



COUNCIL MINUTES

November 6, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 6, 2006 at 5:45 p.m.

COUNCIL PRESENT

Vice Mayor Claudia Walters
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Mike Whalen

COUNCIL ABSENT

Mayor Keno Hawker

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Vice Mayor Walters excused Mayor Hawker from the entire meeting.

Invocation by Senior Pastor Mary Bullis, Red Mountain United Methodist Church.

Pledge of Allegiance was led by Boy Scout Jamon Cox.

Mayor's Welcome.

Vice Mayor Walters 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.

Agenda item 5o was removed from the consent agenda at the request of a citizen.

It was moved by Councilmember Whalen, seconded by Councilmember Somers, that the consent agenda items, with the exception of item 5o, be approved.

Upon tabulation of votes, it showed:

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

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

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

Minutes from the September 21 and 28; October 16, 18 and 19; and November 2, 2006 Council meetings.

*3. Discuss and take action on the appointment of Gary Ray as the Acting Council-appointed City Auditor as recommended by the Finance Committee.

3.1. Discuss and take action on the following appointments:

Vice Mayor Walters said that under this agenda item, the Council would consider appointments proposed by the City Manager, and she requested that City Attorney Debbie Spinner comment on this process.

Ms. Spinner advised that the City Charter states that the City Manager recommends the appointment of City Officers for approval by the Council. She noted that although the Charter does not define "City Officers," historically the City Manager's recommendations for department manager and deputy city manager positions are presented to the Council for approval.

Vice Mayor Walters reported that City Manager Christopher Brady meets individually with each Councilmember at least once a month to discuss his plans and current activities and to provide each Councilmember the opportunity to identify their areas of concern. She advised that Mr. Brady discussed his proposed organizational changes with each Councilmember approximately six weeks ago.

Mr. Brady thanked the Council for their support. He said that the recommendations before the Council are his first opportunity to implement significant organizational changes. He stated the opinion that this proposal is the beginning of a process that will move Mesa forward by creating strong leadership that reflects character, experience and the ability to perform in a diverse organization. Mr. Brady emphasized that he would continue his efforts to "do more with less," focus on customer service and position Mesa to compare favorably with other cities of a similar size. He noted that as Assistant City Manager, Debbi Dollar would be responsible for the day-to-day operations with four Deputy City Managers reporting directly to her. Mr. Brady stated that he has been very impressed with the performance of the individuals he is recommending for appointment as Deputy City Managers, Financial Services Manager Bryan Raines and Development Services Manager Jack Friedline. He added that Deputy City Manager Paul Wenbert would continue in that position until his retirement in March of 2007.

Vice Mayor Walters advised that a citizen has requested the opportunity to address the Council regarding this agenda item.

Marilynn Wennerstrom, 1112 North Center Street, noted that City staff answered several of her questions regarding the new organizational structure this afternoon. She questioned the placement of several departments in the structure, and she suggested that the citizens of Mesa be included at the top of the organization chart. Ms. Wennerstrom stated the opinion that each Councilmember should have additional staff support. She also expressed concern that the proposal to increase the number of Deputy City Managers was creating a bureaucracy.

Mr. Brady advised that the proposed organizational structure is similar to that of other large cities. He explained that good managers, such Ms. Dollar, Mr. Raines and Mr. Friedline, possess strong skills that can be applied throughout the organization. He noted that the organizational ability demonstrated by Mr. Friedline in the Development Services Department would be applicable to the management of other departments. Mr. Brady further advised that the Deputy City Managers' areas of responsibility would rotate and change in the future, and he said that strong managers prefer to have a broad base of experience. He stated that the structure also enables lower level managers to recognize that opportunities for advancement exist throughout the organization. Mr. Brady added that future organization charts would place the "citizens of Mesa" at the top of the chart to reflect the fact that the organization is accountable to the citizens of Mesa.

a. Debbi Dollar as Assistant City Manager

It was moved by Councilmember Griswold, seconded by Councilmember Somers, that the appointment of Debbi Dollar to the position of Assistant City Manager be approved.

Vice Mayor Walters stated the opinion that Ms. Dollar has made tremendous contributions to the organization in the past, and she expressed confidence that Ms. Dollar will continue to do so in her new position. She also complimented Mr. Brady for recognizing the talented personnel already present in the existing organization.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

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

b. Bryan Raines as Deputy City Manager

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that the appointment of Bryan Raines to the position of Deputy City Manager be approved.

