



## COUNCIL MINUTES

June 27, 2011

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 27, 2011 at 5:46 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 The Reverend Dr., Senior Minister, Blaine Mays, Community Church of New Thought.

Pledge of Allegiance was led by Councilmember Richins.

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.

Fiscal Analyst Mary Larsen and Management Assistant II Perla Anderson, recent graduates of the Mesa Leadership, Training and Development Program (Mesa LTD), presented a check for \$1,467.36, which represents the proceeds from "A Night at the Museum" fundraiser at the Arizona Museum of Natural History that was sponsored by the Mesa LTD. Ms. Larsen said that the fundraiser was held to benefit the City of Mesa's ABC (A Better Community) Program.

Peter Sterling, President and CEO of the Mesa Chamber of Commerce, noted that the Mesa LTD was a program of the Mesa Chamber Business in Education Foundation and stated that its purpose was to cultivate leadership through education. He thanked the Council for their support of the Mesa LTD and added that it was a privilege for him to oversee the program.

Responding to a question from Mayor Smith, Ms. Larsen clarified that the ABC Program was established several years ago by Councilmember Kavanaugh. She noted that the program funds not only utility

needs, but also requests from various non-profit agencies in the community (i.e., emergency food boxes, home delivered meals to seniors, shelter services to families).

Mayor Smith thanked Ms. Larsen and Ms. Anderson for the check and said that the money would be put to good use.

City Manager Christopher Brady congratulated Ms. Larsen and Ms. Anderson for participating in Mesa LTD and stated that the City of Mesa actively supports the program. He noted that City employees who participate in Mesa LTD not only have the opportunity to interact with other Mesa residents and business owners, but also understand the needs of the community.

Mayor Smith invited everyone to attend the Arizona Celebration of Freedom, which will be held Friday July 1<sup>st</sup> and Saturday July 2<sup>nd</sup> from 6:00 p.m. to 10:00 p.m. in downtown Mesa. He stated that in addition to a fireworks display, the celebration would include a wide array of activities, such as a classic car show, Motorcycles on Main, "KOOL Zones," Heritage Lane, Freedom Plaza, arts and crafts booths, live music, food and shopping.

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.

Carried unanimously.

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

Minutes from the May 19, June 6 and 9, 2011 Council meetings.

3. Take action on the following liquor license application:

\*3-a. Senor Taco

New Restaurant License for Senor Taco, 1929 North Power Road, Suite 105, FHI Tarascos LLC - Omar Mendoza, Agent. This is an existing building with no previous liquor license at this location. **(District 5)**

4. Take action on the following contracts:

\*4-a. Purchase of Server Hardware and Software for the Police Department's Fusion Center. (Citywide)

The Purchasing Division recommends authorizing purchase from the State contract with multiple vendors: Hewlett Packard Company at \$39,030.67 and Dell Marketing LP at

\$23,376.78, including applicable taxes, for a total of \$62,407.45. Other items are being purchased through the normal procurement processes, making the combined project amount \$65,717.97.

- \*4-b. Contract for Recoating Highland Reservoir 2's Tank Interior for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends utilizing the City of Peoria Contract for Water, Wastewater Treatment and Off-Site Facilities with Felix Construction Company, a Mesa business, at \$63,772, based on the scope of work.

- \*4-c. Purchase of 42 Multi-Threat Personal Protective Equipment Suits for the Police Department. **(Fully Funded by Arizona Department of Homeland Security Grant) (Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, Lion Apparel, Inc., at \$77,007.84, including applicable use tax.

- \*4-d. Purchase of Two Replacement Prisoner Transport Vehicles for the Police Department. **(Single Bid) (Citywide)**

The Purchasing Division recommends authorizing purchase from Braun Northwest Inc. at \$171,519.40, including applicable sales tax.

- \*4-e. Term Contract for Street Light Lamps, Luminaries and Components for the Transportation Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidders, H.D. Supply at \$42,614.05 annually and Wesco Distribution (New Mexico) at \$265,772.88 annually, including applicable taxes, based on estimated requirements. The combined total contract award is \$308,386.93 annually.

