

COUNCIL MINUTES

December 5, 2005

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 5, 2005 at 5:48 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner

Invocation by Sr. Pastor Ottley W. Holmes, Jr., Shiloh Missionary Baptist Church.

Pledge of Allegiance was led by Jordan Snell, Troop 450.

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 from Governor Richard P. Narcia of the Gila River Indian Community of a grant for the Fire Department Community Safety Enhancement Project.

Governor Richard P. Narcia of the Gila River Indian Community awarded a grant to the Fire Department in the amount of \$49,388.63, which was accepted by Fire Chief Harry Beck.

Mayor Hawker thanked Governor Narcia and the Gila River Indian Community on behalf of the City of Mesa.

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.

Agenda item 5d was removed from the consent agenda at the request of a citizen.

It was moved by Councilmember Jones, seconded by Vice Mayor Walters, that the consent agenda items, except item 5d, be approved.

Carried unanimously.

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

Minutes from the September 1 and November 8, 18 and 21, 2005 Council meetings.

3. Consider the following liquor license applications:

*3a. Amy S. Nations, Agent

New Restaurant License for Wingstop, 1229 S. Power Rd. This is an existing building. No current license at this location. District #6.

4. Consider the following contracts:

*4a. Bobcat 5600 Work Machine as requested by the Water Utility Division, CAP Water Treatment Plant. (2005175).

The Purchasing Division recommends accepting the low bid by Bingham Equipment Co. at \$47,670.24, including sales tax.

*4b. One-year renewal of supply contract for biosolids removal at Northwest Mesa Water Reclamation Plant. (2002145).

The Purchasing Division recommends authorizing the one-year renewal with Synagro West, Inc. for annual expenditures estimated at \$152,662.50, including contingencies.

*4c. Replacement vehicles as requested by the Development Services Department, Building Safety. (State Contract AD 040004).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$43,137.24, including applicable sales tax.

*4d. Thirty-one workstations for Phase II of the Municipal Building remodel as requested by Development Services. (State Contract #AD010202-002).

The Purchasing Division recommends authorizing the purchase of 5 new workstations and the reconfiguration of 26 used workstations from the State of Arizona contract with Goodmans at \$58,988.07, including design, fabrication, installation, delivery and applicable sales tax.

- *4e. Two-year renewal of supply contract for street sign materials as requested by the Transportation Division, Traffic Engineering. (2002204).

The Purchasing Division recommends authorizing the two-year renewal with each of three groups, as follows:

Zumar Industries for Group 1 at \$82,682.73 and Rocal, Inc. for Groups 2 and 3 at \$102,625.31. The combined award is then \$185,308.04 annually, based on estimated purchases.

- *4f. Information technology infrastructure hardware for the Greenfield Water Reclamation Plant (GWRP) as requested by the Information Services Division (ISD).

The Purchasing Division recommends approving:

\$272,273.82 for network hardware from the State of Arizona contract with Ames Business and Learning;

\$59,892.47 for telephone hardware to be purchased under the previously approved contract with Black Box Network Services;

\$54,049.19 for desktop computer hardware from the State of Arizona contract with Dell Computers; and

\$79,355.89 for server and printer hardware from the State of Arizona contract with Hewlett Packard.

The combined total award for the recommended purchases is \$465,571.37.

- 4g. Gas line replacement in Quarter Section 21C – Phase I, City of Mesa Project No. 01-456-001.

This project will create a more reliable gas distribution system by replacing gas mains and service lines within Quarter Section 21C bounded by 2nd Place on the north, Main Street on the south, Country Club Drive on the east, and Date Avenue on the west.

Recommend award to low bidder, MASTEC North America, in the amount of \$330,600.80 plus an additional \$33,060.08 (10% allowance for change orders) for a total award of \$363,660.88.

Mayor Hawker declared a potential conflict of interest on items 4g and 4h 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 Thom, seconded by Councilmember Griswold, 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. 30-inch transmission main, Higley Road – McKellips Road to Brown Road, City of Mesa Project No. 04-001-001.

This project will install a new 30-inch waterline from McKellips Road south along Higley Road to Brown Road. This waterline is part of the City's Water Master Plan and will improve water service to existing and future development in the Falcon Field Zone.

Recommend award to low bidder, SJL Construction, in the amount of \$1,394,500.00 plus an additional \$139,450.00 (10% allowance for change orders) for a total award of \$1,533,950.00.

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

5. Introduction of the following ordinances and setting December 19, 2005 as the date of public hearing on these ordinances:

*5a. Amending Section 10-3-21 of the Mesa City Code by adding Subsection (N), which allows the Development Services Manager the ability to designate certain streets or areas for parking of vehicles with parking decals.

