



COUNCIL MINUTES

November 19, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 19, 2012 at 5:45 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Lead Pastor Richard Wisely, Mountain Vista Bible Church.

Pledge of Allegiance was led by Janae Coons and Olivia Jaqua.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith stated that he was privileged to work with the Mayor's Youth Committee (MYC), which includes a select group of junior and senior high school students from various high schools in the community. He said that these students participate in various community service projects in order to learn about City government.

Chief of Staff Kathy Macdonald, who facilitates the MYC Program, addressed the Council and said that students are selected through a competitive process to represent their school on the MYC. She explained that the MYC is a year-long program designed to help students learn the ins and outs of City government through interactions with the Mayor, Council and City staff. She said that this year, students will be asked to submit transformative ideas for the iMesa initiative and noted that last year's class submitted a parks improvement project that was included in the bond package and was approved by Mesa voters. She introduced the members of the 2012-2013 Mayor's Youth Committee who were present in the audience.

Mayor Smith thanked the students for their participation on the Mayor's Youth Committee.

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.

Mayor Smith noted that item 3-c (Silver Star Playhouse) will be replacing the Broadway Palm Dinner Theatre previously located at Higley and Brown Roads.

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

Carried unanimously.

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

This item will be heard at the December 3, 2012 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Moreno's Mexican Grill

New Restaurant License for Moreno's Mexican Grill, 760 East Broadway Road, Moreno's Mexican Grill LLC – Jose Angel Moreno, Agent. This is an existing building without a previous liquor license at this location. **(District 4)**

*3-b. Robby Bobby's Pizza

New Restaurant License for Robby Bobby's Pizza, 961 West Main Street, Turner & Snyder Restaurant Group LLC – Tiffany Eileen Turner, Agent. This location has a Restaurant License held by Rama Dining LLC that will revert back to the State. **(District 4)**

*3-c. Silver Star Playhouse

New Restaurant License for Silver Star Playhouse, 5247 East Brown Road, SS Food Inc. – Christian Ignacio Mendivil, Agent. This location has a Restaurant License held by Broadway Palm Dinner Theatre LLC that will revert back to the State. **(District 6)**

4. Take action on the following contracts:

*4-a. Extension and Dollar Limit Increase for the Security Services Contract for various City Departments and Facilities. **(Citywide)**

This contract provides security services for various City facilities, including the Mesa Arts Center, the Municipal Building, the East Mesa Service Center, the Libraries and the Museum of Natural History. A new contract is in the final stages of award, but an extension is necessary to cover the period while the new contract is finalized and a training and transition plan is implemented.

The Purchasing Division recommends authorizing a two-month extension of the contract with Securitas Security Services USA, Inc., and a dollar limit increase of \$80,000 from \$200,000 to \$280,000, based on estimated requirements.

4-b. **See under “Items not on the Consent Agenda.”**

*4-c. Term Contract for Fire Extinguishers and Related Services for the Fire and Medical Services Department. **(Citywide)**

This contract will provide for the purchase, portable inspection, testing, service and maintenance of fire extinguishers Citywide.

Purchasing recommends utilizing the State contract with American Fire Equipment Sales and Service Corp. at \$40,000.00 annually, including applicable sales tax, based on estimated requirements.

*4-d. Purchase of Dual Band Two-Way Portable and Mobile Radios and accessories for the Fire and Medical Services Department. **(Citywide)**

This purchase will provide 109 portable and 27 mobile dual band, two-way radios and accessories for Fire and Medical Services and Apache Junction Fire District’s operational pumpers, ladders, and rescues to allow interoperable communications. Dual band radios will allow a one-radio solution for first responders obtaining interoperability with regional partners throughout the Phoenix metropolitan region. Each radio will replace two current units. The purchase will allow Fire and Medical Services to reduce its radio fleet by approximately 35% and also reduce the maintenance and programming cycles performed by the Communications Department. The new radios are needed to meet the mandates required in the Federal Communications Plan.

Purchasing recommends awarding the contract to Motorola Solutions, Inc., (single bid) at \$1,029,327.82, including applicable sales tax. \$823,462.26 funded by Assistance to Firefighter Grant and \$205,865.56 through budgeted City Match – Capital, General Fund.

