

## COUNCIL MINUTES

November 20, 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 20, 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 Councilmember Jones.

Pledge of Allegiance was led by Mary Vance, Mountain View 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.

Presentation of a grant from the Fort McDowell Yavapai Nation to Mesa Public Schools.

Fort McDowell Yavapai Nation President Raphael Bear and Tribal Council Treasurer Pamela Mott presented a check for \$80,000 to Mesa Public Schools Superintendent Debra Duvall.

Ms. Duvall, on behalf of the Mesa Public Schools, expressed appreciation to the Fort McDowell Yavapai Nation for its generosity. She stated that the monies would be used to continue funding student-tutoring programs at Salk Elementary School, Fremont Junior High School, and Red Mountain High School.

### 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 Jones, that the consent agenda items, with the exception of 12o and 12p, be approved.

Carried unanimously.

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

Minutes from the October 3 and 30, and November 6, 2006 Council meetings.

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

- 3a. **A06-25 (District 5)** Annexing land located on McKellips Road west of Crismon Road (1.06± a.c.). Initiated by the property owner, Alan Saquella.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing land located on McKellips Road west of Crismon Road (1.06± a.c.).

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

- 3b. **A06-27 (District 5)** Annexing land located on the northeast corner of Hawes Road and McDowell Road (151.41 ± a.c.). Initiated by Jack Gunter, one of the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing land located on the northeast corner of Hawes Road and McDowell Road (151.41 ± a.c.).

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

4. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

- 4a. Public Hearing for General Plan Amendment **GPMInor06-04 (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± ac). Minor General Plan Amendment to change the General Plan Land Use map from Medium Density Residential 2-4 dwelling units per acre (MDR 2-4) to Medium Density Residential 4-6 dwelling units per acre (MDR 4-6). Brad Weekes, President, Heritage Development, Inc., owner; Ralph Pew, Pew and Lake, PLC, applicant. **COMPANION CASE Z06-75 (Agenda Item 13I).**

Mayor Hawker announced that this is the time and place for a public hearing regarding General Plan Amendment **GPMInor06-04**.

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

- 4b. Take action on the following resolution:

**GPMInor06-04 (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± ac). Minor General Plan Amendment to change the General Plan Land Use map from Medium Density Residential 2-4 dwelling units per acre (MDR 2-4) to Medium Density Residential 4-6 dwelling units per acre (MDR 4-6). Brad Weekes, President, Heritage Development, Inc., owner; Ralph Pew, Pew and Lake, PLC, applicant. **COMPANION CASE Z06-75 (Agenda Item 13I)** – Resolution No. 8867.

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

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Resolution No. 8867 be adopted.

Carried unanimously.

5. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

- 5a. Public Hearing on General Plan Amendment **GPMInor06-06 (District 6)** The 7500 to 7600 blocks of East Elliot Road (north side) and the 3400 to 3500 blocks of South Sossaman Road (west side). Located north of Elliot Road and west of Sossaman Road (10± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Neighborhood Commercial (NC) to Mixed Use/Employment (MU/E). Scott C. Morrison, Morrison Ranch, Inc., owner/applicant. **COMPANION CASE Z06-83 (Agenda Item 13q).**

Mayor Hawker announced that this is the time and place for a public hearing regarding General Plan Amendment **GPMInor06-06**.

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

- 5b. Take action on the following resolution:

**GPMInor06-06 (District 6)** The 7500 to 7600 blocks of East Elliot Road (north side) and the 3400 to 3500 blocks of South Sossaman Road (west side). Located north of Elliot Road and west of Sossaman Road (10± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Neighborhood Commercial (NC) to Mixed Use/Employment (MU/E). Scott C. Morrison, Morrison Ranch, Inc., owner/applicant. **COMPANION CASE Z06-83 (Agenda Item 13q)** – Resolution No. 8868.

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

It was moved by Councilmember Somers, seconded by Vice Mayor Walters, that Resolution No. 8868 be adopted.

