

COUNCIL MINUTES

October 1, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 1, 2007 at 6:00 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Glen Stadler, Spirit of Hope Lutheran Church.

Pledge of Allegiance was led by James Gillis, Scout Troop #656.

Mayor's Welcome.

Mayor Hawker welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

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 Somers, seconded by Vice Mayor Walters, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the June 21, August 23, and September 4, 6 and 17, 2007, Council meetings.

3. Take action on the following liquor license applications:

*3a. Christ the King Catholic Church

This is a one-day religious event to be held on Saturday, October 20, 2007 from 4:00 p.m. to 11:00 p.m. at 1551 E. Dana Avenue. **(District 4)**.

*3b. Food Mart

New Beer & Wine Store License for Food Mart, 16 W. McKellips Road, Hargobind LLC – Applicant; Avtar Singh – Agent. The previous Beer & Wine Store license held at this location by Khaldoon Petrus Raban will revert back to the State. **(District 1)**.

*3c. Fox's Pizza

New Restaurant License for Fox's Pizza, 2706 E. University Drive, Suite F11, FPDZ LLC – Applicant; Karen L. Banks – Agent. This is an existing building with no previous liquor license at this location. **(Continued from September 17, 2007 Council Meeting)**. **(District 2)**.

*3d. Monte Cello's Italian Restaurant & Pizza **(Deleted - Withdrawn by applicant.)**

*3e. Posh Nosh LLC

New Restaurant License for Post Nosh LLC, 10 W. Main Street, Posh Nosh LLC – Applicant; Jesse N. Rogers – Agent. This is an existing business with no previous liquor license at this location. **(District 4)**.

4. Take action on the following contracts:

*4a. Eighty-eight (88) vehicles (82 replacement and 6 additions) as requested by the Police and Utilities Departments (Budgeted Vehicle Replacement Program Funding). (6 additions funded through Quality of Life).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$2,144,401.71, Courtesy Chevrolet at \$142,868.60, Midway Chevrolet at \$93,446.10, and Insight at \$32,898.35 for a total award of \$2,413,614.76, including applicable sales tax.

*4b. One replacement 3-ton truck for the Utilities Department, Water Division (Budgeted Vehicle Replacement Program Funding).

The Procurement Services Department recommends authorizing purchase from the Mesa contract with McCandless of AZ at \$97,121.83, including sales tax.

*4c. Two (2) light-duty replacement vehicles for the Utilities Department, Water Division (Budgeted Vehicle Replacement Program Funding).

The Procurement Services Department recommends authorizing purchase from the Mesa contract with Bill Heard Chevrolet at \$71,822.84, including applicable sales tax.

- *4d. One replacement container carrier truck for the Solid Waste Department.

The Procurement Services Department recommends authorizing purchase from the Mesa contract with I-10 International Trucks, dba McCandless of Arizona, at \$99,810.66, including applicable sales tax.

- *4e. Computer Network Performance and Intrusion Detection Monitoring Tools for the Mesa Police Department (Law Enforcement Terrorism Prevention Program [LETPP] Grant Funds).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Insight Public Sector, Inc. at \$58,960.57, including sales tax.

- *4f. Dollar limit increase to the supply contract for Sodium Hypochlorite for the Utilities Department, Water Division.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Hasa, Inc. by \$75,000.00 to \$292,341.20 annually, for the contract period ending January 31, 2008.

- *4g. Correction of upper dollar limit and expiration date of the office supply contract for Citywide use (US Communities Government Purchasing Alliance Contract through Maricopa County).

The Procurement Services Department recommends approving a dollar limit increase to Office Depot in the amount of \$200,000, correcting the upper dollar limit to \$1,080,000 annually and clarify the expiration date as December 31, 2009.

- *4h. Four-month supply contract for sign sheeting for the Transportation Department, Field Operations.

The Procurement Services Department recommends authorizing purchase through the State of Arizona contract with 3M Company, Traffic Safety Systems at \$50,000 for the contract period remaining, based on estimated requirements.

