



COUNCIL MINUTES

January 9, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 9, 2006 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Invocation by Pastor Paul Covert, Central Christian Church.

Pledge of Allegiance by Adam Stapley, Scout Troop No. 450.

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.

Swearing in of City Manager, Christopher J. Brady.

Mayor Hawker administered the oath of office to City Manager Christopher J. Brady.

Mr. Brady thanked the Mayor and Council for the opportunity to be a part of the City of Mesa organization. He introduced his family members who were present in the audience and acknowledged their support.

Mayor's State of the City address.

(The following is a transcript of the address as provided by the Mayor's Office.)

2006 is a year of new beginnings and critical choices for Mesa. Tonight, we welcome a new City Manager, Chris Brady. Coming to us from San Antonio, Chris is the first new City Manager selected from outside of the City.

This year, Mesa will also hire a new Police Chief, a new Economic Development Director and a new Community Services Manager.

In March, voters in districts 4, 5 and 6 will be asked to elect a district council member to represent them for the next four years.

In May, voters will be asked to consider increasing the city's sales tax rate to 1.75 percent (with the lion's share of that increase being designated for streets) and, for the first time since the 1940's, consider implementing a primary property tax capped at \$30 million. Also on the ballot will be whether or not to expedite zoning case consideration after neighborhood input has already been received. Finally, voters also must decide whether or not to allow the appointment of an auditor who would report directly to the elected Mesa City Council.

With all of these important issues on the ballot, 2006 will definitely be the year that Mesa voters provide direction for our future.

The planning has been done. During my first term as Mayor, hundreds of dedicated residents helped us create comprehensive blueprints for the city's land use, economic development, transportation, housing and parks and recreation programs. These plans are visionary—outlining a sustainable community with an increased jobs-to-housing ratio and an enviable quality of life. Mesa residents approved the plans at the ballot box in 2002. The next step was determining how to finance them.

So, two years ago, we launched the Mesa 2025: Financing the Future Committee, chaired by Councilmember Kyle Jones. Over the course of 19 months, this dedicated group of citizens learned about the city's financing mechanisms, heard about future needs and thoroughly reviewed the city's revenues and expenditures. In the process, we learned that Mesa's finance mechanisms are structurally deficient. In fact, we're the third-cheapest city to live in in the United States - - behind Las Vegas, Nevada and Plano, Texas. We also discovered that, if Mesa employed the same financial structure our neighboring cities use, we would realize approximately \$40 million more in revenue every year.

So now, staring down the face of a \$37 million dollar shortfall this spring, we come to a crossroad. This May, will you, as a Mesa resident, choose to finance the visionary blueprints residents crafted, or will you vote for deeper cuts to city services?

It is a pivotal decision every Mesa resident must make. What will Mesa look like in 2025? What will our neighborhoods look like? Will our parks be well maintained? Where will people work? Where will they shop? What shape will our schools be in? How bad will our air quality be? What kind of access will Mesa residents have to healthcare?

Of course, I can't predict the answers to these questions. But, I can tell you what kind of Mesa *I* want to live in.

The Mesa I want to live in in 2025 is a community of pride and opportunity. Government is lean and citizen involvement is high. Williams Gateway is a reliever for Sky Harbor with regular passenger service and thousands of cargo shipments coming through its customs office every year. Thousands of residents from throughout the Southeast Valley enjoy high quality jobs at Williams Gateway, using the 60, 202, Williams Gateway Freeway and newly built highways in Pinal County to reach the job center.

Innovative partnerships have been forged among the educational institutions on the Williams Gateway Campus, and ASU Polytechnic is nationally recognized as one of the country's top polytechnic schools.

Downtown Mesa is thriving. The Mesa Arts Center is privately operated and has attracted restaurants and nightlife to Main Street – businesses that are enjoying the influx of more than 10,000 students from MCC's new downtown campus.

West Mesa has seen a complete resurgence of activity along the light rail line – where mixed-use developments, condominiums and shopping centers have sprung up to capitalize on the transportation corridor.

The Fiesta Mall area also has seen a resurgence, with the Fiesta Mall renovation and the Fiesta Towers condominium development sparking reinvestment by businesses and neighborhoods alike.

The federal government has stemmed the flow of illegal immigrants into the country, giving Mesa a chance to catch its breath, gather its resources and unite the community. Day laborers no longer line our streets because a successful guest-worker program has opened the door to greater job opportunities and the ability to work and contribute to the economy legally.

The Mesa Public School District is still regarded as one of the best districts in the nation, attracting civic-minded parents seeking a quality education for their children.

