



COUNCIL MINUTES

December 3, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 3, 2007 at 5:49 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

Councilmember Truitt participated in the entire meeting through the use of telephonic equipment.

Invocation by Reverend Blaine Mays, Doctor of Divinity, Community Church of New Thought.

Pledge of Allegiance was led by Seth Stapley, Scout Troop No. 999.

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.

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 Somers, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the September 13, October 11, and November 19, 2007, Council meetings.

3. Conduct a public hearing on the anticipated November 2008 bond election for Public Safety and Street Projects.

Mayor Hawker announced that this was the time and place to conduct a public hearing on the anticipated November 2008 bond election for Public Safety and Street Projects.

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

Budget Director Chuck Odom displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide an overview of the proposed bond package, which includes \$172.4 million for 16 Public Safety projects and \$230.5 million for 46 Transportation projects for a total of \$402.9 million. He added that all new bond projects would be supported by a secondary property tax.

Earnie Johnson, 1414 North Hibbert, expressed support for the proposed bond package and the funding of the bond package with a secondary property tax.

Nate Caine, 1325 West Keats Avenue, expressed concern that only one project addressed an issue in the Dobson Ranch area, and he questioned the rationale for including other transportation projects and Public Safety projects related to communications. He also noted the difficulty of explaining to the public the source of funding for the operations and maintenance expenses for these projects.

Mayor Hawker requested that staff provide additional information on the Public Safety communications projects.

Criminal Justice Information Systems Administrator Shirl Butler came forward and advised that a total of \$8.47 million in Public Safety bonds is targeted for the life cycle maintenance and upgrade of the existing system. He stated that \$18.5 million is designated for expansion of the 800 MHz radio system, including the construction of a northeast Mesa transmission site to improve coverage for the growing populations in Mesa, Gilbert and Apache Junction. Mr. Butler noted that Gilbert and Apache Junction are billed for the cost of fire dispatch services provided by the City of Mesa. He advised that a total of \$15.9 million is required for expansion of the City of Mesa's system. Mr. Butler reported that the 800 MHz system has been saturated as a result of rebanding decisions made by the Federal Communications Commission, and that the additional capacity required by the City would be provided by the 700 MHz system.

City Manager Christopher Brady responded to a question from Mayor Hawker by advising that the rates charged to Gilbert and Apache Junction for dispatch services would be adjusted to ensure that the City is reimbursed for the actual costs of the services provided.

Vice Mayor Walters noted that the bonds include the construction of a police substation in the Dobson Ranch area. She added that additional neighborhood meetings are planned regarding the construction of street projects.

In response to a comment by Mayor Hawker, Mr. Odom concurred that as a future Council considers issuing bonds, project costs and priorities would be reconsidered and a future Council may decide not to issue some of the bonds.

Mr. Brady added that many of the proposed projects would provide a Citywide benefit regardless of where in the City the project is located.

Ed Field, 744 South Morris, expressed support for the bond package. He stated that additional staffing at the Dobson Station has positively affected the neighborhood, and he hoped that the bond package would resolve the crowded conditions that exist at that station.

Sophia Tesch, 199 West Indigo Street, a participant in the Mesa Leadership Training and Development Program, expressed support for the bond package. She stated that as a participant in the Program, she learned that a reason for having two communication centers was that one location could continue to operate if the other location became inoperable.

Mayor Hawker noted that Greg Woods, 1426 West Pepper Place, completed a speaker/comment card in support of the bond package, but indicated that he did not wish to address the Council.

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

3.1. Discuss, take public comment and take action on a resolution adopting the West Main Street Area Plan:

3.1a. Conduct a public hearing on the West Main Street Area Plan.

Mayor Hawker announced that this was the time and place to conduct a public hearing on the West Main Street Area Plan.

In response to a question from Mayor Hawker, Planning Director John Wesley noted that several presentations have been made to the Council in Study Sessions, and he advised that staff was present to answer any questions regarding the Plan.

Greg Woods, 1426 West Pepper Place, stated that he was an enthusiastic supporter of the Plan. He was grateful for the opportunity to work on the Plan, and he complimented staff for capturing the desires of area residents and their hopes for the future. He added that he supports a recommendation in the Plan to establish a West Main Street Advisory Board to retain and monitor the vision of the Plan.

Gabe Saiq, 915 East Kramer Street, a member of the planning committee and a landowner, said that the process was valuable to the neighborhood. He noted that Light Rail Transit would change West Mesa, and he stated the opinion that the plan would serve as a template for change and send a positive signal to developers and investors.

Dave Richins, 833 West 11th Place, said that the planning process was an evolution of a citizen-driven effort. He advised that the Mesa Grande Community Alliance first met in 2004 to address neighborhood issues such as drugs and prostitution. Mr. Richins stated that the group recognized that redevelopment and investment in the area was key to resolving these issues. He commended the Council for having the foresight to invest in Light Rail Transit, and he cited examples of successful developments in other cities as a result of the construction of Light Rail Transit systems.

