



COUNCIL MINUTES

September 18, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 18, 2006 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Barbara Jones

Invocation by Dr. James E. Adams, Pastor, Cornerstone Church.

Pledge of Allegiance was led by Mayor Keno 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.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

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

Carried unanimously.

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

Minutes from the August 17, and 28; September 5 and 14, 2006 Regular Council meetings.

3. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexations:

- 3a. **A06-21 (District 5)** Annexing land located south and east of the southeast corner of Hawes Road and McDowell Road (0.08 ± ac.). Initiated by Scott Lee, the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing land located south and east of the southeast corner of Hawes Road and McDowell Road (0.08 ± 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. Pacific Bay Company

New Restaurant License for Pacific Bay Company, 2837 N. Power Road, Suite 102, Pacific Bay Company LLC – Applicant, Randy D. Nations – Agent. The Restaurant license previously held at this location by Manny’s Original NY Deli & Restaurant, issued 05/12/2005, will revert back to the State. District #5.

- *4b. Sluggo’s

New Restaurant License for Sluggo’s, 1925 S. Sossaman, Suite 101, Sluggo’s East LLC – Applicant, Douglas Fredrick Seipel – Agent. The Restaurant license previously held at this location by Alaska Bistro Inc., issued 05/06/2003, will revert back to the State. District #6.

5. Take action on the following contracts:

- *5a. Three-year Supply Contracts for Library Audio Books as requested by the Community Services Department, Library Division.

The Purchasing Division recommends authorizing a three-year contract to Random House, Inc., dba Books on Tape at \$55,000 and Chivers North America, Inc., dba BBC Audiobooks America at \$16,500 for a combined total award of \$71,500 annually, based on estimated purchases.

- *5b. Replacement Wood Poles as requested by the Utilities Department, Electric Division.

The Purchasing Division recommends authorizing purchase from North Pacific Group, Inc. at \$47,772.38, based on estimated purchases, including use tax.

- *5c. Replacement Decorative Streetlight Poles and Luminaires – **Deleted**.

- *5d. Electric Department Substation Access Gates, South Robson and North Lewis Substations, City of Mesa Project No. 04-867-001 & 05-057-001.

This project will replace the existing chain link gates at the South Robson and North Lewis Substations with new steel gates. The new steel gates will improve security at both substations.

Recommend award to the low bidder, FEMCON, Inc., in the amount of \$31,520.00 plus an additional \$3,152.00 (10% allowance for change orders) for a total award of \$34,672.00. Funding is available from Utility funds in the adopted FY 06/07 Electric capital program.

- *5e. Transportation Building Second Floor Improvements, City of Mesa Project No. 03-064-001.

This project will complete improvements to the second floor of the Transportation Building to allow for additional office space and install a new elevator for access.

Recommend award to the low bidder, Lincor Corporation, in the amount of \$299,750.00, plus an additional \$29,975.00 (10% allowance for change orders) for a total award of \$329,725.00. Funding is available from Highway User Revenue Fund (HURF) Bond funds in the adopted FY 06/07 Transportation capital program.

6. Introduction of the following ordinances and setting October 3, 2006 as the date of the public hearing on these ordinances.

- *6a. **A06-10 (District 6)** Annexing land located on Broadway Road east of Crismon Road. (2.3 ± ac.) Initiated by John Brauchler, the property owner.

7. Take action on the following resolutions:

- *7a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Maricopa County Adult Probation Department to allow the City of Mesa to participate in the Community Restitution Program – Resolution No. 8821.
- *7b. Approving and authorizing the City Manager to sign the Development Agreement for City Share Reimbursement between Standard Pacific of Arizona, Inc., Pleasant Valley Investments, L.C., Porch Light Land and Cattle, L.L.C., and the City of Mesa, for the reimbursement for regional offsite street improvements that are being required by Mesa in conjunction with the proposed residential subdivision known as Nova Vista, located at 3623 South Signal Butte Road. Mesa's estimated cost share for these improvements is \$100,000.00 – Resolution No. 8822.

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 various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4594:

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

On New Haven from a point 114 feet south of Balsam Avenue to a point 190 feet south of Balsam Avenue. (north of Broadway Road and west of Greenfield Road, Council District 2)

Speed Limits: 10-4-1 (55 mph) and 10-4-3 (45 mph)

Reduce the speed limit from 55 mph to 45 mph on Ellsworth Road from Ray Road to a point 200 feet south of Pecos Road. (Ellsworth Road south of Ray Road, Council District 6)

Speed Limits: 10-4-2 (50 mph) and 10-4-3 (45 mph)

Reduce the speed limit from 50 mph to 45 mph on Sossaman Road from Guadalupe Road to Elliot Road. (Sossaman Road south of Guadalupe Road, Council District 6)

- 8b. **Z06-51 (District 6)** 10800 to 11000 block of East Baseline Road (south side). Located on the southeast corner of Signal Butte Road and Baseline Road (5.9± ac.). Rezone from R1-6 DMP to C-2 DMP and Site Plan Review. This request will allow for the development of a retail center. DTCREH, LLC, Trustee: Desert Trust Co., owner; Joe Murray, DFD CornnoyerHedrick, applicant – Ordinance No. 4599. ***(Held three neighborhood meetings, notified property owners, registered neighborhoods and homeowners' associations.) CONTINUED FROM THE AUGUST 28, 2006 CITY COUNCIL MEETING.***

P & Z Recommendation: Denial. (Vote: 7-0)

Since the Planning and Zoning Board hearing on this case, significant effort has been completed by the applicant and neighbors working together to resolve issues of concern. The site plan has been modified to be consistent with Staff's recommendation and the legal protest has been removed.