Citywide, we're attracting top employers. CEOs cite good schools, a skilled workforce, the availability of a wide range of executive housing and a high standard of living as the primary reasons they chose Mesa.

Property values are strong and neighborhoods are clean, safe and peaceful. Emergency services remain a top priority, and it is reflected in Mesa's exceptional police and fire departments.

Mesa has a strong, stable source of revenue and is able to fully maintain its parks, libraries and streets. Mesa's utilities now retain a significant share of revenues, allowing the operations to better address maintenance concerns, provide infrastructure and equipment enhancements, and function as true enterprises while retaining regionally competitive rates. Services are bid competitively with the private sector to ensure low cost and high operational efficiency. All significant new capital projects outlining a clear repayment source are carefully considered by Mesa voters.

More than 600,000 Mesa residents rang in the New Year in 2025, and they are proud to call Mesa "home."

Is this vision attainable? Yes. Will it take work? Absolutely.

But the benefits – safer neighborhoods, better schools, high-wage jobs and increased property values – are worth it.

Alternatively, in 2025, will Mesa still be a city struggling with huge budget deficits? Will home developers have choked off Williams Gateway's potential with rooftops, clogging our freeways with commuters going to work in other cities? Will our schools be struggling to accommodate a never-ending influx of non-English speaking students, diminishing their ability to excel in other areas?

Will police and fire response times continue to increase as calls for emergency services skyrocket in blighted neighborhoods? Will more businesses (both small and large), pull out of those neighborhoods, leaving empty big box stores, rundown strip malls and gas stations fenced off with chain link? And, if all this happens, who will live here? Will the civic-minded families who contribute most to our city's tax base and raise our schools' test scores move away in search of nicer neighborhoods and better schools?

This is **not** the Mesa I want to live in.

Over the next few weeks, this Council will prepare a budget in the event that no new revenue sources are passed by Mesa voters this May. Because the City has already made more than \$40 million in cuts since 2001, additional cuts will result in a loss of city services and, ultimately, up to 400 city employees could be laid off to bridge the \$37 million dollar shortfall.

As you've heard me say many times before, I urge all residents to educate themselves about the city's budget. You can view the Financing the Future Committee's final report, staff-recommended budget cuts and other important documents online at www.cityofmesa.org.

Although the critical choices facing us in 2006 are daunting, I would be remiss if I didn't spend a moment tonight talking about some of the achievements of the past year and the fine work being done by this Council.

Representing District 1, Claudia Walters has been an exceptional Vice Mayor. Serving as Chair of the Transportation Committee and a member of both the Finance and Police Committees, Claudia has been very involved in efforts to improve Mesa's neighborhoods. In addition to serving on the board for numerous local non-profits, Claudia also serves on the National League of Cities' Community and Economic Development Steering Committee. Her commitment to maintaining a high quality of life in Mesa is marked by her continued support of education, the arts, and neighborhood involvement.

District 2 Councilmember, Mike Whalen, serves as the Chair of the Fire Committee and is a member of the General Development and Transportation Committees. Having served as an officer and assistant Chief of the Mesa Police Department for 28 years, Mike's experience in law enforcement has been an asset as he and Councilmember Kyle Jones work to address day labor issues in their districts.

District 3 Councilmember, Tom Rawles, serves as Chair of the Finance Committee and is a member of the Police and Utility Committees. This Council can always count on Tom to clearly articulate his views concerning the appropriate role of government and I appreciate his straightforward approach and willingness to share his legal expertise.

District 4 Councilmember, Kyle Jones, has done tremendous work over the past two years as Chair of the Mesa 2025: Financing the Future Committee. His willingness to steadfastly pursue the best course of action was invaluable to the work of the committee. Additionally, Kyle serves as Chair of the Police Committee and as a member of the General Development and Transportation Committees. On the national level, Kyle serves on two committees – the National League of Cities' Immigration Reform Committee, and the Public Safety and Crime Prevention Policy Committee.

District 5 Councilmember, Rex Griswold, who also served on the Financing the Future Committee, currently serves as Chair of the General Development Committee and as a member of the Fire and

Utility Committees. Rex remains committed to making City processes more business-friendly and is always on the lookout for ways to streamline City services.

Finally, Councilmember Janie Thom represents District 6. Janie chairs the Utility Committee and serves as a member of the Finance and Fire Committees.

District 6, which includes Williams Gateway Airport, is one of Mesa's fastest growing districts. Last year, I included in my state of the city address the good news that Cessna had chosen Williams Gateway Airport as the location for its new maintenance facility. We received even more good news recently, when Vision Air announced it will begin offering non-stop flights to Las Vegas from Williams Gateway this April.

