



COUNCIL MINUTES

October 3, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 3, 2006 at 5:47 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
Debbie Spinner
Barbara Jones

Invocation by Pastor Glen Stadler, Spirit of Hope Lutheran Church.

Pledge of Allegiance was led by Mayor 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 Griswold, seconded by Councilmember Somers, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the August 28 and September 18 and 28, 2006, Council meetings.

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

- 3a. **A06-01 (District 5)** Annexing land on Sossaman Road north of McKellips Road (4.7 ± ac.). Initiated by Jerry Gomez representing the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed annexation of land located on Sossaman Road north of McKellips Road (4.7 ± ac.).

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

- 3b. **A06-18 (District 6)** Annexing land located on the northeast corner of Hawes Road and Broadway Road (8.69 ± ac.). Initiated by David Henry representing the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed annexation of land located on the northeast corner of Hawes Road and Broadway Road (8.69 ± 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. East Valley Harley Owners Group

This is a one-day charitable event to be held on Saturday, October 14, 2006, from 10:00 a.m. to 10:00 p.m. at 922 S. Country Club Drive. District #3.

- *4b. St. Timothy's

This is a one-day religious event to be held on Saturday, October 21, 2006, from 5:00 p.m. to 11:00 p.m. at 2520 S. alma School Road. District #3.

- *4c. United Food Bank

This is a one-day charitable event to be held on Saturday, November 4, 2006, from 6:00 p.m. to 10:00 p.m. at 358 E. Javelina Avenue. District #4.

- *4d. Jerk Shack Grill

New Beer & Wine Bar License for Jerk Shack Grill, 745 W. Baseline Road, Andres Gonzalez Medina – Applicant. The Beer & Wine Bar license previously held at this location by V-K Capital Corporation, issued November 12, 1999, will transfer to the applicant. District #3.

*4e. Sourdough Pizza Restaurant

New Restaurant License for Sourdough Pizza Restaurant, 7440 E. Main Street, Suite #1, The Five K's Inc. – Applicant, David James Kormanik – Agent. The Restaurant license previously held at this location by Sourdough Pizza Restaurant LTD, issued November 13, 1989, will revert back to the State. District #5.

5. Take action on the following contracts:

*5a. Supply and install emergency equipment in forty-one (41) new police vehicles as requested by the Police Department.

The Purchasing Division recommends authorizing purchase off the City of Tempe contract with Arizona Emergency Products, Inc. at \$266,127.46, including applicable sales tax.

5b. Hawes Road Wastewater Extension, City of Mesa Project No. 05-029-001.

This project will extend an 8-inch sewer line along Hawes Road from Culver Road to just south of Range Rider Trail. This new sewer line extension will provide sewer service to the future Granite Mountain Estates development in the northeast area of Mesa. Under a developer agreement between the City of Mesa and City View Properties, LLC, the developer will fund \$250,000.00 of the cost to extend this sewer line.

Recommend award to the low bidder, Blucor, Inc., in the amount of \$322,692.00 plus an additional \$32,269.20 (10% allowance for change orders) for a total award of \$354,961.20. Funding is available from the developer contribution of \$250,000.00 and \$104,961.20 from existing wastewater bond authorization in the approved FY 06/07 Utilities Capital Program.

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

It was moved by Councilmember Whalen, seconded by Councilmember Rawles, that the recommendation of staff be approved.

Councilmember Griswold stated that he would oppose the motion for the reason that the project on Hawes Road coincides with the closure of McKellips Road, which could negatively affect area traffic.

Development Services Manager Jack Friedline advised that the contractor is required to maintain an open lane of traffic in each direction on Hawes Road, and he added that staff would ensure that the contractor complies with that requirement.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Walters-Whalen
NAYS – Griswold
ABSTAIN – Hawker

Vice Mayor Walters declared the motion carried by a majority of those voting.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

5c. Falcon Field Airport runway incursion prevention perimeter access control (Phase I), City of Mesa Project No. 02-397-001.

This project is part of on-going improvements to control and prevent unauthorized vehicular access onto the runways at Falcon Field Airport. This project will install fencing along Falcon Drive and Mallory Circle to prevent access onto the airfield.

Recommend award to the low bidder, American Fence Company, Inc., in the amount of \$367,883.15 plus an additional \$36,788.32 (10% allowance for change orders) for a total award of \$404,671.47. A Federal Aviation Administration (FAA) grant will fund 95% of the construction cost. An Arizona Department of Transportation (ADOT) grant will fund 2.5%. The remaining 2.5% local match is budgeted in the FY 06/07 Falcon Field Airport capital budget.

