



COUNCIL MINUTES

January 23, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 23, 2006 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Invocation by Dr. James E. Adams, Pastor, Cornerstone Church.

Pledge of Allegiance was led by James Jobski, Scout Troop # 656.

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.

Vice Mayor Walters acknowledged the presence of Linda Grubbs, a member of the Mesa Chamber of Commerce's Leadership, Training and Development (LTD) class, who has been "shadowing" her today and voiced appreciation for her efforts in that regard.

1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

Vice Mayor Walters stated that with regard to agenda item 6c (adoption of the Lehi Sub-Area Plan), the Council stipulated at their earlier Study Session that the minutes from a 1970 Regular Council Meeting referencing Lehi's annexation into the City of Mesa, as well as additional historical information regarding the area would accompany the Plan documentation. She added that the Council further stipulated that staff highlight in the documentation that the Lehi Historical Museum is located in the old Lehi School.

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

Carried unanimously.

Vice Mayor Walters acknowledged the presence of the past three presidents of the Lehi Community Involvement Association, including C.K. Sato, Kevin Rogers and Mark Freeman. She also, on behalf of City staff, presented a plaque to Jill Moughler for her hard work and dedication in leading the Lehi Sub-Area Planning Team over the last two years.

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

Minutes from the November 28, December 29, 2005, and January 9, 12 and 19, 2006 Regular Council meetings

3. Consider the following liquor license applications:

*3a. Mario Santoyo Guerrero, Agent

New Restaurant License for Centro Botanero, 35 N. Country Club Dr. The license previously held at this location by Peter Chiu-Wong Fong, Owner, and Fong's Chinese Buffet, closed 7/19/02. District #4.

*3b. Brian Christopher Roehrich, Agent

New Restaurant License for Dos Gringos Grille, 1944 S. Greenfield Rd. This is an existing building with no liquor license. District #6.

4. Consider the following contracts:

*4a. Three 800 MHz Aircraft Radios as requested by the Communications Division. (Contract 2005186)

The Purchasing Division recommends accepting the low bid meeting specifications received by Flight Trails Helicopters, Inc. at \$75,248.71, including applicable taxes to outfit three police helicopters with the replacement 800 MHz radios.

*4b. One-year renewal of Supply Contract for Barricade Rental Services used by the Transportation Division and Utilities Department. (Contract 2002160)

The Purchasing Division recommends authorizing a one-year renewal of the primary contract with NES Traffic Safety LP and of the secondary contract with United Rentals Highway Tech for a combined award of \$840,475.00 annually based on estimated expenditures.

*4c. Three-year Supply Contract for Recreational Lighting Maintenance Services as requested by the Parks & Recreation Division. (Contract 2005190)

The Purchasing Division recommends accepting the low bid by Fluoresco Lighting & Signs for \$35,000.00 annually based on estimated expenditures.

- *4d. Replacement Mainframe Hardware and Software as requested by the Information Services Division. (Contract 2005147)

The Purchasing Division endorses the Evaluation Team's recommendation to accept the sole proposal from Sirius Enterprise Group, L.L.C. for an amount not to exceed \$504,604.32, including applicable taxes.

- *4e. One-year Supply Contract for Computing Equipment for Various City Departments as requested by the Information Services Division. (Mesa Contract 2005179 and Arizona State Contract #EPS050046-4)

The Purchasing Division recommends:

The purchase of 94 Panasonic Toughbook computers off Contract 2005179 being awarded to CLH International, Inc., in the amount of \$398,826.21, including applicable sales tax.

The purchase of 290 personal computers and 280 monitors from the State of Arizona contract with Dell, Inc., in the amount of \$ 409,901.29, including applicable sales tax.

The combined recommended award is \$808,727.50, to be purchased with tax-exempt lease funds.

- *4f. Police Technical Services Building, City of Mesa Project No. 01-258-001.

This project will construct a new multi-story building housing the Mesa Crime Lab and identification facilities. The building will be located in the parking lot south of the existing Court Building and will be completed using the Construction Manager at Risk (CM@Risk) delivery method. This initial phase of work will be the Design Phase Services.