*4-e. Purchase of a Replacement Integrated Ballistics Identification System (IBIS) for the Police Department. **(Citywide)**

This purchase will provide a replacement of the current IBIS and upgrade outdated technology. The IBIS allows the firearm examiner to screen the firearms used in crimes and the fired ammunition for valuable criminal information. The upgrade also increases the Police Department’s capabilities allowing them to continue participating in the Bureau of Alcohol, Tobacco, Firearms and Explosives National Integrated Ballistic Information Network program.

Purchasing recommends awarding the contract to the sole source vendor, Forensic Technology WAI Inc., (sole source) at \$204,700.78, including applicable use tax, based on the sole source pricing offered. This purchase is fully funded by Asset Forfeiture RICO funds.

- *4-f. Purchase of 208 Replacement 12" Traffic Signal Heads to Upgrade Various City Intersections. **(Citywide)**

The Transportation Department is working with the Arizona Department of Transportation (ADOT) on a Federal aid safety improvement project to replace/convert 208 existing 8" traffic signal heads. ADOT requested and received federal funding authorization to proceed with the FY11 Highway Improvement Safety Improvement Program (HSIP) Local Government project. The equipment will be installed using an existing traffic signal service contract.

Purchasing recommends utilizing the cooperative State of Arizona contract through ADOT with Wesco Distribution/Brown Wholesale Electric at \$55,712.40, including applicable sales tax. This purchase is funded by an ADOT Project Federal Grant.

- *4-g. Term Contract for Residential Refuse and Recycling Containers for the Solid Waste Management Department. **(Citywide)**

This contract will provide a supply of 35-gallon, 65-gallon, and 95-gallon plastic refuse and recycling containers for residential use.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, Rehrig Pacific Company, at \$1,068,077.59 annually, including applicable use taxes, based on estimated requirements.

- *4-h. 4-inch High Pressure Gas Main Extension and District Regulator Station, Power Road, McDowell Road to Thomas Road. **(District 5)**

Growth within the far northeast portion of the City of Mesa's gas system has resulted in the need for infrastructure improvements to maintain gas supply during times of peak demand. This project will install the gas main along Power Road from McDowell Road to Thomas Road. There will also be a gas district regulator station installed on the west side of Power Road, just south of Thomas Road. Once installed, the new gas main will become a critical feed to the far northeast part of Mesa. The new line will help the City maintain gas service to its customers during times of peak demand.

Recommend award to the lowest responsible bidder, Team Fishel, in the amount of \$1,102,227.70, plus an additional \$110,222.77 (10% allowance for change orders) for a total award of \$1,212,450.47. Funding is available in the FY 12/13 Gas Bond Capital Program.

- *4-i. Term Contract for Anodeless Service Risers for the Materials and Supply Warehouse. **(Citywide)**

Anodeless Risers are the portion of a natural gas service line required to transition from the underground service piping to the customer's above ground meter set. They isolate

the customer's meter from the rest of the natural gas system for purposes of corrosion protection and to provide a protective casing for the internal polyethylene piping.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidders: Georg Fischer Central Plastics, LLC, RW Lyall and Co. and Elster Perfection, based on estimated requirements. The combined total award is \$118,000.00 annually, including applicable use taxes.

- *4-j. Term Contract Natural Gas Service Excess Flow Valves for the Materials and Supply Warehouse. **(Citywide)**

This contract will provide natural gas service excess flow valves for the Energy Resources Department, Gas Utility Unit. In order to comply with federal legislation, Gas Utility is required to install Excess Flow Valves on all new applicable residential service lines for new construction, maintenance and/or repair of existing utilities.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidders: RW Lyall and Company and Elster Perfection, based on estimated requirements. The combined total award is \$226,000.00 annually, including applicable use taxes.

- *4-k. Chicago Cubs Spring Training Facility and Riverview Site Development Riverview Park Lake Package. **(District 1)**

The next Guaranteed Maximum Price (GMP) to be awarded to Hunt Construction Group for the Construction Manager at Risk is the Riverview Park Lake package. This work includes the lake perimeter wall, liner, water supply infrastructure, aeration system and appurtenances. Another item included in this contract award is the purchase of the elevator equipment in the clubhouse and stadium because of the long lead time needed to manufacture and deliver this equipment.