Carried unanimously.

6. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

- 6a. Public Hearing on General Plan Amendment **GMinor06-07 (District 5)** 5750 East Main Street. Located on the north side of Main Street between Higley and Recker Roads (13.6± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Medium Density Residential 6-10 dwelling units per acre (MDR 6-10) and Community Commercial (CC) to High Density Residential 15+ dwelling units per acre (HDR 15+). Shane Kuber, owner, Brent Miller, applicant. **COMPANION CASE Z06-56 (Agenda Item 13h).**

Mayor Hawker announced that this is the time and place for a public hearing regarding General Plan Amendment **GMinor06-07**.

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

- 6b. Take action on the following resolution:

**GMinor06-07 (District 5)** 5750 East Main Street. Located on the north side of Main Street between Higley and Recker Roads (13.6± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Medium Density Residential 6-10 dwelling units per acre (MDR 6-10) and Community Commercial (CC) to High Density Residential 15+ dwelling units per acre (HDR 15+). Shane Kuber, owner, Brent Miller, applicant. **COMPANION CASE Z06-56 (Agenda Item 13h)** – Resolution No. 8869.

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

It was moved by Councilmember Jones, seconded by Vice Mayor Walters, that Resolution No. 8869 be adopted.

Carried unanimously.

7. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

- 7a. Public Hearing for General Plan Amendment **GMinor06-08 (District 5)** Request amendment of the General Plan Land Use Map from Low Density Residential (0-1) to High Density Residential (10-15) for 9.3 acres +/- of land identified as parcel 10 in the proposed Stonebridge Mountain DMP. Jeff Blandford, Pinnacle Ridge Holdings LLC, owner; Paul Dugas, applicant. **COMPANION CASES Z06-86 and GMinor06-09 (Agenda Items 13s and 8)**

Mayor Hawker announced that this is the time and place for a public hearing regarding General Plan Amendment **GPMInor06-08**.

Brian Tetrault, 8564 East Gary Street, expressed concern regarding proposed access onto 86<sup>th</sup> Street from the new residential development. He stated that such a proposal would create significant traffic congestion near Brown Road and 86<sup>th</sup> Street, a short distance from a "roundabout" being constructed near the 202 Freeway.

Vice Mayor Walters commented that it is her understanding that staff and the applicant are still in the process of resolving a variety of issues regarding this case, including the concerns raised by Mr. Tetrault.

Paul Gilbert, 4800 North Scottsdale Road, an attorney representing the applicant, assured the Council that he would meet with Mr. Tetrault to address any misunderstandings he may have concerning this matter. He explained that the applicant has asked that items 7a and 8a be continued in order to complete a comprehensive Development Agreement with staff and also to draft a new Companion Ordinance with the original zoning case that would reflect the new school location and the associated minor roadway changes to the plan presented to the Planning & Zoning Board (P&Z). Mr. Gilbert added that the Madrid subdivision, which is located to the north of the proposed development, is challenging the placement of an emergency access gate at the Hermosa Vista Drive alignment from their southwestern corner to Terrell Street, an issue which must also be resolved by the residents and City staff.

Mayor Hawker clarified that tonight, the Council would proceed with the public hearings regarding items 7a and 8a, but said that the respective resolutions would be adopted at a later date.

Vice Mayor Walters stated that there appears to be "a message problem" relative to individuals receiving conflicting information regarding 86<sup>th</sup> Street and whether the applicant has proposed a "crash" gate for an emergency entrance or some alternative option.

In response to Vice Mayor Walters' comment, Mr. Gilbert clarified that at the numerous public meetings that have been held relative to this item, the applicant has endeavored to resolve any misunderstandings that the neighbors have had with regard to 86<sup>th</sup> Street. He explained that the applicant has, in fact, proposed the installation of a "crash" gate for an emergency entrance on 86<sup>th</sup> Street.

