

## COUNCIL MINUTES

August 14, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 14, 2006 at 5:45 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 Tommy Foster, Harmony Community Baptist Church.

Pledge of Allegiance was led by Sean Emmet, Troop 157, Carson Junior High School.

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

Carried unanimously.

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

Minutes from the June 8, 22, and 29 and July 5, 6, and 12, 2006 Council meetings.

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

- 3a. **A06-16 (District 5)** Annexing land located on the southwest corner of Thomas Road and Val Vista Drive (202.18 ± ac.). Initiated by Susan Demmitt representing the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land located on the southwest corner of Thomas Road and Val Vista Drive (202.18 ± ac.).

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

- 3b. **A06-17 (District 5)** Annexing land located on the east side of Lehi Road south of Thomas Road (106.5 ± ac.). Initiated by Susan Demmitt representing the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land located on the east side of Lehi Road south of Thomas Road (106.5 ± ac.).

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

- 3c. **A06-18 (District 6)** The annexation will be republished and considered by the Council on September 18, 2006.

4. Conduct a public hearing for Minor General Plan Amendment **GPMInor06-01TC (District 4)** to change the General Plan Land Use Map from Arts/Cultural Entertainment to Retail/Commercial Services for the property located south of University Drive and east of Center Street, and to change the General Plan Land Use map from Arts/Cultural Entertainment to Public Office/Facilities with an Office Overlay for the property located south of Third Street and east of Center Street. Approximate total of 17.8 acres. City of Mesa, Applicant.

Mayor Hawker announced that this is the time and place for a public hearing regarding Minor General Plan Amendment GPMInor06-01TC (District 4) to change the General Plan Land Use Map from Arts/Cultural Entertainment to Retail/Commercial Services for the property located south of University Drive and east of Center Street, and to change the General Plan Land Use map from Arts/Cultural Entertainment to Public Office/Facilities with an Office Overlay for the property located south of Third Street and east of Center Street. Approximate total of 17.8 acres.

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

5. Take action on the following resolution:

- 5a. **GPMInor06-01TC (District 4)** Minor plan amendment to change the General Plan Land Use Map from Arts/Cultural Entertainment to Retail/Commercial Services for the property located south of University Drive and east of Center Street, and to change the General Plan Land Use Map from Arts/Cultural Entertainment to Public Office/Facilities with an Office Overlay for the property located south of Third Street and east of Center Street (approximately 17.8 acres). City of Mesa, Applicant – Resolution No. 8795. *(Property owners and tenants within 300 feet were notified by mail. Held a neighborhood meeting on June 7, 2006).*

DDC Recommendation: Approval (Vote: 5-0).

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Resolution No. 8795 be adopted.

Carried unanimously.

6. Take action on the following liquor license applications:

- \*6a. Southeast Valley Regional Association of Realtors

Special Event License Application: John J. Stih – Applicant. This is a one-day fraternal event to be held on Friday, September 29, 2006 from 5:00 p.m. to 10:00 p.m. at 1363 S. Vineyard. District #3.

- \*6b. Christ the King Catholic Church

Special Event License Application: Steven Andrew Kunkel – Applicant. This is a one-day religious event to be held on Saturday, October 21, 2006 from 4:00 p.m. to 11:00 p.m. at 1551 E. Dana. District #4.

- \*6c. Good Life MHC LLC – New Years Eve Celebration

Special Event License Application: Daniel J. Martin – Applicant. This is a one-day civic event to be held on Sunday, December 31, 2006, from 6:00 p.m. to 1:00 a.m. at 3403 E. Main Street. District #2.

- \*6d. Good Life MHC LLC – Softball Team Lunch

Special Event License Application: Daniel J. Martin – Applicant. This is a one-day civic event to be held on Monday, January 29, 2007, from 11:30 a.m. to 3:00 p.m. at 3403 E. Main Street. District #2.

- \*6e. Good Life MHC LLC – Feb Fest

Special Event License Application: Daniel J. Martin – Applicant. This is a one-day civic event to be held on Saturday, February 3, 2007 from 6:00 p.m. to 11:00 p.m. at 3403 E. Main Street. District #2.

\*6f. Good Life MHC LLC – Superbowl Party

Special Event License Application: Daniel J. Martin – Applicant. This is a one-day civic event to be held on Sunday, February 4, 2007, from 11:00 a.m. to 10:30 p.m. at 3403 E. Main Street. District #2.