Upon tabulation of votes, it showed:

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

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

Councilmember Jones recognized Mr. Raines for his valuable assistance to the Financing the Future Committee, and he congratulated him on his promotion.

c. Jack Friedline as Deputy City Manager

It was moved by Councilmember Griswold, seconded by Councilmember Whalen, that the appointment of Jack Friedline to the position of Deputy City Manager be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters extended congratulations to Ms. Dollar, Mr. Raines and Mr. Friedline.

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

4a. **A06-23** (District 5) Annexing land located at the northwest corner of Sossaman Road and McDowell Road (1.21± acres). Initiated by the property owner, Las Sendas Community Association.

Vice Mayor Walters announced that this is the time and place for a public hearing regarding annexing land located at the northwest corner of Sossaman Road and McDowell Road (1.21± acres).

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

4b. **A06-294** (District 5) Annexing land located at the northeast corner of Sossaman Road and McDowell Road (1.17 ± acres). Initiated by the property owner, Ronda White.

Vice Mayor Walters announced that this is the time and place for a public hearing regarding annexing land located at the northeast corner of Sossaman Road and McDowell Road (1.17 ± acres).

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

5. Take action on the following liquor license applications:

*5a. St. Bridget's Catholic Church

This is a one-day religious event to be held on Friday, November 17, 2006 from 6:00 p.m. to 11:00 p.m. at St. Bridget's Catholic Church, 2213 N. Lindsay Road. District #5.

*5b. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, November 17, 2006 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5c. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, December 1, 2006 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5d. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, December 22, 2006 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5e. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, January 5, 2007 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5f. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, January 19, 2007 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5g. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, February 9, 2007 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5h. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, February 23, 2007 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5i. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Thursday, March 8, 2007 from 6:00 p.m. to 9:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5j. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, March 16, 2007 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5k. Back-To-School Clothing Drive Association

This is a one-day charitable event to be held on Friday, March 23, 2007 from 11:00 a.m. to 2:00 p.m. at The Resort, 1101 S. Ellsworth Road. District #6.

*5l. Mesa Superstation

New Beer & Wine Store License for Mesa Superstation, 1560 S. Gilbert Road, Mesa Petroleum LLC – Applicant, Abraham Ganji – Agent. The Beer & Wine Bar License previously held at this location by Mesa Super Station Car Wash LLC, issued 04/15/1997, will revert back to the State. District #4.

*5m. Basil

New Restaurant License for Basil, 2015 N. Power Road, Basil LLC – Applicant; Michael Ralph Saquella – Agent. There is not an active liquor license at this location. District #5.

*5n. Silke's American Grill

New Restaurant License for Silke's American Grill, 2036 N. Gilbert Road, BLSK Management LLC – Applicant; Chun Tak Hui – Agent. The Restaurant License previously held at this location by Babcock & Pierce LLC, issued 12/21/2004, will revert back to the State. District #1.

5o. Viewpoint Restaurant

New Restaurant License for Viewpoint Restaurant, 8700 E. University Drive, Sherwood Forest Licensing Group – Applicant; Randy D. Nations – Agent. No previous liquor license at this location. District #5.

Curt Byrnes, 650 North Hawes Road, President of the Viewpoint Residents' Association, stated that he represents approximately 4,000 residents of the Viewpoint RV and Golf Resort who are opposed to the granting of a liquor license for the Viewpoint recreational facility. He stated that Viewpoint management presently holds two liquor licenses, one for the golf course and one for the Terrace Green Restaurant and banquet facility. He said that the additional license is unnecessary and not in the best interest of Viewpoint residents.

Randy Nations, the agent, advised that the liquor license application was posted for twenty days and no protests were filed. He stated that the current location has a Class 7 Beer and Wine License. He said that an application for a Class 12 Restaurant License was filed because many residents requested that "hard spirits" be available in addition to beer and wine.

In response to questions from Councilmember Griswold, Mr. Nations explained that the license application is for a banquet facility that is utilized for special events, and he advised that a restaurant, which holds a Restaurant License, is located on a different area of the property. He added that the remaining facilities on the property hold a Class 7 Beer and Wine License. Mr. Nations said that the individuals who manage the property and plan the banquets or special events for the property owners would hold the license and that the license would be active only during the special events or banquets.

