



COUNCIL MINUTES

March 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 March 5, 2007 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

STAFF PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Invocation by President Terry Turk, The Church of Jesus Christ of Latter Day Saints.

Pledge of Allegiance was led by Councilmember Somers.

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.

Vice Mayor Walters clarified that the contract listed in agenda item 7f included re-coating the roofs of the Information Services building, the Main Library, the Falcon Police Substation and the former Champlin Museum buildings.

Mayor Hawker called for the vote.

Carried unanimously.

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

Minutes from the November 16 and 19, 2006 and the February 1, 20 and 22, 2007 Council meetings.

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

3a. **A06-32 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.13± ac.). Initiated by the property owner, Bill Bunkoczy.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land located on Sossaman Road north of McDowell Road (1.13± ac.).

Richard Funk, 7718 East Palm Lane, said he was uncertain which zoning case pertained to his issues. He stated that several residents who are not a part of the proposed annexation area are concerned that the action may result in the obstruction of their access to Palm Lane.

Mayor Hawker directed staff to provide Mr. Funk with information regarding the issue.

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

3b. **A06-33 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.16± ac.). Initiated by the property owner, Julie Preder.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land located on Sossaman Road north of McDowell Road (1.16± ac.).

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

3c. **A07-02 (District 5)** Annexing land located on Thomas Road west of Hawes Road (39.42± ac.). Initiated by Nathan Palmer 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 Thomas Road west of Hawes Road (39.42± ac.).

Nathan Palmer, 3807 East Palm Lane, representing 32 Ghost Rider Subdivision property owners, addressed the Council in support of the annexation. He advised that five acres included in a previous annexation request were removed and that all property owners within the proposed annexation area support the current request.

Jeannette Zerilli, 3439 North 80th Place, stated that she represents a small group of residents located in the middle of the properties proposed for annexation. She stated the opinions that the annexation boundaries have not been clearly defined and that Mr. Palmer has interpreted the property lines incorrectly. Ms. Zerilli expressed concern that grading for a road on the side of her lot began a few days ago.

In response to a request from Mayor Hawker, Planning Director John Wesley stated that staff would contact Ms. Zerilli regarding her concerns.

Mark Minch, 3360 North 81st Street, referred to recent voter-approved legislation regarding the negative impact of rezoning on adjacent properties, and he stated the opinion that this proposed annexation would negatively impact the value of his property. Mr. Minch reported that 66 Ghostrider Subdivision residents signed a petition (a copy is available for review in the City Clerk's Office) indicating their opposition to the proposed annexation.

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

4. Conduct a public hearing on the proposed FY 2007/2008 CDBG/HOME/ADDI/ESG programs.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed FY 2007/2008 CDBG/HOME/ADDI/ESG programs.

Acting Community Revitalization/Housing Director Kit Kelly reported that this is the second public hearing regarding the 2007/2008 program allocations based on applications that were received by the December 8, 2006 deadline. She outlined the following Federal programs:

- Community Development Block Grant (CDBG), the largest of the programs.
- Home Investment Partnership (HOME), a program that provides housing opportunities.
- American Dream Down Payment Initiative (ADDI), a part of the HOME Program that provides assistance to first-time homebuyers.
- Emergency Shelter Grant (ESG).

Ms. Kelly advised that the City is presently conducting a thirty-day public comment period, which began February 28th and will continue through March 30th. She said that anyone wishing to comment on these programs or the process may do so on the City's website or by contacting her office. Ms. Kelly said that staff would present their 2007/2008 funding recommendations for Council consideration at the April 2, 2007 Regular meeting.

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

5. Take action on the following liquor license applications:

*5a. Foundation for Mesa Parks and Recreation

This is a two-day charitable event to be held Saturday, May 5, 2007 and Sunday, May 6, 2007 from 12:00 noon to 10:00 p.m. at 526 E. Main Street. (District 4).

*5b. East Valley Harley Owner's Group

This is a one-day charitable event to be held Friday, March 23, 2007 from 3:00 p.m. to 10:00 p.m. at 922 S. Country Club Drive. (District 3).

*5c. Fitch Baseball Park

New Government License for Fitch Baseball Park, 160 E. 6th Place, City of Mesa Municipal Development Corp – Applicant; Scot Smith – Agent. No previous liquor license at this location. (District 4).

*5d. 4 Sons Food Store

New Beer & Wine Store License for 4 Sons Food Store, 8702 E. Guadalupe Road, Bro Retail Group Inc – Applicant; Kent David Bro – Agent. No previous liquor license at this location. (District 6).

*5e. Grill Square Restaurant

New Restaurant License for Grill Square Restaurant, 1445 W. Southern Avenue, Suite 1016, Flywheel Inc – Applicant; Kwang Ryang Kim – Agent. No previous liquor license at this location. (District 3).

*5f. S'Bistro Deleted (Withdrawn by Applicant)

*5g. Tacos El Grullo

New Restaurant License for Tacos El Grullo, 1110 E. Main Street, Jose R. Rubio – Individual. No previous liquor license at this location. (District 1).

