



## COUNCIL MINUTES

August 20, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 20, 2012 at 5:47 p.m.

### COUNCIL PRESENT

Scott Smith  
Alex Finter  
Christopher Glover  
Dina Higgins  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Reverend Blaine C. Mayes, D.D., Community Church of New Thought.

Pledge of Allegiance was led by Brayden Smith, Scout Troop No. 452.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Vice Mayor Somers stated that the City of Mesa is fortunate to have more than 200 residents who serve on its various advisory boards and commissions. He noted that these individuals contribute their time, energy and talent in an effort to "Build a Better Mesa."

Vice Mayor Somers explained that tonight, the Council would like to recognize a number of volunteers who have successfully completed their terms of service. He pointed out that not all of the citizens were able to attend tonight's meeting, but recognized those volunteers who were in the audience as follows:

- Ana Cadillo – Human Relations Advisory Board
- Chris Schneck – Industrial Development Authority
- Kay Henry – Library Advisory Board
- Dilworth Brinton, Jr. – Library Advisory Board
- Matthew Shaffer – Parks and Recreation Advisory Board

Mayor Smith presented plaques to the volunteers.

Vice Mayor Somers, in addition, read the names of the other volunteers who completed their terms of service on the various City boards and commissions.

Mayor Smith commented that on three previous occasions, the Council has recognized Mesa residents who have invested significant time and effort in their properties. He said that in each instance, the property owners elevated their neighborhoods, encouraged the surrounding residents to do the same, and enriched the community as a whole.

Mayor Smith remarked that tonight, the Council has the opportunity to recognize four more property owners who have made their properties "a showcase" in their neighborhoods. He introduced Development and Sustainability Department Deputy Director Laura Hyneman, who was prepared to make the presentations.

Ms. Hyneman addressed the Council and reported that the City of Mesa's "Extraordinary Properties" campaign receives nominations from members of the community and the City's Code Compliance Officers, who work in Mesa's neighborhoods on a regular basis. She explained that each quarter, a panel of community leaders selects those homeowners and business owners who have maintained their properties and buildings in an exceptional manner for the area in which they are located. She added that every property owner who is nominated receives a thank you letter and a certificate from the City.

Ms. Hyneman advised that the recipients of the "Extraordinary Properties" awards will receive a certificate, an "Extraordinary Property" sign that can be displayed in their yards for up to three months, and will be nominated for the "Mayor's Award for Building a Better Mesa."

Ms. Hyneman recognized the four winners as follows:

- Vietnamese Buddhist Zen Center on South Olive in the Lynwood neighborhood.
- Francisco and Dalila Varela for their home on East Glade Avenue in the Casa Mesa neighborhood.
- Efred Cuevas for his home on South Coleman in the Stewart's South neighborhood.
- Roger and Eva Gill for their home on East 11<sup>th</sup> Avenue in the Holmes Park neighborhood.

Mayor Smith and Councilmember Glover presented the recipients their certificates.

Ms. Hyneman thanked staff and the selection committee for their efforts and hard work in this regard.

Mayor Smith congratulated the winners and said it was a privilege for the Council to recognize them tonight.

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.

Councilmember Finter stated that although 7a was deleted from the consent agenda at the Study Session immediately preceding this meeting, he asked that the Council be given the opportunity to discuss this matter.

Mayor Smith indicated that 7a would be treated as a separate item after the Council approves the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Glover, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the February 16, March 1, 8, 19, 29, 30, April 5, 19, 23, May 10, 31, June 7, 14, 21, 25, 28, July 2 and 9, 2012 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Kay's Place

Person to person transfer of a Bar License for Kay's Place, 315 South Alma School Road, Hatco Camelback, LLC – Dylan Ray Hatch, Agent. This location has a Bar License held by Places I Inc. that will be transferred to the applicant. **(District 4)**

\*3-b. A&E Market

New Beer and Wine Store License for A&E Market, 1231 South Mesa Drive, Dulari Enterprises, Inc. – Hira Sagar Gaur, Agent. This location has a Beer and Wine Store License held by AE&K Enterprises Inc. that will revert back to the State. **(District 4)**

