



OFFICE OF CITY CLERK

COUNCIL MINUTES

January 7, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 7, 2008 at 5:47 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Scott Somers
Darrell Truitt
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Reverend Mary Bullis, Red Mountain United Methodist Church.

Pledge of Allegiance was led by Clifford Jenkins.

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.

Mayor's State of the City Address.

(The following is a transcript of the address. A copy of the accompanying PowerPoint presentation is available for review in the City Clerk's Office.)

Good evening and thank you for joining us for our City Council Meeting. Following a long-standing tradition, before we begin the Council Meeting tonight, I will deliver Mesa's State of the City Address. This will be my eighth and final State of the City Address as mayor of Mesa. My term of office will end this June. Let me say that serving this community has been both an honor and a pleasure. I succeeded in addressing some of the issues and problems that I set out to work on, but fell short on others. Before I go into that, I'd like to point out that a lot has changed since I was first elected as a city councilmember more than 20 years ago.

In June of 1986, when I was first sworn in as an at-large councilmember, Mesa's population was just 242,000 residents. We've almost doubled in size since then. Current estimates show that some 470,000 people now call Mesa "home."

Over the years, I have served with 26 different councilmembers under 4 different mayors – Wayne Brown, Willie Wong, Peggy Rubach and Al Brooks. In June of 2002, we completed our transition from an at-large to a district council system. And the councilmembers you see before you have proven that, in Mesa, you can represent a specific district while maintaining your commitment to the city as a whole.

In addition to their work at the local level, many of Mesa's councilmembers also serve on regional and national committees. Mesa residents will see a substantial turnover in their Council this spring, with no fewer than four current members (including myself) completing their service. To maintain continuity at the regional level, I have asked some councilmembers to assume my role on several regional boards. But, until my term ends on June 2, 2008, I will continue to represent Mesa on the Maricopa Association of Governments Regional Council and as Chair of the Transportation Policy Committee, which oversees Prop 400 transportation funding.

I'd like to take a moment to recognize each of our outstanding councilmembers.

Vice Mayor Claudia Walters, who represents northwest Mesa, is the best vice mayor I have had the pleasure of serving with. Her commitment to our community is unwavering. She is a tenacious defender of neighborhood programs and understands the intricacies of city financing, which is why I asked her to chair the Council's Audit & Finance Committee. At the regional level, I have asked Vice Mayor Walters to assume two key roles. First, as Mesa's representative to the League of Arizona Cities and Towns, monitoring and shaping legislative initiatives that impact the city of Mesa and, secondly, (utilizing her water expertise), I have asked her to serve as Mesa's representative to the Arizona Municipal Water Users Association. In addition to these regional committees, Claudia continues to serve as vice chair of the National League of Cities' Community and Economic Development Steering Committee.

Mike Whalen, who represents District 2 in central Mesa, also continues to serve at the national level on the Homeland Security Working Group. This important committee, like the Public Safety Committee he chairs for the Mesa City Council, utilizes Mike's 28 years of service with the Mesa Police Department. In addition to his public safety expertise, Mesa also benefits from Mike's work on the Arizona Corporation Commission's Power Plant and State Line Siting Committee. After eight years of dedicated Council service, Mike's term will also end this June.

District 3 Councilmember, Tom Rawles, serves as chair of the Council's General and Economic Development Committee. He has been a steadfast advocate for property rights and the protection of civil liberties. Over the past four years, Tom has never hesitated to cast a lone dissenting vote while assisting the council in articulating its majority view. Mesa has benefited from Tom's legal expertise and willingness to speak his mind. Unfortunately, he has decided not to run for another term, so Tom will also leave the Council this June.

Since being elected in 2002, I have been able to count on District 4 Councilmember, Kyle Jones. Kyle served as chair of the Mesa 2025: Financing the Future Committee and also currently oversees the Council's Transportation & Infrastructure Committee.

At the national level, he serves on both the National League of Cities Immigration Task Force and the Public Safety and Crime Prevention Steering Committee. I have also asked Kyle to represent Mesa on the regional Valley Metro Rail Board, which faces the difficult task of planning and constructing a high capacity transit route into downtown Mesa from the Sycamore light rail terminal at Dobson and Main.

Our newest member of the Council, District 5 representative Darrell Truitt, has truly hit the ground running. Mesa is lucky to have such a dedicated and knowledgeable interim councilmember. Taking on the assignments previously held by Rex Griswold, who resigned to run for mayor, Darrell chairs the Council's Community & Neighborhood Services Committee. His expertise in civil engineering and planning is invaluable. While Darrell has decided not to run for the permanent seat, District 5 residents can be sure that they are well-represented by Councilmember Truitt.

Last, but certainly not least, is Councilmember Scott Somers, who represents District 6. Councilmember Somers has proven himself to be a steadfast supporter and protector of Phoenix-Mesa Gateway Airport and its regional employment center. As such, I have asked Scott to assume my role on the Airport Authority Board. I also have asked Scott to serve as Mesa's representative to the Regional Public Transportation Authority, or RPTA. Scott also chairs the Council Intergovernmental Affairs Committee. As a firefighter and a graduate of ASU Polytechnic, I appreciate Scott's public safety expertise, as well as his desire to encourage development that would maximize Gateway's potential. I'd also like to recognize Scott's achievement this year of obtaining his PhD.

As you can see, this is truly an exceptional council and, while future assignments to regional boards and committees will be at the next mayor's discretion, I know that the continuing councilmembers will be able to use and share the expertise they have gained to represent Mesa as part of the regional decision-making process.

