

## COUNCIL MINUTES

July 11, 2005

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 11, 2005 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

Barbara Jones  
Debbie Spinner

Invocation by Vice Mayor Walters.

Pledge of Allegiance was led by Councilmember Thom.

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 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 Councilmember Jones, 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 30 and July 5, 2005 Council meetings.

3. Consider the following liquor license applications:

\*3a. AGUSTIN FELIPE MARTIN, CHAIRPERSON

Special Event License application for Agustin Felipe Martin, Chairperson, Comite De Comunidad Hiss, a one-day religious event to be held on Saturday, July 23, 2005, from 6:00 p.m. to 12:00 midnight at 141 N. MacDonald. District #4.

\*3b. RICHARD EDMUND IVERS, JR, AGENT

New Beer & Wine Store License for Sparky's Deli & Convenience Store, 1224 N. Gilbert Road. This is an existing business. The Beer & Wine Store previously held at this location by Karran Dev, Agent, Anita & KD, Inc., will revert back to the State. District #1.

\*3c. MONA MAHA SESI, AGENT

New Beer & Wine Store License for Texaco Star Mart, 9202 E. Main Street. This is an existing business. The Beer & Wine Store License previously held at this location by Amy S. Nations, Agent, C&M Convenience Stores, will revert back to the State. District #5.

\*3d. ANTHONY MAGLIOZZI, INDIVIDUAL

New Restaurant License for Cafe Roma Ristorante, 2011 N. Recker Road. This is an existing business. The Restaurant License previously held at this location by Francis J. Vollaro, Individual, Cafe Roma Ristorante, will revert back to the State. District #5.

\*3e. AMY S. NATIONS, AGENT

New Restaurant License for Gandolfo's Deli, 120 S. Alma School Road, Ste C-104. This is an existing building. No previous liquor licenses at this location. District #3.

\*3f. KUO CHI CHANG, AGENT

New Restaurant License for Oasian Noodle Bar, 1935 S. Val Vista Road, Ste #107. This is an existing building. No previous liquor licenses at this location. District #6.

4. Consider the following contracts:

\*4a. Network hardware for the Red Mountain Police Substation, as requested by the Information Services Division (ISD). (State Contract #AD000187-16).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Qwest Communications Corporation for purchases totaling \$63,704.84, including applicable sales tax.

\*4b. Three-year supply contract for bronze water service valves and fittings for warehouse inventory to be used by the Utilities Department. (Contract 2005144).

The Purchasing Division recommends accepting the low bids as follows:

Sections I & IV to Fullerform Systems Company at \$15,475.95, including contingency and applicable tax.

Sections II, III, and V to Arizona Water Works Supply at \$57,928.82, including contingency and applicable tax.

The combined award is \$73,404.77 annually based on estimated requirements.

- \*4c. Metropolitan Medical Response System pharmaceutical purchase as requested by the Fire Department. (DHHS Supply Service Center Contract #0990-0115).

The Purchasing Division recommends authorizing purchase from DHHS Supply Service Center for a cost of \$54,210.82, including applicable sales tax.

- \*4d. 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 \$93,911.88, including applicable sales tax.

- \*4e. Mesa Arts Center Concessions and Catering Management Services as requested by the Community Services Department, Mesa Arts Center. (Contract 2005129).

The Purchasing Division recommends accepting the proposal submitted by Sodexo, Sports and Leisure Services.

- \*4f. Thirty new workstations for the Customer Service Call Center as requested by Development Services. (State Contract #AD010202-002).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's at \$76,271.93, including design, installation, delivery and applicable sales tax.

- 4g. ADA (Americans with Disabilities Act) playground upgrades at Mountain View and Sherwood Parks, City of Mesa Project No. 01-284-001.

This project will renovate and upgrade Mountain View and Sherwood Parks. Improvements include the necessary demolition of existing facilities and construction of new concrete surfaces, walks, curbs, playground areas, armadas, landscaping and miscellaneous picnic and park furnishings.

Recommend award to low bidder Visus, Inc., in the amount of \$506,254.00 plus an additional \$50,625.40 (10% allowance for change orders) for a total award of \$556,879.40.

Mayor Hawker declared potential conflicts of interest regarding items 4g and 4j, 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 Griswold, 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.

\*4h. Wastewater Manhole Rehabilitation, City of Mesa Project No. 01-476-003.