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

3.1b. Take action on the following resolution:

Adopting the West Main Street Area Plan. The Plan boundaries include University Drive to the north, Broadway Road to the south, Country Club Drive to the east, and the Mesa/Tempe city limits to the west – Resolution No. 9132.

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

DCC Recommendation: Approval (Vote: 6-0).

Vice Mayor Walters commented that the Plan would allow dual zoning in the West Main Street area. She explained that property owners could maintain the existing zoning or owners could elect to utilize the transit-oriented development (TOD) zoning. Vice Mayor Walters noted that remarkable changes have occurred in the City of Tempe as a result of transit-oriented development. She acknowledged the members of the committee and expressed appreciation for their service. She added that the Council envisioned a West Mesa area committee as a less formal body than was suggested by the speakers during the public hearing.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 9132 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority vote and Resolution No. 9132 adopted.

4. Take action on the following liquor license application:

*4a. Dobson Ranch Golf Course

New Government License (Restaurant & Beer and Wine Store License) for Dobson Ranch Golf Course, 2155 S. Dobson Road, City of Mesa Municipal Corp. – Applicant; Scot Smith – Agent. The previous Beer & Wine Bar license held at this location by JP Zachs Inc. will be retained by them. The previous Restaurant license held at this location by JP Zachs Inc. will revert back to the State (**District 3**).

*4b. 7-Eleven #16179A

New Beer & Wine Store License for 7-Eleven #16179A, 839 S. Stapley Drive, Efrain Antonio Castillo – Individual. The previous Beer & Wine Store held at this location by 7-Eleven, Inc. will revert back to the State (**District 4**).

*4c. Arco AM/PM

New Beer & Wine Store License for Arco AM PM, 363 S. Gilbert Road, Gilbert Broadway Operating LLC – Applicant; Sukhdev Singh Gill – Agent. The previous Beer & Wine Store license held at this location by BPG Station LLP will revert back to the State (**District 2**).

*4d. Holiday Inn Hotel & Suites

New Hotel-Motel License for Holiday Inn Hotel & Suites, 1600 S. Country Club Drive, Mesa Estates Hotel LLC – Applicant; Thomas Kreitler – Agent. The previous Hotel-Motel License held at this location by Bandra LLC will revert back to the State (**District 3**).

*4e. #1 Eastern Super Buffet

New Restaurant License for #1 Eastern Super Buffet, 1901 S. Signal Butte Road, Suite #101, No 1 Eastern Super Buffet, Inc. – Applicant; Mei Juan Qiu – Agent. This is new construction with no previous liquor license at this location (**District 6**).

*4f. Zushi Sushi Sake Bistro

New Restaurant License for Zushi Sushi Sake Bistro, 6727 E. McDowell Road, Suite 110, Zushi LLC – Applicant; Christine Ann Gray – Agent. This is new construction with no previous liquor license at this location (**District 5**).

5. Take action on the following contracts:

*5a. Fifteen (15) 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 \$286,083.71, including applicable sales tax.

*5b. Three-year supply contract for Jet A aviation fuel for the Police Department.

The Procurement Services Department recommends awarding the contract to Ascent Aviation Group, Inc. at \$255,635.33 annually, including applicable taxes.

*5c. Three-year supply contract for natural gas service excess flow valves for Materials & Supply warehouse inventory for the Utilities Department, Gas Division.

The Procurement Services Department recommends awarding contracts to the lowest responsive bidders as follows: R.W. Lyall & Co., Inc. at \$74,879.90 and Elster Perfection at \$40,327.32, for a total award of \$115,207.22, annually including applicable taxes.

- *5d. Dollar limit increase to the supply contract for wastewater disinfection lamps, ballasts and wipers for the Utilities Department, Water Division.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Trojan Technologies by \$75,000.00 to \$228,130.08 annually including applicable use tax, based on estimated requirements.

- 5e. Recker Transfer Station, 6450 East Brown Road, City of Mesa Project No. 01-596-001.

This project will remove the existing 24-inch pipe and valves that are badly deteriorated from the buried vault and will replace them with above ground valves that will be located within a block wall enclosure that surrounds the pumps. In addition the project will include pump maintenance (preventative and repairs), pipe coating repairs, electrical system upgrades and replacement of the flow meter.

Recommend award to Standard Construction Company, in the amount of \$838,145.00 plus an additional \$83,814.50 (10% allowance for change orders) for a total award of \$921,959.50. Funding is available in the adopted FY 07/08 Water Capital Bond program.

Mayor Hawker declared a potential conflict of interest regarding agenda items 5e and 5f and said he would refrain from discussion/consideration of these agenda items. He yielded the gavel to Vice Mayor Walters for action on the agenda items.

It was moved by Councilmember Somers, seconded by Councilmember Jones, that staff's recommendation be approved.

Upon tabulation of votes, it showed:

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

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

- 5f. South C.A.P. Reservoir and Booster Pump Station, City of Mesa Project No. 01-600-001.

This project includes a buried 8-million gallon concrete reservoir and several pumps to distribute water to various pressure zones within the City. The project will be completed using the Construction Manager at Risk (CMAR) delivery method.