6. Take action on the following bingo application:

*6a. BINGO APPLICATION – CLASS A

Fountain East Mobile Park (District #5)
Marcella Carroll
303 S. Recker Road, Suite #10

7. Take action on the following contracts:

*7a. Additional Laboratory Information Management Solution (LIMS-Plus) software licenses as requested by the Mesa Police Department. (Fully grant-funded Crime Laboratory Assessment and DNA Capacity Enhancement Grant Programs). (Sole Source).

The Procurement Services Department recommends authorizing purchase from JusticeTrax, Inc. in the amount of \$31,599.35.

*7b. Three-year supply contract for training and duty ammunition as requested by the Mesa Police Department.

The Procurement Services Department recommends authorizing purchase from San Diego Police Equipment Company, Inc. at \$197,442.97, including applicable use tax.

- *7c. 485 replacement protective masks and 500 spare canisters as requested by the Mesa Police Department. (Fully grant-funded State Homeland Security Grant Program).

The Procurement Services Department recommends accepting the low bid from Aramsco, Inc. at \$107,987.72, including applicable sales tax.

- *7d. Equipment and equipment installation services for the Regional Data Sharing Project (Mesa-owned fiber optic route) as requested by the Mesa Police Department. (Fully grant-funded SHSGP/LETPP Federal Homeland Security Program).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Qwest Communications Corp. for a total of \$294,998.81, including applicable sales tax.

- *7e. Two-year renewal of supply contract for Precast Electric Vaults as requested by the Utilities Department, Electric Division. (Single Bid).

The Procurement Services Department recommends authorizing purchase from Utility Vault at \$228,693.66 annually, based on estimated requirements, including contingencies and applicable sales tax.

- *7f. Re-coat roofs at the Information Services Building, Main Library Building, Falcon Police Substation and the former Champlin Museum Buildings - City of Mesa Project No. 06-906-001.

The City regularly performs re-roofing and re-coating projects as part of on-going facility maintenance at City-owned buildings. This project will re-coat foam roofs at the Information Services Building, Main Library Building, Falcon Police Substation Building and the former Champlin Museum Buildings.

Recommend award to Foam Experts Roofing, Inc, in the amount of \$153,903.00 plus an additional \$15,390.30 (10% allowance for change orders) for a total award of \$169,293.30. Funding is available from the approved Facility Maintenance operating budget.

- 7g. Water meter vault reconstruction - City of Mesa Project No. 01-603-003.

Within the City's water distribution system are numerous large water meters that serve large customers such as commercial and multi-family developments. These meters are located in underground vaults that require periodic maintenance. This project will rehabilitate eight of these existing water meters and vaults. Some of the meter assemblies are being removed from underground vaults and reconfigured to above ground meter assemblies for easier access for maintenance and reading meters.

Recommend award to Pierson Construction Corporation, in the amount of \$183,650.00 plus an additional \$18,365.00 (10% allowance for change orders) for a total award of \$202,015.00. Funding is available in the approved FY 06/07 Water Bond Program.

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 Whalen, 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.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

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

- *8a. Amending Section 11-18-8 of the Zoning Ordinance to provide for simplified site plan modifications and fee for such modifications.

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

DDC Recommendation: Approval. (Vote: 6-0 with Boardmembers Jarvis, Close and Riekena absent.)

- *8b. **A06-29 (District 5)** Annexing land located on University Drive west of Power Road (7.9± ac.). Initiated by Bill Duff, representing the property owner.

- *8c. Amending Section 11-19-7 of the Mesa City Code with regard to “Portable Business Identification Signs (aka: A-frame Signs).”

P&Z Recommendation: Approval. (Vote: 4-1 with Boardmember Mizner nay and Boardmembers Adams and Langkilde absent.)

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

- *8d. **Z07-16 District 6)** 6846 East Warner Road. Located at the east of Power Road on the north side of Warner Road (.80± ac.). Site Plan Review. This request will allow the development of a credit union within the Gateway Norte Business Park. Harry Mateer, Altier Credit Union, owner; Chip Nix, applicant. (*Notified property owners.*)

P&Z Recommendation: Approval. (Vote: 6-0-1 with Boardmember Adams abstaining.)

- 8e. **Z07-18 (District 1)** The 800 to 1200 block of North Dobson Road (east side) and the 1200 to 2000 blocks of West 8th Street (north side). Located north and east of Dobson Road and 8th Street (173 acres±). Rezone from C-2, C-2 BIZ, C-3 and PEP to C-2 PAD,

C-2 BIZ PAD, C-3 PAD, and PEP PAD. This request is to facilitate individual ownership of parcels within the Riverview commercial development. Hurley Land Co., LLC, Robert E. Hurley, manager/member; Sachs Ranch Co., LLC, Helen Elaine Hurley Smith, manager/member; Riverview Partners, LLC, Jerald Friedman and Marty De Rito, managing members, owners; Vincent DiBella, applicant. *(Notified property owners and the Mesa Grande Home Owners Association.)*

PHO Recommendation: Approval with conditions.

Mayor Hawker and Councilmember Rawles declared potential conflicts of interest and said they would refrain from discussion/consideration of this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the ordinance be introduced and that March 19, 2007, be established as the date for the public hearing.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

9. Take action on the following resolutions:

- *9a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Maricopa County and the City of Mesa for the Special Transportation Services (STS) program – Resolution No. 8923.