It was moved by Councilmember Rawles, seconded by Councilmember Whalen, that the Viewpoint Restaurant license application be forwarded to the State Liquor Licenses and Control Board with a recommendation for approval.

Mr. Byrnes stated that the Liquor Licenses and Control Board advised him that the property holds an old Class 7 License, which is a beer and wine license for the golf course, the pro shop and the Northpoint recreational area, and a Class 12 License for the dining room in Terrace Green, the banquet room, and the outside patios on the perimeter. He stated that neither of the existing licenses apply to the ballroom, which is the area for which the license is being applied. He said the residents oppose the license because it would then become illegal for residents to "bring your own bottle" (BYOB) to this facility.

Mr. Nations reported that the Liquor Licenses and Control Board received complaints relative to the fact that residents were bringing private alcohol to the ballroom facility. He stated that the ballroom is included in the existing Class 7 license, which by law prohibits the residents from providing their own alcoholic beverages for consumption at that location.

Vice Mayor Walters explained that the Council makes recommendations to the Liquor Licenses and Control Board regarding license applications. She added that the Board decides whether or not to grant the license and that the decision may or may not agree with the recommendation of the Council. Vice Mayor Walters advised that a record of the Council's discussion on this item would be included with the application and recommendation forwarded to the Liquor Licenses and Control Board, and that the residents could address the issue with the Board.

Councilmember Griswold noted that the Council has no legal reason to withhold a recommendation for approval.

In response to a question from Vice Mayor Walters, the maker and the seconder of the motion concurred that the record of the Council's discussion should accompany the liquor license application and Council recommendation.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

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

6. Take action on the following contracts:

- 6a. One Police mobile command vehicle as recommended by the Mesa Police Department (fully grant funded by the UASI [Urban Area Security Initiative], Federal Homeland Security Program).

The Purchasing Division recommends award to the lowest bidder, MBF Industries, Inc. at \$827,755.42, including use tax.

Vice Mayor Walters noted that the Council previously discussed this item at the November 2, 2006, Study Session.

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

Upon tabulation of votes, it showed:

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

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

- *6b. Computer network equipment, hardware, software and radios for a new Utilities Control Center Hot Back-up Site at the CAP Water Treatment Plant and a remote telemetry system upgrade as requested by the Utilities Department, Water Division (fully grant funded by the State Homeland Security Grant Program).

The Purchasing Division recommends authorizing purchase from State of Arizona contracts with Able Information Technologies, Inc. for \$136,410.93 and Access Technologies, Inc. for \$263,991.04, and from the Western States Contracting Alliance (WSCA) contract with Hewlett-Packard for \$32,788.48 for a total of \$433,190.45, including contingencies and applicable taxes.

- *6c. Computer security software as requested by the Information Services Division.

The Purchasing Division recommends authorizing the purchase from the State of Arizona contract with ASAP Software at \$71,906.93, including applicable sales tax.

- *6d. Two replacement trucks and one additional truck with roll-off refuse container systems as requested by the Development Services Department, Environmental Management Division (one responsive bid).

The Purchasing Division recommends award to McCandless of Arizona, dba I-10 International Trucks, for \$533,745.51, including warranties and applicable sales tax.

- *6e. One replacement front-loading refuse truck as requested by the Development Services Department, Environmental Management Division (one responsive bid).

The Purchasing Division recommends award to Freightliner, Sterling, Western Star of Arizona for \$268,359.74, including warranties and applicable sales tax.

- *6f. Three-year supply contract for barricade rental services as requested by the Development Services and Utilities Departments.

The Purchasing Division recommends primary contract award to Trafficade Service, Inc. and secondary contract award to NES Traffic Safety, LP for a combined award of \$1,480,000.00 annually based on estimated expenditures.

- *6g. Ellsworth Sulfide Control Station Improvements, City of Mesa Project No. 01-656-005.

This project involves site improvements to an existing sulfide control station located on the west side of Ellsworth Road, north of Southern Avenue. Improvements include additional asphalt paving and other minor site improvements to improve truck access to the facility.

Recommend award to the low bidder, Krisdan Company, Inc., in the amount of \$39,555.00 plus an additional \$3,955.50 (10% allowance for change orders) for a total award of \$43,510.50. Funding is available from the Wastewater Bond Program.