This project will rehabilitate 23 wastewater manholes that have deteriorated to below acceptable condition by repairing damaged concrete walls and removing and replacing damaged corrosion resistant linings with new coating systems.

Recommend award to low bidder Joseph Painting Company Inc. in the amount of \$109,704.00 plus an additional \$10,970.40 (10% allowance for change orders) for a total award of \$120,674.40.

\*4i. High Pressure Gas Main for Transit Facility, City of Mesa Project No. 01-118.

The purpose of this report is to request City Council ratification to increase the contract amount of Project No. 01-118 to pay for unforeseen items discovered during construction along the Roosevelt Water Conservation District (RWCD) Canal embankment.

In accordance with City policy on Construction Contract Change Orders, the Council is asked to ratify this increase in the contract amount of \$520,760.58. With this increase, the total Contract amount is \$2,922,871.98.

4j. 2005 Street Improvements, Phase II: Broadway Road from Lindsay Road to Val Vista Drive; McDowell Road from Greenfield Road to Higley Road; and Falcon Drive from McKellips Road to Higley Road, City of Mesa Project No. 04-841-002.

This project will reconstruct over 109,000 square yards of asphalt pavement and include miscellaneous street improvements. Additionally, this project will install approximately 13,000 linear feet of E-Streets conduit and vault infrastructure (5 vaults and 12 manholes). The cost of \$267,376.00 for the McDowell Road component will be funded with General Fund Lease-Purchase financing being handled by the Financial Services Department. The cost of \$334,332.00 for the Falcon Drive component will be funded from Falcon Field capital funds.

Recommend award to low bidder Nesbitt Contracting Co., Inc., in the amount of \$3,008,284.75 plus an additional \$300,828.48 (10% allowance for change orders) for a total award of \$3,309,113.23.

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

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

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

4k. Discuss and consider the award of the Police Emergency Towing Services Contract 2005108.

The Purchasing Division recommends award for Zones 1, 2, 3 and 4 to Diversified Towing (dba Cactus Towing).

Mayor Hawker advised that several individuals have submitted requests to address the Council regarding this item.

Individuals who spoke in opposition to staff's recommendation that Cactus Towing be awarded the contracts for Zones 1, 2, 3 and 4 are as follows:

John Wicke, representing United Road Service  
LaRue Gates, 10457 East Adobe Road  
Warren Gates, 1945 West Devonshire  
Chad Gammage, 458 West 3<sup>rd</sup> Avenue  
Charmaine McCleve, 445 North Ash  
Marion Whipple, 1637 West Alcott Street  
Marilynn Wennerstrom, 1112 North Center Street  
Pete Colantoni, representing the Arizona Professional  
Towing & Recovery Association  
Richard Thompson, 458 South Lebaron

Comments made in opposition to awarding the contract to Cactus Towing include the following:

- The scoring appears to be questionable because Cactus Towing's scores were consistent among the four rating groups, but other companies' scores varied greatly.
- Cactus Towing does not provide satisfactory customer service.

- Copies of the Request for Proposal (RFP) were illegally provided to representatives of Cactus Towing, and City staff did not handle the RFP process in a proper manner.
- Concern exists relative to the accusations that Cactus Towing has been involved in criminal activity.
- Cactus Towing has failed to provide the proper reports to the Mesa Police Department.

The following citizens completed cards in opposition to staff's recommendation, but indicated that they did not wish to address the Council:

Mischel Whipple, 1637 West Alcott Street  
Darlene L. Pagan, 1347 West 1<sup>st</sup> Place

Listed below are the individuals who addressed the Council in support of staff's recommendation that Cactus Towing be awarded the contracts for all four zones:

Damon Olsen, 207 North Mesa Drive  
Neil Barna, 1860 East Laurel Street  
Steven H. Patience, 414 East Southern  
Todd De Masseo, representing Cactus Towing  
Matt Salmon (no address provided)  
Greg Bryan, 480 South Gilbert Road  
Dan Rush, 2601 South 35<sup>th</sup> Avenue, Phoenix  
Joseph Parham (no address provided)  
Milton V. Lee, 350 West McLellan

Comments made in support of awarding the contract to Cactus Towing include the following:

- Todd DeMasseo of Cactus Towing, as a YMCA volunteer, provides assistance to underprivileged families, and he has also assisted in fundraising efforts for the Rotary Club.
- Cactus Towing has been very cooperative in providing vehicle access to automobile accident investigators.
- City staff members conducted the RFP process in a proper manner, and the Council should accept staff's recommendations to award the contracts to Cactus Towing.
- Cactus Towing holds contracts with several Valley communities because they provide the best service for the lowest price.
- Lee Watkins of Cactus Towing has been a generous contributor to local fundraising efforts without seeking publicity for his activities.

The following citizens completed cards in support of awarding the contracts to Cactus Towing, but indicated that they did not wish to address the Council:

Conrad Morin, 3134 East McKellips Road  
Joe Burr, 18 East University  
Kent M. Nicholas, 40 North Center  
Larry Tess, 2859 East Portola Valley

Mayor Hawker closed the public comment period, but he added that Councilmembers could ask questions of those individuals who addressed the Council. He noted that certain statements made during the public comment period required clarification. Mayor Hawker explained that re-tows are not a part of the contract, and that the vehicle owner could have any company perform the secondary tow.

City Attorney Debbie Spinner stated that David Pennartz, the outside counsel retained by the City of Mesa to address this issue, was present to answer legal questions that may arise.

Vice Mayor Walters addressed her comments to Chad Gammage and stated that she wanted to respond to his allegations that she acted illegally or improperly when she provided a copy of the RFP to a member of the audience during a Council meeting. She explained that unless a document is marked "Attorney/Client Privileged," all materials contained in the Council Meeting Packet are public records. Vice Mayor Walters advised that when a member of the audience stated that he did not have a copy of the RFP, she gave him her copy. She also expressed concern that these false allegations have been repeated in the press.

In response to a question from Vice Mayor Walters, Police Lieutenant Ben Kulina advised that approximately 11,000 vehicles are towed each year. He noted that records for the past five years indicate that the Police Department received an average of 7.6 complaints per year regarding Cactus Towing services that are within the scope of the contract. Lieutenant Kulina also noted that Cactus had two positive entries: one for towing assistance provided to two Presidential details, and the other for the loan of two vehicles utilized in the re-creation of an accident scene for a Channel 11 public service announcement. He advised that in the past five years the Police Department responded to an average of 197 calls per year for service at Cactus Towing for reasons that included: abandoned vehicles that were determined to be stolen; found property; disputes regarding missing personal property; impaired owners attempting to pick up their vehicles; auto theft inspections; and disorderly customers.

Lieutenant Kulina advised that a pamphlet that officers provide to vehicle owners at the scene of an accident has proven to be very helpful. He quoted the following information that is printed in the pamphlet:

The Mesa Police Emergency Towing Contract includes initial services only. Vendors for any secondary tows or repair services are the responsibility and choice of the vehicle owner.

Mesa's police emergency towing contract prohibits contractors from soliciting business for any body shop, wrecking yard, health care provider, lawyer or other person or business.

This does not preclude the vendor from responding to customer's questions if asked.

Vice Mayor Walters suggested that the following sentence be inserted after the first paragraph in order to clarify the meaning of the term "secondary tow:"

You are not required to use this towing company to re-tow your car.

Councilmember Griswold noted that the City of Mesa contracts for towing in order to clear the scene of an accident as quickly as possible. He advised that he received three complaints from citizens who did not receive a copy of the pamphlet when they were involved in an accident.

Lieutenant Kulina stated that the department is considering incorporating the pamphlet into the back of the tow sheet in order to ensure that citizens receive the information.

Councilmember Rawles recalled that the RFP was not available through the City's procurement office, but once the document was agendized and included as part of the Council Meeting Packet, it became a public record.

Ms. Spinner stated that Purchasing Division personnel and the City Attorney's Office were not aware that the RFP was included in the Council Packet, and that the individuals who were informed by the Purchasing Division that the document was not available received a copy the next morning. She confirmed that when a document is included in the Council meeting packet as part of a regularly scheduled meeting, it would be illegal for the City to withhold distribution to the public unless it is marked as "Attorney/Client Privileged."

Responding to questions from Mayor Hawker regarding the Council's decision-making process relative to the towing contract, Mr. Pennartz stated that the Council has received all of the information regarding the proposals, and that the Council may make a decision that is in the best interest of the community. He advised that the Council may consider staff's recommendation, but they are not required to follow the recommendation. Mr. Pennartz further advised that the legal standard to which the Council would be held is that their decision must be based on a rationale without being arbitrary or capricious.

Mayor Hawker asked if a Councilmember's vote to select four providers would be consistent with the Councilmember's original preference for a rotation system.

Mr. Pennartz stated that a rationale is required for the Council decision, and that the Council should consider all of the available information. He added that multiple providers might be considered if the Council concludes that contracting with multiple providers is an important factor. Mr. Pennartz further stated that the contract under consideration is not an "exclusive contract," and he added that if the Council determines at a future date that an additional provider is required within a particular zone, the City is not prohibited from awarding an additional contract. He noted that the contract includes cancellation clauses (ten days for cause and six months for convenience).

Mayor Hawker noted that the City of Scottsdale has a 30-day cancellation clause for convenience, and he asked if the contract being considered could be changed to reflect a 30-day termination provision.

Mr. Pennartz stated the opinion that the City would be on the strongest legal ground by directing staff to attempt to negotiate that change. He advised that the termination clause is a procedural item. Mr. Pennartz said that the Council could award the contract subject to the successful negotiation of the "for convenience" clause, and if the negotiation proved to be unsuccessful, the contract would come back before the Council for further action.

Councilmember Jones advised that several meetings were held to discuss ways to improve the towing contract in order to benefit Mesa residents. He noted that the contract's fee structure stipulates that no additional fee will be charged to move the vehicle from the contractor's yard to a safe location on the public right of way or street. Councilmember Jones stated that the towing companies, insurance industry, auto repair shops and attorneys appear to have good working relationships, and he expressed concern that the typical resident experiences difficulty in dealing with towing firms. He also noted what appear to be conflicting criteria in the RFP regarding the number of tows per truck.

Materials Management Director Ed Quedens explained that the criteria under "business qualifications" measures the efficiency of the present operation, and that the other criteria measures the capacity of the firm to handle the additional business volume that would be generated by the City of Mesa contract. He confirmed that the proposals received included a list of the equipment that would be added by the company in order to meet the contract's requirements.

In response to questions from Councilmember Whalen, Lieutenant Kulina reported that the Police Department experienced problems during a recent eight-hour period when it was necessary for the City to handle towing requirements on a rotational basis. He stated that the primary concern of the Police Department is the timely removal of vehicles from the roadway, and he expressed the opinion that the current provider has done an excellent job in that regard. Lieutenant Kulina confirmed that the number of complaints received that were within the scope of the contract reduced significantly following an October 2002 meeting between the Police Department and the contractor.

Responding to a question from Vice Mayor Walters, Lieutenant Kulina stated that the current provider has filed the proper reports with the Police Department.

In response to a series of questions from Councilmember Whalen, Richard Thompson, owner of Thompson Diversified LLC, advised that his proposal included a "no cost" bid because he expected to make a profit on abandoned vehicles and storage. He also explained that his firm was interested in "name branding" the company in order to develop a loyal customer base, and that there is value in being designated as the City's provider.

Councilmember Rawles stated that he does not believe that the dissemination of the RFP document to one bidder before others received it was illegal, but he emphasized the importance of maintaining public trust and confidence in the Council's actions. He expressed the opinion that the analysis provided by each of the evaluation groups produced results that he considers to be outside of a reasonable range of differences. Councilmember Rawles further stated that the Council proposed dividing the City into four zones with the expectation that the City would be served by multiple providers. He recommended that Zone 1 be awarded to Thompson, Zones 2 and 3 to Cactus, and Zone 4 to Apache Sands. Councilmember Rawles also noted that criminal accusations have not been proven, and he emphasized the importance of every citizen being considered innocent until proven guilty.

Mayor Hawker stated that he concurred with the recommendation of Councilmember Rawles regarding the proposed awards for Zones 1, 2 and 3, but he recommended that Cactus be awarded the contract for Zone 4.

Councilmember Whalen stated the opinion that Cactus Towing has done a great job for the City of Mesa. He noted that general complaints regarding towing companies have been ongoing for more than 25 years. Councilmember Whalen expressed concern that a company that charges nothing "up front" may attempt to recover the difference in another manner, and he stated the opinion that a system should be in place that allows a provider to make a fair profit. He noted that he attempted to review the process several months ago, but he was advised not to proceed because of the ongoing criminal investigation. Councilmember Whalen further stated that he looks forward to the results of the Attorney General's investigation and the criminal investigation. He added that the Police Department administration and City staff have seriously addressed past allegations, and that he believes in the principle of an individual being considered innocent until proven guilty. Councilmember Whalen recommended that Thompson or United Road Services be awarded the contract in Zone 1, and that Cactus Towing be awarded the contracts in Zones 2, 3 and 4.

Vice Mayor Walters advised that she reached a conclusion similar to that of Councilmember Rawles. She noted that numerous meetings were held to solicit public input, and that the RFP process was utilized rather than a bidding process. She expressed support for Mayor Hawker's suggestion that staff be directed to negotiate a shorter timeframe regarding termination "for cause" or "for convenience."

Councilmember Griswold stated that he favored four zones for the towing contract in order to foster competition and provide backup. He noted that the City of Mesa now covers 150 square miles, and that four zones enables providers to tow a shorter distance. Councilmember Griswold expressed support for the recommendations of Councilmember Rawles to award the contracts as follows: Zone 1 to Thompson, Zones 2 and 3 to Cactus, and Zone 4 to Apache Sands.

Councilmember Thom said that the Council's responsibility is to ensure that the citizens of Mesa receive reliable towing service at a fair price, and she stated the opinion that the Council is not required to follow staff's recommendation. She expressed support for utilizing a rotation system. Councilmember Thom recommended that Thompson be awarded Zone 1 or Zone 2, that Apache Sands be awarded Zones 3 and 4, and that United Road Service be awarded Zone 1 or Zone 2.

Councilmember Jones stated that the Council is attempting to protect Mesa citizens from price gouging and unnecessary costs, and he noted that four zones were proposed in hopes that the City would have more than one provider. He also expressed support for shortening the term of the cancellation "for cause" clause. Councilmember Jones added that he would like to implement a system that improved the accountability of towing companies to their customers. He recommended that the contracts be awarded as follows: Thompson for Zone 1, Cactus Towing for Zones 2 and 3, and Apache Sands or Cactus for Zone 4.

Mayor Hawker summarized the preferences expressed by the Councilmembers.

Discussion ensued relative to the fact that the contract for each zone would be awarded in a separate motion; that each motion would include direction to staff to renegotiate the terms of the cancellation clauses; that the present ten day "for cause" clause need not be changed; and that staff should renegotiate the timeframe of the termination "for convenience" clause from six months to 30 days.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the Police Emergency Towing Services Contract for Zone 1 be awarded to Thompson Diversified LLC (Valley Express), and that staff be directed to renegotiate the timeframe of the termination for convenience clause from six months to 30 days.

In response to concerns expressed by Councilmember Whalen, Mayor Hawker noted that the towing companies addressed each zone separately in the RFP process. He stated a preference for the City to contract with multiple providers for towing services.

Councilmember Rawles emphasized that his motion is not arbitrary or capricious because the two-point difference between Cactus and Thompson is statistically insignificant, and he added that the fact that Cactus Towing received the RFP document one day in advance of other companies did not taint the City's evaluation process. He further stated that his preference was that multiple providers serve the City of Mesa. Councilmember Rawles explained that his decisions regarding the towing contracts are based on a rational and thoughtful process.

Councilmember Griswold noted that accountability is an important factor regarding the towing contract. He suggested that a requirement be included in the motion that each citizen must be provided with a brochure that addresses his or her rights.

Mayor Hawker noted that the motion before the Council does not reference a brochure, and he suggested that this topic be discussed at a future Council Study Session. He asked for the consensus of the Council, and he noted that the Councilmembers indicated their concurrence to address this issue at a future Study Session.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that the Police Emergency Towing Services Contract for Zone 2 be awarded to Diversified Towing (dba Cactus Towing), and that staff be directed to renegotiate the timeframe of the termination for convenience clause from six months to 30 days.

Councilmember Thom stated a preference to award the contract to United Road Service.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that the Police Emergency Towing Services Contract for Zone 3 be awarded to Diversified Towing (dba Cactus Towing), and that staff be directed to renegotiate the timeframe of the termination for convenience clause from six months to 30 days.

Councilmember Thom expressed a preference that Zones 3 and 4 be awarded to Apache Sands.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

Councilmember Rawles advised that he wanted to clarify for the record that the specific comments he made regarding the fact that his motion to award the Zone 1 contract was not arbitrary or capricious also apply to his subsequent motions regarding the towing contract awards for Zones 2, 3 and 4.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the Police Emergency Towing Services Contract for Zone 4 be awarded to Apache Sands Towing, and that staff be directed to renegotiate the timeframe of the termination for convenience clause from six months to 30 days.

Councilmember Whalen expressed opposition to the motion on the basis that contracting with three providers would create logistical problems, and he expressed the opinion that Cactus Towing should be awarded this contract in order to provide consistency.

Mayor Hawker also stated opposition to the motion, and he expressed support for awarding the Zone 4 contract to Cactus Towing.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

Mayor Hawker thanked everyone who participated in the discussion of this agenda item.

5. Introduction of the following ordinances and setting August 15, 2005, as the date of public hearing 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 (C).

On the south side of Southern Avenue between 3:00 pm and 6:30 pm, Monday through Friday from the driveways with centerlines 110 feet west of Wilbur and 67 feet east of Wilbur (south side of Southern Avenue west of Mesa Drive, Council District 4).

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

On Ingram Street from a point 346 feet west of Higley Road to a point 696 feet west of Higley Road (west of Higley Road and south of McKellips Road, Council District 5).

On the north side of Main Street from a point 150 feet west of Country Club Drive to a point 260 feet west of Country Club Drive and on the north side of Main Street from a point 385 feet west of Country Club drive to a point 157 feet west of Vineyard (north side of Main Street west of Country Club Drive, Council District 4).

On Sunview, from Baseline Road to a point 1,450 feet north of Baseline Road (west of Recker Road and north of Baseline Road, Council District 6).

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

On the south side of Gary Street from a point 359 feet east of Lindsay Road to a point 165 feet west of Roca (east of Lindsay Road and north of Brown Road, Council District 1).

- \*5b. **A05-04 (District 6)** Annexing the southeast corner of Elliot and Signal Butte Roads. (236.32± ac). This request is to annex property into the City of Mesa. Initiated by the property owner, GBGM Limited Partnership, LLLP for Nova Vista Development by US Homes/Greystone Homes.

- \*5c. **Z05-56 (District 6)** The 8400 Block of East Broadway Road (south side). Located at the southeast corner of Broadway Road and Hawes Road (9.4 ac). Rezone from C-2 to R-2 PAD BIZ and site plan review. This request is to allow the development of two and three story single-family detached residences. Michael Cawley, Mt. Baldy Ltd. Partnership, owner; Sean Lake, Pew & Lake, PLC, applicant.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0 with Saemisch abstaining).

- \*5d. **Z05-58 (District 1)** 2245 North Center Street (east side). Located north of the northeast corner of McKellips Road and Center Street (6.5 ± ac). Rezone from R1-43 to R1-9 PAD and site plan review. This request is to allow for the development of a residential subdivision. Nancy Mahr, owner; Kenneth Caldwell, applicant.

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

- \*5e. **Z05-61 (District 6)** The 3600 - 4200 blocks of South Mountain Road (west to the Signal Butte Road alignment) excluding parcels 304-33-003B/C. (225 ac.) Rezoning from County Rural 43 and R1-8 PD to City R1-43 and R1-9 Establishment of city zoning. William Ring, GBGM 240 Limited Partnership LLLP, owner; City of Mesa, applicant.

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

- \*5f. **Z05-62 (District 6)** Northeast corner of Signal Butte Road and Elliot Road (108.43 ac.) Rezone from R1-43 to PF (Public Facility) and site plan review. This request is for the development of a City of Mesa water treatment facility. City of Mesa, owner; Carrie Hinson, City of Mesa, applicant.

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

- \*5g. **Z05-63 (District 3)** 1720 West Broadway Road (north side). Located north and east of Broadway Road and Dobson Road (15.5 ac. ±) Rezone from M-1 to M-1PAD and site plan modification. This request is for a light industrial and retail complex. Broadway Mesa Commons, LLC (Robert Nutall, Manager), owner; Bob Saemisch, Saemisch & DiBella Architects, applicant.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0 with Saemisch abstaining).

- \*5h. **Z05-64 (District 6)** The 400-500 block of South Hawes Road (east side). Located south and east of Broadway Road and Hawes Road (3.35 ac. ±) Modification of a previously approved PAD overlay and site plan review. This request is to allow for individual residential building ownership. John Bellerose, owner; Randy Carter, applicant.

P&Z Recommendation: Approval with conditions. (Vote: Passed 5-1-1 with Adams nay, Mizner absent).

- \*5i. **Z05-66 (District 6)** 11611 and 4011 South Power Road (east side). Located south and east of Elliot Road and Power Road (24.73 ac.) Rezone from R1-43 to C-2 and M-1. This request is to bring the existing zoning into conformance with the Mesa 2025 General Plan. Joe Vertuccio, owner; Wayne Balmer, City of Mesa, applicant.

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

- \*5j. **Z05-67 (District 6)** 18515, 18525, 18501 East Ray Road (south side). Located south and east of Ray Road and Power Road (3.43 ac.) Rezone from R1-43 to C-2. This request is to bring the existing zoning into conformance with the Mesa 2025 General Plan. City of Mesa, owner; Wayne Balmer, City of Mesa, applicant.

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

- \*5k. **Z05-68 (District 6)** 14031 South 185<sup>th</sup> Street (east side). Located south and east of Ray Road and Power Road (1.2 ac.) Rezone from R1-43 to C-2. This request is to bring the existing zoning into conformance with the Mesa 2025 General Plan. Craig and Vickilyn VanSickle, owner; Wayne Balmer, City of Mesa, applicant.

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

- \*5l. **Z05-69 (District 5)** The 2900 block of North Sericin (east side). Located north and west of McDowell Road and Power Road (1.04 ac ±). Rezone from C-2 to R-2 PAD and site plan review. This request is to allow for the development of a residential subdivision. Robert L. Schultz, owner; Gary Johnson, Archicon, L.C., applicant.

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

6. Consider the following resolutions:

- \*6a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the State of Arizona acting through the Arizona Department of Transportation's Aeronautics Division and the City of Mesa whereby the State will provide 90% funding and program management for Airport Surface Treatment related to Falcon Field Airport – Resolution No. 8534.
- \*6b. Approving and authorizing the City Manager to execute an Agreement between the City of Mesa and the Arizona Department of Public Safety through the Victims of Crime Act (VOCA) to secure grant funds for personal services and employee related expenses for the City Prosecutor's Office Victim Assistance Program assisting victims of domestic violence – Resolution No. 8535.
- \*6c. Approving and authorizing the City Manager to execute an Agreement between the City of Mesa and the Arizona Department of Public Safety through the Victims of Crime Act (VOCA) to secure grant funds for personal services and employee related expenses for the City Prosecutor's Office Victim Assistance Program assisting victims of crime with financial impact to the victim – Resolution No. 8536.
- \*6d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona through the Department of Economic Security awarding funds in support of the provision of Community Action Services provided through Mesa Community Action Network – Resolution No. 8537.
- \*6e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona through the Department of Commerce to support the provision of weatherization services provided through the Mesa Community Action Network – Resolution No. 8538.
- \*6f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona through the Department of Commerce to support the provision of weatherization services provided through the Mesa Community Action Network – Resolution No. 8539.

- \*6g. Approving and authorizing the City Manager to execute a Grant Agreement AZ-03-0046 between the City of Mesa and the City of Phoenix for receipt of federal grant funds for transit projects – Resolution No. 8540.
- \*6h. Approving and authorizing the City Manager to execute a Grant Agreement AZ-90-X070 between the City of Mesa and the City of Phoenix for receipt of federal grant funds for transit projects – Resolution No. 8541.
- \*6i. Approving the submittal of a grant application to the Gila River Indian Community for Proposition 202 funds. This application is to provide funding for the Mesa Fire Department to help support Fire Prevention and Fire and Life Safety Education Programs – Resolution No. 8542.
- \*6j. Extinguishing a Drainage Easement located at the northwest corner of Baseline Road and Vineyard Street – Resolution No. 8543.  
  
Because of the new development on this property, this easement is no longer necessary. A new drainage easement has been relocated to accommodate the proposed development.
- \*6k. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and Mesa Senior Services for the RIDEChoice program – Resolution No. 8544.
- \*6l. Granting the sale of City property located at 2222 E. Lehi Road – Resolution No. 8545.

7. Consider the following ordinance:

- \*7a. **Z05-60 (District 2)** The 1600-1700 blocks of South Val Vista Drive (west side). Located at the northwest corner of Val Vista Drive and Baseline Road (14.3 ac. ±) Site Plan Review. This request is for a retail tenant building and future commercial/retail development. Mike Clements, owner; Paul Gilbert, applicant. CONTINUED TO THE AUGUST 15, 2005, REGULAR COUNCIL MEETING.

P&Z Recommendation: Approval with conditions. (Vote: Passed 4-1-1-1 with Esparza nay, Saemisch abstaining, Mizner absent).

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:57 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 11<sup>th</sup> day of July 2005. 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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