Mayor Hawker advised that this item would be continued to the December 18, 2006 Regular Council meeting and invited Mr. Tetrault to attend the meeting if he has any further questions or concerns.

City Attorney Debbie Spinner clarified that the case was not continued to a date certain and suggested that Mr. Tetrault leave his name and phone number with staff so they can contact him when a specific meeting date has been scheduled.

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

7b. **Deleted.**

8. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

- 8a. Public Hearing for General Plan Amendment **GPMInor06-09 (District 5)** Request amendment of the General Plan Land Use Map from Low Density Residential (1-2) to High Density Residential (10-15) for 9.4 acres +/- of land identified as parcel 14 in the proposed Stonebridge Mountain DMP. Jeff Blandford, Pinnacle Ridge Holdings LLC, owner; Paul Dugas, applicant. **COMPANION CASES Z06-86 and GPMInor06-08 (Agenda Items 13s and 7).**

Mayor Hawker announced that this is the time and place for a public hearing regarding General Plan Amendment **GPMInor06-09**.

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

- 8b. **Deleted.**

9. Take action on the following liquor license applications:

- \*9a. RT O'Sullivan's II

Person-to-Person and Location Transfer Bar License for RT O'Sullivan's II, 1010 West Southern Avenue, Rossbeigh, Inc – Applicant, Timothy Raymond O'Sullivan – Agent. The Restaurant License previously held at this location by Rossbeigh, Inc., issued 01/14/1998, will revert back to the State. District #3.

- \*9b. Circle K Store #6357

Person-to-Person and Location Transfer Liquor Store License for Circle K Store #6357, 1850 South Stapley Drive, Circle K. Stores, Inc. – Applicant, Kim Kenneth Kwiatkowski – Agent. The Beer & Wine Store License previously held at this location by Circle K Stores, Inc., issued 08/27/2003, will revert back to the State. District #4.

- \*9c. M&R Market

New Beer & Wine Store License for M&R Market, 1231 South Mesa Drive, S&M Markets, Inc. – Applicant, Aziz A. Mallik – Agent. The Beer & Wine Store License previously held at this location by Lucky Gold Corp, issued 11/22/2004, will revert back to the State. District #4.

10. Take action on the following contracts:

- \*10a. Contract Dollar Limit Increase to the Supply Contract for Ultra Thin Bonded Wearing Course as requested by the Transportation Department.

The Procurement Services Department recommends increasing the contract dollar limit to Rinker Materials, Inc. by \$130,000.00 to \$813,732.50 annually for 2006/07 and 2007/08.

- \*10b. Two-Year Renewal of Supply Contract for Insulated Electrical Connectors and Accessories as requested by the Utilities Department, Electric Division.

The Procurement Services Department recommends authorizing a two-year renewal to Wesco Distribution, Inc. at \$66,341.62 annually, based on estimated requirements, including contingencies and applicable use tax.

- \*10c. Closed Circuit Television Equipment as requested by the Mesa Police Department. (Fully Grant Funded UASI Federal Homeland Security Program.)

The Procurement Services Department recommends authorizing purchase from North American Video, Inc. at \$89,002.85, including applicable use tax.

- 10d. Roadway to Twin Knolls Reservoir, City of Mesa Project No. 02-360-001.

This project will rehabilitate the existing access roadway to the Twin Knolls Reservoir site. Improvements include grading, paving, and chip sealing the roadway. This project will improve access to this site and facilitate operation and maintenance of the facility.

Recommend award to the low bidder, Cactus Asphalt, in the amount of \$44,794.00 plus an additional \$4,479.40 (10% allowance for change orders) for a total award of \$49,273.40. Funding is available from the Water Bond Program. **(Only one bid received).**

Mayor Hawker declared potential conflicts of interest on items 10d and 10e and said he would refrain from discussion/consideration of these agenda items. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

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 majority vote of those voting.