\*6g. Good Life MHC LLC – Spring Break Beach Party

Special Event License Application: Daniel J. Martin – Applicant. This is a one-day civic event to be held on Saturday, March 3, 2007, from 3:00 p.m. to 11:00 p.m. at 3403 E. Main Street. District #2.

\*6h. Good Life MHC LLC – St Patrick’s Day Celebration

Special Event License Application: Daniel J. Martin – Applicant. This is a one-day civic event to be held on Saturday, March 17, 2007, from 10:00 a.m. to 10:30 p.m. at 3403 E. Main Street. District #2.

\*6i. CVS Pharmacy #9213

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9213 at 305 E. Brown Road, Arizona CVS Stores LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 04/30/1993, will transfer to the applicant. District #1.

\*6j. CVS Pharmacy #9218

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9218 at 1137 S. Dobson Road, Suite #10, Arizona CVS Stores LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 05/10/1993, will transfer to the applicant. District #3.

\*6k. CVS Pharmacy #9280

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9280 at 3547 E. Southern Avenue, Southern Greenfield CVS LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 06/14/1999, will transfer to the applicant. District #2.

\*6l. CVS Pharmacy #9281

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9281 at 7561 E. Baseline Road, CVS 3436 Mesa LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 09/24/1998, will transfer to the applicant. District #6.

\*6m. CVS Pharmacy #9288

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9288 at 415 S. Higley Road, Southern Greenfield CVS LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 12/22/1999, will transfer to the applicant. District #6.

\*6n. CVS Pharmacy #9291

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9291 at 1202 W. University Drive, Arizona CVS Stores LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 09/08/2000, will transfer to the applicant. District #1.

\*6o. CVS Pharmacy #9307

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9307 at 4330 E. University Drive, University Mesa CVS LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 09/08/2000, will transfer to the applicant. District #2.

\*6p. CVS Pharmacy #9321

Person-to-Person Transfer Liquor Store License for CVS Pharmacy #9321 at 5943 E. Brown Road, Brown Recker CVS LLC – Applicant, Jason Barclay Morris – Agent. The Liquor Store License previously held at this location by Osco Drugs of Texas, Inc., issued 02/07/2001, will transfer to the applicant. District #5.

\*6q. Smart & Final #495

New Liquor Store License for Smart & Final #495 at 60 S. Stapley Drive, Smart & Final Stores Corporation – Applicant, Joseph Ovidio Cipollini -- Agent. The Beer & Wine Store License previously held at this location by Smart & Final Stores Corporation, issued 01/12/1993, will revert back to the State. District #4.

\*6r. Westwood Liquors

Person-to-Person Transfer Liquor Store License for Westwood Liquors at 427 N. Alma School Road, Maher Khalil Haj – Applicant. The Liquor Store License previously held at this location by Kenan Arkawi, issued 03/22/2005, will transfer to the applicant. District #1.

\*6s. AM/PM Mini Market #5440

New Beer & Wine Store Liquor License for AM/PM Minimarket #5440 at 1150 W. Baseline Road, Two Brothers XI, Inc – Applicant, Saad Nemer Saad – Agent. The Beer & Wine Store License previously held at this location by BP West Coast Products LLC, issued 05/11/1993, will revert back to the State. District #3.

\*6t. Arco AM PM

New Beer & Wine Store Liquor License for Arco AM PM at 2816 E. McKellips Road, CAL, Inc – Applicant, Virinder Singh Grewal – Agent. The Beer & Wine Store License previously held at this location by BP West Coast Products LLC, issued 03/27/1987, will revert back to the State. District #5.

\*6u. Mi Amigos Foodmart

New Beer & Wine Store Liquor License for Mi Amigos Foodmart at 50 N. Stapley Drive, Harry Arutiun Kirakosian – Applicant. This is an existing building with no previous liquor license at this location. District #1.

\*6v. Jang Garden

New Restaurant License for Jang Garden at 2909 S. Dobson Road, Suite #21, Jang Won, LLC – Applicant, Seong Ho Jang – Agent. The Restaurant License previously held at this location by DMS LLC, issued 08/23/2005, will revert back to the State. District #3.