The County's STS program provides transportation for low-income, elderly, and disabled residents of Maricopa County. The program provides transportation for persons who either cannot afford Dial-a-Ride or whose physical condition prohibits use of it. Typical trips include medical and social service appointments, senior center and shopping trips, travel to adult day-care facilities, meals-on-wheels and employment-related activities. The FY 06-07 budget includes \$100,000 to fund the provision of STS service in Mesa. Funding for this service comes entirely from Local Transportation Assistance Fund (LTAF), which is derived from the State Lottery.

- *9b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for operating costs associated with the *RIDE* Choice program – Resolution No. 8924.

The proposal would fund a total of \$350,000 for the *RIDE* Choice Programs. Funding for this service comes from the Local Transportation Assistance Fund (LTAF), which is derived from the State Lottery. The program funds the mileage reimbursement, coupons

for cabs, and administration of the programs, as well as staffing, marketing, printing and postage costs.

- *9c. Granting a Gas Facility Easement and Temporary Construction Easement to El Paso Natural Gas at Heritage Park at 1517 South Center Street – Resolution No. 8925.

The easement is necessary for the expansion of the gas monitoring equipment at El Paso's and the City's natural gas facility.

- *9d. Convey a portion of right-of-way to the United States of America (Salt River Project) for the relocation of an underground irrigation pipe along Main Street, east of Dobson Road – Resolution No. 8926.

This relocation is necessary due to the Valley Metro Rail road-widening project.

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. 4674:

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

On Bridlewood from Guadalupe Road to a point 275 feet south of Guadalupe Road. (south of Guadalupe Road and east of Signal Butte Road, Council District 6)

- *10b. Amending Title 1, Chapter 6 of the Mesa City Code pertaining to Council Committees – Ordinance No. 4675.

- *10c. **Z07-10 (District 3)** The 2200 and 2300 blocks of South Country Club Drive (west side). Located south of Baseline Road on the west side of Country Club Drive (24± acres). Site Plan Modification and Council Use Permit. This request will allow the development of a big box retail development larger than 10,000s.f. in an M-1 zoning district. Brandon Wolfswinkel; Vanderbilt Farms, LLC, owner; W. Ralph Pew; Pew and Lake, PLC, applicant. *(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)* LEGAL PROTEST FILED. ¾ VOTE REQUIRED. **(Continued to the May 21, 2007 Council meeting.)**

P&Z Recommendation: Denial. (Vote: 4-2 with Boardmembers Finter, Mizner nay, and Esparza absent.)

- *10d. **Z07-11 (District 3)** The 2200 and 2300 blocks of South Country Club Drive (west of Country Club approximately 775' and 155' north of the Rancho Del Mar Subdivision). Located south of Baseline Road on the west side of Country Club Drive (8± acres). Rezone from M-1 to O-S and Site Plan Modification. This request will allow the site plan of a 155' "L" shaped landscaped area. Brandon Wolfswinkel; Vanderbilt Farms, LLC, owner; W. Ralph Pew; Pew and Lake, PLC, applicant. *(Held two neighborhood*

meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.) LEGAL PROTEST FILED. ¾ VOTE REQUIRED.
(Continued to the May 21, 2007 Council meeting.)

P&Z Recommendation: Denial. (Vote: 4-2 with Boardmembers Finter, Mizner nay, and Esparza absent.)

11. Take action on the following subdivision plats:

- *11a. "CHILDRENS CHOICE LEARNING CENTER" (**District 5**) 6420-6450 blocks of East Broadway Road (north side) located north and west of Broadway Road and Power Road. 1 O-S commercial lot (1.99 ac.). Banner Health Systems, Steve Eiss, owner.
- *11b. "JASMINE COURT" (**District 1**) 800 block of East Jasmine Circle (north side) located south and east of McKellips Road and Mesa Drive. 5 R1-6 BIZ single residence lots (1.00 ac.). Nowata Leasing, LLP, Greg Hamblin, managing partner, and Mark Gunning and Kathy Gunning, owners.

12. Items from citizens present.

Frank Alger, 1009 North April Street, Chairman and President of the Mesa Veteran's Parade Association, announced that a March 18th golf outing is planned as a fundraiser for the 2007 Veteran's Day Parade. He also reported the organization has a new website which can be accessed at www.mesaveterans.org. Mr. Alger commented that although the City is unable to provide police officers for the Veteran's Day Parade, police services are available for the Chicago Cubs baseball games. He also expressed the opinion that Councilmember Rawles disrespects the flag by refusing to stand for the Pledge of Allegiance.

Jerry D. Walker, 113 South Ogden Circle, noting that the City provides police services for the Chicago Cubs baseball games, suggested that the City reimburse the Veteran's Parade Association for the amount they were required to pay for police services utilized during the 2006 Veteran's Day Parade. He also stated the opinion that the manner of protest utilized by Councilmember Rawles was inappropriate, and he suggested that the Council implement a form of censure to address his actions.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:15 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 5th day of March 2007. 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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