- 10e. Chilled Water Line to Public Safety Campus, Main Library, and Centennial Hall, City of Mesa Project Nos. 04-082-001 & 03-059-001.

This project will install chilled water lines along 1<sup>st</sup> Street from Centennial Way to west of Robson Street to the Public Safety Campus and north along Centennial Way from 1<sup>st</sup> Street to Centennial Hall. These improvements will extend the existing chilled water system in the downtown area to serve the Public Safety Campus area, the Main Library, and Centennial Hall.

Recommend award to the low bidder, Highland Engineering, in the amount of \$2,442,440.00 plus an additional \$244,244.00 (10% allowance for change orders) for a total award of \$2,686,684.00. Funding is available from the Law Enforcement and Library Bond programs, Utility Revenue funds, Convention Center Operation funds, and Impact fees.

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

Vice Mayor Walters commented that the City has postponed making improvements to 1<sup>st</sup> Street in order to install the chilled water lines along that roadway. She assured everyone that pending completion of the project, 1<sup>st</sup> Street would be repaved.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Somers-Walters-Whalen  
ABSTAIN - Hawker

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

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

\*10f. Excess Liability Insurance as requested by the City Attorney's Office.

1. Reconsider decision to purchase the 2<sup>nd</sup> layer of Excess Liability Insurance of \$5,000,000 provided by Clarendon American Insurance and the 3<sup>rd</sup> layer of Excess Liability Insurance of \$10,000,000 provided by Westchester Surplus Lines.
2. Recommend purchase of 2<sup>nd</sup> layer of Excess Liability Insurance of \$15,000,000 from Lexington Insurance Company for \$295,537.

11. Introduction of the following ordinances and setting December 4, 2006, as the date of the public hearing on these ordinances:

- \*11a. Amending Title 4, Chapter 1 (Mesa Administrative Code) of the Mesa City Code to change the effective date for the applicability of the new 2006 Building and Technical Codes and to cross-reference the requirements for operational permits in Title 7, Chapter 2 of the Mesa City Code as recommended by the General Development Committee.
- \*11b. Amending Title 4, Chapter 2 (Mesa Building Code) of the Mesa City Code to adopt the International Building Code 2006 edition with amendments as recommended by the General Development Committee.

- \*11c. Amending Title 4, Chapter 3 (Mesa Residential Code) of the Mesa City Code to adopt the International Residential Code 2006 edition with amendments as recommended by the General Development Committee.
- \*11d. Amending Title 4, Chapter 4 (Mesa Electrical Code) of the Mesa City Code to adopt the National Electrical Code 2005 edition and naming Chapter 4 the Mesa Lighting and Electrical Code as recommended by the General Development Committee.
- \*11e. Amending Title 4, Chapter 5 (Mesa Plumbing Code) of the Mesa City Code to adopt the International Plumbing Code 2006 edition with amendments as recommended by the General Development Committee.
- \*11f. Amending Title 4, Chapter 6 (Mesa Mechanical Code) of the Mesa City Code to adopt the International Mechanical Code 2006 edition with amendments as recommended by the General Development Committee.
- \*11g. Amending Title 4, Chapter 7 (Mesa Fuel Gas Code) of the Mesa City Code to adopt the International Fuel Gas Code 2006 edition with amendments as recommended by the General Development Committee.
- \*11h. Amending Title 4, Chapter 8 (Mesa Existing Building Code) of the Mesa City Code to adopt the International Building Code 2006 edition as Option A, International Existing Building Code 2006 edition as Option B, and delete Option C Mesa Rehabilitation Code with amendments as recommended by the General Development Committee.
- \*11i. **A06-01 (District 5)** Annexing land located on Sossaman Road north of McKellips Road (4.7 ± ac.). Initiated by Jerry Gomez, representing the property owners.
- \*11j. **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.
- \*11k. **Z06-72 (District 5)** The 2700 block of East Lehi Road (south side). Located west of Val Vista Drive, south of Thomas Road (106.5± ac.). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Robert Engel, owner; City of Mesa, applicant. **CONTINUED FROM THE OCTOBER 16, 2006 CITY COUNCIL MEETING.**

PHO Recommendation: Approval with Conditions.

