

COUNCIL MINUTES

November 5, 2007

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

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Scott Somers
Darrell Truitt
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Vice Mayor Walters.

Pledge of Allegiance was led by Ethan Clanton, Scout Troop #503.

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. Ceremonial swearing in and seating of new Councilmember Darrell Truitt for District 5 by Arch Ratliff IV.

Arch Ratliff IV administered the ceremonial oath of office to his grandfather, Darrell Truitt, for the position of Councilmember representing District 5.

Mayor Hawker noted that the City Clerk administered the official oath of office to Councilmember Truitt on the day of his appointment, October 25, 2007.

Councilmember Truitt introduced members of his family and friends who were present in the audience.

Mayor Hawker thanked everyone for being present.

2. 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 Vice Mayor Walters, seconded by Councilmember Jones, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the September 6 and October 1, 15, and 25, 2007, Council meetings.

4. 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 regarding the Home Rule adjustment to the State expenditure limitation.

Mayor Hawker noted that the Council has received an email from Kirby Allan expressing opposition to the Home Rule adjustment (a copy is available for review in the City Clerk's Office).

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

Mayor Hawker recessed the Regular Council meeting at 5:58 p.m. and convened a Special Council meeting for the purpose of approving a resolution proposing continuation of a State expenditure limitation for the City of Mesa subject to the approval of the voters.

Mayor Hawker reconvened the Regular Council meeting at 6:02 p.m. with all members present.

5. Take action on the following resolution:

- 5a. Designating the election date for the Primary Election on March 11, 2008 and a General Election, if needed, on May 20, 2008 and the purposes of each election; designating the deadline for voter registration; designating the place and the last date for candidates to file nomination papers and deadline for filing arguments for and against ballot measures; and establishing the times that polls will be open – Resolution No. 9112.

It was moved by Councilmember Whalen, seconded by Councilmember Somers, that Resolution No. 9112 be adopted.

Carried unanimously.

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

- 6a. **A07-28 (District 6)** Annexing the north half of the existing and future Germann Road right-of-way between Signal Butte Road and Meridian Drive (6.28 ± ac). Initiated by the City of Mesa.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of the north half of the existing and future Germann Road right-of-way between Signal Butte Road and Meridian Drive.

In response to a question from Mayor Hawker, Planning Director John Wesley stated that residents in the area of the annexation presently have the right-of-way, and that the signatures of these residents would be required on the petitions in order for the City to proceed with the annexation.

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

7. Take action on the following liquor license applications:

- *7a. Arizona Museum For Youth Friends, Inc.

This is a one-day charitable event to be held on Friday, December 14, 2007 from 6:00 p.m. to 10:30 p.m. at 35 N. Robson. **(District 1)**

- *7b. Midwestern Meats

New Beer & Wine Store License for Midwestern Meats, 4308 E. Main Street, Suite #101, L&R Meats Ltd – Agent; Rodney Eugene McConnell – Agent. L&R Meats Ltd also has a Restaurant License operating at this location under the name of Midwestern Restaurant **(District 2)**.

- *7c. 7-Eleven 22664G

New Beer & Wine Store License for 7-Eleven #22664G, 1155 S. Country Club Drive, Parminder S. Kaler – Individual. The previous Beer & Wine Store License held at this location by 7-Eleven Inc., will revert back to the State **(District 4)**.

- *7d. Xpress Stop

New Beer & Wine Store License for Xpress Stop, 2755 S. Power Road, VG & HV Corp – Applicant; Harjinder Mohan Singh – Agent. The previous Beer & Wine Store License held at this location by S&S Fuels LLC will revert back to the State **(District 6)**.

- *7e. Pepper's

New Restaurant License for Pepper's, 6209 E. Main Street, Suites #1 and #2, EZ Pepper's LLC – Applicant; Harvey M. Yee – Agent. The previous Restaurant License held at this location by Rock N Skies will revert back to the State **(District 5)**. **Continued to the November 19th Council meeting.**

*8. Take action on approving changes to compensation package for City Auditor.