So, now that I've talked about the Council, its time to take a hard look at myself. How did I perform as mayor? What goals did I set out to accomplish? Where did I succeed and where did I fall short?

Rather than taking the risk of asking my fellow councilmembers to respond to such loaded questions, I returned to the speech I gave on June 5, 2000, when I was first sworn in as mayor. In that inaugural address, I outlined 10 goals or areas of focus:

My first goal was (and is) to make public safety my first priority.

How did I do? Well, we made good on our promise to use the voter-approved quality of life sales tax to hire 120 more police officers and 65 more firefighters. Since 2000, we have developed a CyberCrime unit, regionalized our Police Academy, started using "bait cars" to reduce auto theft, expanded Mesa's use of the Combined DNA Index System, started a Domestic Violence Enforcement Response Team, opened the Red Mountain Police

substation and, through City Manager Chris Brady, hired a new Police Chief – George Gascón.

In 2006, when we were faced with more than \$20 million in budget cuts, this Council prioritized city services and put public safety first. Out of all of our City services, police and fire were least affected by the shortfall. But, while our crime rate may be lower per capita than some of our surrounding communities, there is still room for improvement. And, as Mesa has grown, so has our fire response time. Mesa currently has significant police and fire capital needs.

To address those needs, this Council voted to place bonds for those items on the November 2008 ballot. It will be up to the new Council to ratify or reject that election and, if approved by the new Council, it will be up to Mesa voters to decide whether or not to fund those public safety projects.

My second goal was to "manage growth properly."

Specifically, I proposed creating a citizen-driven plan for our community that looks out to the year 2025. To accomplish this, we involved hundreds of residents who volunteered their time to help create master plans for land use, economic development, parks and recreation, transportation and housing. Then we took it to the voters. In 2002, Mesa residents overwhelmingly approved the new Mesa 2025 General Plan. After that long process had been completed, I wanted to go one step further and look at how we would finance the vision our residents created. So, I asked Councilmember Jones to chair a new committee called Mesa 2025: Financing the Future.

After a year and a half of thorough analysis, the Committee recommended that Council ask voters to consider implementing a property tax, as well as raise the city's sales tax rate. While the sales tax increase was approved in 2006, voters rejected the property tax measure.

I remain concerned about Mesa's over-reliance on retail sales tax revenue. Detailed financial forecasting has shown that Mesa's current financing mechanisms will not keep pace with population growth.

My third goal was to change Mesa "from a bedroom to a boardroom community."

In my inaugural address, I said that one of the ways I wanted to accomplish this was to "protect existing industrial and commercially zoned land in areas like Williams Gateway Airport." While the name of the airport may have changed to Phoenix-Mesa Gateway, my goal remains the same. With the help of this Council, we have stopped residential encroachment and expanded Mesa's planning area to protect the flight path. Over the past two years, we have welcomed passenger service to Gateway, along with great new employers like Cessna and Embraer. Phoenix joined the Airport Authority, and taxiway and airport parking improvements were completed. Great things are happening at Gateway, but we must continue to work with landowners DMB and Pacific Proving to ensure that their developments do not hinder the success of the Airport.

The City also is currently involved in major land use and transportation planning for the Gateway area. Those land use concepts will be considered by Council this spring. After that, I

will look to the next Mayor and Council to continue to protect Gateway Airport and to maximize its potential. We've seen the problems that residential encroachment has caused airports here and around the country. If developed correctly, the job center at Gateway Airport has the potential to offer 100,000 high-quality jobs, making it one of the largest employment centers in the state. But we only have one chance to get it right. We must work with our Airport partners and both Maricopa and Pinal counties to plan responsibly.

My fourth goal was to "spend tax dollars wisely."

To accomplish this goal, I proposed "creating a two-year operating budget and a five-year forecast budget." The Mesa 2025: Financing the Future Committee extended my five-year forecast by creating a 25-year forecast, and Mesa moved to a two-year budget cycle in 2003.

To provide further accountability to Mesa taxpayers, Council also decided to ask voters to amend Mesa's Charter to include an Auditor that reports directly to Council. Voters approved that measure in 2006 and Auditor Gary Ray was appointed by Council.

My fifth goal was to "stop government mandates."

One of the examples I stated when I was sworn in was that I wanted to replace the \$1 surcharge automatically added to City utility bills with voluntary contributions. I lost that battle. But, while the dollar donation still appears on the bill, the layout was changed and, with fewer donations being received since the change, it leads me to suspect that fewer residents are paying it unknowingly.

Another goal I listed in this category was to "stop compulsory sobriety checkpoints." Although I remain concerned about the prevalence of drunk driving, I simply don't think that people driving down the street not doing anything wrong should be stopped. To me, this is an example of our own personal freedoms being hindered without just cause. But, I lost that fight, too.

My sixth goal was to "form a partnership with the education community."

As you may have heard me say before, I strongly believe that if you don't have an educated workforce, you can't attract quality jobs. That's why we continue to work closely with key representatives from Mesa Public Schools, EVIT, MCC, ASU Polytechnic and new schools like A.T. Still University, which welcomed its first class of more than 100 medical students this fall.

I've asked our schools to ensure that their educational programs match the needs of Mesa's current and future employers. While there are too many good programs to list tonight, I want to congratulate ASU Polytechnic on recently receiving approval from the FAA to move forward with a new degree program in air traffic control.

My seventh goal was to "finish projects currently planned for downtown Mesa."