- \*11l. **Z06-87 (District 2)** 3010 East Main Street. Located north and east of Lindsay Road and Main Street. (0.8± ac.) Rezone from C-2 to C-3. This request will allow for the continued operation of an automobile dealership with outdoor display of vehicles. Anthony Verdone, owner/applicant. **(Notified property owners within 300 feet of the site.)**

PHO Recommendation: Approval with Conditions.

- \*11m. **Z06-88 (District 6)** South and east of Power and Elliot Roads. (20± ac.) Rezone from C-3 DMP to C-2 PAD DMP and M1-PAD DMP, Site Plan Review. This request will allow for

the development of an office/warehouse development with commercial/retail lots fronting the arterial streets. GOC LLC etal (Dan Reeb), owner; Greg Hitchens, applicant.  
***(Notified property owners within 100 feet of the site.)***

PHO Recommendation: Approval with Conditions.

12. Take action on the following resolutions:

- \*12a. Extinguishing a Public Utilities Easement at 2212 West Monterey Avenue – Resolution No. 8852.

The easement is being extinguished to allow the construction of a new swimming pool.

- \*12b. Extinguishing a 20-foot right-of-way for a natural gas pipeline and road in Pinal County – Resolution No. 8853.

This pipeline right-of-way and road is no longer required as the natural gas facilities have been removed and the road abandoned.

- \*12c. Extinguishing a Public Utility and Facilities Easement at 7024 East Brown Road – Resolution No. 8854.

This easement is being extinguished to allow the construction of new classroom buildings at Salk Elementary School.

- \*12d. Extinguishing Public Utility and Storm Drainage Easements at the northeast corner of Signal Butte Road and Baseline Road – Resolution No. 8855.

These easements are no longer required as the design of the property has changed and new easements have been dedicated.

- \*12e. Extinguishing a Public Utility and Facilities Easement located on South 75<sup>th</sup> Street and East Harmony Avenue, between Hampton Avenue and Sossaman Road – Resolution No. 8856.

This easement is no longer required as 75<sup>th</sup> Street and Harmony Avenue are being realigned. New easements will be dedicated along with the new plat.

- \*12f. Extinguishing Drainage Easements and a Public Utility Easement located at 1630 North Higley Road – Resolution No. 8857.

These easements are no longer required as the design of the property has changed and the new plat dedicated new easements.

- \*12g. Vacating right-of-way of the old alignment of Pecos Road from Sossaman Road to Ellsworth Road – Resolution No. 8858.

This right-of-way has never been used and is no longer needed.

- \*12h. Vacating right-of-way in the 100 Block of North Pomeroy Street – Resolution No. 8859.  
  
Fire Station 201 was built over a portion of North Pomeroy Street and this portion of the street needs to be taken out of public right-of-way.
- \*12i. Conveying City-owned property located in the 100 block of North Pomeroy Street, behind Fire Station 201 – Resolution No. 8860.  
  
This action is necessary to finalize the legal description of the Fire Station, City Park and Pomeroy Street cul-de-sac.
- \*12j. Extinguishing a portion of an Easement for Sidewalk at the southeast corner of Vineyard Street and Baseline Road – Resolution No. 8861.  
  
This portion of the easement is in conflict with new construction. The new sidewalk will be in the Vineyard Street right-of-way.
- \*12k. Extinguishing a portion of a Drainage Easement in Ridgeview Plaza located at 2864 North Power Road – Resolution No. 8862.  
  
