



COUNCIL MINUTES

October 18, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 18, 2004 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Mike Whalen

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Whalen from the entire meeting.

Invocation by Councilmember Jones.

Pledge of Allegiance was led by Girl Scout Troop 596.

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. 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.

Item 7a was removed from the consent agenda at the request of a citizen.

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

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the September 7, October 4 and October 7, 2004 Council meetings.

3. Consider the following liquor license applications:

a. JAMES H. RYAN, PRESIDENT

Ten Special Event Applications for James H. Ryan, President, Back-To-School Clothing Drive Association, ten one-day charitable events to be held Saturday, October 30, 2004, from 6:00 P.M. to 10 P.M., Friday, November 19, 2004, from 11:00 A.M. to 2:00 P.M., Friday, December 10, 2004, from 11:00 A.M. to 2:00 P.M., Friday, January 7, 2005, from 11:00 A.M. to 2:00 P.M., Saturday, January 15, 2005, from 12:00 Noon to 10:00 P.M., Friday, February 4, 2005, from 11:00 A.M. to 2:00 P.M., Friday, February 18, 2005, from 11:00 A.M. to 2:00 P.M., Friday, March 4, 2005, from 11:00 A.M. to 2:00 P.M., Friday March 11, 2005, from 11:00 A.M. to 10:00 P.M., and Monday, March 28, 2005, from 6:00 P.M. to 10:00 P.M., at 1101 S. Ellsworth Road, The Resort. District #6.

Hal Hanson, a Back-To-School Clothing Drive Association Board Member, stated that he was present on behalf of Mr. Ryan, President of the Back-To-School Clothing Drive Association. He confirmed that the association is a volunteer organization without any employees or independent contractors, and that the organization provides a new outfit of clothing to needy children in 26 school districts prior to each school year. Mr. Hanson noted that the number of students served in the current year totaled almost 10,000, including approximately 300 Mesa students.

Mayor Hawker thanked the organization for their efforts.

It was moved by Councilmember Griswold, seconded by Councilmember Rawles, that the liquor license application be moved forward with a recommendation for approval.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

*b. CHRISTOPHER CARPENTER, PASTOR

Special Event Application of Christopher Carpenter, Pastor, Christ the King Catholic Church, a one-day religious event to be held Saturday, October 30, 2004, from 5:00 P.M. to 10:00 P.M. at 1551 E. Dana Avenue. District #4.

*c. CHRIS M. RHODES, VICE CHAIR - DEVELOPMENT

Special Event Application Chris M. Rhodes, Vice Chair - Development, Friends of Mesa Arts Center, a one-day charitable event to be held Saturday, November 13, 2004, from 5:30 P.M. to 10:30 P.M. at 200 N. Centennial Way. District #4.

*d. JAYNE R. PINKSTON, EVENT CHAIR

Special Event Application for Jayne R. Pinkston, Event Chair, St. Timothy Catholic Academy, a one-day religious event to be held Saturday, October 23, 2004, from 5:00 P.M. to 9:30 P.M. at 2520 S. Alma School Road. District #3.

*e. JOSEPH SPADARO, PROGRAM DIRECTOR

Special Event Application of Joseph Spadaro, Program Director, St. Bridget's Knights of Columbus, a one-day fraternal event to be held Sunday, November 14, 2004, from 4:00 P.M. to 7:00 P.M. at 2213 N. Lindsay Road. District #5.

*f. BELINDA L. DOMINGUEZ, INDIVIDUAL

New Restaurant License for La Cascada Sea & Mexican Food, 540 W. Broadway Road, Suite 101-102. This is an existing business. The license previously held at this location by Jimmie Garcia Jimenez, Agent, Jimenez's Enterprises, Inc., will revert back to the State. District #4.

4. Consider the following contracts:

- *a. One-year supply contract for automotive batteries as requested by Fleet Support Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Interstate Batteries for annual purchases estimated at \$64,737.04.

- *b. Three-year supply contract for cationic emulsion polymer, a chemical used by the North West Reclamation Plant (Utilities Department).

The Purchasing Division recommends accepting the bid with the lowest overall cost (based on a formula defined in the bid) from Polydyne, Inc. at \$62,790 based on estimated annual requirements.

- *c. Replacement of microwave equipment as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from the Western States Contracting Alliance (WSCA) contract with Harris Corporation for \$176,274.50.

