



## COUNCIL MINUTES

September 27, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 27, 2010 at 5:53 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
Mayor Scott Smith Alex Finter Dina Higgins Kyle Jones Dennis Kavanaugh Dave Richins Scott Somers	None	Christopher Brady Debbie Spinner Linda Crocker

(Councilmember Somers participated in the meeting via telephonic equipment.)

Invocation by Pastor Rich Wisely, Mountain Vista Bible Church.

Pledge of Allegiance was led by Scout Stetson Gilbert-Beecroft, Troop # 393.

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.

Mayor Smith announced that the City of Mesa, in conjunction with Mesa Public Schools and Mesa Community College, was awarded a \$3 million grant from the Bill & Melinda Gates Foundation and the National League of Cities. He explained that Mesa competed with nine other communities for the grants, which are part of the Communities Learning in Partnership Initiative, and said that after an extensive year-long evaluation process, Mesa, New York City, San Francisco and Riverside, California were selected as the four finalists. Mayor Smith added that Mesa is committed to the goals of the grant, which include encouraging young adults to continue on with a postsecondary education and educating underserved students ages 16 to 26.

1. Take action on all consent agenda items.

Councilmember Higgins requested that item 6-a be added to the consent agenda.

Mayor Smith stated that per the concurrence of the Council, item 6-a would be added to the consent agenda.

It was moved by Vice Mayor Jones, seconded by Councilmember Somers, that the consent agenda items, as amended, be approved.

Carried unanimously.

### Items on the Consent Agenda

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

Minutes of the October 29, 2009, April 8 and 22, May 6 and 13, June 30, August 19, and September 13, 2010 Council meetings.

3. Take action on the following liquor license applications:

\*3a. Southeast Valley Regional Association of Realtors

This is a one-day fraternal event to be held on Friday, October 22, 2010 from 5:00 p.m. to 10:00 p.m. at 1363 S. Vineyard. **(District 3)**

\*3b. Julie's Chicken & Waffles Dinner Theatre

New Restaurant License for Julie's Chicken & Waffles Dinner Theatre, 2050 W. Guadalupe Road, Suite 109-112, Premier Investment Properties LLC – Theresa June Morse, Agent. The previous Restaurant License held at this location by CWL Inc. was surrendered to the State on April 1, 2010. **(District 3)**

\*3c. Buffalo Wings & Rings

New Restaurant License for Buffalo Wings & Rings, 1445 W. Southern Avenue, Suite 1016, TAG BWR Inc. – Tracie Francis Seib, Agent. The previous Restaurant License held at this location by Flywheel Inc. was surrendered to the State on March 18, 2009. **(District 3)**

4. Take action on the following contracts:

\*4a. Purchase of Two (2) Replacement Mast Mounted Submersible Mixers for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the highest scored proposal from Landia, Inc., at \$29,805.60, including use tax.

\*4b. Term Contract for Crack Seal Services for the Transportation Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest responsive and responsible bidder, Southwest Slurry Seal Inc., at \$614,133.12, including applicable sales tax.

\*4c. Street Improvements – Signal Butte Road (**District 6**)

City Project 09-003-001. This project will install 35,000 square yards of new asphalt pavement, 4,500 linear feet of new curb and gutter, two new drainage basins, a new box culvert for the Siphon Draw Wash, 3,500 linear feet of new water line, 3,700 linear feet of new sewer line, and 25,000 linear feet of fiber optic cable for traffic signal coordination. This work also includes new sidewalk, medians, traffic signals and street lights. Utilities will be provided to serve the future site of Fire Station 219.

Recommend award to the low bidder, Achen-Gardner Construction, LLC, in the amount of \$4,085,348.95, plus an additional \$408,534.90 (10% allowance for change orders) for a total award of \$4,493,883.85. Funding for the utility work is available in the FY 10/11 Water and Wastewater Bond Programs. The ITS roadway and storm drain work funding will come from the Streets Bond Program, and the improvements for the future site of Fire Station 219 will be funded with the FY 10/11 Fire Bond Program. The Farnsworth Corporation will pay approximately \$105,891.00 of these costs through an In-Lieu Agreement with the City.