- *6h. City Well No. 22 (west side of Country Club Drive approximately ½ mile south of Baseline Road) site improvements, City of Mesa Project No. 01-471-001.

This project will improve the disposal of water generated with the startup of the well. The project includes some piping changes and will install flow-monitoring equipment to improve the operation of this facility.

Recommend award to the low bidder, Visus, Inc., in the amount of \$117,500.00 plus an additional \$11,750.00 (10% allowance for change orders) for a total award of \$129,250.00. Funding is available from the Water Bond Program.

- *6i. Property Insurance as requested by the City Attorney's Office.

Recommend the purchase of a Property Insurance Policy from Allianz Insurance Company with coverage of \$200,000,000 per occurrence with a \$50,000 deductible. The cost of this policy is \$266,839.

Recommend the purchase of a Boiler and Machinery Insurance Policy from Hartford Steam Boiler with coverage of \$50,000,000 with a \$10,000 deductible. The cost of this policy is \$11,824.

The total combined award is \$278,663.

- *6j. Excess Liability Insurance as requested by the City Attorney's Office.

Recommend the purchase of an Excess Liability Insurance Policy from 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 \$502,687.

Recommend the purchase of a second layer Excess Liability Insurance Policy from Clarendon American Insurance for an additional \$5,000,000 in liability coverage. The cost of this policy is \$116,000.

Recommend the purchase of a third layer Excess Liability Insurance Policy from Westchester Surplus Lines for an additional \$10,000,000 in liability coverage. The cost of this policy is \$132,000.

The total combined award is \$750,687.

- *6k. Aviation Insurance as requested by the City Attorney's Office.

Recommend the purchase of an Airport Liability Insurance Policy from ACE Property & Casualty Company at an annual premium of \$23,802. After a \$14,400 credit for unused premium, the net cost will be \$9,402.

Recommend the purchase of an Aircraft Hull and Liability Insurance Policy from Westchester Fire Insurance Company at an annual premium of \$139,012. After a \$84,103 credit for unused premium, the net cost will be \$54,909.

7. Introduction of the following ordinances and setting November 6, 2006 as the date of the public hearing on these ordinances.

- *7a. Amending the Mesa Tax Code (MTC) as a result of the adoption of changes made to the Model City Tax Code (MCTC).

- *7b. Amending various sections of the Mesa City Code regarding the following traffic modifications:

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

On the west side of Harris Drive from Mallory Street to a point 132 feet north of Mallory Street (north of McKellips Road west of Gilbert Road, Council District 1).

When signs are erected giving notice thereof, no person may park a vehicle on Monday between the hours of (ten) 10:00 a.m. and (one) 1:00 p.m. on the following streets:

On the west side of July Circle from Brown Road to a point 185 feet south of Brown Road (south of Brown Road and east of Mesa Drive, Council District 1).

When signs are erected giving notice thereof, no person may park a vehicle on Thursday between the hours of (six) 6:00 a.m. and (nine) 9:00 a.m. on the following streets:

On the east side of July Circle from Brown Road to a point 185 feet south of Brown Road (south of Brown Road and east of Mesa Drive, Council District 1).

- *7c. **A06-14 (District 5)** Annexing land located on Main Street east of Ellsworth Road (20.1 ± acres). Initiated by Geff Gunsalas, representing the property owner.

- *7d. **A06-20 (District 5)** Annexing land located south of the southeast corner of Brown Road and Recker Road (6.85 ± acres). Initiated by Joseph Huka, one of the property owners.
- *7e. **A06-16 (District 5)** Annexing land located on the southwest corner of Thomas Road and Val Vista Drive (202.18 ± acres). Initiated by Susan Demmitt, representing the property owners. CONTINUED FROM THE OCTOBER 3 AND OCTOBER 16, 2006 CITY COUNCIL MEETINGS.
- *7f. **Z06-56 (District 5)** 5750 East Main Street. Located on the north side of Main Street between Higley and Recker Roads (13.6± acres). Rezone from C-2, C-2-BIZ and R-4 to R-4-PAD and Site Plan Modification. This request will allow for the development of a townhome subdivision and modify the site plan of an approved hotel. Shane Kuber, owner; Brent Miller, applicant. *(Held two neighborhood meetings, notified property owners, registered neighborhoods and homeowners associations.)*

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

- *7g. **Z06-59 (District 6)** The 5000 block of South Ellsworth Road (west side). Located north of Ray Road and west of Ellsworth Road (39.31 ac). Rezone from AG to M-1. This request will rezone the property for limited industrial zoning uses. Michael D. Brown, Coyote Land Group LLC, owner; Sean Lake, Pew and Lake, PLC, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

P&Z Recommendation: Approval with conditions. (Vote: 4-0 with Boardmembers Finter, Salas and Esparza absent).