The recommended total award amount for this project is \$2,540,876.80 based upon a GMP of \$2,309,888.00 plus an additional \$230,988.80 (10% allowance for change orders). Funding is available in the FY 12/13 Cub's Stadium Bond program.

- *4-l. Mesa Center for Higher Education – Interior Demolition and Asbestos Abatement Contract, 245 West 2nd Street. **(District 4)**

It is recommended that Council approve this interior demolition and asbestos abatement phase contract to the Construction Manager at Risk (CM@Risk) contractor, D.L. Withers Construction. In the Spring and Summer of 2012, the City announced that three higher education institutions, Albright College, Westminster College, and Wilkes University, would be coming to downtown Mesa to jointly occupy the City-owned building at 245 West 2nd Street, with the goal of starting classes in the fall semester of 2013. The Economic Development Department is currently negotiating a five-year lease agreement with each of the three schools. Design for the interior remodel of the building is nearing completion.

The recommended total award amount for this Guaranteed Maximum Price #1 package is \$175,967.00, based on the CM@Risk proposal of \$159,970.00, plus an additional

\$15,997.00 (10% contingency allowance for change orders). This project is funded by the Economic Investment Fund (included in the City's Enterprise Fund).

*4-m. Job Order Master Contract – Transportation Construction Services. **(Citywide)**

This Job Order Master Contract is for Transportation Construction Services, which will include minor construction improvements related to streets, sidewalks, and related infrastructure improvements throughout the City. This master contract allows for the issuance of multiple individual job orders that may be written up to a maximum of \$1,000,000 per project, with a total value not to exceed \$12,000,000 for the first year of the contract.

Recommend to approve the selection of Talis Construction Corporation for the Job Order Master Contract for Transportation Construction Services for the period of one full year, with the option to extend the contract for four additional one-year option periods based on successful contractor performance and City concurrence.

5. Take action on the following resolution:

- *5-a. Approving and authorizing the City Manager to execute a Solar Services Agreement and a Performance Guarantee Agreement with Solar City for the purchase and sale of solar services through the finance, design, installation, operation and maintenance of a solar panel system for the Fiesta Police Department substation. **(District 3)** – Resolution No. 10157.

The agreements authorize the purchase of solar energy for twenty years at .05 cents per kilowatt-hour from Solar City, as well as the granting of an associated license to Solar City for the construction, operation and maintenance of a solar facility of approximately 262 DC kW on the property.

6. Introduction of the following ordinances and setting December 3, 2012, as the date of the public hearing on these ordinances:

- *6-a. **Z11-28 (District 5)** The 9800 through 10000 blocks of East McKellips Road (south side). Located at the southwest corner of McKellips Road and Crismon Road (40± acres). Rezone from RS-35 PAD to RS-15 PAD and consider the preliminary plat of Granite Ridge. This request will allow the development of a single-residential subdivision. US Development Land, LLC, owner; Ralph Pew, Pew and Lake, PLC, applicant. (PLN2011-00286)

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

- *6-b. **Z12-43 (District 6)** 6533 South Mountain Road. Located north of Pecos Road on the east side of Mountain Road (10± acres). Rezone from AG to GI BIZ and Site Plan Review. The request will allow for the development of a research and development and development facility. Bridgestone Americas, owner; Richard Rissmiller, applicant. (PLN2012-00359)

Staff Recommendation: Approval with conditions.

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

- *6-c. **Z12-44 (District 3)** 1725 South Country Club Drive. Located north of Baseline Road on the east side of Country Club Drive (50± acres). Modification of the existing PAD Overlay within an LI Zoning District and Site Plan Modification. This request will allow for an approximately 100,000 sq. ft. expansion of the existing Empire Southwest industrial campus. Mesa Campus LLC, owner; Saemisch DiBella, applicant. (PLN2012-00333)

Staff Recommendation: Approval with conditions.

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

- *6-d. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules.

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the City 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 City Clerk before Council votes on the Consent Agenda.

- *7-a. **A12-05 (District 6)** Annexing land located east of Power Road and south of Elliot Road. (1.15± ac.) Initiated by the property owners, J & M Land Investment Co., et al – Ordinance No. 5127.

