land Investment Co., et al.

*7-b. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Speed Limits (35 mph): 10-4-5

Establish a speed limit of 35 mph on Inverness Avenue from a point 400 feet east of Higley Road to Sunview. **(District 2)**

Speed Limits (35 mph): 10-4-5 and Speed Limits (30 mph): 10-4-6

Decrease the speed limit from 35 mph to 30 mph on Red Mountain from Eagle Crest Drive to Ridgecrest. **(District 5)**

Speed Limits (45 mph): 10-4-3 and Speed Limits (40 mph): 10-4-4

Decrease the speed limit from 45 mph to 40 mph on Signal Butte Road from Broadway Road to the north City limits. **(District 6)**

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. **Z12-40 (District 3)** 2254 West Main Street. Located west of Dobson Road on the north side of Main Street (3.4± acres). Rezone from RM-4 BIZ CUP to RM-4 BIZ CUP, Site Plan Review and Preliminary Plat Approval of A New Leaf – La Mesita. This request will allow the redevelopment of a social service facility for A New Leaf. (PLN2012-00312) – Ordinance No. 5126.

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

9. Take action on the following subdivision plats:

*9-a. “Desert Place at Morrison Ranch Phase I” **(District 6)** The 7200-7600 blocks of East Guadalupe Road (south side). Located south and west of Guadalupe and Sossaman Roads. 317 RS-6, RS-7 and RS-9 PAD PAD lots (108.93 ac.). Morrison Ranch Incorporated, owner; Joe Kraft, EPS Group, Inc., surveyor.

*9-b. Eastmark 7-50 **(District 6)** The 10000-10200 blocks of East Ray Road (north side). Located west and north of Ray and Signal Butte Roads. 3 PCD lots to be developed as a park (12.21 ac.). DMB Mesa Proving Grounds, LLC, owner; Paul V. Greehagen, surveyor.

10. Take action on the following Plan Document:

- *10-a. Approve the revisions and adopt the City of Mesa Health Care Plan Document Summary Plan Description (Plan Document) for calendar year 2013.

11. Take action on the following off track betting license application:

- *11-a. TP Racing L.L.L.P. DBA Turf Paradise **(District 6)**

Vincent Acri Francia, Applicant
6646 East Superstition Springs Boulevard
Mesa, AZ 85206

Items not on the Consent Agenda

- 5-h. Southern Avenue Improvements, Alma School Road to Dobson Road. **(District 3)**

This is the first project from the City's Fiesta District Implementation Plan along Southern Avenue which "seeks to create a uniquely identifiable area for Mesa that is economically vibrant, pedestrian friendly and an active urban destination." The project will include a variety of improvements from Alma School Road to Dobson Road to support this concept. This contract is the first step in the Construction Manager at Risk process, which allows the City to contract with the selected contractor during design to provide cost estimating, scheduling, value engineering, materials availability and constructability analysis.

Recommend award of the Design Phase Services contract to Achen-Gardner Construction, LLC, for the proposed Southern Avenue Improvements project from Alma School Road to Dobson Road, with a Guaranteed Maximum Price of \$286,274.00. Funding is available from the FY 12/13 Street Bond Program.

Richard Tracy, a Mesa resident, expressed a series of concerns that the project would result in Southern Avenue being blocked off. He stated that not only would it negatively impact new and established businesses in the area, but the City would also lose a significant amount of sales tax revenue.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that the above-referenced contract be approved.

Mayor Smith thanked Mr. Tracy for his comments. He stated that he wanted to correct the misconception that Southern Avenue will be blocked off between Dobson and Alma School Roads during the street improvements project. Mayor Smith explained that the City has considered a number of proposals with respect to the project, one of which is to reduce Southern Avenue from three to two thru lanes on each side of the median. He remarked that such efforts are designed to create "a local type traffic flow," that will encourage people to do more than just drive through the area and also promote development/investment in the area.

Mayor Smith further pointed out that the current configuration of Southern Avenue was created long before the Superstition Freeway was widened and also at a time when the previous big box stores and Fiesta Mall were thriving. He commented that the traffic volume on Southern Avenue between Dobson and Alma School Roads has declined not only by the reduction of commercial

activity in the area, but also due to the completion of the Superstition Freeway, which has diverted a significant amount of traffic off of Southern Avenue.