5b. **Z05-101 (District 1)** East side of Dobson Road from 8th Street north to the Loop 202, and North side of 8th Street from Dobson Road to the Tempe Canal, and Northwest side of the Tempe Canal from 8th Street northeast 1,562 ft (127.02 acres). Site Plan Review. This case involves the development of a regional commercial center known as Mesa Riverview. Hurley Properties, owner; KRS Acquisitions Corp c/o Mike Withey, applicant. *(Held neighborhood meeting and contacted registered neighborhoods and homeowners' associations.)*

P&Z Recommendation: Approval with Conditions. (Vote 4-1 with Finter opposed, Salas and Saemisch absent).

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 for action on this agenda item.

Vice Mayor Walters noted that two ordinances are available for Council consideration. She advised that the Council could select one ordinance at this meeting or move both ordinances forward for consideration on December 19, 2005.

David Udall, 30 West 1st Street, representing the applicant, advised that if the Council is prepared to move forward at this meeting, the developer would prefer that the second ordinance, which does not include condition 4 as listed in the first ordinance, be introduced.

Discussion ensued relative to the fact that the first ordinance requires additional site plan review for the project; that the second ordinance removes the requirement for additional site plan review and significantly reduces the number of pads; and that the second ordinance would still require the project to be considered by the Design Review Board.

It was moved by Councilmember Griswold, seconded by Councilmember Whalen, that the ordinance identified as option 2 (which does not include condition number 4 as listed in option 1) be introduced and that December 19, 2005, be established as the date of the public hearing.

Vice Mayor Walters expressed support for the motion, and she stated that she would make additional comments regarding the Design Review process if the motion is passed.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters advised that she discussed with the developer certain stipulations regarding Design Review including a requirement that the design of the fast food locations be consistent with the rest of the development.

Mr. Udall acknowledged that the developer has agreed to the design stipulations.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *5c. Creating a new, simplified structure for permit fees charged by amending sections 4-1-4(I), 4-1-4(K), 4-1-4(N), 4-1-6(B) and 4-1-6(D) of the Mesa City Code and by repealing and replacing Section 4-1-8 of the Mesa City Code.

- 5d. Amend Section 211 of the Mesa City Charter to except from introduction those ordinances required to have a public hearing and citizen participation under the City's Zoning Ordinance.

Marilynn Wennerstrom, 1112 North Center Street, addressed the Council and stated opposition to the proposed Charter amendment. She expressed concern that the proposed amendment would eliminate the opportunity for citizen participation and input regarding zoning cases, and she stated the opinion that Section 211 of the City Charter should remain unchanged.

In response to a request from Mayor Hawker, Planning Director John Wesley outlined the existing process for zoning cases, which includes the following:

- Review by staff of the applicant's plan for citizen participation.
- Outreach and notification to area businesses and residents, registered neighborhoods, and homeowner associations.
- Posting a sign on the property that advertises the televised public hearing before the Planning and Zoning (P&Z) Board prior to the introduction and public hearing at a Regular Council Meeting.

Mr. Wesley explained that the proposed change would simplify the process by having the Council consider a zoning case once because of the level of citizen participation early in the process. He stated that any case that failed to meet the public hearing and citizen participation conditions would be required to comply with the standard introduction and public hearing process before the Council.

City Manager Mike Hutchinson advised that the proposed Charter amendment was discussed at a Joint Meeting of the Council and the Planning and Zoning Board.

Mayor Hawker noted that the amendment does not preclude public comment regarding a zoning case during the Regular Council meeting. He stated that citizens would have an opportunity to address the Council by requesting that the zoning case be removed from the consent agenda.

Vice Mayor Walters expressed the opinions that the City presently has a high level of citizen participation, and that the proposed change simply eliminates a step after the citizen participation process has concluded.

In response to a question from Councilmember Rawles, Mr. Wesley confirmed that the P&Z Board would be aware of those cases that qualify for direct consideration by the Council.

Councilmember Rawles suggested that if the voters approve the proposed Charter amendment, that staff and the P&Z Board publicize those cases to be considered under the revised process.

Councilmember Griswold expressed support for the proposed Charter amendment. He said that on numerous occasions, citizens have come forward to address the Council at the introduction of an ordinance rather than at the public hearing, which is normally held two weeks following the introduction.

Mayor Hawker clarified that citizens are presently allowed to address an ordinance at both the introduction and the public hearing.

Councilmember Thom stated that although she opposes the proposed Charter amendment, she would support placing the proposal on the ballot for voter consideration.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that this ordinance be introduced and that December 19, 2005, be established as the date of the public hearing.

Carried unanimously.

- *5e. Amend Section 401 of the Mesa City Charter establishing a Council appointed City Auditor position.