This easement is no longer required as a new easement will be dedicated on the replat of the subdivision.
- \*12l. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (ADOT JPA File No. 06-007) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for roadway signs and striping at the San Tan Freeway (SR 202L) and Hawes Road traffic interchange. Mesa's share of the cost is \$20,837.00 – Resolution No. 8863.
- \*12m. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (ADOT JPA File No. 05-125) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for Landscape Maintenance along the San Tan Freeway (SR 202L) from Elliot Road to Power Road. Mesa's estimated annual operation and maintenance cost is \$13,029.00 – Resolution No. 8864.
- 12n. Approving and authorizing the City Manager to execute Airport Development Grant Agreement #E7F60 between the Arizona Department of Transportation (ADOT) Aeronautics Division and the City of Mesa for Runway Safety Area (RSA) improvements, taxiway guidance sign improvements and installation of perimeter fencing at Falcon Field Airport. The improvements will bring these areas into compliance with Federal Aviation Administration (FAA) standards – Resolution No. 8870.

The total cost for these projects are \$725,680.00 for the RSA and taxiway guidance sign improvements and \$473,685 for the perimeter fencing. The FAA has agreed to fund up to \$689,396.00 and \$450,000.00 respectively. The remaining local match will be funded by this ADOT grant and City funds. The ADOT grant will not exceed \$29,985.00. The total amount of the City contribution will not exceed \$29,985.00. These funds have already been approved and appropriated in the City's FY 2006-07 Budget.

Councilmember Griswold declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that Resolution No. 8870 be adopted.

Vice Mayor Walters commented that the funding for the projects is derived from Federal and local aviation fees or aviation improvements.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Rawles-Somers-Walters-Whalen  
ABSTAIN - Griswold

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 8870 adopted.

- 12o. Approving and authorizing the City Manager to execute Airport Development Grant Agreement #E7F52 between the Arizona Department of Transportation (ADOT) Aeronautics Division and the City of Mesa for the update of the Falcon Field Master Plan – Phase I. The Master Plan details the short, medium, and long-term development plans to meet existing and future aviation needs – Resolution No. 8871.

The total cost for Phase I of this project is \$178,947.36. The Federal Aviation Administration (FAA) has agreed to fund up to \$170,000.00 for Phase I of the project (95% of the total cost). The remaining local match will be funded by this ADOT grant, in the amount of \$4,474.00 (2.5% of the total cost) and City funds. The cost to the City for this phase of the project will not exceed \$4,474.00 (2.5% of the total cost). The funds have already been approved and appropriated in the City's FY 2006-07 Budget. **(Related to Item 12p).**

Councilmember Griswold declared potential conflicts of interest on 12o and 12p and said he would refrain from discussion/consideration of these agenda items.

It was moved by Councilmember Jones, seconded by Vice Mayor Walters, that Resolution No. 8871 be adopted.

Councilmember Rawles commented that the City recently completed an internal Falcon Field Master Plan update and is now expending over \$180,000 for a consultant to “go through the process again.” He explained that although most of the funding for this item is derived from the Federal government, with a limited amount from the State, he finds it “kind of funny” that Mesa must spend these monies in order to receive additional Federal funding in the future. Councilmember Rawles added that he cannot support “that kind of circuitous governmental policymaking” and would oppose items 12o and 12p.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Somers-Walters-Whalen  
NAYS - Rawles  
ABSTAIN - Griswold

Mayor Hawker declared the motion carried by a majority of those voting and Resolution No. 8871 adopted.

- 12p. Approving and authorizing the City Manager to execute Airport Development Grant Agreement #E7S59 between the Arizona Department of Transportation (ADOT) Aeronautics Division and the City of Mesa for the update of the Falcon Field Master Plan – Phase II. The Master Plan details the short, medium, and long-term development plans to meet existing and future aviation needs – Resolution No. 8872.

