



## COUNCIL MINUTES

January 26, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 26, 2009 at 5:48 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

(Councilmember Somers participated in the Regular Council Meeting through the use of telephonic equipment.)

Invocation by Vice Mayor Jones.

Pledge of Allegiance was led by Councilmember Higgins.

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.

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

Carried unanimously.

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

Minutes of the December 4 and 11, 2008 and January 12, 2009 Council meetings.

3. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

3a. Public Hearing on Minor General Plan Amendment **GPMInor08-14 (District 4)**

Mayor Smith announced that this is the time and place for a public hearing regarding General Plan Amendment **GPMInor08-14**.

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

3b. Take action on the following resolution:

**GPMInor08-14 (District 4)** 513 South Morris Street. Located south of Broadway Road and east of Country Club Drive. General Plan Minor Amendment to change the General Plan Land Use Map from Community Commercial (CC) to Light Industrial (LI). This request will allow for industrial uses and align the land use category for the site with the zoning district. Lance Willis, Orange Street Mechanical, LLC, owner; Tyler Wright, Pew & Lake, PLC, applicant – Resolution No. 9445. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE Z08-72.**

P&Z Recommendation: Adoption. (Vote: 5–0–1 Boardmember Salas absent, Boardmember Carter abstained)

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that Resolution No. 9445 be adopted.

Carried unanimously.

3c. Take action on the following ordinance introduced at a prior Council meeting:

**Z08-72 (District 4)** 513 South Morris Street. Located south of Broadway Road and east of Country Club Drive. Rezone from R-4 to M-1. This request will allow the current business operation to be brought into conformance with the M-1 zoning district. Lance Willis, Orange Street Mechanical, LLC, owner; Tyler Wright, Pew & Lake, PLC, applicant – Ordinance No. 4909. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE GPMINOR08-14.**

P&Z Recommendation: Approval with conditions. (Vote: 5–0–1 Boardmember Salas absent, Boardmember Carter abstained)

It was moved by Councilmember Richins, seconded by Vice Mayor Jones, that Ordinance No. 4909 be adopted.

Carried unanimously.

4. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

4a. Public Hearing on Minor General Plan Amendment **GPMinor08-15 (District 2)**

Mayor Smith announced that this is the time and place for a public hearing regarding Minor General Plan Amendment **GPMinor08-15**.

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

4b. Take action on the following resolution:

**GPMinor08-15 (District 2)** The 1000 to 1100 blocks of North Stapley Drive (east side). Located south of Brown Road and east of Stapley Drive. (1.15± ac.). General Plan Minor Amendment to change the General Plan Land Use Map from Medium Density Residential 2-4 (MDR 2-4) to Office (O). This request will allow for commercial uses and align the land use category for this site with the zoning district. Chad Rogers, owner; Dan Brock – Brock, Craig and Thacker Architects, applicant – Resolution No. 9446. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE Z08-73.**

P&Z Recommendation: Adoption. (Vote: 6–0 Boardmember Salas absent)

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that Resolution No. 9446 be adopted.

Carried unanimously.

4c. Take action on the following ordinance introduced at a prior Council meeting:

**Z08-73 (District 2)** The 1000 to 1100 blocks of North Stapley Drive (east side). Located south of Brown Road and east of Stapley Drive. (1.15± ac.). Rezone from R1-9 to O-S and Site Plan Review. This request will allow the development of an assisted living facility. Chad Rogers, owner; Dan Brock – Brock, Craig and Thacker Architects, applicant – Ordinance No. 4910. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE GPMINOR08-15.**

P&Z Recommendation: Approval with conditions. (Vote: 6–Boardmember Salas absent)

It was moved by Councilmember Richins, seconded by Vice Mayor Jones, that Ordinance No. 4910 be adopted.

Carried unanimously.

5. Take action on the following liquor license applications:

\*5a. Arizona Craft Brewers Guild

This is a one-day fraternal event to be held on February 23, 2009 from 1:00 p.m. to 6:00 p.m. at 263 North Center Street. **(District 4)**

\*5b. EZ Trip

New Beer & Wine Store License for EZ Trip, 758 East Brown Road, Ischatta LLC – Applicant, Inderjit Singh Chatta – Agent. The previous Bar License held at this location by 7-Eleven Store 25457B was surrendered to the State Liquor Board on September 25, 2008. **(District 1)**

\*5c. Springdale's Restaurant

New Restaurant License for Springdale's Restaurant, 7255 East Broadway Road, Springdale Restaurant IL/AL, LLC – Applicant, Gizela Kerling – Agent. The previous Restaurant License held at this location by Springdale Restaurant, Inc., issued December 10, 1993 will revert back to the State. **(District 6)**

5.1. Take action on the following bingo application:

\*5.1a. BINGO – CLASS A

Mesa Country Club **(District 1)**  
Bruce Brown, General Manager  
660 West Fairway Drive  
Mesa, AZ 85201

6. Take action on the following contracts:

\*6a. Purchase of One (1) Additional and Four (4) Replacement Medium-Duty Trucks with 13-Foot Service Body and Compressor for the Utilities Department, Gas and Water Divisions.

