



## COUNCIL MINUTES

November 7, 2005

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 7, 2005 at 5:45 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
Mayor Keno Hawker Rex Griswold Kyle Jones Tom Rawles Janie Thom Claudia Walters Mike Whalen	None	Mike Hutchinson Joe Padilla Linda Crocker

Invocation by Pastor Mike Cash, East Valley Free Will Baptist Church.

Pledge of Allegiance was led by David Drecher, Troop # 288.

Mayor's Welcome.

Mayor Hawker recognized the members of the Mesa Leadership, Training and Development (LTD) class who were present in the audience. He explained that the class, which is sponsored by the Mesa Chamber of Commerce, provides citizens with an opportunity to learn, among other things, about City government, education, and business. Mayor Hawker thanked the members for their dedication and willingness to participate in the process.

Mayor Hawker announced that at 6:00 p.m. this evening at the Mesa Centennial Hall, the City will be hosting a "Meet and Greet" for the two City Manager finalists. He stated that the event would be an opportunity for the public to meet and ask questions of the candidates.

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 or were removed at the request of a member of the Council. All items identified with an asterisk (\*) were approved with one Council action.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the October 10, 17, 24, 27 and November 3, 2005 Council meetings.

3. Consider the following liquor license applications:

\*3a. Harold N. Hansen, Chairman

Ten Special Event License applications for Harold N. Hansen, Chairman, Back to School Clothing Drive Association, ten one-day charitable events to be held Friday, November 18, 2005, from 11:00 a.m. to 2:00 p.m., Friday, December 2, 2005, from 11:00 a.m. to 2:00 p.m., Friday, December 23, 2005, from 11:00 a.m. to 2:00 p.m., Friday, January 13, 2006, from 11:00 a.m. to 2:00 p.m., Friday, January 27, 2006, from 11:00 a.m. to 2:00 p.m., Friday, February 10, 2006, from 11:00 a.m. to 2:00 p.m., Friday, February 24, 2006, from 11:00 a.m. to 2:00 p.m., Thursday, March 9, 2006, from 6:00 p.m. to 9:00 p.m., Friday, March 17, 2006, from 11:00 a.m. to 3:00 p.m., Wednesday, March 29, 2006, from 5:00 p.m. to 9:00 p.m., at 1101 S. Ellsworth Road, The Resort. District #6.

\*3b Gerald D. Buck, Chairman

Special Event Liquor application for Gerald D. Buck, Chairman, St. Bridget's Catholic Church, a one-day religious event to be held on Saturday, November 19, 2005, from 4:30 p.m. to 9:30 p.m. at 2213 N. Lindsay Rd. District #5.

\*3c. Larry Leo Tillman, Agent

New Restaurant License for Benjarong Thai Restaurant, 1440 S. Country Club Drive #10. This is an existing business. No current liquor license at this location. District #3.

\*3d. Carol Joan Davison, Agent

New Restaurant License for Hornblowers, 6209 E. Main Street. This is an existing building. No current liquor license at this location. District #5.

\*3e. Horst Aquilin Schlembach, Individual

New Restaurant License for Zur Kate German Restaurant, 4815 E. Main Street. This is an existing business. The license previously held at this location by Guenther Erwin Krause, Etal, Zurkate Northern German Restaurant, will revert back to the State. District #5.

4. Consider the following contracts:

\*4a. **Deleted.**

\*4b. Additional Purchase of Self-Contained Breathing Apparatus as requested by the Fire Department. (Contract 2005106)

The Purchasing Division recommends authorizing an additional purchase option with the original bidder, First In, Inc., in the amount of \$384,794.92, including applicable sales tax.

\*4c. One Class 8 Conventional Semi Tractor as requested by the Fire Department. (2005166)

The Purchasing Division recommends accepting the low bid meeting specification by I-10 International at \$99,150.35, including warranties, maintenance and operation manuals and applicable sales tax. This purchase is funded by a grant from the U.S. Department of Justice.