- *4i. One-year supply contract for Computer Aided Dispatch (CAD) radio modems for the Communications Department. (Partially Quality of Life Funded).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Motorola, Inc. at \$46,991.07, including contingencies and sales tax.

- *4j. Three-year supply contract for emergency vehicle equipment and installation services for the Fleet Services Department.

The Procurement Services Department recommends authorizing purchase from Arizona Emergency Products at \$750,000 annually, including applicable sales tax.

- 4k. One-year supply contract for automotive lubricant and oil products for Fire Maintenance and the Fleet Services Department.

The Procurement Services Department recommends authorizing a one-year supply contract through the State of Arizona contract with Brown/Evans Distributing Company for purchases estimated at \$205,000.00.

Councilmember Whalen declared a potential conflict of interest and stated that he would refrain from discussion/participation in this agenda item.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that staff's recommendation be approved.

Upon tabulation of votes, it showed:

AYES – Hawker-Jones-Rawles-Somers-Walters
NAYS – None
ABSTAIN – Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

- *4l. Nine-month renewal and dollar limit increase to the supply contract for tires for warehouse inventory.

The Procurement Services Department recommends authorizing a nine-month renewal and dollar limit increase to this contract through the State of Arizona contract with Goodyear Tire & Rubber Company, increasing the dollar limit by \$693,000 to \$1,596,465.80.

- *4m. One-year supply contract for tires for Materials & Supply and Fire Maintenance warehouse inventory.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with GCR Tire Centers, a division of Bridgestone Firestone North American Tire, LLC at \$160,000.00 annually, including contingencies and sales tax.

- *4n. Dollar limit increase to the supply contract for traffic signal equipment and cabinet assemblies for warehouse inventory.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Econolite Control Products Inc. by \$90,000.00 to \$238,678.99 for the remainder of this contract period (through 11/30/07).

- *4o. Three-year supply contract for biosolids removal at the Greenfield and Northwest Mesa Water Reclamation Plants as requested by the Utilities Department, Water Division.

The Procurement Services Department recommends authorizing a contract with Solid Solutions at \$332,568.00 annually, based on estimated requirements.

*4p. Employment agreement for the City Clerk.

5. Introduction of the following ordinances and setting October 15, 2007, as the date of the public hearing on these ordinances:

*5a. Amending Sections 11-13-2 (R), 11-13-2 (S), and 11-18-12 to allow sites within the Town Center Redevelopment area to be eligible to apply for Development Incentive Permits (DIP) and Substantial Conformance Improvement Permits (SCIP) and to allow the Downtown Development Committee to hear and make recommendations on DIP and SCIP requests.

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

DDC Recommendation: Approval. (Vote: 6-0).

*5b. Amending the City of Mesa Zoning Ordinance to add a new zoning district entitled "PC – Planned Community". The proposal would amend Section 11-2-1 by adding a new category of land use districts, "Mixed Use", and include PC – Planned Community as one of the districts under that category; and may amend Chapter 11-18, as needed, to facilitate the processing and administration of this proposed zoning district. It will also add a new chapter, 11-9.1, and associated sections, as needed, to fully describe the purpose and intent; administration, processing and implementation; and any associated land use, building form, design and/or site planning requirements, as needed, to implement this proposed zoning district. **(Related to Item 5e).**

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

*5c. **Z07-93 (District 6)** The 1800 and 1900 blocks of South Crismon Road (east to South LaBelle Road). Located north of Baseline Road and east of Crismon Road (25.9± acres). Rezone 5.27± acres from C-2 to C-2-BIZ and Site Plan Review for the entire site. This request will allow the development of a retail/office development with two 3-story office buildings. Michael S. Gustafson, Crismon Gateway, LP, owner; Chris Sitler, DPA Architects, applicant. *(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*

