



## COUNCIL MINUTES

February 20, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 20, 2007 at 5:45 p.m.

### COUNCIL PRESENT

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

### COUNCIL ABSENT

None

### STAFF PRESENT

Christopher Brady  
Debbie Spinner  
Barbara Jones

Invocation by Pastor Paul Covert, Central Christian Church of the East Valley.

Pledge of Allegiance was led by Grayson Allen, Boy Scout Troop No. 532.

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 December 21, 2006; January 4 and 11; February 5 and 15, 2007 Council meetings.

3. Take action on the following liquor license applications:

\*3a. Blame It On The Wine

Person and Location Transfer Beer & Wine Bar License for Blame It On The Wine, 1065 North Dobson Road, Suite 101, Blame It On The Wine LLC – Applicant, Mindi Brooke Perdue – Agent. No previous liquor license at this location. (District #1).

\*3b. Oasis Food Mart

New Beer & Wine Store License for Oasis Food Mart, 1224 North Gilbert Road, BK Holdings LLC – Applicant, Vinay Kumar Binjrajka – Agent. The previous Beer & Wine Store License held at this location by Sparky's Deli & Convenience Store LLC reverted back to the State upon its expiration. (District #1).

\*3c. Bahia De Kino

New Restaurant License for Bahia De Kino, 1040 West Broadway Road, Marily LLC – Applicant, H.J. Lewkowitz – Agent. The previous Restaurant License held at this location by CVC Mexican Food Corporation will revert back to the State. (District #4).

4. Take action on the following contracts:

4a. Dollar Limit Increase to the Supply Contract for Asphalt Emulsion Products as requested by the Transportation Department, Field Operations.

The Procurement Services Department recommends increasing the contract dollar limit to Ergon Asphalt Products by \$250,000.00 to \$1,893,222.35 annually for 2006/07 (HURF Funded).

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

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Somers-Walters-Whalen  
ABSTAIN - Hawker

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- \*4b. Dollar Limit Increase to the Supply Contract for Slurry Seal Sand as requested by the Transportation Department, Field Operations.

The Procurement Services Department recommends increasing the contract dollar limit to Mesa Materials by \$55,000.00 to \$231,161.30 annually for 2006/07 (HURF Funded).

- \*4c. Extension and Dollar Limit Increase to the Supply Contract for Tires for Warehouse Inventory. (State Contract #AD040531)

The Procurement Services Department recommends authorizing a three-month extension and dollar limit increase to this contract through the State of Arizona contract with Goodyear Tire & Rubber Company, increasing the dollar limit by \$110,000 to \$693,465.80.

- \*4d. Three Hybrid Life Support Systems (Self-Contained Breathing Apparatus) for the Regional Response Team as requested by the Mesa Police Department. (Fully Grant Funded State Homeland Security Grant Program) (**Sole Source**)

The Procurement Services Department recommends accepting the sole source bid from Safety Systems Corporation at \$56,947.33, including applicable use tax.

- \*4e. Supply Contract for Refuse Truck Parts as requested by the Fleet Services Department. (City of Scottsdale Contract #06PB156).

The Procurement Services Department recommends authorizing purchase off City of Scottsdale Contract #06PB156 from Arizona Refuse Sales at \$75,760 annually, including applicable sales tax.

- \*4f. Supply Contract for 800 MHz Radio Equipment as requested by the Communications Department. (City of Phoenix Contract #P-7288-05).

The Procurement Services Department recommends authorizing purchase off City of Phoenix Contract #P-7288-05 from Motorola at \$162,150, including applicable sales tax.

- \*4g. Loss Repair of One Damaged 2001 Pierce Quantum Pumper Truck as requested by the Mesa Fire Department.

The Procurement Services Department recommends authorizing payment to Pierce Manufacturing in the amount of \$97,568.86.

- \*4h. De-Activation of Downtown Helistop at Pepper Garage (30 West Pepper Place) - City of Mesa Project No. 05-003-001.

This project will remove the existing helistop facility located on the third floor (upper) level of the Pepper Street Parking Garage, which is located at 30 West Pepper Place. The project will install six light poles salvaged from the recent work on the Sistine

Garage, clean and repaint the affected section to provide seventy one (71) standard parking stalls, and appurtenant work.

Recommend award to AFB Contracting, Inc., in the amount of \$47,763.00 plus an additional \$4,776.30 (10% allowance for change orders) for a total award of \$52,539.30.

- \*4i. Replacement Carpeting for the 5<sup>th</sup> Floor of the Mesa City Plaza Building located at 20 East Main Street and the Dobson Library located at 2425 South Dobson Road - City of Mesa Project No. 06-907-001.

This project will replace carpeting on the 5<sup>th</sup> Floor of the Mesa City Plaza Building located at 20 East Main Street and the Dobson Library located at 2425 South Dobson Road.

Recommend award to Wholesale Floors, Inc., in the amount of \$106,931.39 plus an additional \$10,693.14 (10% allowance for change orders) for a total award of \$117,624.53.

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

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

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

On Bridlewood from Guadalupe Road to a point 275 feet south of Guadalupe Road. (South of Guadalupe Road and east of Signal Butte Road, Council District 6)

- \*5b. Amending Title 1, Chapter 6 of the Mesa City Code pertaining to Council Committees.