Recommend award of the construction phase services contract to McCarthy Building Companies as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$25,033,340.00, plus a 5% change order

allowance of \$1,251,667.00, for a total award of \$26,285,007.00. Funding is available through the approved FY 07/08 Capital Water Bond Program.

Councilmember Truitt also 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 Councilmember Jones, that staff's recommendation 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.

6. Introduction of the following ordinances and setting December 17, 2007, as the date of the public hearing on these ordinances:

- *6a. **Z07-91 (District 4)** 905 West Broadway Road. Located east of Alma School on the south side of Broadway Road (1.12± acres). Site Plan Modification. This request will bring the site into compliance with current standards. Larry Stickler, D & L Concrete, owner; David Lind, Architechnology, applicant. **(Notified property owners, homeowners associations and registered neighborhoods.)**

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

- *6b. **Z07-102 (District 1)** 1234 West University Drive. Located west of Alma School Road on the north side of University Drive (.17± acres). Council Use Permit. This request will allow the development of a pawnshop. Michael Mugel, owner; Brad Shain, Pawn X-Change, applicant. **(Notified property owners, homeowners associations and registered neighborhoods.)**

P&Z Recommendation: Denial (Vote: 5-1 with Boardmembers Langkilde nay and Salas absent).

- *6c. **Z07- 111 (District 5)** 6147 East Main Street. Located east of Recker Road and South of Main Street (10± acres). Site Plan Modification. This request will allow the expansion of an existing office development. Michael Hamberlin, Baywood Professional Plaza, LLC, owner; Lesley L Partch, Partch and Associates Architecture, applicant; John Gray, Evans, Kuhn, & Associates, Inc, engineer. **(Notified property owners, homeowners associations and registered neighborhoods.)**

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

- *6d. Amending Title 4, Chapter 1 of the Mesa City Code relating to the Administrative Code as recommended by the General and Economic Development Committee (Approval. Vote: 2-1, Rawles nay).

7. Take action on the following resolutions:

- *7a. Approving and authorizing the City Manager to execute a Project Agreement between the Maricopa Association of Governments and the City of Mesa, which enables the City to become eligible to receive \$217,000 in FY08 for reimbursements from the RTP for pre-design of Mesa Drive: US 60 to Southern Avenue project – Resolution No. 9127 **(District 2)**.
- 7b. Approving and authorizing the City Manager to execute a Project Agreement between the Maricopa Association of Governments and the City of Mesa which enables the City to become eligible in FY08 to receive \$403,000 for reimbursements from the RTP for a portion of project design costs for the McKellips/Lindsay intersection improvement project – Resolution No. 9133 **(Districts 1 and 5)**.

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

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Resolution No. 9133 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9133 adopted.

- *7c. **Deleted (See Item 3.1b.)**
- *7d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the City of Mesa, Gila River Indian Community, City of Glendale, City of Tempe, City of Phoenix and Maricopa County Sheriff's Office to engage in joint law enforcement activities and render mutual aid should assistance be needed during an event related to Super Bowl XLII – Resolution No. 9128.
- *7e. Approving and authorizing the City Manager to execute an Amendment to an Intergovernmental Agreement between the Town of Gilbert, Town of Queen Creek and City of Mesa for an effluent pipeline from the Greenfield Water Reclamation Plant to the East Maricopa County Floodway – Resolution No. 9129.
- *7f. Approving and authorizing the City Manager to execute the Second Amendment to the Southwest Public Power Resources Group Planning Agreement – Resolution No. 9130.

*7g. Authorizing the sale of City-owned property in Pinal County located east of the Union Pacific Railroad, between Hanna Road and Houser Road. The sales price is approximately \$48,540,000 – Resolution No. 9131.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

*8a. **A07-28 (District 6)** Annexing the north half of the existing and future Germann Road right-of-way between Signal Butte Road and Meridian Drive (6.28 ± acres). Initiated by the City of Mesa – Ordinance No. 4785.

*8b. **Z07-98 (District 6)** The 4200 and 4300 blocks of South Power Road (east to the Roosevelt WCD canal) (52± acres). The northeast corner of Warner and Power Roads. Modification of Council Ordinance 3787 to remove stipulation requiring Council approval of site plans. This request is to amend the ordinance allowing flexibility of future processing development requests. Custom Homes by Via, LLC, Michael Licano and others, owner; Michael Licano, applicant – Ordinance No. 4786. **(Notified property owners, homeowners associations and registered neighborhoods.)**

PHO Recommendation: Approval with conditions.

*8c. Amending Title 7, Chapter 2 of the Mesa City Code relating to the Mesa Fire Code as recommended by the General and Economic Development Committee (Approval. Vote: 2-1, Rawles nay). **Continued to the December 17, 2007 Council meeting.**

*8d. Amending Title 4, Chapters 2, 3, 4 and 5 of the Mesa City Code relating to the Mesa Building Codes as recommended by the General and Economic Development Committee (Approval. Vote: 2-1, Rawles nay). **Continued to the December 17, 2007 Council meeting.**

*9. Assign delinquent accounts to collections services for the three-month period ending September 30, 2007, totaling \$474,088.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 6:30 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 3rd day of December 2007. 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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