- \*4-f. Purchase of Fifteen New 8" Weld End Ball Valves for Capital Improvement Project 01-553-002, Power Road, High Pressure Gas Pipeline Extension. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Tri-Pacific Supply, Inc., at \$48,769.50, including applicable use tax.

- \*4-g. Change Order for the Term Contract for Aftermarket Parts for Automobiles and Light Duty Trucks as requested by the Fleet Services Department. **(Citywide)**

The Purchasing Division recommends a Change Order to transfer \$50,000 from Tri-City Automotive Warehouse (Primary) to NAPA Auto Parts (Secondary) as requested by the Fleet Services Department.

- \*4-h. Change Order for the Term Contract for Automotive and Equipment Parts as requested by the Fleet Services Department. **(Citywide)**

The Purchasing Division recommends a Change Order to transfer \$100,000 from OEM Parts & Service to RLS Services Inc.

- \*4-i. Renewal of the Term Contract for Uniform Garments for Various City Departments. **(Citywide)**

The Purchasing Division recommends authorizing a one-year renewal with International Corporate Apparel Inc. at \$182,179.90, including applicable sales tax and based on estimated quantities.

- \*4-j. Roofing Improvements at Various City Buildings. **(Districts 2, 4 and 5)**

City Project 10-915-001. This project will provide the installation of spray-on seal coatings and new foam roofs which will provide better thermal efficiency, permanent water proofing protection, lower energy costs and lower maintenance costs.

Recommend award to the low bidder, Brazos Urethane, in the amount of \$540,788.00 plus an additional \$54,078.80 (10% allowance for change orders) for a total award of \$594,866.80. This Project is funded from the Approved FY 11/12 Facilities Maintenance operating budget.

- \*4-k. Princess Park Playground Renovation. **(District 5)**

City Project 09-909-001. Princess Park Playground was initially constructed in 1985. The existing play area does not comply with the Americans with Disabilities Act of 1990 (ADA). This Project will include installing new play equipment, wood fiber resilient surface, new accessible ramps between the play areas and walkways, trash receptacles, benches, a drinking fountain and picnic tables. All improvements will meet current safety requirements.

Recommend award to the low bidder, ELS Construction, in the amount of \$268,065.34 plus an additional \$26,806.53 (10% allowance for change orders) for a total award of \$294,871.87. This project is funded from the Approved FY 10/11 and FY 11/12 Parks, Recreation and Commercial Facilities Operating Budget.

- \*4-l. Remote Security Site Improvements. **(Districts 1, 6 and Town of Gilbert)**

City Project 10-448-001. This project will provide security cameras, reliable paging systems and security access at the front gates of the Northwest Water Reclamation Plant, Southeast Water Reclamation Plant and Greenfield Water Reclamation Plant.

Recommend award to the low bidder CS Technologies LLC, in the amount of \$104,973.00 plus an additional \$10,497.30 (10% allowance for change orders) for a total award of \$115,470.30. This project is funded from the Approved FY 11/12 Water Capital Bond Program.

5. Take action on the following resolutions:

- \*5-a. Modifying fees and charges for the Information Technology Department – Resolution No. 9867.
- \*5-b. Modifying fees and charges for the Arts and Culture Department – Resolution No. 9868.
- \*5-c. Modifying fees and charges for the Development and Sustainability Department – Resolution No. 9869.
- \*5-d. Modifying fees and charges for Business Services, Tax Audit & Collections – Resolution No. 9870.
- \*5-e. Modifying fees and charges for Business Services, Revenue Collection Operations – Resolution No. 9871.
- \*5-f. Modifying fees and charges for Falcon Field Airport – Resolution No. 9872.
- \*5-g. Extinguishing a portion of a Water Line Easement at approximately 7255 East Ray Road (North Economy Parking Lot at Phoenix-Mesa Gateway Airport Authority (PMGAA)) – Resolution No. 9873. **(District 6)**
- \*5-h. Approving and authorizing the City Manager to execute a Design and Construction Agreement with Valley Metro Rail, Inc. for the Central Mesa Light Rail Extension Project – Resolution No. 9874. **(Districts 3 and 4)**
- \*5-i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Rio Verde Fire District to provide fire dispatch services – Resolution No. 9875.
- \*5-j. Approving and authorizing the City Manager to execute a transit service agreement for East Valley Dial-a-Ride service in Mesa – Resolution No. 9876.
- \*5-k. Approving and authorizing the City Manager to execute a transit service agreement with the Regional Public Transportation Authority (RPTA) for fixed route bus service – Resolution No. 9877.
- \*5-l. Approving and authorizing the City Manager to execute a transit service agreement with the Regional Public Transportation Authority (RPTA) for RideChoice services in the City of Mesa – Resolution No. 9878.