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

*5d. **Z07-95 (District 3)** 2318 South Country Club Drive. Located south of Baseline Road on the west side of Country Club Drive (23± acres). Rezone from M-1 PAD to M-1 and Site Plan Modification. This request will remove the existing site plan and the associated overlay district from the property. Brandon Wolfswinkel, Vanderbilt Farms, LLC, owner; W. Ralph Pew, Pew and Lake, PLC, applicant. *(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*

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

- *5e. Amending Sections 9-5-3, 9-6-7 and 9-8-4 of the Mesa City Code to add a process that would permit applications to be filed requesting modifications of adopted engineering and off-site related development standards when in conjunction with a rezoning application for a PC, Planned Community District. **(Related to Item 5b)**.

6. Take action on the following resolutions:

- *6a. Approving the boilerplate for the Falcon Field Master Tenant Leases and Storage Agreements and authorizing the City Manager to negotiate the term, rental rate and non-material additional provisions of these leases and agreements – Resolution No. 9093.
- *6b. Extinguishing multiple easements on Superstition Springs Auto Loop located on East Hampton Avenue and South 75th Street – Resolution No. 9094. **(District 6)**.

These easements are no longer required as the design of the property has changed and new easements will be dedicated.

- *6c. Approving and authorizing the City Manager to execute an Agreement between the City of Mesa and the United States Food and Drug Administration's Office of Criminal Investigations for reimbursement of \$15,000 for overtime of one detective assigned to the task force – Resolution No. 9095.
- *6d. Approving and authorizing the City Manager to execute an Agreement between the City of Mesa and the State of Arizona, Office of the Attorney General, to accept grant funds in the amount of \$63,100 to provide victim notification services through the Victims' Rights Program – Resolution No. 9096.

7. 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 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 Clerk before Council votes on the consent agenda.

- *7a. Amending Section 8-6-8 of the Mesa City Code increasing the civil sanctions for violations of the Neighborhood Preservation Ordinance and mandating the imposition of Code Compliance fees and charges – Ordinance No. 4764.
- *7b. Amending Section 8-6-9 of the Mesa City Code increasing the civil sanctions for violations of the Neighborhood Preservation Ordinance and mandating the imposition of Code Compliance fees and charges – Ordinance No. 4765.
- *7c. Amending Section 8-6-11 of the Mesa City Code - **Deleted**.
- *7d. Amending the Mesa City Code modifying the streetlighting requirements for the Mountain Bridge development – Ordinance No. 4766.

- *7e. **Z07-83 (District 2)** 4225 East University Drive. Located on the southwest corner of University Drive and Greenfield Road (24.9± acres). Rezone from R-4 to R-4 PAD and Site Plan Review. This request will allow for the conversion of apartments to townhomes for sale. D. Gregory Hales, Carlsbad Development Inc LLC, owner; Mark Tomecak, applicant – Ordinance No. 4767. (*Notified property owners*).

PHO Recommendation: Approval with conditions.

- 7f. **Z07-89 (District 6)** The 10400 to 10700 block of East Southern Avenue. Located north and west of the US 60 Freeway and Signal Butte Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign. Erin Nellis, DeBartolo Development, owner; Paul E. Gilbert, Beus Gilbert, PLLC, applicant – Ordinance No. 4768. (*Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.*)

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

DRB Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Clark absent).

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that Ordinance No. 4768 be adopted.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Walters-Whalen
NAYS – Hawker

Mayor Hawker declared the motion carried by a majority vote and Ordinance No. 4768 adopted.

8. Take action on the following subdivision plat:

- *8a. “BROADWAY PLAZA WEST CONDOMINIUM” (District 3) 1712 West Broadway Road (north side) located north and east of Broadway Road and Dobson Road. 14 M-1 PAD industrial condominium units (1.00 ac) Plaza West Broadway, LLC, Robert Nuttal, member, owner; Allen Consulting.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:10 p.m.

KENO HAWKER, 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 1st day of October 2007. 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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