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

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

Establish a speed limit of 35 mph on Inverness Avenue from a point 400 feet east of Higley Road to Sunview. **(District 2)**

Speed Limits (35 mph): 10-4-5 and Speed Limits (30 mph): 10-4-6

Decrease the speed limit from 35 mph to 30 mph on Red Mountain from Eagle Crest Drive to Ridgecrest. **(District 5)**

Speed Limits (45 mph): 10-4-3 and Speed Limits (40 mph): 10-4-4

Decrease the speed limit from 45 mph to 40 mph on Signal Butte Road from Broadway Road to the north City limits. **(District 6)** – Ordinance No. 5128.

8. Take action on the following subdivision plats:

- *8-a. “A New Leaf – La Mesita” **(District 3)** 2254 West Main Street (north side) located west and north of Dobson Road and Main Street. 1, GC-BIZ-CUP and RM-4-BIZ-CUP and 2, RM-4-BIZ-CUP lots (3.46 ac.). Prehab of Arizona, Inc., owner; Daniel G. Francetic, surveyor.

- *8-b. "Map of Dedication for Mountain Bridge – East Desert Foothills Drive" **(District 5)** The 8700 block of East Mountain Bridge Drive (east side). Located south and west of Ellsworth and McKellips Roads. (33.18± ac.) Pinnacle Ridge Holdings, L.L.C., Jeff Blanford, owner; Darrell D. Smith, Wood Patel & Associates, Inc., engineer. (PLN2012-00401)
- *8-c. "Entrada at Mountain Bridge" **(District 5)** The 1600 – 1900 blocks of North Ellsworth Road (west side). Located south and west of Ellsworth and McKellips Roads. 121 RS-9-PAD-PAD lots. (33.18± ac.) Pinnacle Ridge Holdings, L.L.C., Jeff Blanford, owner; Darrell D. Smith, Wood Patel & Associates, Inc., engineer. (PLN2012-00403)

9. Take action on the following contract:

(Note: This item was added to the Consent Agenda at the Study Session preceding the Regular Council meeting.)

- *9-a. Term Contract for Legal Process Services for the Photo Safety Program for the Police Department **(Citywide)**

Purchasing recommends authorizing a two-year renewal with Hot Shot Delivery, Inc., dba Hot Shot, at \$430,000 annually, for the settlement of legal process fees resulting from dockets paid in full to the City of Mesa. Payment of legal process services fees are paid to the contractor in arrears for all dockets that are paid in full. Ultimately, there is no cost to the City resulting from the contract. The fees are charged back to the defendant.

This contract provides a registered process service to deliver summonses to defendants named on photo safety complaints. Through its photo safety enforcement program, the City of Mesa Police Department (MPD) issues complaints to the registered owners of vehicles and/or non-registered owner violators that have been photographed committing a traffic violation. The citation advises the defendant that failure to return the acknowledgement will result in a process server formally serving the complaint. The citation also states that the defendant will be found liable for the costs of service incurred by the City of Mesa.

Items not on the Consent Agenda

- 4-b. Term Contract for Security Services for various City Departments and Facilities. **(Citywide)**

This contract will provide security services for various City facilities including: Mesa Arts Center, Arizona Museum of Natural History, the Main Library, the downtown Customer Service Center, and the East Mesa Service Center.

Purchasing recommends awarding the contract to the highest scored proposal, ICU Security Group, at \$550,000.00 annually, based on estimated requirements.

Dominic Boragina, a Mesa resident and owner of Trident Security, stated that one of the requirements in the Request for Proposal (RFP) stated that the contractor must have conducted business in the Phoenix metropolitan area for a minimum of 18 months. He explained that the Department of Public Safety (DPS) requires security companies to obtain a Security Guard

Agency License before they can conduct business as a security guard company. He advised that ICU Security Group incorporated exactly 18 months before the RFP was due, however, they were not approved and recommended for a Security Guard Agency License until June 24, 2011. He noted that at the time the RFP was issued, ICU Security Group had only been in business for 14 months.

Mr. Boragina further advised that his company filed a Letter of Protest and was informed that staff would be recommending approval of the contract.

City Manager Christopher Brady explained that once the Council takes action on the contract, it would be difficult to reverse. He suggested that this item be postponed until the December 3, 2012 Council meeting.