\*3-c. M & M Mart

New Beer and Wine Store License for M & M Mart, 1155 South Country Club Drive, M & MM LLC – Karan Chawla, Agent. This location has a Beer and Wine Store License held by Rakesh Chawla that will revert back to the State. **(District 4)**

\*3-d. Anzio Landing

New Restaurant License for Anzio Landing, 2831 North Power Road, Suite 104, Footprints in the Sand Restaurant Inc. – Lauren Kay Merrett, Agent. This is an existing building without an active liquor license at this location. **(District 5)**

\*3-e. Monastery

New Restaurant License for Monastery, 4810 East McKellips Road, Monastery @ Falcon Field, LLC – Jesus Manuel Altamirano, Agent. This location has a Beer and Wine License that will remain. **(District 5)**

\*3-f. Taqueria El Vaporcito

New Restaurant License for Taqueria El Vaporcito, 1445 West Southern Avenue, Suite 1016, Rene C, LLC – Paul Adolph Allen Sr., Agent. This location has a Restaurant License held by TAG BWR, Inc. that will revert back to the State. **(District 3)**

4. Take action on the following contracts:

\*4-a. Term Contract for Spray Marking Paint for Warehouse Inventory. **(Citywide)**

This Cooperative Contract will provide various types of spray marking paint for the City of Mesa (lead agency) and the City of Chandler for a variety of applications including utility line location marking, lines for striping layout, as well as maintenance of spray-painted surfaces.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, Border Construction Specialties, LLC, for Groups A, B and C at \$46,600.87 annually, including applicable sales tax, based on estimated requirements.

\*4-b. Renewal of the Term Contract for Janitorial and Sanitation Supplies for Citywide Use for Warehouse Inventory. **(Citywide)**

Purchasing recommends authorizing the renewal of the contract through the cooperative National IPA contract awarded by the City of Tucson with Waxie Sanitary Supply (a Mesa business) in the amount of \$165,000, including applicable sales tax, based on estimated requirements.

\*4-c. Purchase of an Integrated Case Management System for the Mesa Municipal Court. **(Citywide)**

In 2007, the Arizona Supreme Court, Administrative Office of the Courts, entered into an agreement to combine the Court's expertise and the participating courts to develop a Statewide Integrated Case Management System (AZiCMS) for the courts of the State of Arizona. Staff recommends replacing the City's existing mainframe-based Court System with an Integrated Case Management System. The vendor will complete the development of City-specific customizations to its Case Management System, as well as provide consulting, documentation, and mapping for conversion of the City's current case management system data into the AZiCMS.

Purchasing recommends authorizing the purchase from American Cadastre, LLC, dba AMCAD (Sole Source) at \$744,264.00, including applicable use tax. Following implementation, the projected five-year cost for this system, including support and maintenance fees, is estimated at \$706,840.00, including use tax. The evaluated bid total for the AZiCMS is \$1,451,104.00. This purchase is grant funded by the Judicial Collection Enhancement Fund.

\*4-d. Purchase of Fiber Optic Cabling, Telecommunication and IT-related equipment for the Police Department Special Investigations. **(Citywide)**

The Police Department recommends purchase from available State contract vendors for a total project cost of \$58,000.

\*4-e. Term Contract for Uniform Garments for Citywide Use. **(Citywide)**

The City purchases and issues garments to certain classifications of employees and the employees are responsible for laundering and maintenance. Departments using this contract include: Energy Resources, Facilities Maintenance, Fleet Services, Parks, Recreation and Commercial Facilities, Solid Waste Management and Water Resources. The Fire & Medical Services Department has a separate contract.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, Skaggs Companies, Inc., dba Skaggs Public Safety, at \$200,000 annually, including applicable sales tax, based on estimated requirements.

\*4-f. Renewal of the Term Contract for Uniform Garments for the Fire & Medical Services Department. **(Citywide)**

Purchasing recommends authorizing a one-year renewal (final) with United Fire Equipment Company at \$110,000; and Surf & Ski Enterprises, Inc. (a Mesa Business) at \$143,000, including applicable sales taxes, based on estimated requirements. The combined total contract amount is \$253,000.