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Freightliner Sterling Western Star of Arizona, at \$541,236.48, including applicable sales tax.

\*6b. Purchase of One (1) Backhoe Loader (Addition to the Fleet) for the Utilities Department, Gas Division.

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Falcon Power, Inc., at \$70,205.48, including applicable sales tax.

\*6c. Purchase of One (1) Construction Tag Trailer (Addition to the Fleet) for the Utilities Department, Gas Division.

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Argo FAB, Inc., at \$16,120.46, including applicable sales tax.

- \*6d. Purchase of an Upgraded Fire Station Alerting System for the Mesa Fire Department (2008 Fire Bond Program Funded) **(Sole Source)**.

The Business Services Department recommends accepting the sole source bid from U.S. Digital Designs, Inc. at \$780,211.75, including applicable sales tax.

- \*6e. One-Year Term Contract Renewal for Recycled Copier Paper for Citywide Use.

The Business Services Department recommends renewing the contract to xpedx for \$151,620.00 and Spicers Paper, Inc. for \$14,079.00 for a total of \$165,699.00, including applicable sales tax, based on estimated requirements.

- \*6f. Purchase of Uniform Badges for the Police Department.

The Business Services Department recommends awarding the contract to the highest scored proposal from Sun Badge Company at \$39,649.63, including applicable use tax. (Employee current badge buy-back is anticipated to reduce the net cost to an estimated \$13,500.)

- \*6g. **Item Withdrawn.**

- \*6h. Desert Sage II Reservoir – Flow Control Valve, City of Mesa Project No. 01-556-001. **(District 5)**

This project will install a motorized operator to the existing 24-inch butterfly valve at Desert Sage II Reservoir. The operator will allow utility operations the ability to better regulate flow through the reservoir, thus improving the operational characteristics of the existing water distribution system in the Desert Sage Water Zone.

Recommend award to the low bidder, Pierson Construction Corporation, in the amount of \$38,750.00 plus an additional \$3,875.00 (10% allowance for change orders) for a total award of \$42,625.00. Funding is available from the approved FY 08/09 Water Bond Capital Program.

- \*6i. Fitch Park Basketball Court Replacement, 651 North Center Street, City of Mesa Project No. 08-908-001. **(District 4)**

This project includes the removal of the existing basketball courts and standards, benches and trash receptacles and installation of two new and reinforced basketball courts. The installation of new basketball standards and nets, benches, trash receptacles, bicycle loops and concrete paving to reconnect the basketball courts to the surrounding park pathway system are a part of this project. The existing lighting will be remain-in-place and be reused to illuminate the basketball facility. The Parks, Recreation and Community Facilities Department staff will do the fine grading and necessary turf reestablishment in areas impacted by the construction.

Recommend award to the low bidder, Sallaway Development LLC, in the amount of \$79,274.00 plus an additional \$7,927.40 (10% allowance for change orders) for a total award of \$87,201.40. Funding is available from the approved FY 08/09 Parks, Recreation and Community Facilities Operation and Maintenance Budget.

7. Take action on the following resolutions:

- \*7a. Extinguishing a portion of a gas line easement located at Skyline Estates in Pinal County – Resolution No. 9437.

This portion of the natural gas pipe line is no longer needed as a new gas line easement is being dedicated for a more efficient delivery of the natural gas

- \*7b. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Banner Health and the City of Mesa for the reimbursement of \$84,230.00 for regional street lighting, traffic signal and bus shelter improvements that are being required by Mesa in conjunction with a proposed children’s hospital development known as Banner Desert Medical Center located at 2015 West Southern Avenue. Mesa’s share of funding for the improvements is budgeted in the FY 2008/2009 City Share Budget – Resolution No. 9438. **(District 3)**

- \*7c. Adopting the Fiesta District Design Handbook – Resolution No. 9439. **(District 3)**

- \*7d. Approving and supporting the submittal of a grant application by A New Leaf to the Gila River Indian Community in the amount of \$150,000 to assist with improvements at the East Valley Men’s Center – Resolution No. 9440. **(District 1)**

- \*7e. Approving and authorizing the City Manager to enter into a contract for the sale of excess City-owned property located at the southeast corner of Higley Road and Red Mountain Freeway Loop 202. The sale price is \$1,132,560 – Resolution No. 9441. **(District 5)**

This parcel has been determined to be excess City-owned property.

- \*7f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Town of Gilbert to provide fire dispatch services – Resolution No. 9442.

- \*7g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Apache Junction Fire District to provide fire dispatch services – Resolution No. 9443.