Former Mayor Wayne Brown was the true driving force behind the Mesa Arts Center. Because of his hard work, this unique arts and education campus became a reality in 2005. Construction of the Arts Center was paid for with voter-approved Quality of Life sales tax and

private donations. The facility was not financed. And, although it would have to occur after my term of office has ended, I would still like to see the Center privately owned and operated, eliminating the City's ongoing subsidy of just over \$6 million per year.

In my inaugural speech, I also conveyed my support for an aquatics center. I thought that the venue could be a real draw for downtown, enabling Mesa to host Olympic trials and other high-profile competitions. But then everything changed. The professional swimming community began using temporary, portable pools for big events, making permanent pools no longer necessary to host competitions. As the budget tightened, it became clear that the money earmarked in the Quality of Life sales tax for a new aquatics center would be better spent renovating Mesa's existing pools, several of which were in serious disrepair. Those renovations are currently underway.

Lastly, under the downtown category I also mentioned the success we were having with the statues in the streets program. Although budget shortfalls made it necessary for Mesa to stop funding that program many years ago, the private sector stepped up to keep the popular program alive. This is something we also saw happen with holiday lights downtown, and Mesa's Veteran's and Martin Luther King Day parades. The individuals responsible for raising private funds to keep these events and attractions going are to be commended.

My eighth goal was to "embrace new technology."

Mesa has been working toward the completion of a fiber optic loop to encourage business growth and enhance connectivity. We expect to complete the loop within the next couple of years.

My ninth goal was to "continue protecting the environment."

Examples I used to convey this goal included the restoration of the Salt River bed and preserving the upper Sonoran desert. Council's support of new preservation guidelines for the Desert Uplands area helped ensure native habitat in that region would be protected, and the development guidelines used for Desert Uplands may be employed by other developers in the future.

Meanwhile, work continues on the restoration of the Salt River bed. The project, known as Va Shly'ay Akimel, has received more than \$2 million in federal funding so far and the Army Corps of Engineers is currently engaged in design work. Once finished, this riparian habitat will be a point of pride for both Mesa and our project partner, the Salt River-Pima Maricopa Indian Community.

My tenth goal was to "communicate what we are doing that impacts your lives and property."

While communications functions were impacted by the City's financial shortfall, Mesa continued to include important updates in utility bill stuffers, and hosted a series of open houses to explain important budget issues.

And, of course, the Council and I also continued to reach out to residents through regular editorials in community newspapers, and by attending neighborhood meetings and other events.

Mesa also continues to broadcast Council Meetings and Study Sessions, as well as increase the amount of information available on the City's Web site at cityofmesa.org.

So, there it is. The 10 challenges that I identified when I was sworn in as mayor on June 5, 2000. With the Council's support, we accomplished a lot.

One of the more interesting experiences I have had as mayor started in January of 2001, when I first brought up the idea of cross training Mesa police officers to perform immigration enforcement duties.

In response to my idea, the Mesa Association of Hispanic Citizens promptly put me on what they called "Keno watch." Newspapers declared that my idea was "off track," and ran clever cartoons depicting my eminent demise. Despite the criticism, I wasn't deterred. That is, until I found out that the cross-training program made possible through a 1996 addition to the Immigration and Nationality Act, didn't exist yet. So, I dropped it.

Then, in February of 2004, I broached the idea of citing people who hire day laborers. But again critics called the idea "irresponsible."

Councilmembers Jones and Whalen, in the meantime, tried to use the few tools that were available to them to address Mesa's growing day labor problem and alleviate the concerns of business owners located along the Broadway corridor.

And then in July of 2005, the tide began to change, and newspapers started saying that ICE training was the "right call" for local officers.

What a difference 6 years makes.

Now, dozens of law enforcement agencies across the country have received training from ICE, including the Arizona Department of Corrections, DPS and the Maricopa County Sheriff's Office. More than 80 communities across the nation are now on a waiting list for the training. And, last month, this Council voted unanimously to ask ICE about cross training for the City's holding facility.

The reason I bring this up tonight is simple. I remain seriously concerned about the significant impact that illegal immigrants have on our community, including on our hospitals, schools and jails. And although it may be a complex problem and elected officials might get raked over the coals like I did if they try to address it, we can no longer sit back and hope that Congress will pass meaningful immigration reform. I hope the next Council will also continue to examine all potential solutions.

And, speaking of issues the next Council is likely to deal with, I believe the next Council will also face continued pressure to incentivize new development. While I would prefer not to participate in corporate welfare, until the rules of the game change, Mesa must remain competitive with other cities.

The approval of both Riverview and Waveyard has shown that Mesa voters are willing to support new projects for our community and that they don't want Mesa to be passed by.

As the housing market heats up again, the next Council also is likely to face pressure from developers looking to build subdivisions without adequate infrastructure. This has happened in places like Anthem and Johnson Ranch – communities that look for regional funding to solve their congestion problems.

Examples like these are why I have pushed for more comprehensive transportation planning. Maricopa County voters showed great trust and vision when they approved the quarter-cent transportation tax extension in 2004. It's everyone's responsibility to make sure those dollars go toward the projects agreed upon in the Regional Transportation Plan, and are not sent somewhere else to alleviate problems caused by poor planning. This is one of the reasons I have asked our city manager to examine the possibility of creating a new zoning designation for future transportation corridors. I have also asked the State Land Department to work more closely with ADOT to plan transportation for the 300-square-mile parcel of state trust land to our east known as Superstition Vistas. Ideally, I would like to see that area develop as an entirely new community. But, Mesa has included 10 miles of it into our planning area at this time to ensure Gateway flight operations are protected.