\*6w. Old Chicago

New Restaurant License for Old Chicago at 6821 E. Superstition Springs, Wadsworth Old Chicago, Inc. – Applicant, Steven Paul Buchanan – Agent. The Restaurant License previously held at this location by Uno Springs, Inc., issued 09/10/1998, will revert back to the State. District #6.

\*6x. Rumbi Island Grill

New Restaurant License for Rumbi Island Grill at 1902 S. Val Vista Drive, Suite #101, Rumbi AZ-Dana Park LLC – Applicant, Brian Almassy, Agent. This is an existing business with no previous liquor license at this location. District #2.

\*6y. Salsa Cabana Mexican Grill

New Restaurant License for Salsa Cabana Mexican Grill at 1309 N. Greenfield Road, Suite #106, Salsa Cabana Mexican Grill LLC – Applicant, Manuel Manzo Valenzuela – Agent. This is an existing business with no previous liquor license at this location. District #5.

\*6z. Seafood Market & Restaurant

New Restaurant License for Seafood Market & Restaurant at 3406 E. Baseline Road, Seafood Market & Restaurant, Inc. – Applicant, Pablo Vallejo Reynoso, Agent. This is new construction with no previous liquor license at this location. District #2.

7. Take action on the following contracts:

- \*7a. Three-year supply contract for automotive gel-type batteries as requested by Financial Services Department, Fleet Support Services Division.

The Purchasing Division recommends accepting the lowest responsive bid from General Parts Inc., dba Carquest Auto Parts, at \$63,844.55 annually, based on estimated requirements.

- \*7b. Two-year renewal of supply contract for automotive/truck parts as requested by the Financial Services Department, Fleet Support Services Division.

The Purchasing Division recommends authorizing a two-year renewal to Westpac Heavy Duty Inc., dba C.W. Carter Company, at \$190,000.00 annually, based on estimated requirements, including contingencies and applicable sales tax.

- \*7c. Ten cubic yard replacement dump truck as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends award to I-10 International Trucks for \$101,999.01, including options, warranties and applicable sales tax.

- 7d. Two-year renewal of supply contract for asphalt materials and crack sealant as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends authorizing a two-year renewal for Groups I, II, and III to Ergon Asphalt Products at \$1,643,222.35, and Group IV to Crafcoc, Inc. at \$72,243.52. The combined award is \$1,715,465.87 annually, based on estimated requirements, including contingencies and applicable sales tax.

Mayor Hawker declared potential conflicts of interest on agenda items 7d, k, m and n and said he would refrain from discussion/participation in these agenda items. He yielded the gavel to Vice Mayor Walters for action on these agenda items.

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

Upon tabulation of votes, it showed:

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

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

- \*7e. Dollar limit Increase for cationic emulsion polymer as requested by the Utilities Department, Water Division.

The Purchasing Division recommends increasing the contract dollar limit to Polydyne, Inc. by \$42,240 to \$148,030 annually for contract periods ending October 31, 2006 and October 31, 2007.

- \*7f. Tools and shop equipment for the Greenfield Water Reclamation Plant as requested by the Utilities Department, Water Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona/WSCA contract with Grainger Industrial Supply totaling \$74,798.47, including applicable sales tax.

- \*7g. Three-month service contract for insecticide painting of manholes and sewer clean-outs as requested by the Utilities Department, Water Division.

The Purchasing Division recommends authorizing purchase from the Pima County contract with Peoria Pest Control at \$99,820, based on estimated requirements.

- \*7h. Two-year renewal of supply contract for softballs and baseballs for warehouse inventory as requested by the Community Services Department, Parks & Recreation Division (cost recovery through fees).

The Purchasing Division recommends authorizing a two-year renewal to East Valley Sports at \$51,993.70 and to Sports Supply Group, Inc. at \$3,894.44. The combined award is \$55,888.14 annually, based on estimated requirements, including contingencies and applicable sales/use tax.

- \*7i. Two-year renewal of supply contract for grass seed as requested by the Community Services Department, Parks & Recreation Division.

The Purchasing Division recommends authorizing a two-year renewal to Simplot Partners at \$109,913.11 annually, based on estimated requirements, including contingencies and applicable sales tax.

- \*7j. Two vehicles (1 new/1 replacement) as requested by the Development Services Department, Transportation Division and the Utilities Department, Gas Distribution and Construction Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$33,117.18, including applicable sales tax.