5. Take action on the following resolutions:

- \*5a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Salt River Pima-Maricopa Indian Community and the City of Mesa for the receipt and distribution of grants from their Proposition 202 – 12% contribution program. The awards will be \$50,000 for the Mesa Fire Department Immunization Program, \$15,000 to Junior Achievement Business and Economic School programs, \$78,000 to Mesa Public Schools-Native American Education Programs and \$175,000 to the United Food Bank Food Supply – Resolution No. 9764.
- \*5b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Phoenix-Mesa Gateway Airport Authority relating to fire vehicles and equipment maintenance services – Resolution No. 9765. (**District 6**)
- \*5c. Approving and authorizing the City Manager to execute an Agreement between the State of Arizona Department of Transportation, the Maricopa Association of Governments and the City of Mesa for acceleration of the construction for State Route 802, the Gateway Freeway, Phase 1 – Resolution No. 9766.

6. Introduction of the following ordinances and setting October 4, 2010, as the date of the public hearing on these ordinances:

- \*6a. **Z10-20 (District 5)** 3009 East Lehi Road. Located north of McDowell Road and east to Gilbert Road (283 +/- acres). Modification of the existing PAD Overlay and Site Plan Review. This request will facilitate the development of a residential master planned community. (PLN2010-00168) W. Thomas Hickcox, owner; Greg Davis, applicant.

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

- \*6b. Amending Title 1 of the Mesa City Code to add Chapter 32 titled “Collection of Delinquent Amounts Owed to the City.” This ordinance will establish a Citywide collection policy.

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting.

- \*7a. **Z10-22 (District 4)** 560 South Country Club Drive. Located south of Broadway Road on the west side to Country Club Drive (3.26 +/- acres). Rezone from R-3 to C-2 and Site Plan Review. This request will facilitate the redevelopment of an existing motel. (PLN2010-00175) Country Club Hotel LLC, owner; Roger Beecroft, applicant – Ordinance No. 5000.

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

- \*7b. **A10-01 (District 6)** Authorizing annexation of Maricopa County Right-Of-Way for Power Road from approximately 1300 feet south of Guadalupe Road north to Baseline Road upon consent for such annexation by Maricopa County's governing body, as required by A.R.S.§ 9-471 (N). (20.40 +/- acres) – Ordinance No. 5001.
- \*7c. **A10-02 (District 6)** Authorizing annexation of Maricopa County Right-Of-Way for a portion of South Ellsworth Road from Portobello Avenue north to Guadalupe Road upon consent for such annexation by Maricopa County's governing body, as required by A.R.S. §9-471 (N). (3.62 +/- acres) – Ordinance No. 5002.
- \*7d. **A10-03 (District 6)** Authorizing annexation of Maricopa County Right-Of-Way for Southern Avenue from approximately 300 feet east of South Cheshire, east to Signal Butte Road upon consent for such annexation by Maricopa County's governing body, as required by A.R.S.§ 9-471 (N). (5.81 +/- acres) – Ordinance No. 5003.

8. Take action on the following resolution and ordinance:

- \*8a. Take action on resolution approving and authorizing the City Manager to execute the First Amendment to the Development Agreement between Commercial Metals Company (CMC) and the City of Mesa for modifications to the timing of landscaping improvements and accelerated construction of a portion of East Pecos Road – Resolution No. 9767. **(District 6)**
- \*8b. Take action on ordinance regarding **Z10-02 (District 6)** 11444 East Germann Road. Located on the west side of the Meridian Road alignment, between Pecos Road and Germann Road (229+/- acres) Modification of Ordinance No. 4870. This request will allow the phasing of development on the site. CMC Steel, owner; Andrew Sarat, applicant – Ordinance No. 5004.

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

Items not on the Consent Agenda

9. Items from citizens present.

John Retzger, a Tempe resident, addressed the Council and reiterated the comments that he made at the prior Study Session regarding alleged corruption in the Mesa Police Department and the City Attorney's Office. He stated that he would like the City Attorney to hire an independent

investigator to look into this matter. Mr. Retzger also noted that he intends to file a Notice of Claim against the City of Mesa for violating his civil rights and damaging his reputation.

10. Adjournment.

Without objection, the meeting adjourned at 6:10 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 27<sup>th</sup> day of September 2010. 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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