\*4-g. Purchase of a Replacement Mobile Data System for the Fire & Medical Services Department. **(Citywide)**

This purchase will provide software, computer servers and related equipment and operating system licenses for a replacement mobile data solution used to communicate incident information, mapping, status changes, and location information between the Mesa Computer Aided Dispatch (CAD) System and fire apparatus. The Department currently uses a 20-year old mobile data system to communicate between the CAD System and fire apparatus. This data system operated at 9.6 kbps and has become obsolete due to parts availability and conformance with FCC regulations. The FCC has notified Mesa Communications that the current data system must be turned off by January 1, 2013.

Purchasing recommends authorizing purchase from the sole source vendor, NetMotion Wireless, Inc., for the amount of \$96,714.18, including applicable use taxes; and authorizing purchase from the State contract with Cybergear Inc., \$26,210.68; and SHI International Corp., at \$6,223.32, including applicable taxes. The combined total contract award is \$129,148.18.

\*4-h. Term Contract for Concrete Installation and Repair Services for the Transportation, Energy, Water Resources and other City Departments as needed. **(Citywide)**

This contract will provide a qualified contractor for concrete installation and repair services on an as needed/where needed basis for Transportation, Energy Resources, Water Resources and other City Departments.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, CPC Construction, Inc., at \$1,267,500 annually.

- \*4-i. Renewal of the Term Contract for Slurry Seal Sand for the Transportation Department. **(Citywide)**

This contract provides materials in support of the City's Pavement Management Program for preventative maintenance to preserve pavement on City streets.

Purchasing recommends authorizing renewal with Mesa Materials (primary) at \$433,000 and Vulcan Materials Co. (secondary) at \$22,843, for a combined total contract award of \$455,843 annually, including applicable sales tax, based on estimated requirements. This purchase is funded by Local Streets Sales Tax.

- \*4-j. Contract for Traffic Signal Maintenance Management and Database software. **(Citywide)**

This purchase will provide Traffic Signal Maintenance Management and Database software (MMS) for Transportation, Intelligent Transportation Systems (ITS). MMS will serve as an inventory management system for the City's ITS infrastructure and will allow the City to create maintenance logs and automate other functions related to the management of this infrastructure. Tracking of field work and inventory is still done by hand and MMS will allow authorized users to access and enter data into the system from any web-enabled device.

Purchasing recommends awarding the contract to the highest scored proposal, Engineering Mapping Solutions, at \$83,068, based on the Scope of Work requirements.

- \*4-k. Renewal of the Term Supply Contract for Water Meter Boxes and Lids for Warehouse Inventory. **(Citywide)**

Purchasing recommends authorizing renewal with Farnsworth Wholesale Company (a Mesa business) at \$40,000, based on estimated annual purchases.

- \*4-l. Renewal of the Term Contract for Pump Repair Parts for the Greenfield Water Reclamation Plant. **(Citywide)**

Purchasing recommends authorizing renewal with the sole source vendor, Hayward Gordon, Ltd., at \$100,000 annually, including applicable use tax, based on estimated requirements.

- \*4-m. Term Contract for Purchases and Repair Services for Submersible Pump/Motor Units for the Water Resources Department. **(Citywide)**

This contract will provide qualified contractors to provide new and replacement submersible pumps on an as-needed basis to support over 100 submersible pumps for Water Resources. Pump applications include sewage lift stations, backwashing pumps for filters, removal of water collected in building drains, removal of storm water and dewatering tanks.

Purchasing recommends awarding the contract to the highest scored proposals: Phoenix Pumps, Precision Electric and Laron, Inc., at \$100,000 annually; and for Repair Services to the same vendors (primary): Phoenix Pumps, Precision Electric and Laron, Inc., at \$150,000 annually. The combined contract award is \$250,000 annually, including applicable taxes.