- *d. Hardware and Services for the Police (PD) Records Management System (RMS) Network Infrastructure and Network Encryption Upgrades as requested by the Information Services Division (ISD).

The Purchasing Division recommends approving \$100,459.20 for optical ethernet subscription services and \$518,906.15 for network encryption hardware and related services, all from the State of Arizona contract with Qwest Communications. The combined total award is \$619,365.35.

- *e. One new (bio) robot for the Crime Laboratory DNA/Serology Unit as requested by the Police Department.

The Purchasing Division recommends accepting the only bid by Qiagen, Inc. at \$30,660.96 including applicable use tax. (This purchase is 100% grant funded by the National Institute of Justice's No Suspect DNA Backlog Reduction Program). (Sole Source)

- *f. One-year supply contract for tires as requested by Fleet Support Services. These tires are stored in the City warehouses.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodyear Tire & Rubber Company. Purchases will be split between two distributors: Wingfoot Commercial Tire & Purcell's Western States Tire for annual purchases estimated at \$632,499.32.

- *g. Eight new workstations and twelve reconfigured workstations for Tax & Licensing as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's, Inc. at \$32,482.86 including design, installation, delivery and applicable sales tax.

- *h. One new mini-derrick for the Electric Utility Division.

The Purchasing Division recommends accepting the low bid meeting specification by AZ Aerial Equipment at \$93,460.02 including applicable sales tax.

- *i. One-year Supply Contract for Computing Equipment for various City departments as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:

- * \$ 1,276,393.73 for personal computer hardware from Dell, Inc.;
- * \$ 810,999.71 for "ruggedized" notebook computers from CLH International;
- * \$ 25,389.45 for server hardware from Hewlett Packard; and
- * \$ 29,757.13 for server software from CompuCom.

The combined award is \$2,167,540.02 , to be purchased with a combination of a tax-exempt lease for \$2,123,938 and budgeted funds for the balance required.

- j. Ellsworth Sulfide Control Station located at 9197 East Florian. City of Mesa Project No. 01-679-001. (Wastewater Bonds) This project will install a ferrous chloride injection station in the area of Ellsworth Road and Southern Avenue. This will help to minimize odors and corrosion in the City's sanitary sewer system.

Recommend award to low bidder, Citywide Contracting, in the amount of \$860,998.00 plus an additional \$86,099.00 (10% allowance for change orders) for a total award of \$947,097.00.

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 Jones, seconded by Councilmember Thom, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *k. Falcon Well No. 18, Drilling Phase, located at 9015 East Pecos Road. City of Mesa Project No. 01-604-001. (Water Bonds)

This project will drill a new well near Pecos and Ellsworth Road to expand the City's water supply capabilities and system reliability in the southeast portion of the City.

Recommend award to low bidder, Layne Christensen Company, in the amount of \$447,777.00 plus an additional \$44,777.00 (10% allowance for change orders) for a total award of \$492,554.00.

- l. Falcon Police Substation. City of Mesa Project No. 01-90. (Police Bonds)

This project will construct a new Falcon Police Substation in the area of Greenfield Road and University Drive for the Falcon Patrol District staff.

Recommend award to low bidder, Norquay Construction, in the amount of \$3,741,400.00 plus an additional \$374,140.00 (10% allowance for change orders) for a total award of \$4,115,540.00.

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 Thom, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- m. McLellan Road Improvements and Tempe Wasteway Sewer Main. City of Mesa Project No. 00-78.

This project will follow the sewer master plan and replace an existing 18-inch sewer main with a new 36-inch sewer main. This project will also include spot improvements of sidewalk and streetlights on McLellan Road between Country Club Drive and Alma School Road.

Recommend award to low bidder, B & F Contracting, in the amount of \$2,469,579.00 plus an additional \$246,957.00 (10% allowance for change orders) for a total award of \$2,716,536.00

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 Thom, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

5. Introduction of the following ordinances and setting November 1, 2004 as the date of public hearing on these ordinances:

- *a. **A04-10** Annexation located on the southwest corner of Ray Road and South Mountain Road. (160.71±acres). Initiated by the property owner.
- *b. **Z04-70 (District 4)** 1860 S. Stapley. Located north and west of Stapley Drive and Baseline Road (3.35 ac.). Rezone from M-1 to C-2 and Site Plan Review. This request is to allow for two retail pads. Desco Southwest, Bruce Gillespie, owner; Archicon, Jere Planck, applicant.
- *c. **Z04-71 (District 6)** the 10100 to 10200 blocks of East Southern Avenue (north side) and the 1100 block of South Crismon Road (east side). Located north and east of Southern Avenue and Crismon (19.33 ac.). Rezone from R-3 to R-3 PAD and Site Plan Modification. This request is for an apartment complex. Glen Walling, Coyote Landing Apartments, LLP, owner; Denise Burton, Broadbent and Associates, Inc., applicant.
- *d. **Z04-72 (District 6)** 6060 E. Baseline Road. Located north and east of Baseline Road and Recker Road (6.5 ac.). Rezone from AG and M-1 to M-1 PAD. This request is to allow for an owner occupied industrial park. Malcom & Loretta Pace, owner; David Udall, applicant.
- *e. **Z04-73 (District 3)** The 200 block of West Broadway Road (north side) and the 400 block of South Dobson Road (west side). Located at the northwest corner of Broadway Road and Dobson Road (78.25 ac). Rezone from M-1 to M-1 PAD and Site Plan Review. This request is to allow an owner occupied industrial/office park. David Krumwiede, Scott Hesse, Broadway 101 Venture, LLC, owner; Korey Wilkes, Butler Design Group, applicant.
- *f. **Z04-74 (District 5)** 5750 E. Main Street. Located on Main Street (north side) and east of Higley Road (13.6 ac.). Rezone from C-2 to C-2 BIZ and Site Plan Review. This request is to allow for a 5-story Holiday Inn Hotel and ancillary uses. Shane Kuber, owner; Gerald Kesler (Gerald Kesler, Inc Architects), applicant.
- *g. **Z04-75 (District 1)** 605 E. McKellips Road. Located south and east of McKellips Road and Mesa Drive (1.32 ac.). Rezone from R1-43 to C-2 PAD and Site Plan Review. This request is to allow for the development of three office buildings. David E. Young, owner; Jonathon Johns, High Desert Engineering, Inc., applicant.
- *h. **Z04-76 (District 4)** the 200 to 250 block of West Southern Avenue and the 1400 to 1450 block of South Country Club Drive. Located south and east of Southern Avenue and Country Club Drive (37.55 ac.). Rezone from R-2 PAD, R-4 and M-1 to R-3 PAD and Site Plan Review. This request is to allow a condominium development. American Land Lease (Rod Morris), owner; Ralph Pew, applicant.

- *i. **Z04-77 (District 6)** The 4300 block of East Southern Avenue (south side) and the 1300 block of South Greenfield Road (west side). Located south of Southern Avenue and west of Greenfield Road (24.1±ac.). Rezone from AG to R-3 PAD and Site Plan Review. This request is to allow for a multi-residential development. DR Horton, owner; Sean Lake, Pew & Lake P.L.C., applicant.
- *j. **Z04-79 (District 6)** The 1500 block of South Sossaman Road (west side). Located north of US Highway 60 and west of South Sossaman Road (36± acres). Requesting a Council Use Permit to allow the development of a Freeway Landmark Monument sign in conjunction with the construction of group automobile sales center. Superstition Springs Investors, LP, owner; Biskind, Hunt and Taylor, PLC – Karrin Kunasek Taylor, applicant.
- *k. **Z04-81 (District 6)** The 1300 Block of South Ellsworth Road (west side). Located south of Southern Avenue and west of Ellsworth Road (9.58ac.). Rezone from AG to R-3 PAD and Site Plan Review. This request is to allow for a multi-residential development. James Barrons, owner; Sean Lake, Pew & Lake P.L.C., applicant.
- *l. **Z04-83 (District 6)** The 1600 to 1900 Block of South Signal Butte Road (west side). Located south of Superstition Freeway and west of Signal Butte Road (66.7 ac.). Site Plan Modification. This request is to allow for a regional commercial development. Bojer Land/Signal Butte Limited Partnership, owner; Elizabeth Gaston, Diversified Partners, applicant.
- *m. Amending various sections of the Mesa City Code regarding the following traffic modifications.

Left Turns Prohibited During Posted Hours From Driveways on Certain Streets: 10-3-15 (C)

The west side of Barkley directly across from Hale Street between the hours of 8:00 a.m. and 3:30 p.m. on school days (south of McLellan Road and east of Stapley Drive, Council District 1).