\*4d. New and Replacement Vehicles for the Electric Utility Division, Electric Generation; the Water Utility Division, Wastewater Services; and the Transportation Division, Field Operations. (State Contract AD 040004)

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$104,535.16, including applicable sales tax.

\*4e. Two-year Renewal of Supply Contract for Steel Refuse Containers as requested by the Environmental Management Division, Solid Waste Collection Services. (2002178)

The Purchasing Division recommends authorizing the two-year renewal with Auerbach Products at \$162,146.55 annually, based on estimated requirements and including applicable sales tax.

4f. 42-inch and 16-inch Reclaimed Waterlines, Southeast Water Reclamation Plant (SEWRP) to Greenfield Water Reclamation Plant (GWRP) – Phase II, City of Mesa Project No. 02-416-002.

This project will construct the second segment of the reclaimed waterline between the Southeast Water Reclamation Plant (SEWRP) and the Greenfield Water Reclamation Plant (GWRP). This segment will run from Ray Road south along Recker Road to Pecos Road.

Improvements include the installation of 10,330 lineal feet of 42-inch and 10,330 lineal feet of 16-inch reclaimed water line.

Recommend award to low bidder, T & T Construction, Inc., in the amount of \$4,287,260.00 plus an additional \$428,726.00 (10% allowance for change orders) for a total award of \$4,715,986.00.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, 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.

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

\*4g. Property and Liability Insurance Coverage as requested by the City Attorney's Office.

Recommend purchase of a property and boiler/machinery insurance policy from Hartford Fire Insurance Company with coverage of \$165,000,000 per occurrence. The cost is \$369,640.

Recommend purchase of excess liability insurance from Princeton Surplus Lines for \$10,000,000 in excess of the City's \$2,000,000 Self Insured Retention. The cost is \$590,177.

Recommend purchase of 2<sup>nd</sup> layer excess coverage of \$5,000,000 from Clarendon America Insurance Company. The cost is \$119,770.

Recommend purchase of 3<sup>rd</sup> layer excess coverage of \$10,000,000 from Westchester Excess & Surplus Lines Insurance Company. The cost is \$136,290.

5. Introduction of the following ordinances and setting November 21, 2005 as the date of public hearing on these ordinances:

\*5a. Amending City Code Title 2 Chapter 1 "Planning and Zoning Board" and Amending City Code Title 11, Chapter 18 "Zoning Ordinance – Administration and Procedures" providing for a Planning Hearing Officer.

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

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

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

Establishing a full time parking prohibition on Mountain Road from Elliot Road to Ray Road and change the City Code to reflect a full time parking prohibition on Mountain Road from Elliot Road to the south City limits, (Mountain Road south of Elliot Road, Council District 6)

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

Establishing a 45 mph speed limit on Elliot Road from Signal Butte Road to Mountain Road and change the City Code to reflect a 45 mph speed limit on Elliot Road from the west City limits to the east City limits (Elliot Road east of Signal Butte Road, Council District 6)

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

Establishing a 35 mph speed limit on Mountain Road from Elliot Road to Ray Road. (Mountain Road south of Elliot Road, Council District 6)

- 5c. Amending Title 5, Chapter 17, Table 6 of the Mesa City Code relating to Fire Development Impact Fees.

Lauren Barnett, a representative of the Arizona Homebuilders Association, 3200 East Camelback Road, Phoenix, addressed the Council on agenda items 5c and 5d. She expressed appreciation to Building Safety Director Terry Williams and his staff for their willingness to respond to the Homebuilders Association's questions and concerns regarding the proposed development impact fees and stated that she anticipates requesting additional information in the coming weeks.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that the above-referenced ordinance be introduced and that November 21, 2005 be set as the date of public hearing on the ordinance.

Carried unanimously.

- 5d. Amending Title 5, Chapter 17, Table 7 of the Mesa City Code relating to Public Safety Development Impact Fees.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the above-referenced ordinance be introduced and that November 21, 2005 be set as the date of public hearing on the ordinance.

Carried unanimously.