While this Council has identified several issues to tackle in the months ahead, including slumlord laws, infill guidelines, spacing requirements for pawn shops, regional jail facilities and, of course, planning for Gateway Airport, if there's one thing I've realized after all these years serving Mesa, its that nothing happens overnight.

Some lament the slow progress of government, blaming bureaucratic red tape. And, certainly, we should always look for ways to streamline processes. But stakeholder meetings, studies and public hearings are there for a reason – to give every citizen a chance to make his or her voice heard. Big projects, like transitioning an old air force base into a world-class airport, restoring native habitats, or building a \$15 billion regional transportation plan, don't happen overnight. Many of these endeavors will become a reality long after I and many of my fellow councilmembers have left office.

So, realizing this, I welcome the next mayor to take credit for the following:

1. The December 2008 opening of light rail and Mesa's station at Main & Sycamore
2. Securing Prop 400 funding for the extension of light rail into downtown Mesa
3. Completion of the Loop 202 freeway in East Mesa
4. Securing Prop 400 funding and settling the alignment for the Gateway Freeway
5. Success of the Phoenix-Mesa Gateway Airport, including its educational campus and job center
6. Restoration of the Salt River riparian habitat
7. Amassing 300,000 acre feet of groundwater credits
8. Using millions in Pinal County water farm land sales to reduce Mesa's bond debt

And, anything else the next mayor can think of.

Wow! The new mayor has really done a great job and he or she hasn't even taken office yet!

I would like to take a moment to recognize the candidates running for mayor who are with us tonight. Of course, I have to start with the person to my right, Vice Mayor Claudia Walters. I'd also like to recognize former District 5 Councilmember, Rex Griswold and candidate Scott Smith. Thank you all for being here tonight. I'd like to encourage Mesa residents to vote on March 11. Due to a change in the election cycle, those elected to serve new terms on the Council will serve 4 yrs and 7 months, instead of the usual 4 years.

Okay, given that this is my last State of the City Address, I will take the prerogative to close with a joke.

A newly elected mayor, full of fresh ideas and determined to better his community sought advice from the outgoing mayor, who had served many years. Not wanting to dampen the new mayor's enthusiasm, the mayor told him that he would write down his advice and place it in three sealed envelopes marked "1," "2," and "3", which he would leave in his desk. The outgoing mayor instructed the new mayor to only open the envelopes in the event of a true emergency. The new mayor laughed, for what problems could possibly befall such an eager and committed public servant? Several months passed with the envelopes collecting dust in the mayor's drawer. The new mayor thought that he had the job licked. But then, one day, he ran into a problem he simply couldn't solve. He remembered the three envelopes and eagerly opened Number 1. The note inside read: "*Reorganize.*" The mayor thought this was a great idea and, with the city manager, set about reorganizing the City.

The reorganization worked for a little while, but it wasn't long before the mayor hit another impasse. Not knowing what to do, the mayor turned to envelope Number 2, which contained a note that read simply: "*Blame your predecessor.*" Although the mayor didn't like the idea much, he did find that it helped to deflect criticism and things seemed to improve.

But then, several months later, another disappointing setback occurred. At a total loss as to what to do, the mayor turned to the last envelope in desperation.

Envelope Number 3 included a note that read simply, "*Prepare three envelopes.*"

Okay, I know I've covered a lot of ground here tonight. We've faced a lot of challenges during my eight years as mayor.

I made some people angry, including immigration and affordable housing advocates, or people who just wanted me to sign every proclamation request that came across my desk – even if it was to declare "Global Love Day." And, yes, that was an actual request.

But, I also had a lot of fun doing crazy things for Mesa United Way, like dressing up as the Tin Man or Elvis. Carol McCormack always made me sing. And, trust me, I can't sing.

I have enjoyed my time on Council and have learned a lot in the process. Between city financing, water resources, utility infrastructure, parks maintenance, zoning issues, liquor licenses, code compliance, and police and fire operations, it's like getting a PhD in municipal governance.

So, in my final State of the City Address, let me just say that it has been a pleasure and an honor to serve the City of Mesa.

Thank you.

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 September 13 and December 17, 2007 Council meetings.

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

3a. **A07-38 (District 6)** Annexing land located south and east of Ellsworth Road and Pecos Road (0.01 ± ac.). Initiated by the property owner, Williams Gateway Airport Authority.

Mayor Hawker announced that this is the time and place to conduct a public hearing regarding the annexation of land located south and east of Ellsworth Road and Pecos Road.

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

3b. **A07-39 (District 6)** Annexing land located south and west of Ellsworth Road and Pecos Road (0.08 ± ac). Initiated by the property owner, Williams Gateway Airport Authority.

Mayor Hawker announced that this is the time and place to conduct a public hearing regarding the annexation of land located south and west of Ellsworth Road and Pecos Road.

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

4. Take action on the following liquor license applications:

*4a. Commemorative Air Force Arizona Wing Museum

This is a one-day charitable event to be held on Saturday, March 15, 2008 from 4:00 p.m. to 12:00 Midnight at 2017 N. Greenfield Road (**District 5**).

*4b. St. Bridget's Knights of Columbus

This is a one-day fraternal event to be held on Sunday, January 27, 2008 from 4:00 p.m. to 7:00 p.m. at 2213 N. Lindsay Road (**District 5**).