- \*5c. **Z07-10 (District 3)** The 2200 and 2300 blocks of South Country Club Drive (west side). Located south of Baseline Road on the west side of Country Club Drive (24± acres). Site Plan Modification and Council Use Permit. This request will allow the development of a big box retail development larger than 10,000 s.f. in an M-1 zoning district. Brandon Wolfswinkel; Vanderbilt Farms, LLC, owner; W. Ralph Pew; Pew and Lake, PLC, applicant. ***(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners' associations.)*** **LEGAL PROTEST FILED. ¾ VOTE REQUIRED. The public hearing previously scheduled for February 20<sup>th</sup> has been continued to the March 5<sup>th</sup> Regular Council Meeting.**

P&Z Recommendation: Denial. (Vote: 4-2 with Boardmembers Finter, Mizner nay, and Esparza absent.)

- \*5d. **Z07-11 (District 3)** The 2200 and 2300 blocks of South Country Club Drive (west of Country Club approximately 775' and 155' north of the Rancho Del Mar Subdivision). Located south of Baseline Road on the west side of Country Club Drive (8± acres). Rezone from M-1 to O-S and Site Plan Modification. This request will allow the site plan of a 155' "L" shaped landscaped area. Brandon Wolfswinkel; Vanderbilt Farms, LLC,

owner; W. Ralph Pew; Pew and Lake, PLC, applicant. ***(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners' associations.)*** **LEGAL PROTEST FILED. ¾ VOTE REQUIRED.** **The public hearing previously scheduled for February 20<sup>th</sup> has been continued to the March 5<sup>th</sup> Regular Council Meeting.**

P&Z Recommendation: Denial. (Vote: 4-2 with Boardmembers Finter, Mizner nay, and Esparza absent.)

6. Take action on the following resolutions:

- \*6a. Approving the assessment diagram map for the Crismon Business Park Special Improvements District No. 241 – Resolution No. 8918.

This project installed 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. Setting March 19, 2007, as the Public Hearing date on the final assessments for the Crismon Business Park Special Improvements District No. 241 – Resolution No. 8919.

This project installed 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.

- \*6c. Extinguishing a Sewer Line Easement in the 3500 block of North Boulder Canyon Road – Resolution No. 8920.

This easement is no longer needed as a new sewer line easement was dedicated south of this area.

- \*6d. Extinguishing a Road Easement at 8552 East Range Rider Trail – Resolution No. 8921.

This easement is no longer needed as the new subdivision plat has dedicated new rights-of-way.

- \*6e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Williams Gateway Airport Authority and the City of Mesa for the construction and use of a portion of each organization's fiber optic system – Resolution No. 8922.

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who 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. **Z07-07 (District 6)** The 10000 to 10200 block of East Hampton Avenue (south side). Located east of Crismon Road and north of US 60 (10.25 acres). Site Plan Modification. This request is for offices, medical offices, and warehousing. Ed Kendler, owner; Wesley R. Balmer, applicant – Ordinance No. 4672. ***(Held two neighborhood meetings, and notified property owners.)***

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

- \*7b. **Z07-08 (District 6)** 2235 South Hawes Road (east side). Located south of the southeast corner of Baseline Road and Hawes Road (7± ac.). Rezone from AG to R-2 and Site Plan Review. This request will allow the development of an assisted living facility and duplexes. Michael Killeen, owner; Boyd H. Thacker, applicant – Ordinance No. 4673. ***(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners' associations.)***

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

\*8. Adopting the Notice of Intention advising the public that the City is considering changes to the current Impact Fee Tables in accordance with A.R.S. 9-463.05 and setting the date for a public hearing on this matter for May 7, 2007.

8.1 Take action on the following contract:

- \*8.1a. Employment contract for the City Manager.

9. Take action on the following subdivision plats:

- 9a. "MESA RIVERVIEW" (**District 1**) 800-1000 blocks of North Dobson Road (east side); 1700-1900 blocks of West 8<sup>th</sup> Street (north side); 1100 block of North Alma School Road (west side) generally located east of Dobson Road from 8<sup>th</sup> Street north to the Loop 202; north of 8<sup>th</sup> Street from Dobson Road to the Tempe Canal; and northwest of the Tempe Canal from 8<sup>th</sup> Street northeast to Alma School Road. 34 C-2, C-2 BIZ, C-3 and PEP office and commercial lots (209.18 ac) Hurley Land Co., LLC, Robert E. Hurley, manager/member; Sachs Ranch Co., LLC, Helen Elaine Hurley Smith, manager/member; De Rito/Kimco Mesa, LLC, Jerald Friedman, president; De Rito/Kimco Riverview, LLC, Jerald Friedman, president; Riverview Partners, LLC, Jerald Friedman and Marty De Rito, managing members, owners.

Mayor Hawker and Councilmember Rawles declared potential conflicts of interest and said they would refrain from discussion/consideration in this item.

Mayor Hawker yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the "MESA RIVERVIEW" subdivision plat be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Somers-Walters-Whalen  
ABSTAIN - Hawker-Rawles

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- \*9b. "MAP OF DEDICATION TALON AIRPORT PLAZA" (**District 6**) 6800 block of East Ray Road (south side) located south and east of Ray Road and Power Road. Power and Ray Holdings, LLC, Marc Makebakken, member, owner.

10. Items from citizens present.

Frank Alger, 1009 North April Street, representing the Mesa Veteran's Day Parade Association, provided the Council with a brief update regarding potential plans for this year's parade. He noted that the Committee has extended an invitation to Bruce Crandall, a former Mesa resident and Medal of Honor recipient, to be the guest of honor at the event. Mr. Alger also expressed concern that Councilmember Rawles continues to remain seated for the Pledge of Allegiance, which, in his opinion, demonstrates his disrespect for our nation and its flag.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:00 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 20<sup>th</sup> day of February 2007. 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