Responding to a question from Mayor Smith, Director of Business Services Ed Quedens explained that the protest was filed in a timely manner and staff has prepared a response. He advised that upon reviewing the Letter of Protest, staff determined that the protest would not be sustained and, therefore, this item was left on the agenda. He agreed that this item could be postponed until the December 3, 2012 Council meeting.

Councilmember Richins expressed his concern regarding the lack of notice provided to the Council with regards to the filing of a protest. He requested that in the future, staff notify the Council when a protest is received.

Mayor Smith stated that it was the concurrence of the Council that item 4-b be continued to the December 3, 2012 Council meeting.

10. Take action on the following resolution:

10-a. Creating an Entertainment District in downtown Mesa centered around Main Street, encompassing approximately North Extension Road on the west, South Lesueur on the east, West University Drive on the north, and East Broadway Road on the south – Resolution No. 10158.

The Entertainment District supports local businesses by establishing a focused cultural, creative, and entertainment core that encourages greater commercial density, provides additional exposure and use of public amenities, and enhances community safety by providing a more active setting with regular events that welcome people to downtown Mesa.

City Manager Christopher Brady stated that at the request of the Council, staff has been exploring ways to bring more activity into the downtown area. He reported that recently, the State Legislature made some changes that will allow cities to create Entertainment Districts.

Assistant to the City Manager Natalie Lewis briefly summarized the changes made by the State Legislature regarding liquor license restrictions and explained that an Entertainment District is a planning tool provided by the State Legislature. She said that this tool enables cities to identify an urban area of no more than one contiguous square mile where the 300-foot distance requirement between schools/churches and nightclubs/bars is lifted.

In response to a series of questions from Mayor Smith, Ms. Lewis explained that currently, a business can serve liquor within the 300-foot requirement if it has a State Liquor License or a Restaurant Liquor License. She indicated that there are several businesses currently in the downtown area that have these types of liquor licenses that are not subject to the 300-foot buffer.

Ms. Lewis summarized the types of liquor licenses that fall under the 300-foot requirement as follows:

- Series 3 (microbrewery)
- Series 4 (wholesalers)
- Series 6 (bars or nightclubs)
- Series 7 (beer or wine bars)
- Series 9 (liquor stores)
- Series 10 (beer and wine stores)

Ms. Lewis clarified that new businesses requiring a liquor license are prohibited from opening within 300 feet of a school or church. She also noted that hotels and motels are exempt from the 300-foot requirement.

Responding to a question from Councilwoman Higgins, Ms. Lewis explained that businesses would still be required to come before the Council to formally request a liquor license after the 300-foot buffer is lifted.

In response to a question from Mayor Smith, City Attorney Debbie Spinner explained that the Entertainment District does not change the City's zoning codes. She stated that the requirements for a Special Use Permit (SUP) or Council Use Permit (CUP) under the City's zoning ordinance would still apply.

Ms. Spinner advised that the Entertainment District statute indicates that if a business is located within the Entertainment District, it would not be prohibited from obtaining a liquor license even if it is located within 300 feet of a church or a school. She added that businesses would still need to request that Council make a recommendation to the State Liquor Board.

Responding to a question from Mayor Smith, Zoning/Civil Hearing Administrator Gordon Sheffield explained that the majority of downtown Mesa is zoned as a use "by-right" subject to the approval of a liquor license. He pointed out that the Form-Base Code requires an SUP in a T4 zone and in higher intensity areas, such as the T5 or T6 zones, the use is "by-right."

Ms. Lewis advised that staff has met with many stakeholders and organizations in downtown Mesa, including schools and churches. She indicated that most of the stakeholders support the activation of the downtown area as a means by which to create a diversity of uses, limit regulations and create new markets.

Ms. Lewis briefly summarized some of the concerns expressed by the community as follows:

- Prefer the current protection provided with the 300-foot distance requirements
- Desire to retain a family-friendly atmosphere
- Public Safety concerns
- Unsure that more bars and nightclubs is the best approach in activating downtown

Ms. Lewis stated that staff is also proposing that a Good Neighbor Policy be implemented that would include principles such as:

- Keeping downtown Mesa clean and safe
- Managing noise escaping from establishments after 11:00 p.m.
- Respecting public and private properties
- Owners be available, responsive and reasonable to comments or concerns
- Partner with the Downtown Mesa Association (DMA) and the City when concerns are raised

In response to a question from Mayor Smith, Ms. Lewis explained that the DMA has agreed to be the first point of contact with regard to conflicts or community concerns. She indicated that when necessary, the DMA could request the services of the Police Department. She noted that if a business does not cooperate, the City could potentially withdraw its liquor license.