- \*5e. Amending Title 7, Chapter 2 of the Mesa City Code to add a new Chapter 47 addressing excavations and confined spaces.

- \*5f. Amending Title 7, Chapter 2 of the Mesa City Code to add a new Section 915 requiring firefighter breathing air replenishment systems be installed in all buildings five or more stories tall that are constructed in the future.
- \*5g. Amending Title 7, Chapter 2 of the Mesa City Code to add additional reference standards to Chapter 45.
- \*5h. **Z05-89** (District 5) The 1100-1200 block of North Recker Road (west side). Located south of the southwest corner of Recker Road and Brown Road (2.1 ac). Site Plan Review. This request will allow for the development of a retail complex. Michael Pollack, owner; Dave Gibson, applicant. **(Contacted property owners, homeowners associations and registered neighborhoods.)**

P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- \*5i. **Z05-91** (District 6) The 8300-8400 block of East Baseline Road (south side). Located at the southeast corner of East Baseline Road and South Hawes Road (4.86± ac). Rezone from AG to O-S-PAD and Site Plan Review. This request will allow for the development of office condominiums. Castelain Development Group, LLC, applicant; Roger Steill, applicant. **(Held neighborhood meeting with property owners, registered neighborhood associations and the local school district.)**

P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- \*5j. **Z05-92** (District 6) The 3720-3760 blocks of South Power Road (east side). Located south of the southeast corner of Power Road and Elliot Road (2.5± ac). Site Plan Review. This request will allow for the development of a swim school and a retail building. Michael Troy, Gold Medal Swim School, owner; Jeffrey Wogan, Jeffrey Wogan Architects, applicant. **(Mailed notifications to property owners, homes, apartments, homeowners associations, schools and neighborhood associations.)**

P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- \*5k. **Z05-93** (District 5) 862 North Power Road. Located at the southwest corner of North Power Road and East Encanto Street (5.89± ac). Rezone from R1-7 (conceptual O-S) to R1-7-PAD. This request will allow for the development of a single residence subdivision. Steven J. Hall, owner/applicant. **(Held neighborhood meetings with property owners, registered neighborhood associations and homeowners association.)**

P&Z Recommendation: Approval. (Vote: 5-1 with Adams nay and Carpenter abstaining)

- \*5l. **Z05-95** (District 2) 1905 South Lindsay Road (east side). Located between East Inverness Avenue and East Baseline Road (0.86± ac). Rezone from O-S to O-S-PAD. This request will allow for the sale of office condominiums. Michael Manetta, owner/applicant. **(Held neighborhood meetings with property owners.)**

P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- \*5m. **Z05-96** (District 5) The 8400-8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (69.88 ac). Rezone from R1-35 to R1-35 PAD DMP and Modification of the Las Sendas Development Master Plan. This request will allow the development of a gated single residence subdivision. Sonoran Desert Holdings, LLC; Paul Dugas, owner; City of Mesa, applicant. **(Held neighborhood meetings with property owners, registered neighborhood associations and homeowners association.) (CONTINUED TO THE NOVEMBER 21, 2005 CITY COUNCIL MEETING.)**

P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- \*5n. Creating a Select Due Date Program for residential utility customers; amending the Terms and Conditions for the Sale of Utilities; establishing a new date to assess the late fee as recommended by the Finance Committee. (See agenda Item 9.1a)

6. Consider the following resolutions:

- \*6a. Ordering work for the construction of the Crismon Business Park Special Improvement District No. 241 – Resolution No. 8620.

This project will install street improvements along portions of South Crismon Road, East Hampton Avenue, and South Cheshire Street. The costs for the proposed improvements will be assessed to the adjacent property owners under the Special Improvement District laws.

- \*6b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the Landscape Enhancements and Maintenance along the Red Mountain Freeway from Country Club Drive to Gilbert Road (ADOT JPA File No. 01-71) – Resolution No. 8621.

- \*6c. Vacate Rights-of-Way at North Santa Anna Avenue and North Santa Barbara Avenue, in the 2000 block of West Main Street – Resolution No. 8622.