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

- \*6-a. Amending Title 10, Traffic, of the Mesa City Code to add Chapter 10 establishing a formal Temporary Traffic Control Program.
- \*6-b. Amending Title 10, Traffic, of the Mesa City Code to add new definitions and to exempt service vehicles from prohibitions on parking and on driving over sidewalks.

- \*6-c. Adopting the City of Phoenix 2007 Traffic Barricade Manual with a City of Mesa Supplement as the Traffic Barricade Manual for the City of Mesa.
- \*6-d. Repealing the present Title 11 of the Mesa City Code, known as the Mesa Zoning Ordinance, in its entirety and replacing it with a new Title 11, also to be known as the Mesa Zoning Ordinance.

\*7. Authorizing the City Manager to enter into an agreement with the Mesa Convention and Visitors Bureau to continue promoting tourism and convention business in Mesa.

\*8. Assign delinquent accounts to collection services for the three-month period ending March 31, 2011, totaling \$807,684. (Citywide)

**9. Items not on the Consent Agenda**

- 9-a. Conduct a public hearing on the proposed Fiscal Year 2011-12 Budget Plan.

Mayor Smith announced that this was the time and place for a public hearing regarding the proposed Fiscal Year 2011-12 Budget Plan.

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

- 9-b. Conduct a public hearing concerning the Five Year Capital Improvement Program for Fiscal Years ending 2012-2016.

Mayor Smith announced that this was the time and place for a public hearing regarding the Five Year Capital Improvement Program for Fiscal Years ending 2012-2016.

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

- 9-c. Conduct a public hearing on adjusting rates or rate components, fees and/or service charges for electric, irrigation water, natural gas, reclaimed water, solid waste, wastewater and water.

Mayor Smith announced that this was the time and place for a public hearing regarding adjusting rates or rate components, fees and/or service charges for electric, irrigation water, natural gas, reclaimed water, solid waste, wastewater and water.

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

**10. Take action on the following ordinances and resolutions relating to utility rates:**

Mayor Smith announced that items 10a through 10n would be read into the record and considered by the Council in one vote.

- 10-a. Take action on the ordinance modifying rates for electric utility services. The proposed modifications are to combine the components of the purchased power pass-through into

- one charge and other miscellaneous administrative updates. These modifications do not increase revenues or customers' bills – Ordinance No. 5042.
- 10-b. Take action on the resolution modifying rates for electric utility services – Resolution No. 9879.
  - 10-c. Take action on the ordinance modifying rates for natural gas utility services – Ordinance No. 5043.
  - 10-d. Take action on the resolution modifying rates for natural gas utility services – Resolution No. 9880.
  - 10-e. Take action on the ordinance modifying rates for water utility services – Ordinance No. 5044.
  - 10-f. Take action on the resolution modifying rates for water utility services – Resolution No. 9881.
  - 10-g. Take action on the ordinance modifying rates for wastewater utility services – Ordinance No. 5045.
  - 10-h. Take action on the resolution modifying rates for wastewater utility services – Resolution No. 9882.
  - 10-i. Take action on the ordinance modifying rates for solid waste utility services. No adjustments to solid waste utility rates, components, fees, and/or service charges are recommended at this time. Current adjustments include elimination of the residential furlough service and miscellaneous administrative updates – Ordinance No. 5046.
  - 10-j. Take action on the resolution modifying rates for solid waste utility services – Resolution No. 9883.
  - 10-k. Take action on the ordinance modifying fees and charges for Utility Customers. Includes items such as security deposits, late fees, turn-off/on or disconnect fees, meter installation, repair or replacement charges, as well as other matters related to establishing City utility services – Ordinance No. 5047.
  - 10-l. Take action on the resolution modifying rates for Utility Customers – Resolution No. 9884.
  - 10-m. Take action on the ordinance modifying the Terms and Conditions for the Sale of Utilities. The Terms and Conditions for the Sale of Utilities is a document established by ordinance that defines the responsibilities of the City and of the customer who is seeking Mesa utility services. This document is reviewed and updated annually – Ordinance No. 5048.
  - 10-n. Take action on the resolution modifying the Terms and Conditions for the Sale of Utilities – Resolution No. 9885.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Somers, that Ordinance Nos. 5042, 5043, 5044, 5045, 5046, 5047 and 5048 and Resolution Nos. 9879, 9880, 9881, 9882, 9883, 9884 and 9885 be adopted.