- 7k. Falcon Field Zone Well No. 5 Sulfide Control Station, City of Mesa Project No. 01-080.

This project will install a ferrous chloride injection station at the existing Falcon Field Well No. 5 site to neutralize odors and corrosion in the wastewater lines in the area of University Drive and Val Vista Drive. This is part of an on-going program to minimize odors and corrosion in the City's sanitary sewer system.

Recommend award to the low bidder, Currier Construction, in the amount of \$1,092,253.00, plus an additional \$109,225.30 and the final contract amount of \$1,201,478.30. Funding is available from existing Wastewater Bond authorization in the approved FY 06/07 Utilities Capital Program.

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

Upon tabulation of votes, it showed:

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

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

- \*7l. Reclaimed Waterline Connection to Granite Reef Underground Storage Project (GRUSP), Phase II, City of Mesa Project No. 02-373-002 (Related to 9i and 9j).

This project will provide the final segment of reclaimed waterline that will complete the waterline from the Northwest Water Reclamation Plant (NWWRP) to the Granite Reef Underground Storage Project (GRUSP). This segment will extend the reclaimed waterline from the north terminus of Val Vista Drive east to the GRUSP. The City of Mesa intends to pump effluent from the NWWRP to the GRUSP where it will be recharged into the underground aquifer.

Recommend award to the low bidder, T & T Construction, in the amount of \$997,723.00, plus an additional \$99,772.30 (10% allowance for change orders) for a total award of \$1,097,495.30. Funding is available from existing Wastewater Bond authorization in the approved FY 06/07 Utilities Capital Program.

- 7m. Broadway Road median landscaping improvements, City of Mesa Project No. 05-022-001.

This project will enhance Broadway Road by landscaping the median along Broadway Road between the Tempe Canal and Dobson Road. Improvements include removing the existing deteriorated concrete surface in the median and replacing it with new landscaping, irrigation, and concrete pavers.

Recommend award to the low bidder, JSA Company, in the amount of \$248,911.00, plus an additional \$24,891.10 (10% allowance for change orders) for a total award of \$273,802.10. Funding is available from existing Highway User Revenue Fund (HURF) bond authorization in the Transportation Capital Program.

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

Upon tabulation of votes, it showed:

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

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

7n. 2006/2007 Utility locating and potholing by vacuum extraction, City of Mesa Project No. 04-917-003.

This project is an annual contract to perform non-destructive locating and potholing of underground utilities in order to identify and avoid conflicts during design and construction. The contract has a City option to extend for up to one additional year.

Recommend award to low bidder, HMS Conco, Inc., as the primary contractor, in the amount of \$316,680.00, plus an additional \$31,668.00 (10% allowance for change orders) for a total award of \$348,348.00.

Recommend award to second low bidder, Specialized Services Company, as the secondary contractor, in the amount of \$158,340.00, plus an additional \$15,834.00 (10% allowance for change orders) for a total award of \$174,174.00.

The total award for both contracts is \$522,522.00. These services are based on estimated annual requirements and charged to individual capital projects for which potholing is performed on a project-by-project basis.

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

Upon tabulation of votes, it showed:

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

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

\*7o. Greenfield Road, Baseline Road to Southern Avenue, City of Mesa Project No. 04-844-001.

This project will complete the development and widening of Greenfield Road between Baseline Road and Southern Avenue. This will consist of widening the road to provide three through-lanes in those sections that currently have two lanes, joint improvements with ADOT's bridge widening of the US 60 at Greenfield Road, and improvements to the medians, signals, lighting, landscaping, and ADOT drainage facilities. This project will be

completed using the Construction Manager at Risk (CM@Risk) delivery method. The CM@Risk participates in the design, cost, and schedule development of the project. This initial phase is for Design Phase Services.

Recommend award to the Construction Manager at Risk, Haydon Building Corporation, in the amount of \$75,688.00 for Design Phase Services. Funding is available from Streets' sales tax in the FY 06/07 Transportation Capital Program.

\*7p. New Court Building, City of Mesa Project No. 01-850-001

This project will construct a new multi-story City Court Building and will be completed using the Construction Manager at Risk (CM@Risk) delivery method. This facility will house the City Court and Prosecutor's Office. The project includes ten to fourteen courtrooms, a public lobby area, administrative offices, and conference rooms. The initial phase of work will be the Design Phase Services. During this phase, the CM@Risk will participate in the design, cost, and schedule development of the project.