Responding to a question from Vice Mayor Somers, Ms. Lewis stated that regular liquor license updates are handled administratively and noted that there has never been a situation in which the City has revoked a liquor license. She said that the process for revoking a liquor license begins in Tax and Licensing and would be handled by a Hearing Officer during an appeal process.

Ms. Spinner clarified that there is a process at both the City and State level which allows the City to seek to revoke a liquor license. She briefly summarized some of the circumstances in which the City could file a complaint with the State Liquor Board as follows:

- Repeated acts of violence
- Disorderly conduct
- Licensee fails to notify law enforcement or prevent/breakup acts of violence or other altercations occurring on or near the premises

In response to a question from Mayor Smith, Ms. Spinner explained that the City has never revoked a City Liquor License while the State Liquor License remained in place. She indicated that the State Liquor Board would be notified that the City Liquor License was revoked due to the business' failure to comply with the City's Good Neighbor Policy.

Discussion ensued regarding the types of problems that could occur within an Entertainment District.

Mayor Smith stated that it will be important to balance the rights of the businesses with the rights of adjacent neighbors. He indicated that he did not anticipate any problems, but noted that he did have some concerns regarding the enforcement of the Good Neighbor Policy.

Police Officer Eloy Garza explained that the liquor licenses of problem businesses will be forwarded to the Police Department. He said that the Police Department will monitor the businesses experiencing an increase in crime and initiate police action as needed.

Business License Administrator Tim Meyer advised that if a business poses a problem, the City could notify the State that the City Liquor License has been revoked.

Mayor Smith commented that the Good Neighbor Policy should be well-defined, objective and explicit as to what the City's expectations are.

Vice Mayor Somers stated that Tempe's Mill Avenue has the same type of mixed uses, including schools and churches. He noted that Tempe, as well as other cities, have been successful in balancing the different types of businesses.

Mayor Smith remarked that Mesa will be the first city to establish an Entertainment District and stressed the importance of setting guidelines and boundaries.

Assistant Police Chief Heston Silbert commented that communication with the business owners regarding the City's expectations will be crucial.

Mayor Smith noted that the Good Neighbor Policy will work similarly to the Crime Prevention Through Environmental Design (CEPTED) Program.

Jarod Taylor, Business Manager for Heritage Academy, located at 32 South Center Street in downtown Mesa, spoke in opposition of the Entertainment District. He described a few incidents that occurred during a school dance that was held next to one of the businesses holding a Series 6 liquor license on Main Street. He indicated that his main concern is for the safety of the students.

Mayor Smith thanked Mr. Taylor for his comments and congratulated him on his recent election to the Gilbert Town Council.

Jaime Glasser, a Mesa resident, street photographer and active member of the "I Believe in Mesa's Downtown," spoke in favor of the Entertainment District. She said that having an Entertainment District will increase the vitality of the area and create a cosmopolitan environment. She indicated that the City's involvement will make downtown Mesa safer and more organized.

Brian Banasek, a Mesa business owner, expressed his support for the Entertainment District and said that the concerns that have been presented could easily be handled by the Police Department. He also said that an Entertainment District will add to the vitality of downtown Mesa.

David Crummey, spokesperson for "I Believe in Mesa's Downtown," stated that he understood the concerns that have been expressed, but believes that an Entertainment District will bring more people into the downtown area. He added that having more people downtown will create an overall safer neighborhood for area residents.

Earl Taylor, Jr., Principal at Heritage Academy, provided brief background information regarding the Heritage Academy and its mission statement. He stated that the number one enemy of strong character and deterioration of the family is liquor and therefore, he strongly urged the Council to oppose the increased proliferation of alcohol that will occur with the establishment of an Entertainment District.