Recommend approval of D.L. Withers, LC as the Construction Manager at Risk for Design Phase Services in the amount of \$218,218.00.

- 4g. Crismon Business Park, City of Mesa Project No. 02-40.

This project will install new roadway, utility, and drainage facilities in the Crismon Business Park to support future development through a Special Improvement District (S.I.D), City cost approximately \$50,000.

Recommend award to low bidder, Achen-Gardner Engineering, LLC, in the amount of \$3,777,567.00 plus an additional \$377,756.70 (10% allowance for change orders) for a total award of \$4,155,323.70.

Mayor Hawker declared potential conflicts of interest on agenda items 4g, 4h and 4i and said he would refrain from discussion/consideration of these items.

Mayor Hawker yielded the gavel to Vice Mayor Walters for action on this agenda item.

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- 4h. Downtown Parking Lot Improvements – Mahoney Parking Lot, City of Mesa Project No. 05-904-001.

This project will slurry seal the existing parking lot north of the Tribune Building (120 West 1st Avenue) between Robson and MacDonald. Improvements include pavement reconstruction, striping, and site fencing for improved access. The improvements to this parking lot are needed to repair deteriorated asphalt.

Recommend award to low bidder, Southwest Slurry Seal, in the amount of \$36,884.48 plus an additional \$3,688.45 (10% allowance for change orders) for a total award of \$40,572.93.

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- 4i. Downtown Parking Lot Improvements – Mahoney Parking Lot Lighting, City of Mesa Project No. 05-904-002.

This project will provide lighting improvements to the existing parking lot north of the Tribune Building (120 West 1st Avenue) between Robson and MacDonald. Improvements include upgrading existing electrical equipment and the installation of new pole-mounted light fixtures.

Recommend award to low bidder, Brooks Brothers, Inc., in the amount of \$54,115.00 plus an additional \$5,411.50 (10% allowance for change orders) for a total award of \$59,526.50.

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
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.

5. Introduction of the following ordinances and setting February 6, 2006 as the date of public comment and Council consideration on these ordinances.

- *5a. Increasing commercial and residential front load bin rates 5% and rate restructuring of roll-off bin fees.

6. Consider the following resolutions:

- 6a. Providing support for the application of Housing For Mesa, Inc. (HFM) to the Maricopa Home Consortium for funding through the Federal Home Investment Partnerships CHDO Program – Resolution No. 8658.

Mayor Hawker advised that Councilmember Thom requested that agenda items 6a and 6b be removed from the consent agenda.

John R. Smith, 1426 South 30th Street, President and CEO of Housing for Mesa, Inc. briefly highlighted a number of the corporation's major accomplishments. He stated that since its inception in 1988, Housing for Mesa has assisted over one thousand families in becoming first-time homebuyers by obtaining first mortgages and providing 300 households with zero payment, zero interest, second liens. He also noted that over 99% of the households that have purchased through Housing for Mesa have successfully maintained homeownership at an affordable level. Mr. Smith expressed appreciation to the City of Mesa for working with the corporation and urged the Council to support the resolution.

Councilmember Thom acknowledged that the programs listed under 6a and 6b are designed to assist low-income individuals in achieving independence and becoming homeowners. She noted that she would address both items at this time. She stated that homeownership is "the American dream and the backbone of our society" and commented that when individuals attain this goal by accumulating their own funding for a down payment, that is something for which they can truly be proud. Councilmember Thom noted, however, that Housing for Mesa uses

taxpayer money to facilitate homeownership, which, in her opinion, is neither an appropriate use of such funds, nor a proper function of government.

Councilmember Thom also spoke in opposition to 6b and indicated that she does not know if the individuals who are assisted by A.R.M. of Save the Family Foundation of Arizona are, in fact, Mesa residents or whether they come from other communities and simply use the facilities that are provided by the organization.