- *7h. **Z06-68 (District 6)** The 6400 block of South Mountain Road (east side). Located north of Pecos Road and east of Signal Butte Road (15± acres). Rezone from AG to M-2 and Site Plan Review. This request will allow the development of a light industrial facility. Steve Stumpff, Windswept Organics, Inc., owner; Michelle Dahlke, applicant. *(Notified property owners, registered neighborhoods and homeowners associations.)*

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

- *7i. **Z06-73 (District 5)** The 3400-3600 block of North Val Vista Drive and the 3000-3600 block of East Lehi Road. Located west of Val Vista Drive and south of Thomas Road (202.18+ acres). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Robert Engel, owner; City of Mesa, applicant. CONTINUED FROM THE OCTOBER 16, 2006 CITY COUNCIL MEETING.

PHO Recommendation: Approval with conditions.

- *7j. **Z06-75 (District 6)** The 4400 to 4500 blocks of South Mountain Road (east side). Located south of Warner Road and east of Mountain Road (6.73± acres) Rezone from R1-43 to R1-6-PAD and Site Plan Review. This request will allow for the development of

a single-residential subdivision. Brad Weekes, President, Heritage Development, Inc., owner; Ralph Pew, Pew and Lake, PLC, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

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

- *7k. **Z06-77 (District 6)** 2550 South Ellsworth Road. Located north of Guadalupe Road on the east side of Ellsworth Road (1.94± acres). Rezone from R1-7-PAD-DMP and AG-DMP (conceptual M-1) to R-4 and Site Plan Review. This request will add additional home sites to the "Las Palmas Grand" manufactured home community. Todd Lutz, Casa Fiesta Tempe Limited Partnership, owner/applicant. *(Held four neighborhood meetings, notified property owners, registered neighborhoods and homeowners associations.)*

P&Z Recommendation: Approval with conditions. (Vote: 4-0 with Boardmembers Finter, Salas and Esparza absent).

- *7l. **Z06-80 (District 6)** The 7400 block of East Southern Avenue (south side). Located west Sossaman Road on the south side of Southern Avenue (6± acres). Rezone from AG DMP to M-1 PAD DMP and Site Plan Review. This request will allow the development of industrial condominiums. Grant A. Tayrien, CSS LLC, owner; Randolph L. Carter, Dream Catchers Planning and Design LLC, applicant. *(Notified property owners, registered neighborhoods and homeowners associations.)*

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

- *7m. **Z06-81 (District 5)** The 240 block of North Power Road (west side). Located south of University Drive on the west side of Power Road (0.39± acres). Rezone from R1-9 to C-1 and Site Plan Review. This request will allow the development of a new retail store building. Dennis Callison, owner; Michael Bustamante, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

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

- *7n. **Z06-82 (District 4)** 824 W Broadway Road. Located at the northwest corner of West Broadway Road and South Extension Road (2.2± acres). Rezone from R1-6 to M-1 and Site Plan Review. This request will allow the development of industrial buildings. Dusty Pincard, owner; John Reddell, John Reddell Architects, Inc., applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

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

- *7o. **Z06-83 (District 6)** The 7000 to 7600 blocks of East Elliot Road (north side) and the 3200 to 3500 blocks of South Sossaman Road (west side). Located north of Elliot Road and west of Sossaman Road (202± acres). Rezone from AG to PEP PAD and M-1 PAD, Site Plan Review, and the establishment of the Desert Place at Morrison Ranch (Industrial) Development Master Plan. This request will allow for the development of an industrial master planned subdivision. Scott C. Morrison, Morrison Ranch, Inc., owner/applicant. *(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)*

P&Z Recommendation: Approval with conditions. (Vote: 4-1 with Boardmembers Carpenter nay; Finter and Salas absent).

- *7p. **Z06-85 (District 2)** 525 South Gilbert Road, Suites A7-A11. Located south of Broadway Road on the east side of Gilbert Road (±6,000 square feet). Council Use Permit. This request will allow the "Papillons Too" bar in the C-2 zoning district. Gilbert Plaza, Inc., owner; Kristen K. Kahm, applicant. *(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)*

P&Z Recommendation: Approval with conditions. (Vote: 3-1 with Boardmembers Langkilde nay; Finter, Salas and Esparza absent).

- *7q. **Z06-86 (District 5)** The 8400 to 9200 blocks of East McKellips Road (north to Hermosa Vista Drive) and the 8200 to 9200 blocks of East McKellips Road (south to McLellan Road) (717 acres+). Amend a part of the original Development Master Plan (ordinance conditions and conceptual districts), rezone from R1-35 DMP (conceptual R1-6, R1-9, R-2, R-3, C-2, and O-S) to R1-15 PAD, and establish the Stonebridge Development Master Plan. Allow development of the Stonebridge Mountain DMP. Jeff Blandford, Pinnacle Ridge Holdings LLC, owner; Paul Dugas, applicant. *(Held thirteen neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)*

P&Z Recommendation: Approval with conditions. (Vote: 4-0 with Boardmembers Finter, Salas and Esparza absent).

- *7r. Amending Title 1, Chapter 12 of the Mesa City Code to increase the Court Capital Construction Fee to \$16.50.

- *7s. Amending Section 23C of the Terms and Conditions for the Sale of Utilities to modify certain exceptions.

8. Take action on the following resolutions:

- 8a. Setting December 4, 2006 as the Public Hearing date for the continuation of the Mesa Town Center Improvement District No. 228. It is proposed that the Mesa Town Center Improvement District No. 228 be extended for an additional 5 years. The District was established in 1985 to provide enhanced municipal services for the Mesa Town Center – Resolution No. 8851.

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

It was moved by Councilmember Griswold, seconded by Councilmember Somers, that Resolution No. 8851 be adopted.

Councilmember Rawles clarified that the resolution enables the Town Center Improvement District to provide services to themselves in addition to those provided by the City of Mesa, and he stated that the Council action does not authorize the expenditure of any additional City funds.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried unanimously by those present and voting and Resolution No. 8851 adopted.

*8b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for landscape and irrigation maintenance for portions of the rights-of-way for the Red Mountain Freeway from Baseline Road to Southern Avenue and the Superstition Freeway from Power Road to Crismon Road. Mesa's estimated annual maintenance cost is \$30,748.00 – Resolution No. 8837.

*8c. Establishing a new monthly open tiedown fee for airport users who lease twenty (20) or more tiedowns. This rate will encourage aviation businesses to locate or expand at Falcon Field Airport – Resolution No. 8838.

*8d. Vacating a portion of an alley located north of 2042, 2048 and 2056 East Fountain Street – Resolution No. 8839.

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

*8e. Vacating a portion of an alley located next to 948 E. 8th Street – Resolution No. 8840.

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

*8f. Extinguishing a Water Line Easement at the northwest corner of 78th Street and Baseline Road – Resolution No. 8841.

This easement is no longer needed as the design of the property has changed and the new plat of "Villa Rialto" will dedicate a new easement.

- *8g. Vacating an alley between West 6th Street and West 7th Street and between Robson Street and Grand Street – Resolution No. 8842.

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *8h. Authorizing the use of eminent domain to acquire property and property rights for the Gilbert Road and University Drive Intersection Improvement Project – Resolution No. 8843.

In order to meet the construction schedule, immediate possession is necessary for the remaining 21 properties.

- *8i. Vacating an alley between 6th Place and East 7th Street and between Olive Street and Horne Street – Resolution No. 8844.

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *8j. Granting a High Voltage Easement to the Salt River Project over City-owned property adjacent to SRP's Browning Receiving Facility located at Signal Butte Road and Elliot Road – Resolution No. 8845.

This easement is necessary for SRP's power lines to have better access into their facility.

- *8k. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community for the receipt and administration of grants to Mesa Public Schools (\$125,000) and the City of Mesa for the Mesa Arts Center (\$20,000) and the Mesa Public Library (\$50,000) – Resolution No. 8846.