Recommend award to the Construction Manager at Risk, Sundt Construction, Inc., in the amount of \$222,471.90 for Design Phase Services.

7q. Installation of bus shelters at various locations, City of Mesa Project No. 01-505-002.

This project will enhance transit facilities for bus riders and improve system operations by installing new shelters at locations that experience a high volume of transit users. This phase will install seven bus shelters as part of on-going improvements. The shelters to be installed will be the traditional large bus shelters because the proposed locations indicate high ridership and are located along major arterial roads.

Recommend award to the low bidder, Concast Corporation, in the amount of \$225,556.00, plus an additional \$22,555.60 (10% allowance for change orders) for a total award amount of \$248,111.60. Funding is available from Local Transportation Assistance Fund (LTAF) II and Quality of Life funds in the FY 06/07 Transportation Capital Program.

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

Upon tabulation of votes, it showed:

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

8. Introduction of the following ordinances and setting August 28, 2006, as the date of the public hearing on these ordinances:

- \*8a. **A06-11 (District 6)** Annexing land located on Broadway Road east of Sossaman Road. (0.17 ± ac.). Initiated by the property owner, Spencer Vanderpool.
- \*8b. **A06-12 (District 6)** Annexing land located on Broadway Road west of Hawes Road. (0.39 ± ac.). Initiated by the property owner, Spencer Vanderpool.
- \*8c. **Z06-45 (District 6)** The 2400–2700 blocks of South Signal Butte Road (west side) and the 10200–10700 blocks of East Guadalupe Road (north side). Located north and west of Guadalupe and Signal Butte Roads (175± ac.). Rezone from AG to R1-9 PAD R1-6 PAD and R-2 PAD and the establishment of the Desert Vista Development Master Plan. This case will allow the development of a residential master planned community. Randall Jackson; JP175, LLC, owner/applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

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

- \*8d. **Z06-48 (District 3)** 1010 West Southern, Suite 1. Located east of Alma School Road and north of Southern Avenue (6500±sf). Council Use Permit. This request is to allow a bar in a C-2 zoning district. Ray O'Sullivan, owner/applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

P & Z Recommendation: Approval with Conditions. (Vote: 5-2 with Boardmembers Finter and Langkilde nay.)

- \*8e. **Z06-49 (District 5)** 5761 East Brown Road Suites 9, 14, 19 & 21. Located west of Higley Road and south of Brown Road (16,734sf). Council Use Permit. This request will allow the operation of a charter school in an existing retail center. David Allen, owner; Evelyn Taylor, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

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

- \*8f. **Z06-50 (District 5)** 6420 to 6450 block of East Broadway Road (north side). Located west of the northwest corner of Broadway Road and Power Road (2± acres). Site Plan Review. This request will allow for the development of a day care center with accessory outdoor play yards. Steve Ellis, Banner Baywood Medical Center, owner; Robert Short, Studio One Architecture, Inc., applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

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

- \*8g. **Z06-52 (District 6)** 1100 block of South Crismon Road (east side). Located at the northeast corner of Crismon Road and Southern Avenue (2.14± acres). Site Plan Review. This request will allow for the development of an automobile service station with fuel pumps and a convenience store. QuikTrip Corporation, owner; David Cisiewski, applicant. *(Held a neighborhood meeting and notified property owners.)*

P & Z Recommendation: Approval with Conditions. (Vote: 6-0 with Boardmember Salas abstaining due to a potential conflict of interest.)

- \*8h. **Z06-53 (District 6)** 10000 and 10100 blocks of East Southern Avenue (north side) and the 1100 block of South Crismon Road (east side). Located at the northeast corner of Crismon Road and Southern Avenue (16.45± acres). Site Plan Review. This request will allow for the development of a retail center. Robert A. Stave, Pros Investments, LLC, owner; Kevin Kerpan, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

P & Z Recommendation: (Vote: 6-0 with Boardmember Salas abstaining due to a potential conflict of interest.)