These portions of the rights-of-way are not needed or necessary. A Public Utility Easement is being retained over the area.

- \*6d. Designating the election date for the Primary Election (March 14, 2006) and the purpose of the election; designating the deadline for voter registration; designating the place and the last date for candidates to file nomination papers; and establishing the times that polls will be open – Resolution No. 8623.

- \*6e. Authorizing the City Manager to execute a 800 MHz Two-Way Radio Communications Agreement between the City of Mesa and SW General, Inc., dba Southwest Ambulance – Resolution No. 8624.

7. Consider the following ordinances:

- \*7a. **A04-09 (District 6)** Annexing the southeast corner of Elliot and Sossaman Roads (59.94± acres). Initiated by the property owner (Thomas Dodd) – Ordinance No. 4473.
- \*7b. **A05-08 (District 5)** Annexing land located on the SEC of Hawes and Thomas Roads (71.76 ± ac.). Initiated by Paul Gilbert representing City View Properties, LLC for the development of a residential subdivision. **CONTINUED FROM THE OCTOBER 24, 2005 CITY COUNCIL MEETING. (CONTINUED TO THE NOVEMBER 21, 2005 CITY COUNCIL MEETING.)**
- \*7c. Amending Section 11-18-8 of the Zoning Ordinance by adding a fee for Section 106 Reviews, which are required by the National Historic Preservation Act of 1966 – Ordinance No. 4474.

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

\*8. Consider a resolution and ordinance repealing the existing Personnel Rules applicable to City of Mesa Employees and adopting by reference new Personnel Rules – Resolution No. 8625 and Ordinance No. 4475.

9. Consider the following recommendation from the Fire Committee:

- \*9a. Approving the proposal for the formation of a Mesa Citizen Corps Council.

9.1. Consider the following recommendations from the Finance Committee:

- \*9.1a. Creating a Select Due Date Program for residential utility customers.
- \*9.1.b. Implementing Budget Payment Programs for residential utility customers.

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinance:

- \*10a. **Z05-88 (District 5)** The 8400-8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (71.76 ac). Rezone from Maricopa County Rural 35 to City of Mesa R1-35. Establishment of City zoning. **CONTINUED FROM THE OCTOBER 24, 2005 CITY COUNCIL MEETING. (CONTINUED TO THE NOVEMBER 21, 2005 CITY COUNCIL MEETING.)**

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

11. Consider the following subdivision plats:

- \*11a. “SUPERSTITION GATEWAY WEST,” – (Council District 6) – 1600-1900 block of South Signal Butte Road (west side) located south and west of Signal Butte Road and Superstition Freeway/US 60. 11 C-2 DMP commercial lots (66.7 ac) CTW-Superstition Gateway West, LLC, Chris Hinkson, Tim Dollander and Walt Brown, managing partners, owners; WRG Design, Inc., engineer.

- \*11b. "FRY'S SHOPPING CENTER AT STAPLEY & MCKELLIPS," – (Council District 1) – 1200-1300 block of East McKellips Road (south side) located south and east of McKellips Road and Stapley Drive. 3 C-2 commercial lots (10.1 ac) Smith Food & Drug Centers, Inc. and Barclay Holdings XXXVI, LLC, Ryan Gaston, owners; Superior Surveying Services, Inc., engineer.
- \*11c. "IMAGINATION ACRES," – (Council District 1) – 2711 North Horne (east side) located south and east of Red Mountain Freeway/Loop 202 and Horne. 3 R1-43 PAD single residence lots (3.2 ac) Martin Porter and Luisa Porter, owners; Advanced Land Survey, engineer.
- \*11d. "HERMOSA ESTATES TWO," – (Council District 5) – 9800 block of East McKellips Road (south side) located south and west of East McKellips Road and North Crismon Road. 36 R1-35 PAD single residence lots (36.02 ac) U.S. Development Land, LLC, Michael Nicholas, manager, owner; Sunrise Engineering, engineer.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:05 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 7<sup>th</sup> day of November 2005. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK