



COUNCIL MINUTES

January 8, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 8, 2007 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Rex Griswold

STAFF PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Griswold from the entire meeting.

Invocation by Dr. Brant D. Baker, First Presbyterian Church.

Pledge of Allegiance was led by Mayor 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.

Presentation of Exceptional Customer Service Award.

City Manager Christopher Brady and Police Chief George Gascón presented the Exceptional Customer Service Award to Police Records Administrator Karen Wolf in recognition of her efforts that resulted in the reuniting of a father and son following more than thirty years of separation.

Mayor's State of the City address (the following is a transcript of the address):

Good evening. Thank you for joining us for tonight's City Council Meeting. Years ago, a past Mesa Mayor started the tradition of delivering a state of the city address at the first council meeting each January. Tonight, I will continue this tradition.

I'd like to start by saying that, after 10 years as a Councilmember and nearly seven years as Mayor, this is the finest Council I have ever served on. Mesa has six very principled and intelligent district representatives who are truly committed to this community.

Vice Mayor Claudia Walters represents District 1. She has been an outspoken advocate for neighborhood revitalization and zoning restrictions for payday loan establishments. Claudia also hasn't been afraid to take a hard look at public service costs associated with the halfway houses and private prisons that are operating in our community. She chairs a transportation coordination committee for the Maricopa Association of Governments and was instrumental in the passage of last year's sales tax increase, which will make Mesa able to get its share of Prop 400 transportation funding. On the state level, Claudia serves on both the Executive and Resolutions committees for the League of Arizona Cities and Towns. And, on the national level, she serves as Vice Chair of the National League of Cities' Community and Economic Development Steering Committee.

District 2 Councilmember, Mike Whalen, brings 28 years of law enforcement experience to this Council. His insight has helped the City better coordinate resources and prepare for emergencies. On the national level, Mike has served on the National League of Cities Homeland Security Working Group.

District 3 Councilmember, Tom Rawles, has proven to be a reasoned, principled, and consistent advocate for limited government. Even when he disagrees with the rest of Council on an issue, he is willing and able to help us get to the heart of the matter and make the solution even better. I admire Tom for his straightforward analysis of City policies and procedures, and I value his legal expertise and insight.

District 4 Councilmember, Kyle Jones, also has been an outspoken advocate for neighborhood revitalization. Kyle has worked with Councilmember Mike Whalen to address day labor concerns and also was instrumental in instituting a loud party ordinance to help keep Mesa's neighborhoods peaceful. On the national level, Kyle serves on the National League of Cities Immigration Task Force, which continues to work tirelessly to get Congress to pass comprehensive immigration reform.

District 5 Councilmember, Rex Griswold, couldn't be here tonight, as he and his wife are celebrating their 33rd wedding anniversary. Over the past year, Rex has seen record annexations of county islands into Northeast Mesa. Despite the growth, he remains committed to retaining the unique desert landscape of the area, while increasing accessibility to it through the connection of existing recreational trails. Rex also has maintained his commitment to respond quickly to residents' concerns, and to improve Mesa's policies and procedures to make them more business-friendly.

In District 6, newcomer Scott Somers has gotten up to speed quickly this year. He brings with him more than 10 years of experience as a Phoenix fire engineer and paramedic. And, as both a graduate of ASU Polytechnic and a current doctoral candidate, Scott knows the value of the Williams campus and is dedicated to protecting the Williams Gateway Regional Job Center.

Together, this Council covered a lot of ground in 2006, and we haven't shied away from controversial issues. Over the past year, we've had our share of split votes. This Council voted 5 to 2 against cross-training Mesa Police Officers to have immigration enforcement powers (I was on the losing end of that vote). We also voted 4 to 3 against placing zoning restrictions on payday loan establishments. Although I was on the winning end of that vote, I would still like to see some usury laws enacted by the legislature to curtail predatory lending practices.

While I was out of town attending a conference earlier this year, Council voted 4 to 2 to allow country stores to operate in RV parks. And, although I was in town for the vote on whether or not to allow large retail signs along Mesa's freeways, I wasn't able to successfully convince Council they should not be allowed. So, that one passed 5 to 2. Now, instead of having a 12-foot height limitation on signs, Mesa has no limitation. Each sign is considered on a case-by-case basis, and signs as tall as 90 feet have already been approved.

Over the past year, this Council also placed purchasing restrictions on ingredients used to make meth, examined fire inspection fees, the cost of speed humps, where to put Mesa's future court building, which neighborhood to designate as an Opportunity Zone and how to increase pollution control measures to better meet EPA air quality standards.

Although we obviously don't always agree, we like the debate, appreciate each other's opinions and respect the final decisions made by this Council.

But, despite the hundreds of issues, policies and procedures we examined over the past year, it was the decisions made by Mesa voters that were the most important. After seeing the City spend millions in emergency repairs to water and sewer lines, voters authorized the sale of water, wastewater, electric and gas system revenue bonds. Thank you. This important funding, paid back using utility revenues, will help us expand service capacity and upgrade our aging infrastructure.

Mesa voters also approved a sales tax increase last year that will keep us competitive while still giving the City the 30 percent local match required to access Mesa's share of \$15.8 billion in voter-approved transportation funding.

And, when Mesa voters rejected a property tax last May, this Council heard that message and cut spending as promised. We eliminated more than a million dollars in arts grants and subsidies, cut \$2.5 million by reducing museum and library hours; and saved \$245,000 by turning special events like the MLK Celebration, Veterans' Day Parade and Cinco de Mayo Celebration over to private sponsors. We also cut \$1 million from public transit; eliminated holiday lighting downtown (saving \$50,000); cut \$161,000 from park and basin landscape maintenance; and removed school resource officers from Mesa's middle schools at a savings of \$470,000. Altogether, Mesa made almost \$14 million in cuts since the beginning of last year.

Yet, despite this downsizing, as the largest city in the nation without a property tax, Mesa still faces significant financial concerns. Although the bond and sales tax measures approved by voters will make critical utility and transportation improvements possible, these measures do not give the City the stable revenue source that the Financing the Future citizens' committee was looking for.

Right now, when there is a downturn in the economy, Mesa residents can curb their spending, cancel their newspaper subscriptions or disconnect their cable, but the City must continue to provide essential services even through a market change. We can't cut back basic services like police and fire because sales tax revenues came in lower than projected. So, not only is Mesa particularly vulnerable to market fluctuations, but the City must also maintain a substantial "rainy day" fund.

Although we have struggled to make ends meet, this Council has remained steadfast in its commitment to put public safety first. But in the process, nearly every other City service and program has been scaled back, and many have been eliminated entirely.

Last year, I talked about Mesa being at a crossroads and residents having to choose which way to turn. I asked Mesa residents if they wanted to fund the programs outlined in the land use, economic development, transportation and parks and recreation master plans that our citizens created and voters approved. The answer was clear. By voting against a City property tax, Mesa voters said no.

This leaves us with a unique challenge. Many residents have suggested that we discontinue funding City services using profits from our utilities, but those same individuals have chosen not to approve an alternative, stable funding source that will continue providing essential City services – like police, fire, trash pickup and code compliance – into the future.

As you may know, for many years now, it has been my goal to turn Mesa from a bedroom to a boardroom community – creating high-quality jobs for our residents and their children. However, although the vast majority of employers do not generate sales tax for the city and no employers pay a city property tax, they all must receive City services. But, aside from state-shared revenue and utility profits, if the only way to finance our city is to become a retail sales mecca, then should I still keep pushing for job creation . . . or should we focus on luring more and more retailers so we can continue funding basic services for our residents?

In addition to concerns about our own financing structure, I'm also concerned about possible changes outside of our control that could negatively impact Mesa's finances, including:

- The potential loss of state-shared revenue,
- Future requirements to comply with more unfunded mandates as the federal government shifts costs to keep pace with the needs of aging baby boomers,
- State legislators looking to require cities to provide fire service to County residents,
- And the ever-increasing burden that rapid development is putting on Arizona's water supply and transportation infrastructure. This is a statewide issue that will affect Mesa as rural areas look to Maricopa County for water supplies and infrastructure funding.

Additionally, this year I'll also work with mayors from neighboring cities to resolve significant structural and governance conflicts with the Central Arizona Groundwater Replenishment District. And, as you may have heard me say before, I also think it's time to take a closer look at adequate public facilities ordinances that would require developers throughout the state to ensure they not only have enough water to sustain their subdivision, but adequate roads, too.

Finally, I remain concerned about the effect that the sale and development of 275 square miles of state trust land immediately to our east will have on Mesa's infrastructure and on Williams Gateway Airport. In light of voters' rejection of Prop 106 (which would have improved handling of state trust land), and given Mesa's desire to protect the airport and its users, perhaps it is time for Mesa to consider annexing part of this huge parcel. This would help Mesa not only maximize the potential of the \$300 million, voter-approved Williams Gateway Freeway, but would also put us in a better position to protect air space around the airport.

We made great progress at Williams Gateway Airport in 2006. Council's unanimous approval of a major plan amendment last month will not only bring essential, high-quality offices and

business parks to the job center but, more importantly, successfully secured the airport's arrival corridor.

Homes will not be allowed south of the future Williams Gateway Freeway, which will serve as a clear buffer between land uses, as well as a corridor for Boeing's test flight operations.

Now that the arrival corridor has been secured, we must work to protect the Airport's departure corridor. That will mean working closely with DMB, who just purchased the northern portion of the GM Proving Ground. In addition to passenger flights, unique considerations also must be given to helicopter and cargo flight operations, testing and training. This is especially important in light of Boeing's recent announcement that it secured a \$1.15 billion dollar contract to build 126 new Apache helicopters.

Other advances at the Williams Gateway Regional Job Center last year included securing \$20.4 million in State Transportation Acceleration Needs funding to purchase right-of-way for the future Williams Gateway Freeway. Additionally, Phoenix signed on to become the Airport Authority Board's fifth member; Embraer, one of the world's leading corporate jet manufacturers, followed Cessna's lead and chose Gateway for its new service center; and regular passenger service was launched to both Las Vegas, Nevada; and Gary, Indiana (which is located just 20 minutes outside of Chicago). Service to Bellingham, Washington is slated to begin next week. One-way tickets to Vegas start at just \$59, tickets to Gary start at just \$79 and tickets to Bellingham start at just \$59 each way...and parking is free at Williams Gateway. To get information on all three airlines, please visit Gateway's Web site at www.flywga.org or call (480) 988-7600.

Despite these strides, there is still much work ahead if we are to realize Gateway's full potential. We must continue luring more passenger service, and aggressively laying the transportation improvements and other physical infrastructure critical to job expansion. And all of this must be done simultaneously while we work to improve Mesa's major plan amendment process to allow Council to provide input on proposals before they go to Planning & Zoning.

Clearly, the synergy we have created at Williams Gateway is gaining momentum. ASU Polytechnic continues to launch cutting edge training programs to meet employers' needs and the creation of a sub area transportation plan for the Williams Gateway area is underway. Combined with the Williams Gateway Freeway and other transportation improvements approved by voters in Prop 400, the Williams Gateway Airport and Regional Job Center will undoubtedly provide East Valley residents with added travel convenience, high-quality jobs and unique educational opportunities for generations to come.

Finally, 2006 was a year of renewal for Mesa. We hired Chris Brady as our new City Manager and George Gascón as our new Police Chief. Both of these men have a deep commitment to customer service and are working to implement improved performance standards.

This year, the Mesa City Council looks forward to further streamlining City policies and procedures, setting benchmarks for efficiency and removing unnecessary bureaucracy.

We'll implement the voter-approved City Auditor function and overhaul the Council Finance Committee, along with every other Council committee. We'll have quarterly "retreat-type" dialogues to share ideas, hash out the details, and make sure we're on the right track. We'll look at adding two new zoning designations – one that applies to vertical zoning, and one that protects transportation right-of-way. We'll discuss which services the City should be providing,

and which services are better provided by non-profit organizations or private businesses. And, we'll work to identify and maintain a sustainable level of service.

Mesa, now a city of 460,000 residents, has many challenges ahead. I invite you to work with us as we do our best to make this community an even better place to live, learn, work and play.

Thank you.

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

Upon tabulation of votes, it showed:

AYES – Hawker-Jones-Rawles-Somers-Walters-Whalen
NAYS – None
ABSENT – Griswold

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the December 18 and 21, 2007 Council meetings.

3. Conduct a public hearing and take action on an amendment to the land use map for the following Major General Plan Amendment:

3a. **A06-29 (District 5)** Annexing land located on University Drive west of Power Road (7.9+ ac.). Initiated by Bill Duff, representing the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding Annexing land located on University Drive west of Power Road (7.9+ ac.).

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Take action on the following liquor license applications:

*4a. Arizona Craft Brewer's Guild

This is a one-day charitable event to be held on Saturday, February 17, 2007 from 1:00 p.m. to 6:00 p.m. at Mesa Centennial Center, 201 N. Center Street (District #4).

*4b. Praise Fellowship

This is a one-day religious event to be held on Sunday, February 4, 2007 from 10:00 a.m. to 10:00 p.m. at Long Wong's, 1455 S. Stapley Drive, Suite 23-24 (District #4).

*4c. Organizacion Maya Guatemalteca

This is a one-day civic event to be held on Saturday, January 13, 2007 from 6:00 p.m. to 1:00 a.m. at 1940 E. Main Street (District #2).

*4d. Knights of Columbus

This is a one-day fraternal event to be held on Sunday, January 28, 2007 from 4:00 p.m. to 7:00 p.m. at St. Bridget's Catholic Church, 2213 N. Lindsay Road (District #5).

*4e. Swift's Restaurant Bar & Lounge

Person-to-Person & Location Transfer Beer & Wine Bar License for Swift's Restaurant Bar & Lounge, 2655 W. Guadalupe Road, Suite #17, Swift's Restaurant Inc – Applicant; Soncerea Trill Richardson – Agent. The previous restaurant license held at this location by String Chemistry Café will revert back to the State (District #3).

Beer & Wine Bar License provides ability to purchase beer and wine in the original container for consumption on or off the premises.

*4f. Target #0639

New Beer & Wine Store for Target #0639, 1525 S. Power Road, Target Corporation – Applicant; John Edward Schlieper – Agent. This is an existing business with no previous liquor license at this location (District #6).

*4g. Bonefish Grill #6301

New Restaurant License for Bonefish Grill #6301, 6538 E. Superstition Springs Blvd, Bonefish Desert Ridge Limited Partnership #1 – Applicant; Amy S. Nations – Agent. This is new construction with no previous liquor license at this location (District #6).

*4h. Down Younder Way

New Restaurant License for Down Younder Way, 6915 E. University Drive, Down Younder Way LLC – Applicant; Donald Eugene Nace – Agent. The previous Restaurant License for SG Brothers Partnership closed on 01/21/2005 (District #5).

*4i. Swift's Restaurant Bar & Lounge

New Restaurant License for Swift's Restaurant Bar & Lounge, 2655 W. Guadalupe Road, Suite #17, Swift's Restaurant Inc – Applicant; Soncerea Trill Richardson – Agent. The previous restaurant license held at this location by String Chemistry Café will revert back to the State (District #3).

Restaurant License provides for consumption on premises only. This license will run in conjunction with the Beer & Wine Bar License.

5. Take action on the following contracts:

*5a. Eleven (11) automated side loading refuse trucks (ten replacement and one addition to the fleet) as requested by the Solid Waste Department.

The Procurement Services Department recommends accepting the low bid by Freightliner Sterling Western Star of Arizona at \$2,643,077.05, including desired options, extended warranties and applicable sales tax.

*5b. Three-year supply contract for asphalt materials as requested by the Transportation Department.

The Procurement Services Department recommends awarding primary and secondary contracts to the lowest responsive, responsible bidders, Vulcan Materials Company in the amount of \$571,740.90, and Mesa Materials in the amount of \$47,758.10, for a total of \$619,499.00 annually based on estimated requirements, including applicable sales tax.

*5c. Three-year supply contract for rock and concrete materials as requested by the Utilities Department.

The Procurement Services Department recommends awarding primary and secondary contracts to the lowest responsive, responsible bidders as detailed on the attachments to: A&A Materials, Inc., Ft. McDowell Yavapai Materials, Mesa Materials, Pioneer Sand Co., Rock Solid, United Metro Materials (Rinker), and Vulcan Materials, Co. for a total of \$2,089,375.34 annually based on estimated requirements, including applicable sales tax.

*5d. Two hybrid gas/electric sedans (one replacement and one addition) as requested by the Engineering and Financial Services Operations Departments.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Larry Miller Toyota at \$48,624.72, including applicable sales tax.

5e. Park and Ride No. 1 – Power Road at U.S. 60, City of Mesa Project No. 01-507-001.

This project will construct a new park and ride facility on the north side of U.S. 60 (Superstition Freeway) between Power Road and Superstition Springs Boulevard.

Improvements include a paved parking lot, and access connections from Power Road to Superstition Springs Boulevard and to the Superstition Springs Mall. This project will provide a park and ride lot for bus users to access bus routes that run along U.S. 60.

Recommend award to the low bidder, Nesbitt Contracting Co., Inc., in the amount of \$3,515,722.20 plus an additional \$351,572.22 (10% allowance for change orders) for a total award of \$3,867,294.42. Funding for this project is available from Federal Transit Administration (FTA) Grant funds (\$2,162,572.00), Quality of Life Sales Tax funds (\$540,645.00), and Highway User Revenue Fund (HURF) Bond funds (\$1,164,077.42).

Mayor Hawker and Councilmember Whalen declared potential conflicts of interest and said they would refrain from discussion/participation in this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Walters.

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

In response to a question from Councilmember Rawles, City Attorney Debbie Spinner advised that four affirmative votes were required to approve the motion.

Councilmember Rawles stated that he would not support the motion, and he suggested that the item be continued to the January 22nd Council meeting at which time four affirmative votes would enable the Council to approve the contract award.

Councilmember Somers amended his motion to state that the item would be continued until the January 22nd Council meeting. Councilmember Jones, the seconder, concurred with the amended motion.

Vice Mayor Walters expressed appreciation to Councilmember Rawles for his statesmanlike conduct. She explained that although Councilmember Rawles could have cancelled this contract with a negative vote, he recognized that Councilmember Griswold is likely to cast the fourth affirmative vote when he is present at the January 22nd meeting.

Councilmember Whalen advised that he would further investigate to determine whether he, in fact, has a potential conflict of interest with regard to this item.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

6. Introduction of the following ordinances and setting January 8, 2007 as the date of the public hearing on these ordinances:

- *6a. 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 Sossaman Road, Council District 6).

On Indigo Street from 48th Street to a point 925 feet east 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Ingram Street from 46th Street to 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Ingram Street from 48th Street to a point 900 feet east of 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Ivy Street from a point 330 feet east of Greenfield Road to 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Jasmine Street from 48th Street to Rochester (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Jensen Street from Parkcrest to 46th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Julep Street from 48th Street to Rochester (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Parkcrest from Ivy Street to Jensen Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Quail from Ivy Street to Ingram Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Rochester from Jasmine Street to Julep Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On San Jose from Southern Avenue to a point 220 feet north of Southern Avenue (north of Southern Avenue and west of Dobson Road, Council District 3).

On 46th Street from Ivy Street to Jensen Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On 48th Street from McKellips Road to Ivy Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

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

On Maple from Palm Street to Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On Norfolk from Palm Street to Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On Palm Street from Maple to Norfolk (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On Presidio Street from Maple to Norfolk (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On the east side of 40th Street from Presidio Street to a point 78 feet north of Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On the west side of 40th Street from Presidio Street to a point 108 feet north of Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

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

On Lomita Avenue from Abbey to Labelle (south of Baseline Road and east of Crismon Road, Council District 6).

- *6b. **A06-23 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.21± ac.). Initiated by the property owner, Las Sendas Community Association.

- *6c. **A06-25 (District 5)** Annexing land located on McKellips Road west of Crismon Road (1.06± ac.). Initiated by the property owner, Alan Saquella.
- *6d. **Z06-94 (District 6)** The 7800 to 8000 block of East Pecos Road (south side). Located east of the southeast corner of Pecos and Sossaman Roads (19.11± ac.). Site Plan Review. This request will allow for the development of industrial offices/warehouses. Roger Buttrum, owner; Michael Hill, applicant.

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

- *6e. **Z06-95 (District 6)** The 1200 block of South Crismon Road (east side). Located south and east of Southern Avenue and Crismon Road (2.9± ac.). Site Plan Modification. This request will allow for the development of two commercial buildings. VJ Crismon, LLC – Vance Marshall, owner; Saemisch DiBella Architects, Inc. – Vince DiBella, applicant.

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

- *6f. **Z06-96 (District 5)** The 3550 block of East McDowell Road (north side). Located at the northwest corner of McDowell Road and Val Vista Drive (1.57± ac.). Rezone from R1-35 to O-S and Site Plan Review. This request will allow for the development office condominiums.

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

- 6g. **Z06-98 (District 1)** The 900 to 1100 blocks of North Dobson Road (west side). Located at the southwest corner of the Loop 202 Red Mountain Freeway and Dobson Road. (32.4± ac.) Rezone from C-3 to C-3 PAD and Site Plan Review. This request will allow the development of three auto dealers and an auto body shop.

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

Mayor Hawker and Councilmember Rawles declared potential conflicts of interest and said they would refrain from discussion/participation in this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Walters.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that the subject ordinance be introduced and that January 22, 2007 be established as the date for the public hearing.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *6h. **Z06-99 (District 5)** The 200 to 300 block of North Power Road (east side). Located south of University Drive on the east side of Power Road (1.94± ac.). Site Plan Review. This request will allow for the development of a car wash.

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

7. Take action on the following resolutions:

- *7a. Implementing various fees and charges for the Fire Department Inspection Program – Resolution No. 8894. **(Related to Item 8a)**.
- *7b. Approving and authorizing the City Manager to execute the necessary documents to transfer ownership of 924 N. Country Club Drive to the Marc Center of Mesa as recommended by the Audit and Finance Committee – Resolution No. 8895.
- *7c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Sienna Estates Street Lighting Improvement District and the City of Mesa for the operation and maintenance of street lighting facilities outside of the Mesa City limits. The annual operation and maintenance reimbursement from the District is estimated at \$1,181.76 – Resolution No. 8896.
- *7d. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between HG Enterprises, LLC, and the City of Mesa for the reimbursement of \$17,350.25 for regional street and street lighting improvements that are being required by Mesa in conjunction with the proposed residential subdivision known as Tuscany Cove, located at 1613 North 26th Street – Resolution No. 8897.
- *7e. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between GS & E, LLC, and the City of Mesa for the reimbursement of \$36,422.00 for street lights and the relocation of a traffic signal being required by Mesa in conjunction with the proposed commercial development known as Citadel Professional Plaza, located at 5151 East Broadway Road – Resolution No. 8898.
- *7f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona, Department of Homeland Security (ADOHS) to participate in the Statewide Terrorism Liaison Officer Program – Resolution No. 8899.
- *7g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona, Department of Homeland Security (ADOHS) to receive \$225,360 in grant funds – Resolution No. 8900.
- *7h. Extinguish a Temporary Easement of Ingress/Egress at 10211 East University Drive – Resolution No. 8901.

This easement is no longer needed as the phase of the subdivision is complete.

- *7i. Grant a Power Distribution Easement to Salt River Project at 10144 East Elliot Road (City Well Site – Desert Well #16) – Resolution No. 8902.

This easement is necessary for SRP to provide power to the well site.

- *7j. Vacate right-of-way along East Inverness Drive alignment, west of 48th Street – Resolution No. 8903.

This right-of-way is no longer necessary as there is no need for a public roadway along this alignment.

- *7k. Approving the Electric Integrated Resource Plan to be submitted to the Western Area Power Administration as recommended by the Utility Committee – Resolution No. 8904.

8. 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.

- *8a. Amending Title 7, Chapter 2 of the Mesa City Code adding a Fire Safety Operational Permit to collect the fees associated with the Fire Department’s Inspection Program – Ordinance No. 4658 (**Related to Item 7a**).

- *8b. Amending Title 10, Chapter 3 of the Mesa City Code to establish a thirty-day vehicle impound administrative fee of \$150.00 as recommended by the Audit and Finance Committee – Ordinance No. 4659.

9. Take action on the following recommendation from the Audit and Finance Committee:

- *9a. Accept the City’s Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2006.

10. Take action on the following subdivision plats:

- *10a. “CHILD CRISIS CENTER” (**District 4**) 805 North Country Club Drive (east side) located south and east of Brown Road and Country Club Drive. 2 O-S commercial lots (4.17 ac.). First Christian Church of Mesa, Rhonda Hensley, moderator/president and Child Crisis Center East Valley, Inc., Christine Scarpati, CEO, owners.
- *10b. “GREENFIELD COURT LOT 7 CONDOS” (**District 6**) 1129 South Oakland (east side) located north and west of Southern Avenue and Greenfield Road. 2 O-S PAD office condominium units (0.71 ac.) Arizona Gold Properties, David Benson, manager, owner.
- *10c. “SANTAN COMMERCE COURT CONDOMINIUMS” (**District 6**) 6859 East Rembrandt Avenue (south side) located north and east of Warner Road and Power Road. 112 M-1 PAD industrial condominium units (3.84 ac.) Pierpont San Tan Two, LLC, Franklin D. Richards III, manager, owner.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:26 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 8th day of January 2007. 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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