

COUNCIL MINUTES

February 6, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 6, 2006 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Invocation by Father Michael Bigley, Associate Pastor, Queen of Peace Catholic Church.

Pledge of Allegiance was led Mayor Keno Hawker.

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. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered by the Council or were removed at the request of a citizen or a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

It was moved by Councilmember Rawles, 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 December 1, 2005 and the January 12, 23, and 26, 2006 Council meetings.

3. Consider the following liquor license applications:

*3a. Linda Barkyoumb, Chairman

Special Event Liquor application for Linda Barkyoumb, Chairman, Christ the King Catholic Church, a one-day religious event to be held Saturday, February 11, 2006, from 5:00 p.m. to 10:00 p.m. at 1551 E. Dana Ave. District #4.

*3b. Richard J. Senffner, Chairman

Special Event Liquor application for Richard J. Senffner, Chairman, Commemorative Air Force AZ Wing, a one-day charitable event to be held Saturday, March 18, 2006, from 4:30 p.m. to 11:30 p.m. at 2017 N. Greenfield Rd. District #5.

3c. Michael J. Bigley, Pastor

Special Event Liquor application for Michael J. Bigley, Pastor, Queen of Peace Church, a one-day charitable event to be held Tuesday, February 28, 2006, from 5:00 p.m. to 10:00 p.m. at 141 N. Macdonald St. District #4.

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

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the Special Event Liquor application be forwarded to the State Liquor Control Board with a recommendation for approval.

Upon tabulation of votes, it showed:

AYES – Griswold-Hawker-Jones-Rawles-Thom-Walters
NAYS – None
ABSTAIN – Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

*3d. Kelly Paul Vaughan, Agent

New Beer and Wine Store License for Quiktrip #433, 414 S. Stapley Dr. This is new construction. No current liquor license at this location. District #4.

4. Consider the following contracts:

*4a. One hazardous materials foam trailer as requested by the Fire Department. (Sole Source).

The Purchasing Division recommends ratifying the purchase from United Plastic Fabricating Inc., at \$27,533.92, including applicable sales tax and shipping/handling

charges. Funds for this purchase are provided by the 2004 State Homeland Security Grant Program.

- *4b. Two vehicles as requested by the Police Department and the Utilities Administration Division, Utility Services. (State Contract #AD 040004).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$55,734.90, including applicable sales tax.

- 4c. Odor control facility rehabilitation at Baseline Road and Route 101, City of Mesa Project No. 03-086-001.

This project will install a new larger capacity biofilter system to work with the existing system. The existing odor control facility is unable to eliminate odors from the siphon under the Loop 101. The combined efforts of the two systems will help reduce the current odor problems.

Recommend award to low bidder, Quest Civil Constructors, Inc., in the amount of \$677,677.00, plus an additional \$67,767.70 (10% allowance for change orders) for a total award of \$745,444.70.

Mayor Hawker declared a potential conflict of interest regarding items 4c, d, e, and f, and said he would refrain from discussion/participation in these agenda items. He yielded the gavel to Vice Mayor Walters for action on these agenda items.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES – Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS – None
ABSTAIN – Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

- 4d. Install bus shelters and pullouts at various locations, City of Mesa Project No. 01-505-001.

This project will install seven bus shelters and two bus pullouts as part of on-going improvements to enhance transit facilities for bus system riders.

Recommend award to low bidder, Concast Corporation, in the amount of \$274,624.00, plus an additional \$27,462.40 (10% allowance for change orders) for a total award of \$302,086.40.

It was moved by Councilmember Jones, seconded by Councilmember Whalen, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES – Griswold-Jones-Thom-Walters-Whalen
NAYS – Rawles
ABSTAIN – Hawker

Vice Mayor Walters declared the motion carried by a majority of those voting.

- 4e. 36-inch transmission main from the Central Arizona Project (CAP) Water Treatment Plant to Adobe Road, City of Mesa Project No. 02-386-001.

This project will install approximately 4,900 lineal feet of new 36-inch waterline from the CAP Water Treatment Plant (WTP) south, connecting to an existing 36-inch waterline at Adobe Road. This waterline is part of the City's Water Master Plan and will improve the water service to existing and future development within the northwest areas of the Desert Wells Zone.