*4c. Club Seis Frias

New Bar License for Club Seis Frias, 111 S. Dobson Road, Suite #108, Kathleen Concepcion Frias – Individual. This is an existing building with no previous liquor license at this location (**District 3**). (**Continued to the February 4, 2008 Council meeting**).

*4d. La Crescenta Mini Mart

New Beer and Wine Store License for La Crescenta Mini Mart, 2114 W. Main Street, La Crescenta LLC – Applicant; Naveed Ikram – Agent. This is an existing business with no previous liquor license at this location (**District 3**).

*4e. Pacific Coast Seafood Market

New Beer and Wine Store License for Pacific Coast Seafood Market, 502 S. Dobson Road, Suite #8, D&J Pacific Ventures, LLC – Applicant; Jenny Shan Ng – Agent. The previous Beer and Wine Store license held at this location by Tuan Thai Le will revert back to the State (**District 3**).

*4f. La Roca Mexican Peruvian Grill

New Restaurant License for La Roca Mexican Peruvian Grill, 1440 S. Country Club Drive, Suite #3, April Louis Hansen – Individual. This is an existing business with no previous liquor license at this location (**District 3**).

5. Take action on the following contracts:

*5a. Library system Radio Frequency Identification (RFID) Project equipment for the Main Library.

The Procurement Services Department recommends authorizing purchase from Maricopa County contract with 3M™ Library Systems at \$383,466.34, including applicable use tax. Funding is available from State Grants-in Aid (SGIA) grant (\$24,000), Library Technology and Services Act grant (\$50,000), Used Book Sale funds (\$171,000) and Library's Operational Budget (\$138,466.34).

*5b. Supply contract for 800 MHz radio equipment for the Communications Department.

The Procurement Services Department recommends authorizing purchase from City of Phoenix Contract #P-7288-05 with Motorola at \$162,450.00, including applicable sales tax.

- *5c. Ten (10) replacement vehicles for various City departments (funded through Fleet Services' Vehicle Replacement Program).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$138,622.97 and Courtesy Chevrolet at \$66,597.65, for a total of \$205,220.62, including applicable sales tax.

- *5d. Three-year supply contract for leather work gloves for warehouse inventory.

The Procurement Services Department recommends awarding the contract to the low responsive, responsible bid from Granberry Supply/Hose Power USA, dba Complete Safety of Phoenix, at \$41,712.84 annually, based on estimated requirements.

- *5e. One-year supply contract for bulk methanol for the Utilities Department, Water Division.

The Procurement Services Department recommends awarding the contract to the low responsive, responsible bid from Western States Petroleum at \$320,000.00 annually, based on estimated requirements.

- *5f. Three-year supply contract for traffic sign posts for warehouse inventory.

The Procurement Services Department recommends awarding the contract to the low responsive, responsible bid from Pacific Products & Services at \$91,138.24 annually, based on estimated requirements.

- *5g. Supply contract and maintenance services for fire extinguishers for the Fire Department.

The Procurement Services Department recommends authorizing purchase from State of Arizona Contract #EPS0700110-1 with American Fire Equipment Sales and Service Corp. at \$43,320.00, including applicable sales tax.

- *5h. Purchase of three (3) replacement high dump capacity mechanical street sweepers for Transportation, Field Operations (partially MAG funded). **(Single Bid)**.

The Procurement Services Department recommends authorizing purchase from the single bidder, Balar Equipment Corp. at \$641,839.40, including applicable sales tax. Funding is available from Congestion Mitigation Air Quality (CMAQ) grant funds (\$189,724) and Fleet Services Vehicle Replacement Program budget (\$452,115.40).

- *5i. Computerized Maintenance Management System for Mesa's Transportation Department as requested by the Information Technology Department and recommended by the Transportation and Infrastructure Committee. **(HURF funded)**.

The Procurement Department recommends the purchase from Motorola for an amount not to exceed \$628,107.52 including applicable taxes.

Committee Recommendation: Approval. (Vote: 3-0).

- 5j. Falcon Field Airport – Northwest Area Storm Drain, City of Mesa Project No. 06-015-001. **(District 5).**

This project will construct approximately 1,800 lineal feet of new 30-inch and 36-inch diameter storm drain to connect the existing piping in the streets in the northwest quadrant to the existing airport retention basin.

Recommend award to the Low Bidder, Kelco L.L.C., in the amount of \$194,000.00 plus an additional \$19,400.00 (10% allowance for change orders) for a total award of \$213,400.00. Funding is available from the approved FY 07/08 Falcon Field Airport Capital Program.

Mayor Hawker and Councilmember Truitt 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 Jones, seconded by Councilmember Whalen, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *5k. Rhodes Junior High School pool rehabilitation, City of Mesa Project No. 01-861-001. **(District 3).**

This project will rehabilitate the Rhodes Junior High School swimming pool by repairing and upgrading the pool. When completed, the renovations will ensure that Mesa Public Schools will have a facility to meet current and future swimming (curriculum and competition) needs and the City of Mesa Parks and Recreation Department will have an updated pool capable of providing City residents with various levels of swimming activities, including a splash pad and destination amenity.

Recommend award of the design phase services contract to the Contract Manager at Risk, Sun Eagle Corporation, with the Guaranteed Maximum Price (GMP) of \$43,340.00. Funding is available from Quality of Life funds.

6. Introduction of the following ordinances and setting January 22, 2008, as the date of the public hearing on these ordinances:

- *6a. Amending Title 4, Chapter 1 of the Mesa City Code relating to the Administrative Code.

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

Prohibiting Left Turns from Driveways: 10-3-15

On the east and west sides of Power Road with centerlines approximately 530 feet south of McDowell Road and to install a raised median. **(District 5)**.

Special Stops Required: 10-3-17

On Ray Road from the west City limits to the east City limits. **(District 6)**.

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

On Ray Road from the west City limits to the east City limits. **(District 6)**.

Speed Limits: 10-4-3 (45 mph)

Establishing a speed limit of 45 mph on Ray Road from Signal Butte Road to Mountain Road. **(District 6)**.

Establishing a speed limit of 45 mph on Warner Road from Signal Butte Road to Mountain Road. **(District 6)**.

- *6c. **A07-03 (District 5)** Annexing Maricopa County right-of-way for Ellsworth Road between Princess Drive and Adobe Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (8.90± ac.).
- *6d. **A07-04 (District 6)** Annexing Maricopa County right-of-way for Ellsworth Road between Portabella Avenue and Elliot Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (7.11± ac.).
- *6e. **A07-05 (District 6)** Annexing Maricopa County right-of-way for Ellsworth Road between Warner Road and Ray Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (11.66± ac.).
- *6f. **A07-09 (District 5)** Annexing Maricopa County right-of-way for a portion of Ellsworth Road north of University Drive upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (0.80± ac.).
- *6g. **A07-10 (District 10)** Annexing Maricopa County right-of-way for Ellsworth Road between Pecos Road and Germann Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (11.72± ac.).
- *6h. **A07-06 (District 5)** Annexing land located north and west of Hawes Road and McDowell Road (1.01± ac.). Initiated by the property owner, Brian Rogerson.
- *6i. **A07-23 (District 5)** Annexing land located west of Hawes Road south of McDowell Road (1.13± ac.). Initiated by the property owner, Thomas Kane.

- *6j. **Z07-114 (District 6)** The 2800 to 3600 block of South Ellsworth Road (east side) and the 9200 to 10000 block of East Elliot Road (north side). Located east of Ellsworth Road and North of Elliot Road (288± acres). Rezone from AG, C-2, and M-1 to C-2 DMP, PEP DMP, and M-1 DMP. This request will allow the development of an Industrial/Employment Park. Paul B. Matthews, owner, Ernest Amponsah, David Evans & Associates, Inc., applicant; Robert G. Byall - David Evans & Associates, Inc., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *6k. **Z07-117 (District 6)** The 3100 block of South Power Road (east side). Located south of Guadalupe Road on the east side of Power Road (15.6± acres). Rezone from R1-43 to R-4 PAD and C-2 PAD, and Site Plan Review. This request will allow for the development of multi-residential, office, and retail uses. Gabriel Saia, Jr., Saia Enterprises, Inc., owner; Jason Ottman, Trammell Crow Residential, applicant; Timothy Huval, Kland Consulting Civil Engineers, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- 6l. **Z07-118 (District 5)** The 3300 block of north Recker Road (west side). Located south of Thomas Road on the west side of Recker Road (25± acres). Rezone from M-1 to M-1-BIZ, and Site Plan Review. This request will allow the development of a commercial/office development. Greg P. Troast, owner; Robert Lorenzana, RKA, Inc., applicant; Leonard J. Swartz, Olsson Associates, engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Esparza nay).

Councilmember Somers advised that the current M-1 zoning allows for hotels, office buildings and restaurants. He reported that the applicant is requesting a BIZ (Bonus Intensity Zone) overlay, which would enable the project to be constructed at a greater height and/or density than permitted by M-1 zoning. Councilmember Somers expressed concern that the proposed 100-room hotel would not be consistent with the standard for a high-quality development.

Mayor Hawker stated that in accordance with normal procedure the Council would first hear from the applicant, followed by public comment, staff recommendations and Council discussion.

Peter Valenzuela, 2425 East Camelback Road, Suite 950, Phoenix, addressed the Council on behalf of the applicant. He noted that the property, which is located at the 202 Freeway and Recker Road, is currently vacant. Mr. Valenzuela stated that the developer has addressed some of the neighborhood concerns, one of which was to remove the request for a General Plan Minor Amendment that would have allowed a higher retail density. He said that the site plan has been revised to replace the fast-food, drive-through restaurant with a "sit-down" restaurant. Mr. Valenzuela reported that the applicant also proposes to eliminate the hotel from the project and

construct a third Class A office building in order to attract high-end clients. He said that the applicant is requesting a BIZ overlay for the entire site plan to enable construction of the three-story office building.

Councilmember Somers noted that Robert Brinton, Executive Director of the Mesa Convention and Visitors Bureau, was present in support of the proposal.

Mayor Hawker stated that the Council would now hear public comment.

Michael Lucey, 6009 East Sanford Circle, advised that with the removal of the hotel from the site plan, he had no further objections to the project.

Maryellen Glennon, 3562 North Tirol Circle, stated that she no longer opposed the project with the elimination of the hotel from the plan.

Susan K. Hogge, 3404 North Olympic Street, requested that the case be continued until a traffic study is completed. She expressed concern regarding access on Virginia Street.

Richard M. Hogge, 3404 North Olympic Street, recommended that the traffic signal at the intersection in that vicinity be upgraded with turn arrows before construction begins at the site.

Mayor Hawker said that David Glennon, 3562 North Tirol Circle, submitted a speaker/comment card in opposition to the project, but indicated that he did not wish to address the Council.