9. Take action on the following contracts:

- *9a. Three-year supply contract for bronze water service valves & fittings, gate valves, ductile pipe, fire hydrants and repair parts for the Utilities Department, Water Division.

The Procurement Services Department recommends awarding contracts to the lowest responsive bidders as follows: Arizona Water Works Supply, Inc. at \$106,363.38, Dana Kepner Company, Inc. at \$134,576.61, and Ferguson Waterworks at \$402,464.85, for a total award of \$643,404.84 annually, including applicable taxes.

- *9b. One programmable logic controller system for the Utilities Department, Water Division **(Single Bid)**.

The Procurement Services Department recommends awarding the contract to Summit Electric Supply at \$51,831.63, including applicable taxes.

- *9c. Three-year supply contract for Alkyd Thermoplastic striping material for the Transportation Department, Field Operation Division.

The Procurement Services Department recommends awarding the Mesa contract to the lowest, responsible bidders, The Sherwin Williams Company, dba Dobco for lines 1 through 11 and Swarco Industries, Inc. for line 12. Mesa's usage is estimated at \$175,000.00 annually, including applicable sales tax.

- *9d. Five (5) replacement vehicles for various City departments (Budgeted Vehicle Replacement Program funding). (State of Arizona Contracts).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$46,396.65, and Courtesy Chevrolet at \$44,072.90 for a total award of \$90,469.55, including applicable sales tax.

- *9e. One light-duty replacement vehicle for the Facilities Maintenance Department **(Single Bid)**. (Budgeted Vehicle Replacement Program funding).

The Procurement Services Department recommends awarding the contract to Bill Heard Chevrolet at \$50,910.36, including applicable sales tax.

- *9f. One light-duty truck (addition to the Fleet) for the Transportation Department, Field Operations Division.

The Procurement Services Department recommends authorizing purchase from the Mesa contract with Avondale Dodge, Inc. at \$30,582.82, including applicable sales tax.

- *9g. Two (2) Microsoft SQL computer server software licenses for Coplink as requested by the Police Department (State of Arizona Contract #AD050028-A3).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with ASAP Software Express, Inc. at \$58,147.08, including applicable taxes.

- *9h. One Polymerase Chain Reaction System for the Police Department, Forensics Section (Fully grant funded - National Institute of Justice's DNA Capacity III Grant). **(Sole Source)**.

The Procurement Services Department recommends awarding the contract to the sole source bidder, Applied Biosystems at \$45,578.02, including applicable use tax.

- *9i. 24-inch concrete cylinder pipe (CCP) waterline repair at Power Road and Williams Field Road, City of Mesa Project No. 01-463-001.

This project will repair an existing leak in a waterline that crosses under the Roosevelt Water Conservation District canal.

Recommend award of the construction phase service contract to the Contract Manager at Risk, Achen-Gardner Engineering, LLC, with the Guaranteed Maximum Price (GMP) of \$162,882.40 plus an additional \$16,288.24 (10% allowance for change orders) for a total award of \$179,170.64. Funding is available from the approved FY 07/08 Capital Water Bond Program.

- *9j. Kino Junior High School pool rehabilitation, 848 North Horne Road, City of Mesa Project No. 01-862-001.

This project will rehabilitate the Kino Junior High School swimming pool.

Recommend award of the design phase services contract to the Contract Manager at Risk, Low Mountain Construction, Inc, with the Guaranteed Maximum Price (GMP) of \$52,696.00. Funding is available from the Quality of Life Funds.

- 9k. 20-inch Desert Sage waterline on Signal Butte Road (Plan Set "A") and 24-Inch Desert Wells waterline on Elliot Road (Plan Set "B"), City of Mesa Project No. 03-076-001 and 04-047-001.

This project will improve water delivery and pressures in the Desert Sage and Desert Wells water pressure zones, accommodate further growth in the area, and provide some of the necessary infrastructure for the new South CAP reservoir and pump station.