Vice Mayor Walters commented that the funding received by Housing for Mesa is a Federal pass-through, meaning if the Council does not adopt the resolution, other communities could benefit from the monies instead of Mesa. She also noted that President Bush has recognized Housing for Mesa as a "Valley Success Story."

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Resolution No. 8658 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Walters-Whalen
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8658 adopted.

6b. Providing support for the application of Affordable rental movement of the Save the Family Foundation of Arizona (A.R.M.) to the Maricopa Home Consortium for funding through the Federal Home Investment Partnerships CHDO Program – Resolution No. 8659.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 8659 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Walters-Whalen
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8659 adopted.

*6c. Review and consider the adoption of the Lehi Sub-Area Plan, generally located in the north central portion of the City of Mesa as shown in the Mesa 2025 General Plan, Figure 2-5 titled Community Sub-Areas, by resolution – Resolution No. 8655. ***(Held neighborhood meetings, notified neighbors, and the registered neighborhood association.)***

P&Z Recommendation: Approval of the Resolution and Adoption of the Sub Area Plan.
(Vote: 6-0 with Boardmember Langkilde absent.)

- *6d. Extinguishing a portion of a Public Utilities Easement at 1920 S. Los Altos – Resolution No. 8656.

This easement is no longer required. The extinguishment will allow the construction of a new swimming pool.

- 6e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and State of Arizona, Governor's Office for Children, Youth and Families to obtain grant funds for program services offered to at-risk youth and families – Resolution No. 8660.

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

It was moved by Councilmember Griswold, seconded by Vice Mayor Walters, that Resolution No. 8660 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 8660 adopted.

- *6f. Approving and authorizing the City Manager to execute Amendment No. 1 to the Intergovernmental Agreement between the City of Mesa and the Arizona Department of Water Resources for development of an area-wide water management plan through the East Valley Water Forum – Resolution No. 8657.

7. Consider the following recommendations from the Police Committee:

- *7a. Permanent adoption of the home detention program.
- *7b. Approve a request to develop a Request for Proposal to consolidate alcohol screening, home detention screening and electronic monitoring services into a single contract.

8. Discuss, receive public comment, and consider the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the City 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 City Clerk before the Council votes on the consent agenda.

- 8a. Amending Street Lighting Standards for a portion of the Desert Uplands Area (north of McDowell Road, east of Hawes Road and west of Usery Mountain Regional Park) Section 9-6-5(B), Table; Section 9-6-5(D) 2; Section 9-6-5(D) 4 and adding Section 9-6-5(D) 6 to the Mesa City Code – Ordinance No. 4513.

William Puffer, 8330 East Thomas Road, representing the Spook Hill Neighborhood Action Association and the current residents along Range Rider Trail, addressed the Council regarding this issue. He stated that most of the residents moved to this area of the Valley in order to enjoy a low-density, rural desert lifestyle, which includes no streetlights to disturb their view of the stars and the City lights. Mr. Puffer explained that although the residents prefer no streetlights in the area as it develops, there have been concerns expressed regarding potential City liability issues if lighting is not required, as well as lighting to be provided for students waiting at school bus stops on dark early mornings during the winter. He added that the residents worked with City staff to draft the ordinance and urged its adoption.

Vice Mayor Walters said that although she acknowledges that different lighting standards are appropriate for this unique area of the community, she has consistently voted no on this issue because the proposal exceeded the parameters that she was willing to support. She explained that it was originally her intention to vote in a similar manner tonight, but has since reconsidered her position as a result of speaking with Mr. Puffer. Vice Mayor Walters stated that the residents and staff have worked hard to reach compromises in this regard, and in the spirit of such compromises, she would support adoption of the ordinance.

Mayor Hawker indicated that he was opposed to this item the first time it was presented to the Council and would remain consistent in that regard. He also expressed concern regarding the City's potential liability as a result of applying different lighting standards to a special area of the community.

Discussion ensued relative to the fact that when this issue was originally presented to the Council for consideration, staff recommended Alternative A, but the ordinance was subsequently modified to reflect Alternative C based on Council direction.