Planning Director John Wesley advised that staff is proposing that the ordinance be introduced with an amendment to Condition #1 (see Attachment 1) and that all other conditions remain the same.

Mr. Valenzuela said that his client is requesting the BIZ overlay for the entire site in order to add five feet of height to the two-story office buildings. He stated that the applicant would prefer that construction of three-story buildings be an option rather than a requirement.

Mr. Wesley said that the proposal would extend the BIZ overlay to the entire property. He added that although staff prefers that three-story Class A office buildings be constructed, the Council could determine if the three-story buildings are a requirement or an option.

Councilmember Somers noted that the applicant could construct two-story buildings under the current M-1 zoning without a BIZ overlay. He stated that the BIZ overlay enables the construction of three-story buildings.

Economic Development Director Bill Jabjiniak stated the opinion that this is a quality project, and he indicated a preference that all three office buildings be constructed to a height of three stories. He noted that the office space should generate approximately 500 new jobs.

Mr. Valenzuela advised that the applicant agrees to the stipulation that requires the construction of three, three-story Class A office buildings.

It was moved by Councilmember Somers, seconded by Councilmember Jones, that the amended ordinance for Case Z07-118 be introduced and that January 22, 2007 be established as the date for the public hearing.

Vice Mayor Walters noted that the applicant has been very responsive to the concerns expressed by area residents.

In response to a request by Vice Mayor Walters, Deputy City Manager Jack Friedline stated that Transportation Department staff would investigate the traffic signal issues and contact the concerned residents.

Mayor Hawker called for the vote.

Carried unanimously.

- *6m. **Z07-120 (District 6)** 423 South Signal Butte Road. Located on the south side of Broadway Road and the east side of Signal Butte Road (13.5± acres). Rezone from R1-6-PAD to R1-6 and C-2 and Site Plan Review for the development of a neighborhood commercial center for the western most 4.64 acres of the property. Tom Alford, DeRito Partners Development, Inc., owner; Michelle Santoro, Whitley Morris, P.L.C., applicant; Tom Meeks, Erickson & Meeks Engineering, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *6n. **Z07-121 (District 6)** 5404 East Southern Avenue. Located east of Higley Road on the north side of Southern Avenue (1.20± acres). Rezone from O-S PAD to O-S BIZ and Site Plan Modification. This request will allow for the development of a hospice facility. Robb Corwin, Great Days Investment, LLC, owner; Robert Briggs, TEBO, LLC, applicant; Michael Roberts, Del Rio Engineering, engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *6o. **Z07-123 (District 4)** The 200 block of west Vine Avenue (south side) and the 500 block of south Robson (west side). Located south of Broadway Road and east of Country Club Drive (6± acres). Rezone from R-2 to M-1 and Site Plan Review. This request will allow for the development of an auto storage yard. City of Mesa and Mark Vandevier, owners; Richard Thompson, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *6p. **Z07-124 (District 6)** The 3900 block of south Power Road (east side). Located south of Elliot Road on the east side of Power Road (40± acres). Rezone from M-1 and M-2 DMP to M-1 PAD and M-2 PAD with a modification to the Development Master Plan, and Site Plan Modification. This request will allow the development of an office/warehouse

complex. Tim Chester, owner; Robert B. Winton, Winton Architects, Inc., applicant.
(Notified property owners.)

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

7. Take action on the following resolutions:

- *7a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between QuikTrip Corporation, and the City of Mesa for the reimbursement of \$53,419.00 for regional traffic signal and street lighting improvements that are being required by Mesa in conjunction with a proposed commercial development known as QuikTrip #469 located at 2753 East Baseline Road. Mesa's estimated share will be funded from the approved FY07/08 Streets Capital Program – Resolution No. 9142. **(District 2).**
- *7b. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Pecos Commerce Center, LLC, and the City of Mesa for the reimbursement of \$18,871.00 for regional street lighting improvements that are being required by Mesa in conjunction with a proposed commercial development known as Pecos Commerce Center located at 7931 East Pecos Road. Mesa's estimated share will be funded from the approved FY07/08 Streets Capital Program – Resolution No. 9143. **(District 6).**
- *7c. Approving and authorizing the City Manager to execute a Grant Agreement with Maricopa County to secure grant funds in the amount of \$129,401 from the 2007 Byrne Justice Assistance Grant Program for wireless access for Police Department personnel – Resolution No. 9144.
- *7d. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Criminal Justice Commission to secure grant funds in the amount of \$43,188 to provide training for the Forensic Services Unit of the Police Department – Resolution No. 9145.
- *7e. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Criminal Justice Commission to secure grant funds in the amount of \$25,687 for overtime incurred by the Forensic Services Unit of the Police Department – Resolution No. 9146.
- *7f. Approving and authorizing the City Manager to execute a Grant Agreement with the Governor's Office of Highway Safety to secure grant funds in the amount of \$69,000 for overtime and equipment for the 2008 DUI Task Force Enforcement Program – Resolution No. 9147.
- 7g. Approving and authorizing the City Manager to execute a Grant Agreement with the Governor's Office for Children, Youth and Families to secure pass through grant funds in the amount of \$19,581 for A New Leaf – Resolution No. 9154. **(Related to Item 7h).**

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 Rawles, seconded by Mayor Hawker, that Resolution No. 9154 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9154 adopted.

- 7h. Approving and authorizing the City Manager to execute an Agreement with A New Leaf to administer the grant funds in the amount of \$19,581 received from the Governor's Office for Children, Youth and Families – Resolution No. 9155. **(Related to Item 7g).**

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 Rawles, seconded by Mayor Hawker, that Resolution No. 9155 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9155 adopted.