\*4-n. Gas Main Extension and District Regulator Station at Skyline Drive and Circle Cross Ranch. **(Pinal County)**

This project will install the main along Gantzel Road from Empire Boulevard to the east boundary of the Circle Cross Ranch subdivision. The line will then be extended along the east boundary of Circle Cross Ranch subdivision in an 8-foot wide gas easement, south to Skyline Drive. There will also be a district regulator station installed along the east boundary line of the Circle Cross Ranch subdivision, just north of Skyline Drive. Once installed, the new gas main will become a critical feed from the City of Mesa's Gantzel gate station (located on the east side of Gantzel Road, just north of the Union Pacific railroad tracks) to an existing 4-inch intermediate pressure line in Skyline Drive, serving the customers in the Circle Cross Ranch area of the City of Mesa's Magma gas system.

Recommend award to the lowest bidder, Team Fishel, in the amount of \$351,236.33, plus an additional \$35,123.62 (10% allowance for change orders) for a total award of \$386,359.84. Funding is available in the FY 12/13 Gas Bond Capital Program.

\*4-o. Gas Main Replacement – Schnepf Road; Ocotillo Road to Pima Road. **(Pinal County)**

This project will install a new gas main along Schnepf Road from Ocotillo Road, north to Pima Road. The gas main will be replacing the existing 2" steel gas main that was installed in 1957. The existing gas mains have reached the end of their design life and need to be replaced.

Recommend award to the lowest bidder, Arizona Pipeline Company, in the amount of \$169,763.00, plus an additional \$16,976.30 (10% allowance for change orders) for a total award of \$186,739.30. Funding is available from the FY 12/13 Gas Bond Capital Program.

\*4-p. Dobson Road and University Drive Intersection Improvements Project. **(District 3)**

This project will include pavement reconstruction of Dobson Road from 1<sup>st</sup> Street, north to the Tempe Canal, and University Drive from the Tempe Canal, east to a point approximately 675 feet west of Alma School Road. New aesthetic-type bus shelters will be installed on University Drive, east and west of Dobson Road, with a pullout constructed for the western shelter. Water, gas and wastewater line replacements will be included in portions of University Drive extending to Alma School Road, along with water, storm drain and a gas regulator station in portions of Dobson Road.

Recommend award to the lowest bidder, B&F Contracting, Inc., in the amount of \$6,871,222.10, plus an additional \$687,122.21 (10% allowance for change orders) for a total award of \$7,558,344.31. Funding is available in the FY 12/13 Streets, Water, Wastewater and Gas Bond Programs.

- \*4-q. Authorize the Mayor to sign an Employment Contract with the City Manager.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to accept funds made available through a Grant Agreement with the Arizona Criminal Justice Commission. The Grant Agreement provides \$107,000 to the Police Department's Forensic Services Section for equipment and training – Resolution No. 10106. **(Citywide)**
- \*5-b. Approving and authorizing the City Manager to accept funds made available through a Highway Safety Contract with the Governor's Office of Highway Safety. The Contract provides \$120,000 to the Police Department's Traffic Section for overtime expenses to enhance and support DUI enforcement in the City of Mesa – Resolution No. 10107. **(Citywide)**
- \*5-c. Approving and authorizing the City Manager to accept funds made available through a Highway Safety Contract with the Governor's Office of Highway Safety. The Contract provides \$9,061 to the Police Department's Traffic Section for equipment to support and enhance Selective Traffic Enforcement throughout the City of Mesa – Resolution No. 10108. **(Citywide)**
- \*5-d. Approving and authorizing the City Manager to accept funds made available through a Highway Safety Contract with the Governor's Office of Highway Safety. The Contract provides \$42,150 to the Police Department's Traffic Section for equipment and overtime to support and enhance Selective Traffic Enforcement throughout the City of Mesa – Resolution No. 10109. **(Citywide)**
- \*5-e. Approving and authorizing the City Manager to execute an Airport Development Reimbursable Grant Agreement for Falcon Field Airport with the State of Arizona, acting by and through the Arizona Department of Transportation Multimodal Planning Division – Resolution No. 10110. **(District 5)**

The Aviation Grant for the design and construction of upgrades to existing and/or installation of new visual airfield guidance lighting system components at Falcon Field Airport in an amount not to exceed \$307,800. The total estimated cost of the project is \$342,000. The City's portion is \$34,200.