Recommend award to Spire Engineering LLC, in the amount of \$613,080.00 plus an additional \$61,308.00 (10% allowance for change orders) for a total award of \$674,388.00. Funding is available from the Utility Revenue Bond funds in the approved FY 07/08 budget.

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

It was moved by Councilmember Somers, seconded by Councilmember Jones, that staff's recommendation be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

*9l. Excess Liability Insurance as requested by the City Attorney's Office.

Recommend purchase of Excess Liability Insurance from Insurance Company of the State of Pennsylvania/AIG Insurance for \$10,000,000 liability coverage in excess of the City's \$2,000,000 Self-Insured Retention (SIR). The cost of this policy is \$409,899.

Recommend purchase of 2nd layer excess liability insurance from Lexington Insurance Company for an additional \$15,000,000 in liability coverage. The cost of this policy is \$227,000.

Recommend purchase of 3rd layer excess liability insurance from Lexington Insurance Company for an additional \$10,000,000 in liability coverage. The cost of this policy is \$87,500.

The total combined award is \$724,399.

*9m. Property Insurance as requested by the City Attorney's Office.

Recommend purchase of Property Insurance from Allianz Global with coverage of \$200,000,000 per occurrence with a \$50,000 deductible. This includes coverage for Boiler & Machinery. The cost of this policy is \$200,000.

*9n. Aviation Insurance as requested by the City Attorney's Office.

Recommend purchase of Airport Liability Insurance from ACE Property & Casualty Company with \$0 SIR and \$50,000,000 per occurrence coverage. The cost of this policy is \$23,802.

Recommend purchase of Aircraft Hull and Liability insurance from Westchester Fire Insurance at an annual premium of \$130,675.

The total combined award is \$154,477.

10. Introduction of the following ordinances and setting November 19, 2007, as the date of the public hearing on these ordinances:

- *10a. **Z07-101 (District 6)** 9565 East Southern Avenue. Located west of Crismon Road on the south side of Southern Avenue. (16.17± ac.). Rezone from R-3 PAD to R-3 PAD and C-1 and Site Plan Review. This request will allow the development of apartments and office/retail space. George F. Tibsherany, owner; Don Cox, WRG Design Inc. applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *10b. **Z07-103 (District 6)** 10309 East Hampton Avenue. Located east of Crismon Road and south of Southern Avenue (5.91± ac.). Rezone from M-1 to M-1-BIZ, and Site Plan Modification. This request will allow for the development of two hotels. Vance H. Marshall, VJ Crismon LLC, owner; Elisabeth Hunt, TAAG (The Allred Architectural Group P.C.), applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *10c. **Z07-104 (District 3)** 922 South Country Club Drive. Located north and west of Country Club Drive and Southern Avenue (7.17± ac.). Site Plan Modification, and rezone from C-2 and C-3 to C-3-PAD. This request will allow for the expansion of a motorcycle dealership. E. B. Chester, owner; Carl F. Schaffer, AIA, Ideation Design Group, applicant. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *10d. **Z07-105 (District 6)** 7551 East Pecos Road. Located south and east of Pecos Road and Sossaman Road (9.57± ac.). Site Plan Review. This request will allow the development of 3 shell industrial buildings. Roger Buttrum, Buttrum Westside Commerce Center LLC, owner; Michael Hill, RDB Management & Construction. ***(Notified property owners.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *10e. **Z07-106 (District 4)** 1137 East Broadway Road. Located west of Stapley Drive on the south side of Broadway Road (1.9± acres). Rezone from R1-6 to R-2 and Site Plan Review. This request will allow the development of a supportive housing project. Wayne Neil Evans and Jeanine Salmon, owner; Michael Knisely, Distyle Design, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *10f. **Z07-107 (District 6)** 8230 East Broadway Road. Located on the north side of Broadway Road east of Hawes Road (0.20± ac.). Rezone from Maricopa County R1-6 to City of Mesa R1-6. For the establishment of City of Mesa zoning on recently annexed property. James and Karla Vanderpool, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *10g. **Z07-108 (District 5)** 9621 East McKellips Road. Located on the south side of McKellips Road west of Crismon Road (1.06± ac.). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Alan and Jan Saquella, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *10h. Amending Title 9, Chapters 8 and 9 of the Mesa City Code regarding deferral of off-site improvements.

