



## COUNCIL MINUTES

September 5, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 5, 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 Senior Pastor Mary Bullis, Red Mountain United Methodist Church.

Pledge of Allegiance was led by Trevor Shepherd – Troop #541.

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 Gila River Indian Community to the East Valley Child Crisis Center.

Greg Mendoza, Chief of Staff for Governor William Rhodes of the Gila River Indian Community, announced the award of a \$225,000 grant to the East Valley Child Crisis Center. He stated that the grant was made in accordance with Proposition 202, which established the current gaming compact between the State of Arizona and the Arizona Indian tribes and provides for the sharing of gaming revenues. Mr. Mendoza advised that the Gila River Indian Community approved the grant application submitted by the City of Mesa on behalf of the Child Crisis Center for the Family Resource Center and Children's Behavioral Health expansion project.

Christine Scarpati, Chief Executive Officer of the East Valley Child Crisis Center, expressed appreciation to the Gila River Indian Community for the grant award, and she thanked the City of Mesa for their support.

Mayor Hawker noted that the Gila River Indian Community is an effective partner with the City of Mesa in several areas, and he thanked the Indian Community for awarding the grant to the Child Crisis Center.

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 be approved.

Carried unanimously.

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

Minutes from the August 10 and 28, 2006 Council meetings.

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

- 3a. A06-20 (District 5) Annexing land located south of the southeast corner of Brown Road and Recker Road (6.85± ac.). Initiated by Joseph Kuka, one of the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed annexation of land located south of the southeast corner of Brown Road and Recker Road (6.85± ac.).

Mr. Joseph Kuka, 6353 East Evergreen, stated that he was initiating the annexation in order to access City of Mesa services.

The following citizens submitted speaker/comment cards in support of the annexation, but indicated that they did not wish to address the Council:

Joseph & Phyllis Dziedzic, 6217 East Evergreen Street  
Clayton Gourley, 6135 East Evergreen Street  
Cathy Ehninger, 501 North 55<sup>th</sup> Place  
Ron Ehninger, 501 North 55<sup>th</sup> Place  
Robert J. Lenhart, 6361 East Evergreen Street  
Campean Petre, 6156 East Ensenada Street

Mayor Hawker closed the public hearing.

4. Take action on the following liquor license applications:

- \*4a. Chipotle Mexican Grill #0906

New Restaurant License for Chipotle Mexican Grill #0906, 6602 E. Superstition Springs Boulevard, Chipotle Mexican Grill, Inc. – Applicant, H.J. Lewkowitz – Agent. This is new construction; no previous liquor license at this location. District #6.

\*4b Fishin' Hole

New Restaurant License for the Fishin' Hole at 7000 E. Main Street, Kendrick Todd Michael – Applicant. The Restaurant License previously held at this location by MJ Restaurants, Inc., issued 06/03/2004, will revert back to the State. District #5.

5. Take action on the following contracts:

- \*5a. Three-year supply contract for recapping of truck tires as requested by the Financial Services Department, Fleet Support Services Division.

The Purchasing Division recommends authorizing a three-year contract with Jack's Tire and Oil at \$423,616.88 and Robert's Tire Sales, Inc. at \$141,205.63 for a combined total award of \$564,822.51 annually, based on estimated purchases, including contingencies and applicable sales tax.

- \*5b. Three-year supply contract for library reference books as requested by the Community Services Department, Library Division.

The Purchasing Division recommends authorizing a three-year contract to Thomson Gale at \$44,000 annually, based on estimated purchases, including contingencies and applicable sales tax.

- \*5c. Three replacement street sweepers as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends authorizing purchase of street sweepers off City of Chandler contract #ST6-765-2218 from Balar Equipment Corporation at \$503,138.48, including applicable sales tax. CMAQ Grant Funding (\$396,000) and HURF Funds (\$107,138.48).

- \*5d. Three-year contract for temporary employment services as requested by the Community Services Department, Commercial Facilities Division.

The Purchasing Division recommends awarding contracts to Excel Staffing Services at \$84,600, Premier Employee Solutions at \$3,600 and Executemps Southwest Inc. at \$91,800. The combined award is \$180,000 based on estimated annual requirements.

