

## COUNCIL MINUTES

October 15, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 15, 2007 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Keno Hawker  
Kyle Jones  
Scott Somers  
Claudia Walters  
Mike Whalen

### COUNCIL ABSENT

Tom Rawles

### STAFF PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

(Councilmember Whalen participated in the entire meeting through the use of telephonic equipment.)

Mayor Hawker excused Councilmember Rawles from the meeting.

Invocation by Reverend Stewart Lewis, Velda Rose United Methodist Church.

Pledge of Allegiance was led by Weston Jones, Scout Troop #159.

Mayor's Welcome.

### 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 Hawker stated that he received a blue card from a citizen requesting that 10e be removed from the consent agenda.

City Clerk Linda Crocker advised that a citizen requested that 9g also be removed from the consent agenda.

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the October 1 and 4, 2007 Council meetings.

3. Conduct a public hearing concerning the Home Rule adjustment to the State expenditure limitation.

Mayor Hawker announced that this is the time and place for a public hearing concerning the Home Rule adjustment to the State expenditure limitation.

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

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

4a. **A07-06 (District 5)** Annexing land located north and west of Hawes Road and McDowell Road (1.01 ± acres). Initiated by the property owner, Brian Rogerson.

Mayor Hawker announced that this is the time and place for a public hearing regarding **A07-06**, annexing land located north and west of Hawes Road and McDowell Road.

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

4b. **A05-10 (District 5)** Annexing land located south of Range Rider Trail between Hawes and Ellsworth Roads (17.55± acres). Initiated by one of the property owners, Joseph Courtney.

Mayor Hawker announced that this is the time and place for a public hearing regarding **A05-10**, annexing land located south of Range Rider Trail between Hawes and Ellsworth Roads.

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

5. Conduct a public hearing and take action on amending the Mesa 2025 General Plan Chapter 2 text for the following Minor General Plan Amendment:

5a. Public hearing on General Plan Amendment **GPMInor07-12 (Citywide)**.

Mayor Hawker announced that this is the time and place for a public hearing regarding General Plan Amendment **GPMInor07-12**.

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

5b. Take action on the following resolution:

**GPMinor07-12 (Citywide)** Proposed General Plan Land Use Amendment: Text Amendment to the Mesa 2025 General Plan. (All Council Districts). Minor General Plan Amendment to change the text in Chapter 2 titled Land Use of the Mesa 2025 General Plan adopted on June 24, 2002. In particular, the text amendment deals with the addition of a new land use category titled "Mixed Use/Community." City of Mesa is the applicant – Resolution No. 9103.

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

Vice Mayor Walters expressed appreciation to staff for their efforts and hard work with regard to this item. She commented that the proposed General Plan Land Use amendment should enable the City of Mesa to have "even better quality development."

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that **GPMinor07-12** be approved and that Resolution No. 9103 be adopted.

Mayor Hawker also thanked staff and the public for participating in this process. He stated that the proposed land-use policy would allow the City to implement different zoning criteria than has been used in the past.

Mayor Hawker called for the vote.

Mayor Hawker declared the motion carried unanimously by those present and Resolution No. 9103 adopted.

6. Take action on the following liquor license application:

\*6a. The Duchess

Person Transfer Bar License for The Duchess, 3929 East Main Street, Suite #2, KKBG LLC – Applicant, Kimberly Ann Guethle – Agent. The Bar License previously held at this location by Butler Entertainment, Inc. will transfer to the Applicant. **(District 2)**

7. Take action on the following contracts:

\*7a. Two (2) Replacement Vehicles as requested by the Utilities and Human Resources Departments (Budgeted Vehicle Replacement Program Funding) (State of Arizona Contract).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet at \$39,218.55, including applicable sales tax.

\*7b. Two-Year Renewal to the Supply Contract for 15kV Aluminum Electrical Cable for Warehouse Inventory.

The Procurement Services Department recommends exercising the two-year renewal of the Mesa contract with WESCO Distribution, Inc. at \$188,666.98 annually, including contingencies and applicable use tax, based on estimated requirements.

- \*7c. Personal Computer Equipment for Various City departments as requested by the Information Technology Department (Tax-Exempt Lease) (WSCA Contract #63307 and National IPA Contract #073103).