11. Take action on the following resolutions:

- *11a. Extinguishing a Public Utilities Easement at 2129 East Madero Avenue. The easement is being extinguished to allow the construction of a new swimming pool – Resolution No. 9105.
- *11b. Dedicating a Public Utility Easement on Falcon Field Airport at 2745 North Greenfield Road – Resolution No. 9106.

This easement is necessary for the installation of public utilities for the Reilly Aviation development at Falcon Field Airport.
- *11c. Vacating a portion of right-of-way at 1040 East Lockwood Street – **Deleted.**
- *11d. Approving and authorizing the City Manager to execute a Highway Safety Contract between the City of Mesa and the Governor's Office of Highway Safety to provide funding in the amount of \$50,000 for training expenses and overtime reimbursement for selective traffic enforcement programs – Resolution No. 9107.
- *11e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Arizona Department of Transportation and the City of Mesa for landscape and irrigation maintenance along the Red Mountain Freeway from Power Road to University Drive (ADOT JPA NO. 06-100I). Mesa's estimated annual maintenance costs are \$27,354 – Resolution No. 9108.
- *11f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the City of Tempe and City of Mesa for the design and construction of a proposed Intelligent Transportation System (ITS) along Apache Boulevard/Main Street. Mesa's estimated share of the project cost is \$240,000 – Resolution No. 9109.

- *11g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Maricopa County and the City of Mesa for the FY07-08 Special Transportation Services (STS) Program. Funding in the amount of \$100,000 is available from Quality of Life funds (\$75,000) and LTAF II funds (\$25,000) – Resolution No. 9110.

12. 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.

- *12a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4774:

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 2nd Avenue (Country Club Drive south of Main Street). **(District 4).**

- *12b. **CUP07-001TC (District 4)** – 241 East 6th 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 – Ordinance No. 4775. **(Property owners within 300 feet were notified).**

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

- 12c. **Z07-87 (District 6)** 6555 East Southern Avenue. Located north and west of the US 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 – Ordinance No. 4776. **(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).

Mayor Hawker explained that he would be consistent with his previous votes on freeway landmark monument signs and vote in opposition to this agenda item. He stated the opinion that signs in the City of Mesa should not exceed twenty feet.

It was moved by Councilmember Somers, seconded by Councilmember Rawles, that Ordinance No. 4776 be adopted.

In response to questions from Councilmember Truitt, Planning Director John Wesley stated that the staff report recommended denial based on the following facts:

- A determination that a 70-foot sign was of sufficient height and that the proposed sign was 90 feet high.
- The proposed sign was sized at approximately 850 square feet, which substantially exceeds the 750 square foot guideline.

Mr. Wesley advised that at the Planning and Zoning (P&Z) Board meeting, the applicant offered to lower the sign height to 80 feet. He stated that the Board considered the sign at 80 feet to be in substantial compliance with the guidelines.

Councilmember Truitt explained that he would vote in opposition to the request based on staff's recommendation for denial.

Vice Mayor Walters stated the opinion that the sign was well designed, and she noted that businesses require good signage in order to be competitive in the Valley. She suggested that the Council review the guidelines in the future, and she expressed support for the motion.

James Carpenter, 6725 West Chicago, representing the applicant, addressed the Council and stated the opinion that lowering the sign from 90 feet to 80 feet was a reasonable compromise. He noted that both P&Z and the Design Review Board were in support of this plan.

Councilmember Whalen concurred with the comments of Vice Mayor Walters, and he recommended that the Council consider some minor modifications to the sign ordinance.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority vote and Ordinance No. 4776 adopted.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the meeting adjourned at 6:15 p.m.

ATTEST:

KENO HAWKER, MAYOR

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 5th day of November 2007. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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