Other milestones of 2005 included:

- The opening of the new Mesa Arts Center (which was the dream of former Mayor Wayne Brown)
- Continued work on an innovative partnership to create a new MCC campus downtown
- The opening of the Red Mountain Freeway from Power to Higley and
- Working with MAG, ADOT, neighboring cities and property owners to support the preferred Mesa alignment for the new Williams Gateway Freeway, which will increase access to the Williams Gateway job center.

2005 was a good year for healthcare, too. The Arizona School of Dentistry and Oral Health opened its doors in April, and two new hospitals that will serve East Mesa residents broke ground last year – Banner Gateway Medical Center and Iasis Healthcare Hospital. In West Mesa, Banner Health also announced plans to add a new children's wing to Desert Samaritan Hospital.

With the State Land Department currently exploring the sale of 275 square miles of state trust land immediately to our east, these hospitals will be vital to maintaining adequate access to healthcare. Mesa will continue to remain involved in the planning for this huge parcel known as Superstition Vistas. With a projected build-out population of more than 1 million residents, it will undoubtedly impact not only Mesa, but the entire East Valley.

I'd like to thank you for joining us for tonight's Council Meeting and the 2006 State of the City Address.

If you are a resident of district 4, 5 or 6, please be sure to vote for your district councilmember this spring. Early voting (in person or by mail), starts Feb. 9 and ends March 10. The election will be held on March 14.

And all Mesa voters should participate in the May 16 election, which includes the sales and property tax issues. Early voting for the May election begins April 13 and ends May 12.

Mesa remains a city of pride and promise. The Council and I urge you to take an active role in the community. Whether through service on a board or committee, or volunteering for a local nonprofit, resolve to become involved in 2006. It takes residents, businesses, nonprofit organizations, schools, activists, volunteers and churches to create and sustain a quality community.

So tonight I ask every Mesa resident to look ahead to 2025. What is your vision?

United States Supreme Court Justice Oliver Wendell Holmes once said that "the greatest thing in this world is not so much where we are, but in what direction we are moving."

This year, we must choose our path. Thank you.

1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

Vice Mayor Walters clarified that agenda items 4e, 4f and 6c were deleted from the agenda.

It was moved by Vice Mayor Walters, seconded by Councilmember Thom, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the November 21 and December 19 and 21, 2005 Regular Council meetings.

2.1 Conduct a public hearing and consider an amendment to the Land Use Map for the following Minor General Plan Amendment and possible adoption of the corresponding Resolution:

2.1a. **GP Minor 05-01TC (District 4)** Conduct a public hearing and consider an amendment to the land use map. Located at the northeast corner of 1st Avenue and Extension Road (approx. 6 acres). Request for General Plan Amendment Land Use designation from Multi-Family Residential to Retail/Commercial Services. Coury Family Trust, owner; Paul Devers, Cawley Architects, applicant. *(Property owners and tenants within 1,000 feet were notified by mail. Held neighborhood meeting on September 13, 2005).* COMPANION CASE CZ05-001TC.

DDC Recommendation: Approval with condition. (Vote: Passed 6-0)

Mayor Hawker announced that this is the time and place for a public hearing regarding an amendment to the Land Use Map for property located at the northeast corner of 1st Avenue and Extension Road (approximately 6 acres). This is a request for a General Plan Amendment to change the Land Use designation from Multi-Family Residential to Retail/Commercial Services.

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

2.1b. **GP Minor 05-01TC (District 4)** Consider adoption of the corresponding Resolution. Located at the northeast corner of 1st Avenue and Extension Road (approx. 6 acres). Request for General Plan Amendment Land Use designation from Multi-Family Residential to Retail/Commercial Services. Coury Family Trust, owner; Paul Devers, Cawley Architects, applicant – Resolution No. 8654. *(Property owners and tenants within*

1,000 feet were notified by mail. Held neighborhood meeting on September 13, 2005).
COMPANION CASE CZ05-001TC.

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

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that Resolution No. 8654 be adopted.

Carried unanimously.

3. Consider the following liquor license applications:

*3a. Clarence A. Stouffer, Chairperson

This is a one-day charitable event for Mobil Nobles Shrine Club, to be held on Sunday, February 12, 2006 from 5:00 p.m. to 9:00 p.m. at 5001 E. Main Street.

*3b. Felix Guzman-Aranibar, Agent

New Beer and Wine Store License for La Preciosa Super Carniceria, 351 N. Country Club Dr. This is an existing building with no current liquor license.

*3c. Kristen Kimberly Kahm, Individual

New Restaurant License for Papillions Too, 525 S. Gilbert Rd. A Restaurant License previously held at this location by Tamara Lynn Lockman, Agent, Papillions Too will revert back to the State.