6. Consider the following resolutions:

- *6a. Approving and authorizing the City Manager or his designated representative to execute an amendment to an Intergovernmental Agreement between the State of Arizona through the Department of Economic Security and the City of Mesa awarding funds in support of the provision of Community Action Services provided through Mesa Community Action Network – Resolution No. 8632.
- *6b. Approving and authorizing the City Manager to execute the first amendment to the Intergovernmental Agreement between the Maricopa County Library District and the City of Mesa for the Reciprocal Borrowing Program – Resolution No. 8633.
- *6c. Approving and authorizing the City Manager to execute the Second Amended and Restated Solid Waste Disposal Facilities Agreement among the Salt River Pima-Maricopa Indian Community, the Salt River Commercial Landfill Company and the City of Mesa – Resolution No. 8634.
- *6d. Approving and authorizing the City Manager to execute the Gila River Indian Community Amended and Restated Water Rights Settlement Agreement and Exhibits Thereto – Resolution No. 8635.
- *6e. Authorizing and directing the City Manager to execute necessary documents to acquire certain real property located at the northeast corner of Ellsworth and McKellips Roads – Resolution No. 8636.
- *6f. Approving and authorizing the City Manager or his designated representative to execute a Development Agreement for the costs sharing of the design and construction of the sewer main for the proposed development known as Granite Mountain – Resolution No. 8637.
- *6g. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to obtain funds to pay overtime and employee related expenses to test and investigate criminal-related cases with DNA evidence – Resolution No. 8638.

- *6h. Extinguish a 20-foot right-of-way for a natural gas pipeline and road in Pinal County – Resolution No. 8639.

The right-of-way is not needed as the pipeline has been removed and the road is no longer necessary.

- *6i. Extinguish a Public Utilities Easement at 616 E. Main Street – Resolution No. 8640.

This easement is being extinguished to allow for a new retail center known as Pioneer Plaza.

7. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *7a **Z05-96 (District 5)** The 8400 -8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (69.88 ac). Rezone from R1-35 to R1-35 PAD DMP and modification of the Las Sendas Development Master Plan. This request will allow the development of a gated, single-residence subdivision. Sonoran Desert Holdings, LLC; Paul Dugas, owner; City of Mesa, applicant Ordinance No. 4490. *(Held neighborhood meetings with property owners, registered neighborhood associations and a homeowners' association.)*

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

8. Consider the following subdivision plats:

- *8a. "ANNECY" **(District 5)** – 1650-1750 blocks of North Power Road (east side) located south and east of McKellips Road and Power Road. 65 R1-15 PAD single residence lots (37 ac.) Cornerstone Homes and Development, LLC, Todd Tucker, President, owner; Allen Consulting Engineers, Inc., engineer.
- *8b. "MOUNTAIN HORIZONS" **(District 6)** – 4200-5100 blocks of South Signal Butte Road (east side) located between the Signal Butte Road alignment and Mountain Road, and between Ray Road and 1320' north of Warner Road. 9 residential parcels (302.7 ac.) Pulte Home Corporation, owner; CMX, LLC, engineer.
- *8c. "BROADWAY PARK INDUSTRIAL CONDOMINIUMS" **(District 4)** – 800 block of West Broadway Road (south side) located south and west of West Broadway Road and S Extension Road. 4 M-1 PAD commercial/industrial condominium units (2.59 ac.) 7575 E. Redfield, LLC, Clifford J. Cutler, President, owner; Val-Tec, Inc., engineer.
- *8d. "ESCALA VILLAS" **(District 6)** – 1300 block of South Ellsworth Road (west side) located south and west of East Southern Avenue and South Ellsworth Road. 144 R-3 PAD condominiums units (9.55 ac.) EV Lots, LLC, J. Patrick Lannan, President, owner/developer; J.M. Griffin Engineering, Inc., engineer.
- *8e. "RED MOUNTAIN PROMENADE" **(District 5)** – 6700 block of East McDowell Road (south side) located south and west of East McDowell Road and North Power Road. 5

C-2 commercial lots (18.31 ac.) Superstition Promenade, LLC, Irwin G. Pasternack, member, owner; Griffin-Jacobs Engineering, Inc., engineer.

9. Items from citizens present.

Sheila Mitton, 1615 West Pueblo Avenue, stated the opinion that the Council fails to consider the recommendations of citizen committees. She also expressed concern for City employees and the citizens of Mesa.

Earnie Johnson, 1414 North Hibbert Street, advised that he monitored the activities of the Financing the Future Committee, and he expressed support for the Committee's recommendations. He stated the opinions that the Council has selected a politically expedient alternative, and that the Council's proposal fails to address the City's long-term financial problems in a forthright manner.

Alan Ramsdell, 1333 East Downing Street, Chairman of the Mesa Salvation Army Advisory Board, thanked Mayor Hawker, the Council, Mike Hutchinson, Ellen Pence, Shelly Allen and Corrine Nystrom for their assistance in securing a storage facility for the Salvation Army's Christmas Angel Project.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:33 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 5th day of December 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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