Councilmember Griswold declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

*5d. Employment contract for the City Attorney.

6. Introduction of the following ordinances and setting October 16, 2006, as the date of the public hearing on these ordinances:

*6a. Amending Sections 11-1-6 and 11-6-2 of the Mesa City Code regarding non-chartered financial institutions (payday lenders).

*6b. **A06-16 (District 5). CONTINUED TO THE OCTOBER 16, 2006, COUNCIL MEETING.**

*6c. **Z06-64 (District 6)** The 7000-7200 block of East Baseline Road (south side). Located south and east of Baseline Road and Power Road. (10± ac.). Rezone from AG, C-2 and C-2 PAD to C-2 PAD, Site Plan Review and Site Plan Modification. This request will allow for the development of two new retail/office buildings and will also allow for the integration of three commercial projects into a group commercial development. Ryan McMahon, 7115 E. Baseline LLC; Grant A. Jayrien, GSS Partners, owners, Randolph L. Carter, Dream Catchers Planning and Design LLC, applicant. *(Notified property owners, registered neighborhoods and homeowners associations.)*

PHO Recommendation: Approval with conditions.

*6d. **Z06-65 (District 6)** The 6900 to 7100 blocks of South 89th Place (west side). Located south of Pecos Road and west of Ellsworth Road (6.03± ac.). Site Plan Review. This request will allow for the development of office/warehouse buildings. Brent Payne, owner; Andrew Schuh, Cawley Architects, applicant. *(Notified property owners, registered neighborhoods and homeowners associations.)*

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

*6e. **Z06-66 (District 6)** The 7000 to 7600 blocks of East Guadalupe Road (south side) and the 2800 to 3100 blocks of South Sossaman Road (west side). Located south of Guadalupe Road and west of Sossaman Road (213± ac.). Rezone from AG to R1-6 PAD DMP, R1-7 PAD DMP, R1-9 PAD DMP and C-1 DMP and the establishment of the Desert Place at Morrison Ranch (Residential) Development Master Plan. This case will allow the development of a residential master planned community with a neighborhood commercial element. Scott C. Morrison, Morrison Ranch, Inc., owner/applicant.

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

*6f. **Z06-67 (District 3)** 231 North Alma School Road. Located south of University Drive and east of Alma School Road (1.8± ac.). Rezone from R-4 to O-S. This request will allow for the development of office uses. John N. Wright, owner; Robert D. Fronske, applicant. *(Notified property owners and registered neighborhood associations.)*

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

- *6g. **Z06-69 (District 6)** The 8200 block to 9200 block of East Pecos Road (north side) and the 9200 block to 10000 block of East Pecos Road (south side). Located north of Pecos Road, east and west of Ellsworth Road (604.8± ac.). Rezone from AG to M-1 and C-2. This request will change the zoning to allow light industrial and commercial uses. Michael Blenis, Paragon Properties, owner; Paul Gilbert, Beus Gilbert, PLLC, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

P&Z Recommendation: Approval with conditions and recommendation that a Development Agreement be considered. (Vote: 6-0 with Boardmember Adams absent.)

7. Take action on the following resolutions:

- 7a. Approving and authorizing the City Manager or his designated representative to execute an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for construction of Phase I of a Multi-Use Path along the South Canal from McKellips Road to McDowell Road. The total estimated construction cost is \$1,652,200. Mesa's estimated cost share for this project is \$94,200 (Quality of Life funds, Streets) – Resolution No. 8833.

Mayor Hawker expressed support for the project, and he noted that paths along the canals provide pedestrian access and enable multi-modal transportation. He explained that this category of Federal funding is designated for pedestrian-related projects and cannot be utilized for freeways or other street projects.

Councilmember Rawles advised that the purpose of these Federal funds is to mitigate traffic congestion and pollution, and he stated the opinion that no evidence exists to indicate that this project will accomplish that purpose. He said that the United States Congress is responsible for the misuse of taxpayer dollars, and he advised that he would oppose the motion.

Vice Mayor Walters noted that in addition to providing recreational access for some citizens, the paths enable others to travel through the community without utilizing the streets.

Councilmember Whalen stated that although he concurred that Congress improperly allocates many Federal funds, he expressed support for this project. He noted that lighting along the pathway would provide an increased level of safety for citizens utilizing the pathway.