- \*5-f. Vacate right-of-way for Drew Street between Center and Macdonald, south of 1<sup>st</sup> Avenue – Resolution No. 10111. **(District 4)**

This 30 foot right-of-way for Drew Street is being vacated for the development of the "Residences at Center Street Station" and will become part of the adjacent property that the City is selling to Mesa Housing Associates, LLC.

- \*5-g. Extinguish portion of a Public Drainage Easement in the 8700 block of East Mountain Bridge Drive – Resolution No. 10112. **(District 5)**

This Public Drainage Easement is being extinguished because it is no longer needed and it will conflict with new development. A new drainage easement will be provided by the new development.

- \*5-h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Maricopa County on behalf of the Maricopa County Department of Transportation for the cost of the roadway improvements along Southern Avenue, from Crismon Road to Signal Butte Road. Maricopa County has agreed to fully fund all Project Activities. Upon completion of the project, the City has agreed to present an annexation agreement to the City Council which will annex the County Right-of-Way into the City. If approved, the City would then be responsible for the operation and maintenance of the annexed County Right-of-Way – Resolution No. 10113. **(District 6)**

6. Introduction of the following ordinances and setting August 27, 2012 as the date of the public hearing on these ordinances:

- \*6-a. **Z12-32 (District 4)** 68 East Main Street. Located east of Center Street on the north side of Main Street (1± acre). Council Use Permit. This request will allow a restaurant with a drive-thru in the Downtown Core zoning district. Louis T. Hines Trust #1, owner; Chris Cooper, Arizado Architecture and Design, applicant.

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

- \*6-b. **Z12-33 (District 2)** 1141 North Greenfield Road. Located at the southeast corner of Greenfield Road and Brown Road (18± acres). Rezone from RS-15-PAD to RS-15-PAD and Site Plan Review. This request will allow the development of a single- residence subdivision. Land Holdings Investment Co., LLC, owner; Paul Dugas, applicant. (PLN2012-00110)

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

7. 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 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 Council votes on the Consent Agenda.

- 7-a. **(See under “Items not on the Consent Agenda.”)**

- \*7-b. Creating a new Title 2, Chapter 25 of the Mesa City Code, establishing an Independent Commission on Compensation for Elected Officials and describing its members and duties – Ordinance No. 5109.

8. Take action on the following subdivision plat:

- \*8-a. “Carmel at Mountain Bridge Replat” **(District 5)** 2000 to 2200 blocks of North Hawes Road (east side) located east of Hawes Road and north of McKellips Road. 74 RS-15 PAD PAD single-residence lots (35.28 net ac.) Pinnacle Ridge Holdings, LLC, Paul Dugas, owner; Wood/Patel, Darrell Smith, P.E., engineer. (PLN2012-00102)

P&Z Recommendation: Approval. (Vote: 5-0, Boardmembers Carter and Roberts absent.)

**Items not on the Consent Agenda**

- 7-a. **Z12-24 (District 2)** 4104 East Broadway Road. Located east of Val Vista on the north side of Broadway Road (20± acres). Rezone from RM-3 to RM-4 and Site Plan Review. This request will allow the expansion of an existing apartment complex. Acacia Capital Corp Phoenix Broadway 12-B LLC, owner; John Spelts, applicant. (PLN2012-00036) – Ordinance No. 5110.

P&Z Recommendation: Approval with conditions. (Vote: 5-0, Boardmember Arnett absent.)

Staff Recommendation: Approval with conditions.

Mayor Smith stated that at the Study Session immediately preceding this meeting, the Council continued this item to the August 27, 2012 Regular Council Meeting. He explained that since that time, certain issues have arisen and requested that Planning Director John Wesley explain the reason for such a continuance.

Mr. Wesley reported that the applicant is requesting to rezone the property, which is currently zoned multi-residence density, and convert an existing building into a rental unit. He explained that since the remodel would increase the density so that it no longer conforms to the existing land use, it is necessary to rezone the site.