Bob Nelson, a Mesa resident, former downtown Mesa business owner and event organizer, addressed the Council and said that establishing an Entertainment District will be a good first step in activating downtown. He stated that the Entertainment District could become a catalyst that will benefit business owners in downtown Mesa and help to build a vibrant community.

Kirk Hofmann, a downtown Mesa business owner, said that an Entertainment District will bring new businesses and improve existing businesses on Main Street. He also said that the Entertainment District will serve as a tool to attract other businesses and create diversity for the college students that will be attending the universities in the area.

Steven Lynch, owner of the Floating Lotus Yoga Studio, addressed the Council and said that many of his students remember when Mesa was the “mecca” for activity. He pointed out that downtown Mesa does not even have a Starbucks and stated that the Entertainment District will promote growth in the downtown area and create a more hospitable area for college students.

Aly Gangemi, a Mesa resident and an employee of Monsterland Bar & Grill, said that many people who live in Mesa do not realize that there are businesses in downtown Mesa. She reported that the Monsterland Halloween fundraiser collected \$2,500 for Barrow’s Neurological Foundation and said that an Entertainment District will provide opportunities for more charitable events to be held.

Kurt Miller, Events Coordinator for the First United Methodist Church, stated that the church is looking forward to the changes that will be occurring in downtown Mesa and fully supports the creation of an Entertainment District. He advised that the church has plans to open a coffee house and a school on its campus. He stated that while the church promotes family values, they also believe that the Entertainment District will be a benefit to the community.

Mayor Smith thanked the speakers for their comments.

Mayor Smith stated that the following citizens submitted speaker cards in support of the Entertainment District, but did not wish to address the Council:

Terry Benelli
Katie Mozurkewich
Marco Meraz

Mayor Smith said that the following citizens submitted speaker cards in opposition of the Entertainment District, but did not wish to address the Council:

Ellen Burgoyne
Eric Burgoyne
Sallyann Burgoyne

Mayor Smith thanked the individuals who submitted speaker cards for being part of the process.

It was moved by Councilmember Glover, seconded by Councilwoman Higgins, that Resolution No. 10158 be approved.

Councilmember Kavanaugh expressed his support for the establishment of an Entertainment District in downtown Mesa, which he said will be an important step in activating the area. He indicated that an Entertainment District will broaden the ability of business owners to utilize their property by lifting the limitations related to property rights. In addition, he stated that the Entertainment District will be an important component in establishing a more activated downtown and added that if problems should arise, there will be remedies available.

Councilmember Finter commented that after having seen the effects of alcohol during his 22-year career as a firefighter, he did have concerns. He said, however, that enforcing a Good Neighbor Policy and keeping public safety strong will help to mitigate any potential problems. He expressed his support for the establishment of the Entertainment District and noted that there would be tools available to address potential problems.

Councilwoman Higgins thanked Earl Taylor for his comments and said that his strong belief in our nation's Constitution and its founding fathers is an asset to the community. She explained that this measure is about property rights and said that not supporting the Entertainment District would be an infringement on the property rights of businesses. She pointed out that a few years ago, Heritage Academy approached the Council with a request to add a building, extend their parking lot and add a ball court. She stated that at that time, the Council was very clear that the City would be seeking the expansion of activities in the downtown area which included a possible Entertainment District. She recalled that when it came time to approve the expansion for Heritage Academy, its administrators were "all for" increasing activities in downtown Mesa. She expressed her support for the motion and said that she was confident the DMA would be able to maintain a "clean and safe" downtown neighborhood.

Mayor Smith commented that downtown Mesa has not been able to attract the level of investment desired, but stated that the creation of an Entertainment District could be a "game changer." He remarked that while he does not expect an "Oklahoma Land Rush" of bars flooding into downtown Mesa, approval of the Entertainment District will send a message that the City is "open for business." He added that this measure will help create new long-term economic opportunities.

Mayor Smith further indicated that Heritage Academy is an asset to the community and its concerns are legitimate. He said that the DMA and the Police Department recognize the potential problems and are prepared to deal with them. Mayor Smith expressed his support for the motion with the caveat that the City will work diligently to establish objective standards that will attract good businesses.

Mayor Smith called for the vote.

Carried unanimously.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the meeting adjourned at 7:14 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, 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 19th day of November, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

bdw