It was moved by Councilmember Whalen, seconded by Mayor Hawker, that Resolution No. 8833 be adopted.

Upon tabulation of votes, it showed:

AYES – Griswold-Hawker-Jones-Somers-Walters-Whalen
NAYS – Rawles

Mayor Hawker declared the motion carried by a majority vote and Resolution No. 8833 adopted.

- *7b. **Deleted.**

*7c. Approving and authorizing the City Manager or his designated representative to execute an Intergovernmental Agreement (IGA) between the Mesa Unified School District and the City of Mesa for cooperative planning services. This agreement allows the School District and Mesa to share the cost of a planning staff position. Mesa Unified School District's cost share is \$65,392 and Mesa's cost share is \$24,297 (General Fund) – Resolution No. 8823.

*7d. Extinguishing a portion of Public Utilities and Facilities Easement at 5249 East Broadway Road – Resolution No. 8824.

This portion of the easement is being extinguished to allow for the development of a new building.

*7e. Granting an easement for electrical transmission and aerial electric lines to the Salt River Project in the 10000 East block of Southern Avenue – Resolution No. 8825.

These easements are necessary for the relocation of several 69kV power poles as part of the new Crismon Business Park development.

*7f. Granting an easement for electrical power distribution to the Salt River Project at 6959 East Monterey Avenue – Resolution No. 8826.

This easement is for electrical service to the City's well site, Falcon Well #15.

*7g. Dedicating a portion of city-owned property as a public right-of-way located north of MacDonald Street and Main Street – Resolution No. 8827.

This dedication is necessary to complete the new realigned alleyway that was part of the development of One MacDonald Center.

*7h. Extinguishing a portion of a Public Utilities Easement at 9432 East Fairway Circle – Resolution No. 8828.

This portion of the easement is being extinguished to allow development of a new swimming pool.

*7i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Gilbert Unified School District and the City of Mesa to secure funds in the amount of \$107,684.46 for School Resource Officers assigned to Desert Ridge High School and Desert Ridge Junior High – Resolution No. 8829.

*7j. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Mesa Unified School District and the City of Mesa to secure funds in the amount of \$431,647 for 6 School Resource Officers assigned to high schools in the City – Resolution No. 8830.

- *7k. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Apache Junction and the City of Mesa to provide maintenance services and repairs for 800 MHz radios – Resolution No. 8831.
- *7l. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Fort McDowell Yavapai Nation and the City of Mesa for the administration of a grant in the amount of \$80,000 to Mesa Public Schools to provide tutoring and student enrichment programs – Resolution No. 8832.

8. 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 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. **A06-10 (District 6). CONTINUED TO THE OCTOBER 16, 2006, COUNCIL MEETING.**

9. Take action on the following subdivision plats:

- *9a. “VAL VISTA GATEWAY OFFICE PARK, BUILDING C, CONDOMINIUMS” – **(District 6)** 1959 South Val Vista Drive (east side) located north and east of Baseline Road and Val Vista Drive. 11 C-2 PAD condominium units (2.65 ac.). Val Vista – Gateway, LLC, Christopher W. Warren, representative, owner.
- *9b. “ODYSSEY PROFESSIONAL PARK” – **(District 3)** – 500 block of West Baseline Road (south side) located south and west of Baseline Road and Country Club Drive. 149 M-1 PAD office condominium units (6.82 ac.). Odyssey Homes, Bob Hunt, partner, owner.
- *9c. “MOUNTAIN HORIZONS UNIT 1” – **(District 6)** – 4200-4400 blocks of South Signal Butte Road (east side) located north and east of Warner Road and Signal Butte Road. 113 R1-7 PAD DMP single residence lots (36.80 ac.). Pulte Homes, Tim Loughrin, representative, owner.
- *9d. “MOUNTAIN HORIZONS UNIT 13” – **(District 6)** – 5200-5400 blocks of South Mountain Road (west side) located south and east of Ray Road and Signal Butte Road. 187 R-2 PAD DMP single residence lots (38.74 ac.). Pulte Homes, Tim Loughrin, representative, owner.
- *9e. “PERNICE ESTATES” – **(District 2)** – 4400-4500 blocks of East Brown Road (south side) located south and east of Brown Road and Greenfield Road. 28 R1-15 PAD single residence lots (17.20 ac.). Partridge Development, Inc., Erik Partridge, CEO, owner.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:10 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 3rd day of October 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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