*3d. Helal Naseer Pasha, Agent

New Restaurant License for Rotellis Pizza and Pasta, 1762 S. Greenfield Rd. #111. This is an existing building with no current liquor license.

*3e. Thomas Joseph Hice, Agent

New Restaurant License for The Mike Thai Restaurant, 5110 E. Southern Ave. Ste. 104. This is an existing building with no current liquor license.

4. Consider the following contracts:

*4a. Additional purchase of two replacement aerial lift bucket trucks as requested by the Transportation Division, Traffic Engineering. (Contract 2005142).

The Purchasing Division recommends authorizing an additional purchase option with the original bidder, Equipment Technology LLC at \$143,732.64, including options, extended warranties and applicable taxes.

*4b. Three-year supply contract for traffic control signs as requested by the Transportation Division, Field Operations. (2005183).

The Purchasing Division recommends accepting the overall low bid meeting specifications by Safeway Sign Co. at \$81,071.98 annually, based on estimated requirements, including contingencies and applicable taxes.

- *4c. Three-year supply contract for Lycofast Mechanical Couplings for warehouse inventory as requested by the Gas Utility Division, Gas Distribution & Construction. (2005164).

The Purchasing Division recommends accepting the only responsive bid received by R. W. Lyall & Co., Inc. at \$154,824.95 annually, based on estimated requirements, including contingencies and applicable sales tax.

- 4d. Las Sendas Sulfide Control Station, City of Mesa Project No. 01-659-001.

This project will install a ferrous chloride injection station in the area of McDowell Road and Sossaman Road to minimize odors and corrosion in the City's sanitary sewer system.

Recommend award to low bidder, Highland Engineering, in the amount of \$1,274,867.00 plus an additional \$127,486.70 (10% allowance for change orders) for a total award of \$1,402,353.70.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

- AYES – Griswold-Jones-Rawles-Thom-Walters-Whalen
- NAYS – None
- ABSTAIN – Hawker

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- 4e. Deleted.

- 4f. Deleted.

5. Introduction of the following ordinances and setting January 23, 2006 as the date of public hearing on these ordinances:

- *5a. **Z05-105 (District 1)** 550 East University Drive (north side). Located at the northwest corner of East University Drive and North Hobson Road (0.2± ac). Rezone from R-4 to O-S and Site Plan Review. This request will allow for the development of an office. Steve

Bleck, owner; Boyd H. Thacker, applicant. *(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *5b. **Z05-106 (District 5)** The 9050-9200 block of East Brown Road (south side). Located west of the southwest corner of Brown Road and Ellsworth Road (1.5± ac). Rezone from R1-43 to O-S PAD and Site Plan Review, to allow for the development of office condominiums. Allen Marsh, Brown Falcon, LLC, owner; Dan Brock, Brock, Craig & Thacker, applicant. *(Notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *5c. **Z05-107 (District 6)** The 5200 block of East Broadway Road (south side). Located east of Higley Road and south of Broadway Road (2.8 ac). Site Plan Modification. This case will allow the development of a retail building. Sandor Development, owner; Martin Flood, A & E Solutions LLC, applicant. *(Notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *5d. **Z05-108 (District 3)** 2655 West Guadalupe Road (south side). Located south of Guadalupe Road and east of Price Road (2400± sf). Council Use Permit to allow for the relocation of a pawnshop from one suite to another within the same shopping center. Egan Daniels, Agent for Owner – BP Pinnacle Properties, LLC, owner; Walter Cheeseman – Apache Pawn of Mesa, Inc., applicant. *(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *5e. **Z05-109 (District 2)** The 1100 block of North Greenfield Road (east side). Located at the southeast corner of North Greenfield Road and East Brown Road (17.20± ac). Rezone from AG to R1-15-PAD. This request will allow for the development of a single-family residential subdivision. Erik Partridge, Partridge Development, owner; Josh Hannon, AMEC, applicant. *(Held a neighborhood meeting, notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *5f. **Z05-110 (District 6)** The 7600-8000 block of East Elliot Road (south side). Located on the Southeast corner of Sossaman & Elliot Roads (59.94 acres). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. C&B Dairy Limited Partnership, Thomas & Susan Dodds,

Elliot & Sossaman Limited Partnership, TLC Enterprises, owner; Thomas Dodds, applicant.

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

- 5g. Amending Section 9-6-5(B), Table; Section 9-6-5(D) 2; Section 9-6-5 (D) 4 and adding Section 9-6-5(D) 6 to the Mesa City Code relating to Desert Uplands Development Standards.