The total estimated cost for Phase II of this project is \$64,642.00. ADOT has agreed to fund up to \$58,178.00 for Phase II of the project (90% of the total cost). The estimated cost to the City for this phase of the project will not exceed \$6,464.00 (10% of the total cost). The funds have already been approved and appropriated in the City's FY 2006-07 Budget. **(Related to Item 12o).**

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Resolution No. 8872 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Somers-Walters-Whalen  
NAYS - Rawles  
ABSTAIN - Griswold

Mayor Hawker declared the motion carried by a majority of those voting and Resolution No. 8872 adopted.

- 12q. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Flood Control District of Maricopa County and the City of Mesa for participation in the Preconstruction Engineering and Design Phase of the Va Shly'ay Akimel Salt River Ecosystem Restoration Project. The Flood Control District of Maricopa County will contribute \$100,000 – Resolution No. 8873.

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

Mayor Hawker stated that he has supported this project for many years and commented that he is pleased the Flood Control District of Maricopa County has contributed \$100,000 in that regard.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that Resolution No. 8873 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Somers-Walters-Whalen  
ABSTAIN - Rawles

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 8873 adopted.

- \*12r. Approving and authorizing the City Manager to execute an agreement with the Department of Justice – Office of Community Oriented Policing for the acceptance of a technology grant in the amount of \$39,489 to purchase communication devices for laptops and patrol cars for connection to the Wi-Fi wireless system – Resolution No. 8865.
- \*12s. Approving and authorizing the City Manager to execute an agreement with the Department of Justice – Office of Community Oriented Policing for the acceptance of a technology grant in the amount of \$148,084 to purchase communication devices for laptops and patrol cars for connection to the Wi-Fi wireless system – Resolution No. 8866.
- \*12t. **Deleted.**

13. 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.

- \*13a. Amending the Mesa Tax Code (MTC) as a result of the adoption of changes made to the Model City Tax Code (MCTC) – Ordinance No. 4616.
- \*13b. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4617:

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 and 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).

- \*13c. **A06-14** (District 5) Annexing land located on Main Street east of Ellsworth Road. (20.1 ± ac.). Initiated by Geff Gunsalas, representing the property owner – Ordinance No. 4618.
- \*13d. **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 – Ordinance No. 4619. **CONTINUED FROM THE OCTOBER 3, 2006 AND THE OCTOBER 16, 2006 CITY COUNCIL MEETINGS.**
- \*13e. **A06-20** (District 5) Annexing land located south of the southeast corner of Brown Road and Recker Road (6.85 ± ac.). Initiated by Joseph Huka, one of the property owners – Ordinance No. 4620.
- \*13f. Amending Title 1, Chapter 12 of the Mesa City Code to increase the Court Capital Construction Fee to \$16.50 – Ordinance No. 4621.
- \*13g. Amending Section 23C of the Terms and Conditions for the Sale of Utilities to modify certain exceptions – Ordinance No. 4622.
- 13h. **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 – Ordinance No. 4631. ***(Held two neighborhood meetings, notified property owners, registered neighborhoods and homeowners' associations.) COMPANION CASE GPMInor06-07 (Agenda Item 6).***

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

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Ordinance No. 4631 be adopted.

Carried unanimously.

- \*13i. **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 – Ordinance No. 4623. ***(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)

- \*13j. **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± ac.). Rezone from AG to M-2 and Site Plan Review. This request will allow for the development of a light industrial facility. Steve Stumpff, Windswept Organics, Inc., owner; Michelle Dahlke, applicant –

Ordinance No. 4624. ***(Notified property owners, registered neighborhoods and homeowners' associations.)***

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

- \*13k. **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, south of Thomas Road (202.18± ac.). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Robert Engel, owner; City of Mesa, applicant – Ordinance No. 4625. ***CONTINUED FROM THE OCTOBER 16, 2006 CITY COUNCIL MEETING.***

PHO Recommendation: Approval with conditions.

- 13l. **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± ac). 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 – Ordinance No. 4632. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners' associations.) COMPANION CASE GPMInor06-04 (Agenda Item 4).***

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

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that Ordinance No. 4632 be adopted.