The Procurement Services Department recommends authorizing purchase of 785 Personal Computers, 303 Monitors and associated hardware from the Western States Contracting Alliance (WSCA) contract with Dell, Inc. at \$1,056,394.85, and 181 Notebook Computers and associated hardware from the National Intergovernmental Purchasing Alliance (IPA) contract with CLH International, Inc. at \$785,912.94, for a combined award of \$1,842,307.79, including applicable sales tax and installation.

- \*7d. Two-Year Renewal of Supply Contract for Cationic Emulsion Polymer for the Utilities Department, Water Division (Mesa Contract # 2004116).

The Procurement Services Department recommends authorizing renewal of the Mesa contract to Polydyne, Inc. at \$303,419.60 annually, based on estimated requirements.

- 7e. Wastewater / Water / Gas Replacement on North Lewis Street from University Drive to 6<sup>th</sup> Street, City of Mesa Project No. 01-656-003.

This project will replace aging wastewater, water and gas pipelines that are past their useful life and experiencing leaks or blockages. In addition, the streets that are damaged from the replacement of utilities will be repaved and the sidewalk ramps will be replaced or retrofitted where possible to bring them into compliance with the Americans with Disabilities Act (ADA) requirements.

Recommend award to Spire Engineering, LLC, in the amount of \$566,990.00 plus an additional \$56,699.00 (10% allowance for change orders) for a total award of \$623,689. Funding is available from the approved FY 07/08 capital bond programs for water, wastewater and gas and the approved FY 06/07 Transportation Field Operations Budget for pavement and ADA ramps improvements.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/consideration of this item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

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

Upon tabulation of votes, it showed:

- AYES - Jones-Somers-Walters-Whalen
- ABSTAIN - Hawker
- ABSENT - Rawles

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

With action on this item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- \*7f. Falcon Field Airport Runway Incursion Prevention Perimeter Access Control (Phase 2), City of Mesa Project No. 02-397-004.

This project will install the Phase 2 perimeter fence around Falcon Field Airport.

Recommend cancellation of the August 27, 2007 contract award to Steelock Fence Corporation and award to second low bidder JMH Company, Ltd., in the amount of \$395,733.00 plus an additional \$39,573.30 (10% allowance for change orders) for a total award of \$435,306.30. Funding is available as follows: UASI Grant (\$73,000.00), FAA Grant (\$343,420.00) and an Arizona Department of Transportation (ADOT) Grant (\$18,886.30).

8. Introduction of the following ordinances and setting November 5, 2007 as the date of the public hearing on these ordinances:

- \*8a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Speed Limits: 10-4-4 (40 mph) and 10-4-5 (35 mph)

Increasing the speed limit from 35 mph to 40 mph on Country Club Drive from Broadway access road to the east leg of 2<sup>nd</sup> Avenue. (Country Club Drive south of Main Street) **(District 4)**

- \*8b. **207-87 (District 6)** 6555 East Southern Avenue. Located north and west of the U.S. 60 Freeway and Power Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign. Steve Wood, East Mesa Land Partnership, owner; Josh Goins, Young Electric Sign Co., applicant. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-1 with Boardmembers Roberts nay and Salas absent)

DRB Recommendation: Approval with Conditions. (Vote: 7-0)

- \*8c. **CUP07-001TC (District 4)** – 241 East 6<sup>th</sup> Street (1.12± acres). Request to obtain a Council Use Permit to allow the expansion of the Salvation Army, which will include a family services/warehouse facility. Major Brian Jones, Salvation Army, applicant. **(Property owners within 300 feet were notified).**

DDC Recommendation: Approval with conditions. (Vote: 6-0)

9. Take action on the following resolutions:

- \*9a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Regency Development, Inc. and the City of Mesa for the reimbursement of \$75,345.50 for regional street and street lighting improvements that are being required by Mesa in conjunction with a church known as Spirit of Hope Lutheran Church located at 2605 South Signal Butte Road. Mesa's estimated share will be funded from existing Street HURF Bond proceeds – Resolution No. 9097.
- \*9b. Granting Power Distribution Easements to Salt River Project on City-owned property located at 7201 East Baseline Road – Resolution No. 9098.  
  