Carried unanimously.

Mayor Smith announced at 6:05 p.m., that the Regular Council meeting would stand at recess in order to convene a Special Council Meeting for the purpose of approving the Budget and the Five-Year Capital Improvement Program.

Mayor Smith reconvened the Regular Council Meeting at 6:17 p.m.

11. Discuss, receive public comment, and take action on an 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.

- 11-a. **Z11-13 (District 4)** The 1600 block of South Stapley Drive (east side). Located south of the US 60 Superstition Freeway and east of Stapley Drive (72± acres). Council Use Permit. This request will allow the development of a 65' tall Freeway Landmark Monument sign at the Mesa Grand commercial retail center. (PLN2011-00049) Vestar Arizona, Owner; Paul Bleier, applicant – Ordinance No. 5049. **(CONTINUED FROM THE JUNE 6, 2011 COUNCIL MEETING.)**

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

Planning Director John Wesley reported that the applicant was requesting a Council Use Permit in order to develop a Freeway Landmark Monument (FLM) sign in the area of the US 60 Superstition Freeway and Stapley Drive. He explained that staff has been working on this case for several weeks, and noted that as a result of Council input with respect to the design of the sign, the applicant incorporated some minor modifications into a revised drawing dated 6/27/11. **(See Attachment 1)**

It was moved by Councilmember Glover, seconded by Councilmember Finter, that Zoning Case Z11-13 be approved, with the revisions provided by the applicant on June 27, 2011, and that Ordinance No. 5049 be adopted.

Councilwoman Higgins voiced opposition to the motion and stated that an FLM sign should have "unique circumstances" in order for the Council to approve it. She stated that with respect to this case, there were no unique circumstances at that location.

Councilmember Glover commented that the developer has not only complied with the City's planning and zoning ordinances, but also worked with the Council in revising the design of the sign. He also acknowledged the applicant's efforts with regard to community outreach and added that he had received only positive comments from citizens concerning the proposal.

Mayor Smith called for the vote.



Upon tabulation of votes, it showed:

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

Mayor Smith declared the motion carried by majority vote and Ordinance No. 5049 adopted.

12. Items from citizens present.

There were no items from citizens present.

Vice Mayor Somers recognized the Planning Department staff for their efforts and hard work over the past four years in drafting a new and innovative Zoning Ordinance. He stated that the document "will move Mesa well into the new century," particularly with Transit Oriented Development along the light rail line and maximizing job growth in and around Phoenix-Mesa Gateway Airport.

Mayor Smith concurred with Vice Mayor Somers' comments. He also remarked that there were not many communities in the country like the City of Mesa that have made such comprehensive changes to its Zoning Ordinance that include a significant number of "cutting edge approaches." Mayor Smith congratulated staff for their dedication and professionalism in this regard.