Carried unanimously.

- \*13m. **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 homesites to the "Las Palmas Grand" manufactured home community. Todd Lutz, Casa Fiesta Tempe Limited Partnership, owner/applicant – Ordinance No. 4626. ***(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)

- \*13n. **Z06-80 (District 6)** The 7400 block of East Southern Avenue (south side). Located west of 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 for the development of industrial condominiums. Grant A. Tayrien, CSS LLC, owner; Randolph L. Carter, Dream Catchers Planning and Design LLC, applicant – Ordinance No. 4627. ***(Notified property owners, registered neighborhoods and homeowners' associations.)***

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

- \*13o. **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 for the development of a new retail store building. Dennis Callison, owner; Michael Bustamante, applicant – Ordinance No. 4628. ***(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)

- \*13p. **Z06-82 (District 4)** 824 West 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 Industrial buildings. Dusty Pincard, owner; John Reddell, John Reddell Architects, Inc., applicant – Ordinance No. 4629. ***(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)

- 13q. **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 – Ordinance No. 4633. ***(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners' associations.) COMPANION CASE GPMInor06-06 (Agenda Item 5).***

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

It was moved by Councilmember Griswold, seconded by Councilmember Somers, that Ordinance No. 4633 be adopted.

Vice Mayor Walters expressed appreciation to staff, the Planning & Zoning Board and all of the citizens who attended the P&Z meeting and offered their input when this case was presented and considered by the Board.

Mayor Hawker noted that he is pleased with the quality of the industrial master planned subdivision and said it would complement the Williams Gateway Airport job center.

Councilmember Somers commented that the project would keep residential development north of the SRP power line and provide “a small job hub” to the south. He also acknowledged staff and the applicant for their hard work and efforts to protect Williams Gateway Airport.

Mayor Hawker called for the vote.

Carried unanimously.

- \*13r. **Z06-85 (District 2)** 525 South Gilbert Road, Suites A7-A11. Located south of Broadway Road on the east side of Gilbert Road (±6,000sf). 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 – Ordinance No. 4630. ***(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)

- \*13s. **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 ac.±). 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.)*** **COMPANION CASES GPMInor06-08 and GPMInor06-09 (Agenda Items 7 and 8). CONTINUED TO THE DECEMBER 18, 2006 CITY COUNCIL MEETING.**

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

- \*14. Approve write-off of utility and miscellaneous accounts for the four-month period ending June 30, 2006 in the amount \$567,632. Collection efforts will continue with respect to all of these accounts.

15. Take action on the following subdivision plats:

- \*15a. “MOUNTAIN VIEW CONDOMINIUMS” (**District 1**) 425 East Brown Road (south side) located south and west of Brown Road and Mesa Drive. 30 R-4 condominium units (0.97 ac) Severns Properties, LLC, Dean Severns, manager, owner.
- \*15b. “SIENA SPRINGS” (**District 6**) 7200-7300 block of East Baseline Road (south side) located east and south of Superstition Springs Boulevard and Baseline Road. 38 C-2 PAD office condominium units (7.81 ac) G.S.S. Partners, LLC, Grant A. Tayrien, managing member, owner.
- \*15c. “RWI OFFICE WAREHOUSE” (**District 5**) 3041 North Norfolk (east side) located north and west of McDowell Road and Greenfield Road. 5 M-1 PAD office/industrial condominium lots (0.82 ac) RWI Construction Services, Inc., Reed Whipple, president, owner.

- \*15d. "SOUTHERN RIDGE CONDOMINIUMS" (**District 2**) 214 North Gilbert Road (west side) located south and west of University Drive and Gilbert Road. 112 R-3 condominium units (5.35 ac) New Southern Ridge Condominium, LLC, Earl Ricker and Robert L. Porter, managers, owner.

16. Items from citizens present.

There were no items from citizens present.

17. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:35 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 20<sup>th</sup> 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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