- *8l. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between SSV Units 4, 5 and 6 Development, Inc., and the City of Mesa for the reimbursement of \$1,543,704.00 for a regional oversized water line, street lighting, and street improvements that are being required by Mesa in conjunction with a proposed residential subdivision known as Sunland Springs Village, located at 2801 South Wattlewood. Mesa's estimated share will be funded from existing Street HURF Bond and Water Bond proceeds – Resolution No. 8847.

- *8m. Approving and authorizing the City Manager to execute a Development Agreement between Pecos Capital Group, LLC, North Valley Corporate Center, LLC, and Gateway 230, LLC, and the City of Mesa for the development of the Paragon Properties generally located on both sides of Ellsworth Road south and east of Williams Gateway Airport – Resolution No. 8848. CONTINUED FROM THE OCTOBER 30, 2006 SPECIAL COUNCIL MEETING. (Related to item 9l).

- *8n. Grant the sale of City-owned property located in the 3300 block of East McDowell Road – Resolution No. 8849. (Related to Item 8o).

This land is considered excess City property and is no longer needed. The sales price is \$1,085,700.

- *8o. Dedicate right-of-way along City-owned property on the north side of 3200-3300 block of East McDowell Road – Resolution No. 8850. (Related to Item 8n).

This dedication is necessary to provide full right-of-way along the north side of McDowell Road for future development.

9. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- 9a. Amending Sections 11-17-2 and 11-17-3 of the Mesa City Code with regard to allowing Accessory Retail Activities (aka: Country Stores) in RV and manufactured home parks – Ordinance No. 4615.

The draft amendment would revise the Manufactured Home and RV Chapter of the Zoning Ordinance by adding a definition of “accessory retail events’ in Section 11-17-2. The effect of passing this amendment would be to expressly allow country store activities on a once a week, four hours per event basis without the need for any additional reviews by City staff, outside of applications for sales tax licenses. The number of events would also be limited, based on the stated frequency requirements. Other restrictions would also be added to assure that such activities are primarily for the benefit of park residents and are not intended to attract residents from outside the park.

Vice Mayor Walters stated that several citizens are present to address this agenda item.

The citizen listed below was present in support of the ordinance but did not wish to address the Council:

Nadine Lammers, 933 East Frye Road, Gilbert

The following individuals were present in opposition to the ordinance but did not wish to address the Council:

Virginia Wendt, 856 North Barkley
Lenore Miller, 1317 South 32nd Street

Mark Tucker, 2650 East Southern Avenue, representing the Vale de Oro Mobile Home Park, addressed the Council in support of the ordinance. He stated that Country Store events benefit many senior residents of the park by providing a shopping opportunity and a social activity.

Walter Wendt, 856 North Barkley, said he emailed information to the Council outlining conflicts that exist in the Mesa City Code regarding these types of events. He stated the opinion that

“Country Stores” are actually “swap meets” and that the vendors are unlicensed and do not pay sales taxes. He expressed concern that Mayor Hawker was not present to vote on this issue, and he added that Zoning/Civil Hearing Administrator Gordon Sheffield denied his appeal.

Don Ecott, 650 North Hawes Road, said he was the self-appointed representative for all of the Country Stores in Mesa. He stated that all Country Stores’ vendors are licensed and pay taxes.

Vice Mayor Walters addressed Mr. Wendt’s concern that Mayor Hawker was not present to vote in opposition to the issue. She explained that adoption of the ordinance requires four votes in support.

Councilmember Griswold said that he attended a Country Store event at Mesa Regal Park on Friday. He reported that although several vendors were present, the primary activity appeared to be social. Councilmember said he would support the ordinance because it provides a reasonable start in defining the Country Store activity.

Councilmember Somers said he would support the ordinance, and he expressed the opinion that the ordinance clarifies certain activities that the existing Zoning Code does not expressly forbid or permit.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that Ordinance No. 4615 be adopted.

In response to a request from Councilmember Whalen, Mr. Brady assured the Council that Code Compliance Officers would enforce the requirements of the ordinance.

Vice Mayor Walters said that although she is not opposed to the sale of crafts and the social activity provided to the residents, she would not support the motion. She stated the opinion that Country Stores have evolved to be similar to swap meets, which creates an uneven playing field for other businesses in the community.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried by a majority of those present and Ordinance No. 4615 adopted.