- \*8i. **Z06-54 (District 6)** 3135 South Eastridge. Located south of Guadalupe Road and east of Hawes Road (4.2± ac.). Rezone from R1-43 to R1-6. This request will allow for the development of a single residential subdivision. Reese L. Anderson, Pew and Lake, PLC, owner/applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods, homeowners associations and Gilbert Public Schools.)*

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

- \*8j. **Z06-58 (District 5)** The 1350 to 1450 block of North 72<sup>nd</sup> Street (west side). Located north of Brown Road and east of Power Road (5.18± ac.). Rezone from R1-35 to R1-35-PAD. This request will allow for the development of a single residential subdivision. Kevin Kellis, Blaupunkt, LLC, owner; Kevin Kellis, CRE Real Estate Services, applicant. *(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods, homeowners associations and surrounding churches and schools.)*

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

- \*8k. Adoption of the 2006 amendments to the Privilege and Excise Tax Code of the City of Mesa as required by the Municipal Tax Code Commission. Establishes retroactive applicability and provides for severability.

9. Take action on the following resolutions:

- \*9a. Extinguish Easements for Highway Purposes at Galveston Street and Power Road – Resolution No. 8777.

The easements are no longer necessary and are being extinguished to allow a new development to occur on this property.

- \*9b. Grant an easement for electrical transmission and aerial electric lines to Salt River Project at the intersection of Crismon Road and Southern Avenue – Resolution No. 8778.

This easement is necessary for the relocation of electric lines at this intersection.

- \*9c. Grant the sale of City-owned property located at 44 S. Mesa Drive – Resolution No. 8779.

This land is considered excess and is not needed by the City. The sales price is \$303,000.

- \*9d. Approving and authorizing the City Manager or his designated representative to execute an Amendment to an existing Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for costs sharing for the construction of a gas service to the ADOT pump station and the relocation of gas lines. The City shall be reimbursed \$30,711.00. ADOT JPA File No. 05-017 – Resolution No. 8780.

- \*9e. Approving and authorizing the City Manager or his designated representative to execute an Amendment to an existing Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the landscape maintenance along the Superstition Freeway (US 60) from Val Vista Drive to Power Road. This Amendment outlines changed conditions as a result of the widening of US 60. There is no money being exchanged between the parties. ADOT JPA File No. 90-099 – Resolution No. 8781.

- \*9f. 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 the purchase of equipment to be used for enhancements to the Intelligent Transportation System (ITS). The City's estimated share of the purchase cost is \$33,155.00. ADOT JPA File No. 05-141 – Resolution No. 8782.

- \*9g. 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 the purchase of radio communication equipment for the Transportation Management Center. The City's estimated share of the purchase cost is \$16,815.00. ADOT JPA File No. 05-142 – Resolution No. 8783.

- \*9h. Approving and authorizing the City Manager or his designated representative to execute a Development Agreement for City Share Reimbursement between Empire Commercial Development, LLC and the City of Mesa for the reimbursement of regional offsite street and street lighting improvements that are being required by Mesa in conjunction with the proposed commercial development known as the Shops at Signal Butte, located at 21 South Signal Butte Road. Mesa's estimated share for these improvements is \$6,538.25 – Resolution No. 8784.

- \*9i. Approving and authorizing the City Manager or his designated representative to enter into a License Agreement between the Salt River Project Agricultural Improvement and Power District (SRP) and the City of Mesa for the construction, use, operation, and maintenance of the proposed 36-inch reclaimed waterline on USA Fee Property. Approximately 2108 lineal feet of the 36-inch waterline being installed from the Northwest Water Reclamation Plant (NWWRP) to the Granite Reef Underground Storage Project (GRUSP) will be located on property of the United States that is managed by SRP, and requires a SRP license. SRP has agreed to grant to Mesa SRP License No. 02408-0 for construction, use, operation, and maintenance of this segment of the reclaimed waterline – Resolution No. 8785 (Related to 7i and 9j).
- \*9j. Approving and authorizing the City Manager or his designated representative to enter into an Independent Contractor Agreement between Salt River Project Agricultural Improvement and Power District and the City of Mesa for the furnishing, installation, maintenance, and operation of flow measuring equipment at the Granite Reef Underground Storage Project (GRUSP). This agreement defines the responsibilities of Mesa and SRP related to Mesa’s payment of costs for SRP to furnish, install, maintain, and operate the flow measuring equipment – Resolution No. 8786 (Related to 7i and 9i).
- 9k. Approving and authorizing the City Manager or his designated representative to execute Grant Agreement No. 4 between the State of Arizona Department of Transportation (ADOT) and the City of Mesa to extend the expiration date of ADOT Grant No. E3SO2 (Design and Construct Perimeter Fencing) from June 30, 2006 to December 30, 2007 – Resolution No. 8796.