Improvements also include the installation of approximately 9,400 lineal feet of fiber optic conduit and cable between the CAP WTP and both the East Mesa Service Center and the Red Mountain Multigenerational Center for improved fiber and communications connectivity.

Recommend award to low bidder, Pierson Construction, Inc., in the amount of \$1,472,993.00, plus an additional \$147,299.30 (10% allowance for change orders) for a total award of \$1,620,292.30.

It was moved by Councilmember Rawles, seconded by Councilmember Griswold, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES – Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS – None
ABSTAIN – Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

- 4f. Building demolition – 1900 West Main Street, City of Mesa Project No. 01-372-002.

This project will demolish the former J.C. Penney retail store to allow for the construction of a regional park and ride facility and transit center to be used in conjunction with the Light Rail Transit System. Per an agreement between Valley Metro Rail and the City, the City will be reimbursed for all of the costs.

Recommend award to low bidder, Breinholt Contracting, Inc., in the amount of \$764,600.00, plus an additional \$76,460.00 (10% allowance for change orders) for a total award of \$841,060.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES – Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS – None
ABSTAIN – Hawker

Vice Mayor Walters declared the motion carried unanimously by those voting.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

5. Introduction of the following ordinances and setting February 21, 2006 as the date of the public comment and Council consideration on these ordinances.

- *5a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15 (B).

On the west side of Higley Road from the driveway with centerline 500 feet south of the centerline of McKellips Road. (West side of Higley Road south of McKellips Road, Council District 5).

No Parking: 10-3-24 (D) (Full Time No Parking).

On the east side of Decatur Street from 8th Street to Dixon Circle. (South of 8th Street and east of Dobson Road, Council District 1).

On the south side of Pueblo Avenue from the Eastern Canal right-of-way to a point 240 feet west of the Eastern Canal right-of-way and on the north side of Pueblo Avenue from the Eastern Canal right-of-way to a point 460 feet west of the Eastern Canal right-of-way. (South of Broadway Road and west of Greenfield Road, Council District 6).

On Surrine from 14th Place to Shill Drive. (North of Brown Road and east of Center Street, Council District 1).

On Shill Drive from Surrine to a point 450 feet west of Surrine. (North of Brown Road and east of Center Street, Council District 1).

No Parking: 10-3-24 (F 1) (No parking between 8:00 a.m. and 4:00 p.m. on any day that the public schools of Mesa are in session).

On Juanita Avenue from Longmore to Pennington. (North of Baseline Road and east of Dobson Road, Council District 3).

On the west side of Pennington from a point 325 feet north of Baseline Road to Juanita Avenue. (North of Baseline Road and east of Dobson Road, Council District 3).

No Parking: 10-3-24 (F 2) (No parking between 7:00 a.m. and 4:00 p.m. on any day that the public schools of Mesa are in session).

On Feliz from Madero Avenue to Los Lagos Vista Avenue. (South of Baseline Road and east of Crismon Road, Council District 6).

On Lobo Avenue from Feliz to the centerline of Chatsworth. (South of Baseline Road and east of Crismon Road, Council District 6).

On Los Lagos Vista Avenue from Abbey to Chatsworth. (South of Baseline Road and east of Crismon Road, Council District 6).

Chatsworth from Los Lagos Vista Avenue to Lobo Avenue. (South of Baseline Road and east of Crismon Road, Council District 6).

- *5b. **Z06-01 (District 6)** The 1100 to 1200 block of South Ellsworth Road (west side). Located north of Southern Avenue and west of Ellsworth Road (0.6± acres). Rezone from R1-43 to C-2. This request is to rezone property for future retail development. Mickey Toli, owner; Jeff Swan, applicant. *(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *5c. **Z06-02 (District 5)** 430 North Power Road. Located north of University Drive and west of Power Road (1± acres). Council Use Permit. This request is to allow a restaurant with a bar in a C-2 district. David Moore, owner; George Smith, applicant. *(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)*

P&Z Recommendation: Approval with Conditions. (Vote: 4-3 with Langkilde, Carpenter, and Mizner nay).