- *9b. Amending Title 4 of the Mesa City Code to allow some building permit applications to be submitted prior to finalization of the public review processes on an “at risk” basis – Ordinance No. 4604. (Related to Item 9c).
- *9c. Amending Title 11 of the Mesa City Code to allow some building permit applications to be submitted prior to finalization of the public review processes on an “at risk” basis – Ordinance No. 4605. (Related to Item 9b).

P&Z Recommendation: Table item until more information can be gathered. (Vote: 6-0 with Boardmember Adams absent).

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

- *9d. Amending Section 9-6-7 and 9-8-4 of Title 9 of the Mesa City Code authorizing the Development Services Manager to allow modified or reduced off-site improvements to encourage redevelopment of properties if off-site improvements costs have been previously paid as recommended by the General Development Committee – Ordinance No. 4606.
- *9e. Amending Title 1, Chapter 6 of the Mesa City Code to change the name of the Council Finance Committee to the Audit and Finance Committee and adding the City Manager as a nonvoting, ex-officio member as recommended by the Finance Committee – Ordinance No. 4607.
- *9f. Creating a new Chapter 31 in Title 1 of the Mesa City Code establishing the Council-appointed City Auditor position and designating the duties and responsibilities as recommended by the Finance Committee – Ordinance No. 4608. (Related to Item 3).
- *9g. **A06-10** (District 6) Annexing land located on Broadway Road east of Crismon Road (2.3 ± acres). Initiated by John Brauchler, the property owner – Ordinance No. 4609. CONTINUED FROM THE OCTOBER 3, 2006 AND OCTOBER 16, 2006 COUNCIL MEETINGS.
- *9h. **Z06-63** (District 3) The 310 to 320 block of North Alma School Road (east side). Located south of University Drive and east of Alma School Road. (0.99 acres) Rezone from C-2 and R1-6 to O-S and Site Plan Review. This request will allow for the development of a daycare center. Towanda Carrigan, owner; William H. Hunse, Architectural Team Three, applicant. – Ordinance No. 4610. (*Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.*) CONTINUED FROM THE SEPTEMBER 18, 2006 AND OCTOBER 16, 2006 COUNCIL MEETINGS. *LEGAL PROTEST FILED. ¾ VOTE REQUIRED. LEGAL PROTEST REMOVED PRIOR TO THE COUNCIL MEETING.*

P&Z Recommendation: Approval with conditions. (Vote: 4-1-1 with Boardmember Adams Nay, Finter abstaining due to a potential conflict of interest and Mizner absent).

- *9i. **Z06-70** (District 6) 7932 East Broadway Road. Located east of Sossaman Road and north of Broadway Road (0.17+ acres). Rezone from Maricopa County R1-6 to City of Mesa R1-6. For the establishment of City of Mesa zoning on recently annexed property. Spencer Vanderpool, owner; City of Mesa, applicant – Ordinance No. 4611.

PHO Recommendation: Approval with conditions.

- *9j. **Z06-71** (District 6) The 8222-8230 block of East Broadway Road (north side). Located on Broadway Road west of Hawes Road (0.39+ acres). Rezone from Maricopa County R1-6 to City of Mesa R1-6, for the establishment of City of Mesa zoning on recently

annexed property. Spencer Vanderpool and James Vanderpool, owners; City of Mesa, applicant – Ordinance No. 4612.

PHO Recommendation: Approval with conditions.

- *9k. **Z06-74** (District 6) The 8200 block of East Germann Road (north side). Located west of Hawes Road and north of Germann Road (8.7± acres). Site Plan Review. This case will allow the development of an RV/mini-storage facility. Gregg Sherwood, owner/applicant – Ordinance No. 4613. (*Notified property owners, registered neighborhoods and homeowners associations.*)

PHO Recommendation: Approval with conditions.

- 9l. **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± acres). 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 – Ordinance No. 4614. (*Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.*) CONTINUED FROM THE OCTOBER 16, 2006 COUNCIL MEETING AND THE OCTOBER 30, 2006 SPECIAL COUNCIL MEETING. (Related to item no. 8m)

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

10. Take action on the following subdivision plats:

- *10a. "VILLAGES AT COUNTRY CLUB AMENDED" (District 4) 1367 South Country Club Drive (east side) located south and east of Southern Avenue and Country Club Drive. 375R-3 PAD condominium units (36.69 acres). Casa Encanta Commercial, LLC, Robert G. Blatz, president, owner.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:50 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 6th day of November 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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