Councilmember Somers reported that for several months, he has worked with the neighbors and the developer on this project, which is located in his district, in an effort to resolve a series of issues and concerns that were first raised by the residents at the P&Z meeting. He explained that since that time, the developer has endeavored to resolve the neighbors' concerns, resulting in the site plan being modified and a legal protest withdrawn. Councilmember Somers expressed appreciation to Ellis Falk, a resident of the neighborhood, and Steve Cook, the developer, for their efforts to work together to create a quality project that "fits well" within the neighborhood.

It was moved by Councilmember Somers, seconded by Councilmember Jones, that the site plan as modified be approved and that Ordinance No. 4599 be adopted.

In response to a question from Vice Mayor Walters, Planning Director John Wesley clarified that staff has introduced and is seeking Council approval of a modified site plan and not the original site plan that was presented to the P&Z.

Mayor Hawker called for the vote.

Carried unanimously.

- *8c. **Z06-55 (District 5)** 7565 East Eagle Crest Drive. Located east of Power Road and north of McDowell Road within the Las Sendas Development Master Plan (1.51± ac.). Site Plan Review. This request will allow for the development of an office building. David Haney, owner; Jerry L. Vest, applicant – Ordinance No. 4595. ***(Held three neighborhood meetings, notified property owners, registered neighborhoods and homeowners' associations.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0-1 with Boardmember Carpenter abstaining due to a potential conflict of interest and Boardmember Mizner absent.)

- *8d. **Z06-60 (District 6)** The 1200 to 1300 block of South Higley Road and the 5000 to 5200 block of east Southern Avenue. Located south of Southern Avenue and west of Higley Road (4.91 ac). Site Plan Modification. This request will allow for the development of medical office buildings. Dan Watson, Ensemble Real Estate Services, LLC, owner; Mo Stein, Stein-Cox Group, applicant – Ordinance No. 4596. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners' associations.)***

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

- *8e. **Z06-61 (District 6)** The 7200 block of East Hampton Avenue (south side). Located south of Southern Avenue and west of Sossaman Road (3.82 ac.). Site Plan Modification. This request will allow for the development of office/warehouse buildings. Superstition Springs Hospitality Group, LLC, Sunridge Properties, Inc., Paul Welker, CEO, managing member, owner; Lesley L. Partch, Partch & Associates Architecture, LLC, applicant – Ordinance No. 4597. ***(Notified property owners, registered neighborhoods, homeowners' associations and the Arizona Department of Transportation.)***

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

- *8f. **Z06-62 (District 6)** 1425 South Greenfield Road. Located south of Southern Avenue and east of Greenfield Road (3.09± ac.). Site Plan Modification. This request is to allow a second medical office building on the site. Dr. Robert Allen, owner; Tim R. Nielsen, applicant – Ordinance No. 4598. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners' associations.)***

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

- *8g. **Z06-63 (District 3)** The 310 to 320 block of North Alma School Road (east side). Located south of University Drive and east of Alma School Road. (0.99 ac.) Rezone from C-2 and R1-6 to O-S and Site Plan Review. This request will allow for the development

of a daycare center. Towanda Carrigan, owner; William H. Hunse, Architectural Team Three, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners' associations.)*** **CONTINUED TO THE OCTOBER 16, 2006 CITY COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions. (Vote: 4-1-1 with Boardmember Adams Nay, Finter abstaining due to a potential conflict of interest and Mizner absent.)

9. Take action on the following subdivision plats:

- *9a. "MOUNTAIN HORIZONS UNIT 3" (**District 6**) 10800-11000 blocks of East Warner Road (south side) located south and east of Warner Road and Signal Butte Road. 106 R1-6 PAD DMP single residence lots (30.75 ac) Pulte Homes, Tim Loughrin, representative, owner.
- *9b. "MOUNTAIN HORIZONS UNIT 4" (**District 6**) 11000-11200 blocks of East Warner Road (south side) located south and east of Warner Road and Signal Butte Road. 174 R1-6 PAD DMP single residence lots (43.08 ac) Pulte Homes, Tim Loughrin, representative, owner.
- *9c. "MOUNTAIN HORIZONS UNIT 9" (**District 6**) 10700-11000 blocks of East Ray Road (north side) located north and east of Ray Road and Signal Butte Road. 70 R1-6 PAD DMP single residence lots (21.82 ac) Pulte Homes, Tim Loughrin, representative, owner.
- *9d. "TORINO VILLAGE" (**District 5**) 900 block of North Power Road (west side) located south and west of Brown Road and Power Road. 26 R1-7 PAD single residence lots (6.00 ac) I Development, LLC, Alan House, president, owner.
- *9e. "MONTEIL CONDOMINIUMS" (**District 3**) 1100 block of South Sycamore (east side) located north and east of Southern Avenue and Dobson Road. 96 R-4 condominium units (3.95 ac) 21 Century Arizona Monteil, LLC, Walter Cohen, manager, owner.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:00 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 18th day of September 2006. 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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