- *7i. Approving and authorizing the City Manager to execute a Memorandum of Understanding with the U.S. Immigration and Customs Enforcement to provide one detective to the Financial Crimes Unit – Resolution No. 9148.
- *7j. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of \$10,000 for equipment and training for the Police Department's Terrorism Liaison Officer Program – Resolution No. 9149.
- *7k. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of \$250,000 for equipment and training for the Police Department's Rapid Response Team – Resolution No. 9150.
- *7l. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of

\$230,000 to improve security features to the Public Safety Communications Building – Resolution No. 9151.

- *7m. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Arizona Game and Fish Commission regarding the stocking of fish at Mesa’s urban fishing lakes – Resolution No. 9152.
- *7n. Authorizing the City Manager to contract with Great-West Retirement Services to become the City’s primary deferred compensation provider – Resolution No. 9153.

8. 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.

- *8a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4791:

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

On Mesquite Canyon from Guadalupe Road to the south side of Olla Avenue. (south of Guadalupe Road and east of Ellsworth Road) **(District 6)**.

On Pierpont from 48th Street to Banner Gateway Drive (north of Baseline Road and west of Higley Road) **(District 6)**.

On Wildrose from the south side of Knowles Avenue to a point 210 feet north of Baseline Road (north and south of Baseline Road and east of Crismon Road) **(District 6)**.

On 48th Street from Pierpont to the centerline of US 60 (north of Baseline Road and west of Higley Road) **(District 6)**.

On 96th Street from Guadalupe Road to a point 210 feet north of Guadalupe Road (north of Guadalupe Road and east of Ellsworth Road) **(District 6)**.

Speed Limits: 10-4-6 (30 mph)

Increasing the speed limit from 25 mph to 30 mph on Pierpont from 48th Street to Baseline Road (north of Baseline Road and west of Higley Road) **(District 6)**.

Increasing the speed limit from 25 mph to 30 mph on 48th Street from Hampton Avenue to Pierpont (north of Baseline Road and west of Higley Road) **(District 6)**.

- 8b. **Z07-113 (District 3)** The 1500 block of South Alma School Road. Located north of the US60 Freeway and west of Alma School Road (95± acres). Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign. Macerich Fiesta Mall Adjacent, LLC – Garrett Newland, Vice President Development, Westcor, owner/applicant – Ordinance No. 4793. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: No Recommendation.

DRB Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmembers DiBella and Clark absent).

Mayor Hawker stated that, consistent with the positions that he has taken in the past regarding freeway landmark signs, he would vote in opposition to this item.

It was moved by Councilmember Somers, seconded by Councilmember Rawles, that Ordinance No. 4793 be adopted.

Councilmember Whalen praised the redevelopment efforts at Fiesta Mall, and he expressed the opinion that the freeway landmark sign would provide an economic benefit to the area.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Truitt-Walters-Whalen
NAYS – Hawker

Mayor Hawker declared the motion carried by a majority vote and Ordinance No. 4793 adopted.

- *8c. **Z07-115 (District 5)** 3061 North Sossaman Road. Located east of Sossaman Road north of McDowell Road (1.31± ac.). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Bela and Eva Marie Bunkoczy, owner; City of Mesa, applicant – Ordinance No. 4792.

PHO Recommendation: Approval with Conditions.

- 8d. **Z07-116 (District 6)** 6860 East Warner Road. Located north of Warner Road east of Power Road (0.72± ac.). Site Plan Review. This request will allow for the development of a bank within the Gateway Norte Business Park. Donna Esposito, GCB Investment Properties, owner; JD Berryman, K & I Architects, applicant – Ordinance No. 4794. ***(Notified property owners and held a neighborhood meeting.)***

PHO Recommendation: Approval with Conditions.

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 Somers, seconded by Vice Mayor Walters, that Ordinance No. 4794 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4794 adopted.

9. Take action on the following subdivision plat:

- *9a. **“GHOST RIDER” (District 5)** The 8000 to 8200 block of the East Thomas Road alignment (south side) and the 3400 to 3500 block of North 80th Street (east side) located west of Hawes Road and south of Thomas Road. 32 R1-35 PAD single residence lots (29.01 ac.). Alla Schell, trustee of the Schell Family Trust, Robert L. Watson, Calvin M. and Marilyn L. Uhl, Ronald D. and Cheryl J. Barron, G. Brent Stolworthy, member, G. Brent Stolworthy, L.L.C., Christopher Haws, Deland J. and Carrie J. Bentz, James and Janae Jarnagin, Joseph and Dorothy A. Coia, trustees of the Coia Family Living Trust, Jason T. and Natalie J. Lawlor, Timothy I. and Carmen D. Murphy, Dennis and Heather Duncan, Anthony and Allison Taylor, Austin and Lynn Goodale, Brenda Palmer, member, GSW Investments, L.L.C., Randy Bassett, Jason and Kala Laos, Earl and Nancy Lebovitz, Michael C. Graves, Jerry and Mary Barron, Ronald Neal and Joni Lisa Trout, Elane Palmer, trustee, Tierra Este Trust, member, Next Generations, L.L.C., owners; Greg Allen, Allen Consulting Engineers, Inc., engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 7:00 p.m.

KENO HAWKER, MAYOR

ATTEST:

LINDA CROCKER, 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 7th day of January 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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Attachment (1)