Councilmember Griswold declared potential conflicts of interest on agenda items 9k, l, m, and n and said he would refrain from discussion/participation in these agenda items.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 8796 be adopted.

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 and Resolution No. 8796 adopted.

- 9l. Approving and authorizing the City Manager or his designated representative to execute Grant Agreement No. 1 between the State of Arizona Department of Transportation (ADOT) and the City of Mesa to extend the expiration date of ADOT Grant No. E4S29 (Security Fencing) from June 30, 2006 to December 30, 2007 – Resolution No. 8797.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 8797 be adopted.

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 and Resolution No. 8797 adopted.

9m. Approving and authorizing the City Manager or his designated representative to execute Grant Agreement No. 3 between the State of Arizona Department of Transportation (ADOT) and the City of Mesa to extend the expiration date of ADOT Grant No. E3F48 (Pavement Preservation/DBE Consultant) from June 30, 2006 to September 30, 2006 – Resolution No. 8798.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that Resolution No. 8798 be adopted.

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 and Resolution No. 8798 adopted.

9n. Approving and authorizing the City Manager or his designated representative to execute Grant Agreement No. 1 between the State of Arizona Department of Transportation (ADOT) and the City of Mesa to extend the expiration date of ADOT Grant No. E4F35 (Falcon Drive Underpass Plans) from June 30, 2006 to September 30, 2006 – Resolution No. 8799.

It was moved by Councilmember Somers, seconded by Vice Mayor Walters, that Resolution No. 8799 be adopted.

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 and Resolution No. 8799 adopted.

- \*9o. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Attorney General to secure grant funds in the amount of \$65,300 to provide notification services to victims of crime – Resolution No. 8787.
- \*9p. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Arizona Criminal Justice Commission to secure grant funds in the amount of \$71,244 for scientific equipment and supplies for the Toxicology Unit of the Police Department's Forensic Services Section – Resolution No. 8788.
- \*9q. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Arizona Criminal Justice Commission to secure grant funds in the amount of \$10,085 to participate in the Maricopa County HIDTA Meth Lab Task Force – Resolution No. 8789.
- \*9r. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the State of Arizona, Department of Emergency Management and the City of Mesa to participate in the Statewide Terrorism Liaison Officer Program – Resolution No. 8790.
- \*9s. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission (Crime Victim Assistance) to secure grant funds in the amount of \$29,100 for the City Prosecutor's Office Victim Assistance Program assisting crime victims – Resolution No. 8791.
- \*9t. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety, Victims of Crime Act (VOCA) to secure grant funds in the amount of \$44,312 for City Prosecutor's Office Victim Assistance Program assisting domestic violence victims of crime – Resolution No. 8792.
- \*9u. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety, Victims of Crime Act (VOCA) to secure grant funds in the amount of \$44,312 for City Prosecutor's Office Victim Assistance Program assisting restitution-eligible victims of crime – Resolution No. 8793.
- 9v. Authorizing the City Manager to execute a Retail Development Tax Incentive Agreement between the City of Mesa and Robert Crist and Company for retention, relocation and expansion of Robert Crist R.V. and World Wide R.V. dealerships for the development of a 60 acre office, industrial and retail center – Resolution No. 8800 (2/3 vote required).

Mayor Hawker advised that two separate votes with a 2/3 majority are required in order to comply with State Statutes, one for the findings of fact and a second to adopt the resolution.

a. Findings of Fact

Councilmember Somers stated that the Retail Development Tax Incentive Agreement reimburses Robert Crist and Company in the amount of \$1.2 million for infrastructure improvements totaling \$1.3 million. He advised that new sales tax revenues would be generated in excess of current sales tax revenues and in excess of the incentive.

Councilmember Somers reported that 85 Recreational Vehicle (RV) jobs would be retained and that 40 new RV jobs would be created, each of which pays \$55,000 or more annually. He added that the commercial office space would attract 500 to 600 non-RV jobs, some of which are for medical office space, which will be located in close proximity to the new hospital currently under construction.