Mayor Smith called for the vote.

Carried unanimously.

- 6-c. Approving and authorizing the City Manager to execute a cable license agreement with CenturyLink for the use of specified public rights-of-way within the City of Mesa – Resolution No. 10156. **(Citywide)**

Mayor Smith stated that Councilmember Richins asked that this item be removed from the consent agenda.

Councilmember Richins stated that he thought this would be a good opportunity for a representative of CenturyLink to update the Council regarding its expansion of service in Mesa. He commented that in traveling throughout his district, he has noticed “some struggles” with CenturyLink’s infrastructure and acknowledged that it was difficult for the company to maintain equipment that is damaged by citizens.

Councilmember Richins indicated that as CenturyLink expands service in the community, he would like the company to entertain a dialogue with the City not only with respect to how it intends to maintain its infrastructure, but also creating a mechanism by which the residents and the City can apprise the company if that is not the case.

Jeff Mirasola, CenturyLink Director of Local Government Affairs, addressed the Council and discussed CenturyLink’s Prism TV product, which is being launched in the metro Phoenix market, including Mesa. He reported that in the past two years since CenturyLink acquired Qwest, it has expended a significant amount of capital in Mesa “grooming its network.” He said that such efforts include the repair of underground infrastructure and defective wiring, as well as the replacement and repair of the pedestals, the small boxes that house the cable and wire and are often damaged by vehicles. He noted that in addition, CenturyLink’s network team had spent in excess of \$1 million a month throughout the Valley in upgrades.

Mr. Mirasola further remarked that as a stipulation of CenturyLink’s acquisition of Qwest, the company was required to invest \$70 million in the State of Arizona, all of which has been expended at this time.

Mr. Mirasola, in addition, advised that at a recent meeting that he and other CenturyLink representatives attended with City Manager Christopher Brady and Manager of Technology and Innovation Alex Deshuk, a consensus was reached that it would be important for the City to develop a process by which Mesa residents could report any problems or damage to equipment to the City and that such information would be forwarded to CenturyLink so that the company could address such issues in a timely manner.

Councilmember Richins clarified that what he heard Mr. Mirasola state is that CenturyLink will establish some kind of process with the City so that he, for example, could forward work orders to the company with respect to complaints he received from his constituents, and the company would respond to such complaints and issue a report in that regard.

Mr. Mirasola confirmed that the City has a commitment from CenturyLink to establish a list of problems or concerns, which could be prioritized with City staff and its citizens.

Councilmember Richins suggested that there were a number of avenues that the City could pursue, whether it be City staff or citizens who identify problems or perhaps enhancing the MyMesa application, which forwards citizen complaints to staff.

Responding to a question from Councilmember Richins, Mr. Mirasola explained that it would be difficult for him to provide a specific timeline within which items would be repaired. He said that there are different stages of repair and noted that temporary lines are often installed to restore service if a line has been cut or damaged. He added that educating the community would be a key component in such a process.

Councilmember Richins remarked that if CenturyLink is providing a level of service to communities such as Phoenix and Scottsdale, that Mesa would expect the same or better service and that the infrastructure looks and functions in a topnotch fashion.

It was moved by Vice Mayor Somers, seconded by Councilmember Kavanaugh, that Resolution No. 10156 be adopted.

Carried unanimously.

12. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexation:

12-a. Conduct a Public Hearing

Mayor Smith announced that this was the time and place for a public hearing regarding annexing the 2600 block of East Lehi Road between McDowell and Thomas Roads.

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

12-b. **A12-06 (District 1)** Annexing the 2600 block of East Lehi Road, located between McDowell and Thomas Roads. (10.94± ac.) Initiated by the property owners, City of Mesa.

It was moved by Vice Mayor Somers, seconded by Councilmember Kavanaugh, that the release of the petition for signatures for the above-referenced annexation be approved.

Carried unanimously.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the meeting adjourned at 6:32 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 5th day of November, 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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