8. Introduction of the following ordinances and setting February 2, 2009, as the date of the public hearing on these ordinances:

- \*8a. **A08-07 (District 5)** Annexing land located south of University Drive and east of Higley Road (29.60 +/- ac). Initiated by Craig Ahlstrom for the property owner, Dreamland Golf Ltd. Partnership. Staff Recommendation: Approval. **(CONTINUED TO THE FEBRUARY 2, 2009 COUNCIL MEETING.)**

- \*8b. **A08-14 (District 5)** Annexing land located south of McDowell Road and east of Higley Road (0.08 +/- ac). Initiated by Michael Gallego for the property owner, Ronald Barney. Staff Recommendation: Approval.
- \*8c. **A08-38 (District 6)** Annexing land located north of Southern Avenue and west of Ellsworth Road (1.11 +/- ac). Initiated by Carlos Dominguez for the property owner, Masjid Abu Baker. Staff Recommendation: Approval.

9. 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:

- \*9a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4904:

Speed Limits (30 mph): 10-4-6

Establishing a speed limit of 30 mph on Hampton Avenue from Cheshire to Signal Butte Road. (South of Southern Avenue and west of Signal Butte Road.) **(District 6)**

- \*9b. **Z08-69 (District 6)** 8825, 8837 and 8911 East Sunland Avenue. Located north and west of Ellsworth Road and Southern Avenue. (3.36± ac) Rezone from Maricopa County R1-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Stephen and Susan Hagerman, James and Jean Winters, James and Cynthia McClafferty, owners; City of Mesa, applicant – Ordinance No. 4905.

PHO Recommendation: Approval with conditions.

- \*9c. **Z08-74 (District 5)** 2041 North Recker Road. Located north of McKellips Road on the east side of Recker Road (1.43± ac). Rezone from R1-9 to C-2 and Site Plan Review. This request will allow for the development of an auto service facility with a car wash. Angela N. Dotty, PFA Enterprises, LLC, owner; Richard Clutter, EMC2 Architects, applicant – Ordinance No. 4906. **(Notified property owners, homeowners associations and registered neighborhoods.)**

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

- \*9d. **Z08-75 (District 6)** 5358 East Baseline Road. Located east of Higley Road on the north side of Baseline Road. (3.47± ac). Site Plan Modification. This request will allow the development of a skilled nursing facility in the C-1 district. Kelly Hanrahan, Trustee of The William Lee Hanrahan Trust, owner; Mark Hansen, Member of Sante Partners, LLC, applicant – Ordinance No. 4907. **(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)**

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

10. Take action on the following ordinance and resolution:

- \*10a. Take action on an ordinance amending Section 10-5-1 of the Mesa City Code relating to City-owned parking lots and garages to authorize the City Manager to determine if the event parking fee should be assessed for specific events and granting the City Council the ability to authorize the City Manager to enter into licenses, leases or other agreements that modify or waive daily and event parking fees – Ordinance No. 4908.
- \*10b. Take action on a resolution approving and authorizing the City Manager to enter into a contract for the sale of Park Place Center, 51 thru 55 East Main Street, including a Parking Agreement. The sale price is \$1,800,000 – Resolution No. 9444. **(District 4)**

11. Take action on the following resolution and ordinance:

- \*11a. Take action on a resolution approving and authorizing the City Manager to execute a Pre-Annexation and Development Agreement between Trueno Montana, LLC, Linda Rae Ramsey and the City of Mesa for development requirements for the real property generally located southwest of the intersection of 90<sup>th</sup> and Oak Streets. **(CONTINUED TO THE MARCH 2, 2009 COUNCIL MEETING.)**
- \*11b. Take action on an ordinance for **A06-26 (District 5)** annexing vacant land located south of Thomas Road and east of Hawes Road (11.07 +/- ac). Initiated by Reese Anderson, Pew & Lake, PLC, representing the property owner. Staff Recommendation: Approval. **(CONTINUED FROM THE DECEMBER 8, 2008 and JANUARY 12, 2009 COUNCIL MEETINGS.) (CONTINUED TO THE MARCH 2, 2009 COUNCIL MEETING.)**

12. Take action on the following ordinance and resolution:

- \*12a. Take action on an ordinance amending Title 5, Chapter 7, Section 3 of the Mesa City Code to implement a fee involving all pawnshop and secondhand dealer transaction reports filed within the Mesa Police Recovered Property Unit. **(CONSENT AGENDA: TO CONTINUE TO THE FEBRUARY 17, 2009 COUNCIL MEETING.)**
- \*12b. Take action on a resolution modifying fees and charges for the Police Department to include pawnshop and secondhand dealer transaction fees. **(CONSENT AGENDA: TO CONTINUE TO THE FEBRUARY 17, 2009 COUNCIL MEETING.)**

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the meeting adjourned at 6:00 p.m.

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SCOTT SMITH, 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 26<sup>th</sup> day of January 2009. 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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