Mayor Hawker noted that an independent Ernst and Young study confirmed the information outlined by Councilmember Somers. He requested verification by the City Attorney that the information presented met the State Statute requirements for the "findings of fact."

City Attorney Debbie Spinner advised that in addition to requiring a 2/3 Council vote, the Statutes require a finding that the projected sales tax revenues exceed the tax incentive offered by the City, and that in the absence of the incentive, the company would not locate in the same time, manner and place. She further advised that the statement provided by Councilmember Somers complies with the requirements of the State Statutes.

Vice Mayor Walters noted that the amount of reimbursement to Robert Crist and Company is limited to sales tax revenues in excess of the amount currently generated, and she expressed support for the agreement.

Councilmember Griswold reported that Robert Crist and Company currently generates approximately \$300,000 annually in City sales tax revenues, and he expressed support for the agreement.

It was moved by Councilmember Somers, seconded by Councilmember Griswold, to accept the finding of facts regarding the Retail Development Tax Incentive Agreement between the City of Mesa and Robert Crist and Company.

Carried unanimously.

b. Take action on Resolution No. 8800.

It was moved by Councilmember Somers, seconded by Councilmember Griswold, that Resolution No. 8800 be adopted.

Carried unanimously.

\*9w. Authorizing the sale of up to 120 acres of City-owned property in Pinal County located south of Randolph Road, east of the Union Pacific Railroad for up to \$6,600,000 with an option for the sale of an additional 80 to 100 acres in the future – Resolution No. 8794.

10. 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.

- \*10a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4577:

Safety Devices for Neighborhood Block Parties; 10-3-13 (L)

The Development Services Manager shall furnish and erect necessary barricades and traffic-control signs for block parties on public streets, pursuant to section 10-3-18 (K) (DELETE Section 'L' from City Code, Citywide, all Council Districts).

Authority to Close Streets for Block Parties; 10-3-13 (K)

The Development Services Manager or his designee is hereby authorized to grant temporary street closures for block parties (MODIFY Section 'K', Citywide, all Council Districts).

No Parking; 10-3-24 (D) (Full Time No Parking)

On the south side of Main Street from a point 162 feet west of South Lazona Drive to a point 78 feet east of South Lazona Drive (Main Street east of Stapley Drive, Council District 4).

- \*10b. Amending Section 11-18-7 and 11-18-8 of the Zoning Ordinance pertaining to site plan review including review and approval by the Planning and Zoning Board and the Planning Hearing Officer, implementation, appeals, and protest requirements – Ordinance No. 4578.

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

DDC Recommendation: Approval. (Vote: 7-0 with Boardmembers Riekema and Close absent).

- \*10c. Amending Mesa City Code Building Regulations Title 4, Chapter 1, 2, 3 and 5 to make minor modifications to the requirements for building permits and to correct/clarify several building and related code requirements as recommended by the General Development Committee – Ordinance No. 4579.

11. Take action on the following subdivision plats:

- \*11a. "MESA (N) SAM'S CLUB", – (**District 5**) – 4600-4800 blocks of East McKellips Road (south side) located south and east of McKellips Road and Greenfield Road. 8 M-1 retail lots (33.18 ac.) Wal-Mart Stores, Inc., Daniel M. Mallory, representative, owner.
- \*11b. "GRANITE MOUNTAIN AT LAS SENDAS", – (**District 5**) – 8400-8700 blocks of East Range Rider Trail (north and south side) located south and east of Thomas Road and Hawes Road. 52 R1-35 PAD DMP single residence lots (71.82 ac.) City View Properties, LLC, Jeff Blandford, manager, owner.

- \*11c. "RED MOUNTAIN BUSINESS CENTER", – (**District 5**) – 2800 block of North Omaha (east side) located north and west of McDowell Road and Greenfield Road. 2 M-1 industrial lots (5.33 ac.) Samuelson McKone, LLC, John Daniel McKone, member, owner.
- \*11d. "FALCON GLEN CONDOMINIUMS", – (**District 2**) – 4225 East University Drive (south side) located south and west of University Drive and Greenfield Road. 402 R-4 condominium units (24.9 ac.) IDB Investments, LLC, Jeffery L. Nadel, manager, owner.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:21 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 14th day of August 2006. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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