These easements are necessary to underground power lines and to provide power to Greenbrier Marlborough, a new development.
- \*9c. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission – Project Safe Neighborhood (PSN) Anti-Gang Initiative to secure grant funds in the amount of \$99,557 for salary and employee-related expenses for the City Prosecutor's Office – Resolution No. 9099.
- \*9d. Approving and authorizing the City Attorney or her designee to sign the "Stipulation of Intervenor's concurring in the Joint Motion of the Central Arizona Conservation District and the United States to Approve Amendment to the Revised Stipulation and for Entry of Stipulated Judgment" to be filed in CENTRAL ARIZONA WATER CONSERVATION DISTRICT V. UNITED STATES, NO. CIV 95-625-TUC-WCB (EHC), NO. CIV 95-1720-PHX-(EHC) (Consolidated Action) – Resolution No. 9100.
- \*9e. Approving and authorizing the City Manager to execute Amendment No. 2 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement – Resolution No. 9101.
- \*9f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community for the receipt and administration of grants in the amount of \$425,000. Mesa Public Schools: \$125,000 pass through grant for tutoring and student enrichment. Arizona Museum of Natural History: \$150,000 to begin development of Mesa Grande Cultural Park. Mesa Parks, Recreation and Commercial Facilities: \$150,000 for a new air conditioning system at Broadway Recreation Center – Resolution No. 9102.
- 9g. Adopting an Amendment to Section II (D) of the Ethics Handbook for Elected Officials and Advisory Board Members – Resolution No. 9104. **(Requires 5 affirmative votes)**

Marilynn Wennerstrom, 1112 North Center Street, stated that it was her assumption that the proposed amendment generally pertains to the candidate forums that are hosted by the local newspapers. She inquired with regard to the interpretation of the following sentence contained in the amendment: "The use of these City buildings will only be provided in the same manner and under the same terms and conditions as these facilities are made available to the general public."

City Attorney Debbie Spinner stated that it was her understanding that when candidate forums are held, the newspaper hosting the event rents, for instance, the Council Chambers and the candidates are invited to participate in the forum. She explained that with regard to community rooms in City facilities, such rooms are often made available to the public free of charge. Ms. Spinner commented that under such circumstances, candidates would be eligible to use those facilities under the same terms and conditions. She added that what staff was attempting to avoid was making available any other City building to a candidate or elected officials that is not currently available to the general public.

City Manager Christopher Brady responded to a series of inquiries from Ms. Wennerstrom and commented that each year, the Council approves the specific fees and charges associated with the rental of various City facilities. He commented that certain departments are responsible for the set-up and management of each facility. Mr. Brady advised that Ms. Wennerstrom could obtain a list of such fees and charges at the City Clerk's Office.

Vice Mayor Walters commented that candidate forums have been held for many years in the Council Chambers. She noted that the Ethics Handbook did not necessarily apply to the City, but to candidates and Councilmembers. Vice Mayor Walters stated that the proposed amendment is meant to clarify what the Ethics Committee initially intended with regard to this issue.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 9104 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Resolution No. 9104 adopted.

10. 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.

- \*10a. Amending Sections 11-13-2 (R), 11-13-2 (S), and 11-18-12 to allow sites within the Town Center Redevelopment area to be eligible to apply for Development Incentive Permits (DIP) and Substantial Conformance Improvement Permits (SCIP) and to allow the Downtown Development Committee to hear and make recommendations on DIP and SCIP requests – Ordinance No. 4769.