Mr. Wesley further remarked that Councilmembers have raised concerns regarding the high number of Police calls for service at the property. He said the suggestion was made that staff add a stipulation to the Conditions of Approval that would require the property managers to participate in the Mesa Police Department's (MPD) Multi-Housing Tri-Star Program. Mr. Wesley added that the applicant was present in the audience and prepared to address the Council in this regard.

Councilmember Richins noted that the Tri-Star Program was an outgrowth of the Crime Free Multi-Housing (CFMH) Program, which was in existence for many years. He explained that due to the fact that the CFMH Program was somewhat onerous in its process, the Tri-Star Program was created in order to make it easier for multi-family housing units to participate.

Councilmember Richins also remarked that the Tri-Star Program has made a significant impact in reducing crime at apartment complexes throughout the community and said, in fact, that west Mesa residents demand that such rental properties located in their neighborhoods participate in the program.

Councilmember Richins pointed out that one of the requirements of the Tri-Star Program is that the property managers receive training by the MPD in order to implement certain crime prevention procedures at rental properties. He added that the property must also meet certain lighting/landscaping requirements, which improves visibility and reduces crime for the residents.

Councilmember Richins further remarked that it was his understanding that in the last year, the apartment complex had 350 Police calls for service which, in his opinion, places an unfair burden on the MPD and the taxpayers who fund the MPD. He said that it was only fair to require a property that uses so many City resources to take the necessary steps to reduce crime.

City Manager Christopher Brady indicated that the MPD offers online training for property managers and encouraged those individuals to take advantage of the easily accessible course work.

Mayor Smith clarified that Councilmember Finter asked that this item be removed from the consent agenda to ensure that the property managers participated in the Tri-Star Program. He also stated that John Spelts, the applicant representing Apartment Management Consultants (AMC), approached staff prior to this meeting and asked that he be given the opportunity to address the Council regarding AMC's commitment to participate in the Tri-Star Program.

Mr. Spelts came forward and noted that since the new owner purchased the property last year, significant renovations have been made to the site, such as installing carport lighting that did not previously exist and adding new landscaping. He assured the Council that AMC would fully participate in the Tri-Star Program and said that he was familiar with and had participated in similar crime-prevention programs at other properties that AMC manages in Phoenix.

Mayor Smith thanked Mr. Spelts for his comments. He said that if a stipulation was included in the Conditions of Approval that the property managers would participate in the Tri-Star Program, it would be necessary for the case to be delayed in order for the ordinance to be reintroduced. Mayor Smith noted, on the other hand, that Mr. Spelts has inquired whether, if he makes a verbal commitment in this regard, the Council would consider taking action on the matter tonight based on his word.

Mr. Spelts confirmed Mayor Smith's statement and reiterated that he would contact the MPD tomorrow to expedite AMC's participation in the Tri-Star Program.

Mayor Smith further remarked that although he had no idea how his fellow Councilmembers feel about Mr. Spelts' verbal commitment, he would assume if they decided to take him at his word, that they would expect such a commitment would be fully complied with.

Mr. Spelts responded that his word is his bond and assured the Council that he would fully comply with his commitment.

Councilmember Finter acknowledged that AMC was the new property manager and had worked hard to improve the appearance and safety of the apartment complex. He stated that he was comfortable moving forward with this item tonight and suggested that staff monitor AMC's success with the Tri-Star Program and provide a future update to the Council in that regard.

Responding to a question from Councilmember Finter, City Attorney Debbie Spinner clarified that staff will draft a document to memorialize the agreement between the City and the applicant and make it available tomorrow for Mr. Spelts' signature.

Mayor Smith restated that in exchange for the Council not delaying this case in order to add a stipulation to the ordinance, Mr. Spelts will enter into an agreement with the City, as previously stated, and fulfill his commitment that AMC will participate in the Tri-Star Program.

Mr. Spelts confirmed Mayor Smith's statement.

(Note: A copy of the agreement, signed by Mr. Spelts, will be attached to Ordinance No. 5110.)

It was moved by Councilmember Finter, seconded by Councilwoman Higgins, that Ordinance No. 5110 be adopted.

Carried unanimously.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:25 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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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 20<sup>th</sup> day of August, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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