- \*5e. Personal computer equipment for various City departments as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase of 530 personal computers and 188 monitors from the Western States Contracting Alliance contract with Dell, Inc., for a total of \$651,782.40, including installation and 522 Panasonic Toughbooks from

CLH International, Inc. for a total of \$2,253,495.84. Police Quality of Life funds (\$150,000) and Tax Exempt Lease Funds (\$2,755,278.24).

- \*5f. Document imaging system requested by the Information Services Division. Funded by Arizona Supreme Court Grant (\$250,000), budgeted funds (\$165,833) and Tax-Exempt Lease (\$826,397.44). Portion Sole Source.

The Purchasing Division recommends accepting the sole source bid from iCi Solutions, Inc., at \$779,755.07; purchasing server hardware from the Western States Contracting Alliance contract with Hewlett Packard at \$273,304.42; and purchasing software from the State of Arizona contract with ASAP Software at \$70,198.37. Project contingencies of \$105,305.95 and miscellaneous additional purchases of \$13,666.63 make the combined total \$1,242,230.44, including applicable taxes.

- \*5g. 400 wireless computer modems for the Mesa Police Department as requested by the Information Services Division. (JAG Grant - MPD Wireless (\$150,000) and PD Quality of Life funds (\$131,740.80).

The Purchasing Division recommends authorizing purchase from GTSI Corp. off the US Communities contract at \$281,740.80, including applicable sales tax.

6. Introduction of the following ordinances and setting September 18, 2006, as the date of the public hearing on these ordinances:

- \*6a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

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

On New Haven from a point 114 feet south of Balsam Avenue to a point 190 feet south of Balsam Avenue. (North of Broadway Road and west of Greenfield Road, Council District 2.)

Speed Limits: 10-4-1 (55 mph) and 10-4-3 (45 mph)

Reduce the speed limit from 55 mph to 45 mph on Ellsworth Road from Ray Road to a point 200 feet south of Pecos Road. (Ellsworth Road south of Ray Road, Council District 6.)

Speed Limits: 10-4-2 (50 mph) and 10-4-3 (45 mph)

Reduce the speed limit from 50 mph to 45 mph on Sossaman Road from Guadalupe Road to Elliot Road. (Sossaman Road south of Guadalupe Road, Council District 6.)

- \*6b. **Z06-55 (District 5)** 7565 East Eagle Crest Drive. Located east of Power Road and north of McDowell Road within the Las Sendas Development Master Plan (1.51± ac.). Site Plan Review. This request will allow for the development of an office building. David Haney, owner; Jerry L. Vest, applicant. *(Held three neighborhood meetings, notified property owners, registered neighborhoods and homeowners' associations.)*

P&Z Recommendation: Approval with conditions. (Vote: 5-0-1 with Boardmember Carpenter abstaining due to a potential conflict of interest and Boardmember Mizner absent.)

- \*6c. **Z06-60 (District 6)** The 1200 to 1300 block of South Higley Road and the 5000 to 5200 block of east Southern Avenue. Located south of Southern Avenue and west of Higley Road (4.91 ac.). Site Plan Modification. This request will allow the development of medical office buildings. Dan Watson, Ensemble Real Estate Services, LLC, owner; Mo Stein, Stein-Cox Group, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners' associations.)*

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

- \*6d. **Z06-61 (District 6)** The 7200 block of East Hampton Avenue (south side). Located south of Southern Avenue and west of Sossaman Road (3.82 ac.). Site Plan Modification. This request will allow for the development of office/warehouse buildings. Superstition Springs Hospitality Group, LLC, Sunridge Properties, Inc., Paul Welker, CEO, managing member, owner; Lesley L. Partch, Partch & Associates Architecture, LLC, applicant. *(Notified property owners, registered neighborhoods, homeowners' associations and Arizona Department of Transportation.)*

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

- \*6e. **Z06-62 (District 6)** 1425 South Greenfield Road. Located south of Southern Avenue and east of Greenfield Road (3.09±ac.). Site Plan Modification. This request is to allow a second medical office building on the site. Dr. Robert Allen, owner; Tim R. Nielsen, applicant. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners' associations.)*

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

- \*6f. **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 ac.). 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. *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners' associations.)*

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.)