13. Adjournment.

Without objection, the meeting adjourned at 6:21 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

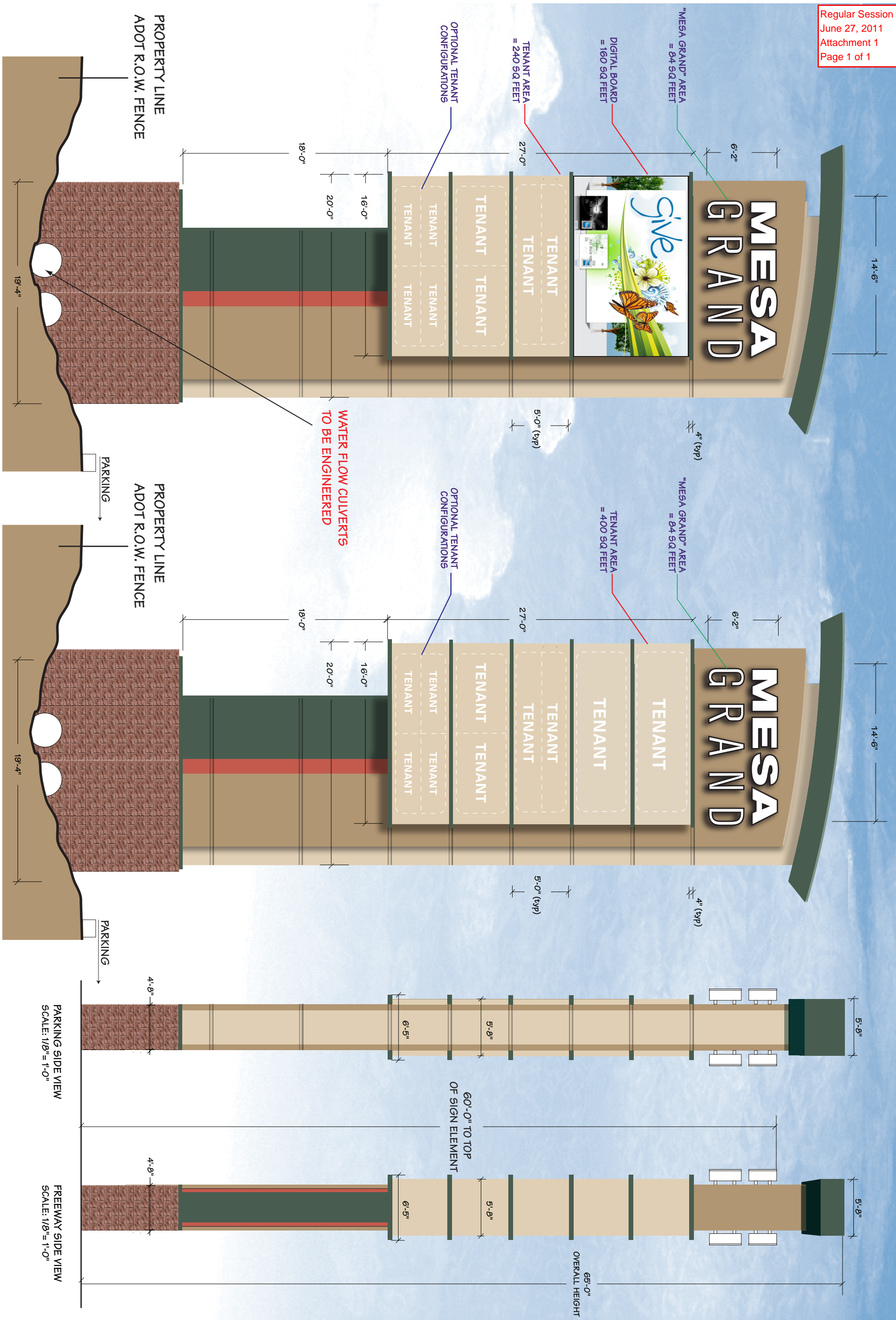
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LINDA CROCKER, CITY CLERK

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 27<sup>th</sup> day of June 2011. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK



		<b>UL #48</b> <b>ALL SIGNS WILL BE (UL) LISTED</b> <b>(UL) 12616 COMPLIANT &amp; CARRY</b> <b>(UL) LABELS</b> <b>TO BE INSTALLED ACCORDING</b> <b>TO NEC ARTICLE 600</b>	
<b>LISTED</b>			

FREEWAY LANDMARK MONUMENT  
REVISED DESIGN Z 11 - 13  
CITY COUNCIL 6/27/2011