Councilmember Griswold commented that the area, which borders the Tonto National Forest and is adjacent to Usery Park, contains large lots and currently has no streetlights. He stated that individuals are willing to pay a premium to reside in such a unique area and also assume additional safety risks relative to the lighting. Councilmember Griswold noted that the ordinance was modeled after Scottsdale, Prescott and Tucson's "dark sky" ordinances and said that in researching the issue, there appeared to be no adverse effect in any of those communities with respect to the implementation of such ordinances. He added that the development area consists of approximately one and a half square miles.

It was moved by Councilmember Griswold, seconded by Councilmember Rawles, that Ordinance No. 4513 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - Hawker

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4513 adopted.

- *8b. **Z05-105 (District 1)** 550 East University Drive (north side). Located at the northwest corner of East University Drive and North Hobson Road (0.2± ac). Rezone from R-4 to O-S and Site Plan Review. This request will allow for the development of an office building. Steve Bleck, applicant; Boyd H. Thacker, applicant – Ordinance No. 4507. ***(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)***

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

- *8c. **Z05-106 (District 5)** The 9050-9200 block of East Brown Road (south side). Located west of the southwest corner of Brown Road and Ellsworth Road (1.5± acres). Rezone from R1-43 to O-S PAD and Site Plan Review, to allow for the development of office condominiums. Allen Marsh, Brown Falcon, LLC, owner; Dan Brock, Brock, Craig & Thacker, applicant – Ordinance No. 4508. ***(Notified neighbors, registered neighborhoods and homeowners associations.)***

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

- *8d. **Z05-107 (District 6)** The 5200 block of East Broadway Road (south side). Located east of Higley Road and south of Broadway Road (2.8 acres). Site Plan Modification. This case will allow for the development of a retail building. Sandor Development, owner; Martin Flood, A & E Solutions LLC, applicant – Ordinance No. 4509. ***(Notified neighbors, registered neighborhoods and homeowners associations.)***

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

- *8e. **Z05-108 (District 3)** 2655 West Guadalupe Road (south side). Located south of Guadalupe Road and east of Price Road (2400± sf). Council Use Permit to allow for the relocation of a pawnshop from one suite to another within the same shopping center. Egan Daniels, Agent for Owner – BP Pinnacle Properties, LLC, owner; Walter Cheeseman – Apache Pawn of Mesa, Inc., applicant – Ordinance No. 4510. ***(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)***

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

- *8f. **Z05-109 (District 2)** The 1100 block of North Greenfield Road (east side). Located at the southeast corner of North Greenfield Road and East Brown Road (17.20± acres). Rezone from AG to R1-15-PAD. This request will allow for the development of a single-family residential subdivision. Erik Partridge, Partridge Development, owner; Josh Hannon, AMEC, applicant – Ordinance No. 4511. ***(Held a neighborhood meeting, notified neighbors, registered neighborhoods and homeowners associations.)***

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

- *8g. **Z05-110 (District 6)** The 7600-8000 block of East Elliot Road (south side). Located on the southeast corner of Sossaman and Elliot Roads (59.94 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. C&B Dairy Limited Partnership, Thomas and Susan Dodds, Elliot & Sossaman Limited Partnership, TLC Enterprises, owner; Thomas Dodds, applicant – Ordinance No. 4512.

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

9. Consider the following subdivision plats:

- *9a. "THE VILLAGE AT SAN TAN" (**District 6**) – 9000 block of East Guadalupe Road (south side) located south and west of Guadalupe Road and Ellsworth Road. 79 R-2 BIZ PAD DMP townhome lots (6.77 acres) San Tan, LLC, Charice Buccholz, Manager, owner; Survey Innovation Group, Inc., engineer.
- *9b. "COMMERCE COURT II AT THE COMMONS" (**District 5**) – 2830 North Norwalk (west side) located north and west of McDowell Road and Greenfield Road. 8 M-1 PAD industrial lots (5.13 acres) Viewpoint Resort, LC, Dan Reeb, Manager, owner; Ace Engineering, Inc., engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:20 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 23rd day of January 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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