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

DDC Recommendation: Approval. (Vote: 6-0)

- \*10b. Amending the City of Mesa Zoning Ordinance to add a new zoning district entitled "PC – Planned Community." The proposal would amend Section 11-2-1 by adding a new category of land use districts, "Mixed Use," and include PC – Planned Community as one of the districts under that category; and may amend Chapter 11-18, as needed, to facilitate the processing and administration of this proposed zoning district. It will also add a new chapter, 11-9.1, and associated sections, as needed, to fully describe the purpose and intent; administration, processing and implementation; and any associated

land use, building form, design and/or site planning requirements, as needed, to implement this proposed zoning district – Ordinance No. 4770. **(Related to Item 10c)**

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

- \*10c. Amending Sections 9-5-3, 9-6-7 and 9-8-4 of the Mesa City Code to add a process that would permit applications to be filed requesting modifications of adopted engineering and off-site related development standards when in conjunction with a rezoning application for a PC, Planned Community District – Ordinance No. 4771. **(Related to Item 10b)**

- \*10d. **Z07-93 (District 6)** The 1800 and 1900 blocks of South Crismon Road (east to South LaBelle Road). Located north of Baseline Road and east of Crismon Road (25.9± acres). Rezone 5.27± acres from C-2 to C-2-BIZ and Site Plan Review for the entire site. This request will allow the development of a retail/office development with two 3-story office buildings. Michael S. Gustafson, Crismon Gateway, LP, owner; Chris Sittler, DPA Architects, applicant – Ordinance No. 4772. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

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

- 10e. **Z07-95 (District 3)** 2318 South Country Club Drive. Located south of Baseline Road on the west side of Country Club Drive (23± acres). Rezone from M-1 PAD to M-1 and Site Plan Modification. This request will remove the existing site plan and the associated overlay district from the property. Brandon Wolfswinkel, Vanderbilt Farms, LLC, owner; W. Ralph Pew, Pew and Lake, PLC, applicant – Ordinance No. 4773. ***(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 6-1 with Boardmember Langkilde nay)

Emerson Turner, 2427 South Colleen, a representative of the Rancho del Mar and Hunters Ridge Steering Committee, stated that although his group does not object to the applicant's request, he would recommend three additional stipulations for Council consideration. He reviewed the stipulations as follows: 1.) That the owner be required to present to the Council a site plan for the entire 22 acres to ensure that the property is developed as a complete parcel; 2.) That future buildings on the property be no higher than 30 feet; and 3.) That future landscaping be similar in nature to the landscaping at the office buildings to the north. Mr. Turner added that it is imperative that the development of the property is aesthetically pleasing to the surrounding residents.

Ralph Pew, 1930 East Brown Road, the applicant, reported that the Planning & Zoning (P&Z) Board discussed the above-listed stipulations referenced by Mr. Turner and did not include such items as part of the case. He explained that the request is to remove a 1981 site plan from the 22-acre property and a 2000 PAD, which are inherently inconsistent and cannot be developed together.

Mr. Pew further responded to Mr. Turner's comments and stated that the Council would have the authority and discretion to consider any future site plan; that it is inappropriate to limit the height of future development because there is currently no case in front of the Council proposing a specific development plan; and that any future landscaping would be in excess of what currently exists at the office buildings to the north.

It was moved by Councilmember Jones, seconded by Vice Mayor Walters, that Zoning Case **Z07-95** be approved and that Ordinance No. 4773 be adopted.

Vice Mayor Walters commented that she was certain the residents of Rancho del Mar and Hunters Ridge would return to address the Council when a site plan for the proposed development was presented for consideration. She noted that at this point in time, the Council is acting on the removal of the existing site plan and said that she concurred with P&Z's recommendation.

Mayor Hawker called for the vote.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 4773 adopted.

11. Take action on the following subdivision plat:

- \*11a. "THE COMMONS AT SUPERSTITION SPRINGS" (**District 6**) 7447 East Southern Avenue (south side) located south and west of Southern Avenue and Sossaman Road. 24 M-1 PAD DMP industrial condominium units (6.0 acres), A.T. Meridian Companies, L.L.C., Grant A. Tayrien, member, owner; D&M Engineering, engineer.

12. Items from citizens present.

Jerry D. Walker, 113 South Ogden Circle, offered a brief status report relative to the upcoming Veterans Day Parade. He stated that approximately 100 entries are scheduled to participate in the event and commented that donations are still being accepted. Mr. Walker also thanked Councilmember Somers for his efforts and support with regard to the parade. He added that former U.S. Congressman J.D. Hayworth would emcee the event.

13. Adjournment.

Without objection, the meeting adjourned at 6:27 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 15<sup>th</sup> day of October 2007. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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