- *n. Pertaining to the zoning ordinance and subdivision regulations of the Mesa City Code; amending Sections 11-18-8, 11-18-9, 11-18-10 regarding adjustments to the required fees for Planning services; and amending Sections 9-6-2(C), 9-6-2(D), 9-6-2(E), 9-6-2(F) regarding adjustments to the required fees for subdivision plats and land splits, as recommended by the General Development Committee.

6. Consider the following resolutions:

- *a. Approving and authorizing the City Manager to execute a Development Agreement for City Share reimbursement between Heritage Development Inc., a Utah Corporation, and the City of Mesa for regional improvements that are being constructed in conjunction with the development of Ellsworth Villas located at 9220 East Brown Road – Resolution No. 8347.
- b. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District #4 to pay for the salaries of Mesa

Police Officers assigned to be School Resource Officers in the district's high schools – Resolution No. 8351.

Vice Mayor Walters declared a potential conflict of interest and said she would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that Resolution No. 8351 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those present and voting and Resolution No. 8351 adopted.

- *c. Conveying a portion of City property located at 924 North Country Club Drive to adjacent property owners – Resolution No. 8348.

This area, in part, has been used for rear access to the multi-family properties and should no longer be owned by the City.

- *d. Vacating rights-of-way at Hawes Road, Adobe and 88th Street in the View Point RV and Golf Resort – Resolution No. 8349.

The rights-of-way are no longer necessary as they should have been abandoned prior to issuance of construction permits in 1997.

- *e. Vacating rights-of-way at Hawes Road, Adobe and 88th Street in the View Point RV and Golf Resort – Resolution No. 8350.

7. Consider the following recommendation from the Fire Committee:

- a. Directing staff to proceed with a proposed amendment to the Mesa Fire Code to exempt new B Occupancies less than 5,000 square feet from the automatic sprinkler requirement and that the imposition of an inspection fee be left to staff's discretion.

Steve Sheldon, 2609 North 22nd Street, addressed the Council in opposition to the proposed amendment. He stated that as a professional fire protection engineer, he was aware that most Valley communities were moving towards increasing fire safety. Mr. Sheldon suggested that the Council reconsider the proposed amendment to the Fire Code.

Mayor Hawker expressed support for the amendment due to the fact that the owner/occupier of a building has a choice that is not mandated by the government.

It was moved by Mayor Hawker, seconded by Councilmember Thom, that the recommendation of the Fire Committee be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

7.1. Discuss and consider increasing the City Attorney's salary.

Councilmember Rawles stated that although he and City Attorney Debbie Spinner have disagreed on numerous occasions, the disagreements have been handled in a professional manner and each recognizes and understands the other's legal abilities and motivations. He expressed the opinion that Ms. Spinner is a competent City Attorney who consistently provides her best judgment and insight. Councilmember Rawles advised that Mesa's compensation for the position of City Attorney is less than that offered by other Valley communities.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the annual base salary for the position of City Attorney be increased to \$155,772 effective November 1, 2004.

Mayor Hawker concurred with Councilmember Rawles' comments, and added that Ms. Spinner provides the Council a thorough analysis of various complex issues.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

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

- *a. Z04-82 (District 1) The 1200 block of North Dobson Road (east side). Located at the northwest corner of North Dobson Road and West Brown Road (17.66± ac.). Rezone from Maricopa County Rural 43 to R1-43. This request is to establish City zoning on recently annexed property. Robert Hurley, owner; City of Mesa, applicant – Ordinance No. 4292.

P&Z Recommendations: Approval with conditions (Vote: Passed 6-1, Saemisch abstaining due to conflict of interest).

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.

2. Compliance with all City development codes and regulations.

9. Consider the following subdivision plats;

- *a. "CRIS CROSSING", - (Council District 5) – 10100 block of East University Drive and Crismon Road. 6 R1-9 single residence lots (2.40 ac.). RW1 Construction Services, Inc., an Arizona Corporation, owner; Rosendahl & Associates, Inc., engineer.
- *b. "RED MOUNTAIN PROFESSIONAL PLAZA, A CONDOMINIUM", - (Council District 1) – 2100 block of North Gilbert Road (west side) located north and west of McKellips Road and Gilbert Road. 4 O-S PAD office condominium buildings (3.13 ac.). Red Mountain Investors, LLC, Ronald Buchholz, Managing Member, owner; Survey Innovation Group, Inc., engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:15 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 October 2004. 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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