- 5d. **Z06-03 (District 6)** The 9200 to 9600 blocks of East Elliot Road (north side). Located north of Elliot Road and east of Ellsworth Road (75± acres). Rezone from R1-43 to C-2 and PEP. This request is to bring the zoning of the property into conformance with the Mesa 2025 General Plan. The Cardon Company (Will Cardon), owner; Wayne Balmer, City of Mesa, applicant. *(Held a neighborhood meeting, notified property owners and nearby neighbors.)*

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

Councilmember Griswold advised that this ordinance addresses the rezoning of property that is located in the flight path of Williams Gateway Airport.

Mayor Hawker clarified that the ordinance is being introduced at this meeting, and that public comment would be heard at the February 21, 2006 Regular Council meeting prior to Council consideration of the ordinance.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the ordinance be introduced and that February 21, 2006, be established as the date for the public hearing and Council consideration of the ordinance.

Carried unanimously.

6. Consider the following resolutions:

- *6a. Extinguishing a retention easement located at 3449 E. Hermosa Vista Drive – Resolution No. 8661.

This easement is no longer required, as new drainage easements will be dedicated for the development of a new home site.

- *6b. Authorizing the sale of City property and equipment located at 2649 E. Lehi Road – Resolution No. 8662.

This property is no longer used as a City well site and will be sold to the Salt River Project for use as a source of irrigation water.

- *6c. Extinguishing easements for water lines at Founders Ranch at Las Sendas – Resolution No. 8663.

Water lines have been removed and easements are no longer required.

- *6d. Vacating the existing right of way for a portion of Sossaman Road on Williams Gateway Airport and adopting a roadway and a utility easement in its place – Resolution No. 8664.

- *6e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Maricopa County Department of Transportation, the Town of Gilbert, and the City of Mesa for proposed street improvements to Power Road from the Roosevelt Water Conservation District (RWCD) Canal to Baseline Road – Resolution No. 8665.

This project is proposing to widen Power Road to a six-lane arterial roadway and will include widening the bridges over the Maricopa County Floodway and the RWCD Canal.

7. Discuss, receive public comment, and consider 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. Consider an ordinance and resolution increasing commercial and residential front load bin rates 5% and rate restructuring of roll-off bin fees – Ordinance No. 4514 and Resolution No. 8666.

*8. Consider write-off of utility and miscellaneous accounts for the quarter ending August 31, 2005 in the amount of \$223,222 (0.22%). Collection efforts will continue with respect to all of these accounts.

*8.1 Discuss and consider recommendation #1 of the City Attorney's Office regarding the disclosure of certain taxpayer information in order to comply with a subpoena issued by the U.S. Department of Homeland Security in connection with its investigation.

NOTE: The City Attorney's recommendation and related documents are filed with the City Council's Executive Session minutes dated January 26, 2006.

*8.2 Discuss and consider recommendation #2 of the City Attorney's Office regarding the disclosure of certain taxpayer information in order to comply with a subpoena issued by the U. S. Department of Homeland Security in connection with its investigation.

NOTE: The City Attorney's recommendation and related documents are filed with the City Council's Executive Session minutes dated January 26, 2006.

9. Consider the following subdivision plats:

*9a. "MAP OF DEDICATION FOR VILLAGES AT COUNTRY CLUB" (District 6) – 200-250 blocks of West Southern Avenue (south side) and the 1400-1450 blocks of South Country Club Drive (east side) located south and east of Southern Avenue and Country Club Drive. Casa Encanta Commercial, LLC, Robert G. Blatz, president, owner; Coe & Van Loo Consultants, Inc., engineer.

*9b. "TRAILRIDGE AT LAS SENDAS" (District 5) – 7100-7200 block of East McDowell Road (south side) located south and east of McDowell Road and Power Road. 97 R1-7 PAD-DMP single residence lots (21.52 ac) Sonoran Desert Holdings, LLC, Jeff Blandford, manager, owner; HEC Engineering, LLC, engineer.

*9c. "VILLAS AT SUNLAND CONDOMINIUMS" (District 4) – 1000 block of South Stapley Drive (west side) located north and west of Southern Avenue and Stapley Drive. 72 R-2 PAD condominium units (6.44 ac) Sunland Condominiums, LLC, Charles Wills, managing member, owner; RBF Consulting, engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:00 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, 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 6th day of February 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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