- \*6g. **Z06-51 (District 6)** 10800 to 11000 block of East Baseline Road (south side). Located on the southeast corner of Signal Butte Road and Baseline Road (5.9 ± ac.). Rezone from R1-6 DMP to C-2 DMP and Site Plan Review. This request will allow for the development of a retail center. DTCREH, LLC, Trustee: Desert Trust Co., owner; Joe

Murray, DFD CornoyerHedrick, applicant. (Held three neighborhood meetings, notified property owners, registered neighborhoods and homeowners' associations.)  
CONTINUED FROM THE AUGUST 28, 2006 CITY COUNCIL MEETING.

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

\*6.1 Approving the expenditure of Local Transportation Assistance Funds (LTAF II) for FY 06-07 in the amount of \$1,322,857.05 to be utilized for bus operations including ADA Dial-a-Ride and for the purpose of installing bus stop improvements.

7. Take action on the following resolutions:

- \*7a. Approving and authorizing the City Manager or his designated representative to execute an agreement between the Regional Public Transportation Authority (RPTA) and the City of Mesa for the operation of East Valley Dial-a-Ride service throughout the City – Resolution No. 8815.
- \*7b. Approving and authorizing the City Manager or his designated representative to execute an agreement between the Regional Public Transportation Authority (RPTA) and the City of Mesa for fixed-route transit services – Resolution No. 8816.
- \*7c. Declaring as a public record the document entitled “The 2006 Amendments to the Privilege and Excise Tax Code of the City of Mesa” – Resolution No. 8817.
- \*7d. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to secure grant funds in the amount of \$107,000 to purchase long-term magnetic storage and tape backup system for digital images for the Police Department – Resolution No. 8818.
- \*7e. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to secure grant funds in the amount of \$36,630 to process cases involving DNA evidence for the Police Department – Resolution No. 8819.
- \*7f. Approving and authorizing the City Manager to execute Airport Improvement Program (AIP) Grant Agreement No. 3-04-0023-15 between the Federal Aviation Administration (FAA) and the City of Mesa for the update of the Falcon Field Airport Master Plan – Resolution No. 8820.

\*8. Moved to Item No. 6.1.

\*8.1. Discuss and take action on the recommendation of the City Attorney’s Office regarding the disclosure of certain taxpayer information pursuant to subpoenas of the Superior Court of Maricopa County.

9. 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.

- 9a. **Z06-57 (District 1)** The 1800-1900 block of West 8<sup>th</sup> Street (north side). Located north and east of West 8<sup>th</sup> Street and North Dobson Road (9.02 ac. ±). Site Plan Modification. This request will allow for the development of a retail building. DeRito/Kimco Riverview, LLC – Doug Himmelberger, owner; Vince DiBella, Saemisch DiBella Architects, applicant – Ordinance No. 4593. (*Held a neighborhood meeting with the Mesa Grande Community Alliance, notified property owners and homeowners' associations.*)

Planning Hearing Officer Recommendation: Approval with Conditions.

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

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that Ordinance No. 4593 be adopted.

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 and Ordinance No. 4593 adopted.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- \*9b. **Z06-01TC (District 4)** 270 N. Country Club Drive (parcel number 135-59-073). Generally located on the southwest corner of Country Club Drive and 3<sup>rd</sup> Street (0.15 +/- acres). Rezone from TCR-3 to TCB-1. This request is to expand the existing Carwasher business, currently located at 324 N. Country Club Drive. They are building a new detail carwash facility on the south side of 3<sup>rd</sup> Street at 270 N. Country Club Drive and will also keep their existing facility at 324 N. Country Club Drive. Kenneth Bond, owner; Boyd Thacker, applicant – Ordinance No. 4591. (Property owners within 300 feet and registered neighborhoods within ½ mile were notified). (Related to Item No. 9c).

DDC Recommendation: Approval with conditions. (Vote: Passed 5-0).

- \*9c. **CUP06-01TC (District 4)** – 270 N. Country Club Drive. Located on the southwest corner of Country Club Drive and 3<sup>rd</sup> Street (0.55 +/- acres). Request to obtain a Council Use Permit to allow a car wash facility in the TCB-1 Zoning District for The Carwasher located at 270 N. Country Club Drive. Kenneth Bond, owner; Boyd Thacker, applicant – Ordinance No. 4592. (Property owners within 300 feet and registered neighborhoods within ½ mile were notified.) (Related to Item No. 9b.)

DDC Recommendation: Approval with conditions. (Vote: Passed 5-0)

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:05 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 5th day of September 2006. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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