Mayor Hawker acknowledged the efforts of Councilmember Griswold to develop a different lighting standard for the Desert Uplands area. He stated that although he understood the reasons that initiated a request for a lower lighting standard, he expressed concern relative to safety issues and the City's potential liability as a consequence of applying different lighting standards to a specific area of the community. Mayor Hawker advised that he would not support the proposed amendment.

Councilmember Griswold stated that a unique desert environment with a lower lighting level attracts executive housing. He noted that Scottsdale, Tucson and Prescott have implemented "dark skies" ordinances, and that many people are willing to pay a premium in order to reside in these unique environments. Councilmember Griswold explained that the area borders the Tonto National Forest and is adjacent to Utery Park, and he added that both the Park and Forest Rangers expressed a preference for a reduced lighting level in the development. He advised that the development area consists of approximately two square miles, and that area residents are willing to assume the additional liability risk relative to the lighting.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the amendment to the Mesa City Code relating to Desert Uplands Development Standards be approved.

Vice Mayor Walters advised that although she concurs that a different lighting standard is appropriate for this area of the community, the subject amendment exceeds the parameters that she is willing to support.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES – Griswold-Jones-Rawles-Thom-Whalen
NAYS – Hawker-Walters

Mayor Hawker declared the motion carried by a majority vote.

6. Consider the following resolutions:

- *6a. Authorizing the City Manager to execute an Equipment Lease/Purchase Agreement for the City's Photo Safety Enforcement Program – Resolution No. 8651.

- *6b. Extinguishing an Easement for Public Utilities and an Easement for Ingress and Egress and Public Utilities in Mountain Estates at Las Sendas – Resolution No. 8652.

These easements are no longer required.

- *6c. Deleted

- *6d. Granting the sale of City property located at the southeast corner of Broadway Road and Country Club Drive – Resolution No. 8653.

7. Consider the following ordinances:

- 7a. **CZ05-001TC (District 4)** Located at the northeast corner of 1st Avenue and Extension Road (approx. 6 acres). Request for rezoning from R-4 and C-2 to C-3. Coury Family Trust, owner; Paul Devers, Cawley Architects, applicant – Ordinance No. 4506. *(Property owners and tenants within 1,000 feet were notified by mail. Held neighborhood meeting on September 13, 2005).*

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

Councilmember Griswold explained that this project enables the conversion of a former automobile dealership in downtown Mesa for use by an expanding plumbing supply company.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that Ordinance No. 4506 be adopted.

Carried unanimously.

- *7b. Amending Sections pertaining to the Zoning Ordinance and Subdivision Regulations of the Mesa City Code; amending Sections 11-18-2, 11-18-6, 11-18-8, 11-18-9, 11-18-10 regarding adjustments to the required fees for planning services; and amending Sections 9-6-2(c), 9-6-2(d), 9-6-2(e), 9-6-2(f), 9-6-6(d) regarding adjustments to the required fees for subdivision plats and land splits – Ordinance No. 4497.

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

8. Consider the following recommendations from the Finance Committee:

- *8a. Adjustments to Solid Waste commercial rates and fees for front load bins and roll offs.
- *8b. Accept the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2005

9. Consider the following recommendations from the General Development Committee:

- *9a. Deleted.
- 9b. Recommendation to deny the request of Mesa Community College to change the Sign Ordinance to allow banners on City-owned light poles outside the downtown area.

Mayor Hawker advised that the proposal was brought forward with a recommendation for denial from the General Development Committee.

Jared Langkilde, 1833 West Southern Avenue, representing the President of Mesa Community College (MCC), advised that MCC was unaware that the Council was considering this request until a few hours ago. He stated that MCC requested the use of City streetlight poles in order to display banner signs that identify the MCC campus, and that since submitting the request approximately one year ago, there have been no communications with City staff. Mr. Langkilde said that MCC would like the opportunity to further discuss this issue prior to a Council decision.

Mayor Hawker noted that staff expressed concern that the banners would place stress on the streetlight poles. He added that denial at this meeting would not preclude the issue from being reconsidered at a future date.

City Attorney Debbie Spinner advised that typically an agenda item related to a planning and zoning issue would not return for Council consideration if the Council took action to accept the Committee's recommendation. She stated that the item could be removed from the agenda and returned to the General Development Committee.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that this item be removed from the agenda and returned to the General Development Committee for further consideration.

Discussion ensued relative to the fact that further negotiations could result in a satisfactory agreement for both the City and MCC.

Planning Director John Wesley advised that the topic before the Council relates to a potential Zoning Ordinance change that would allow banner signs on City streetlight poles. He clarified that a change to the ordinance would apply to other entities in addition to MCC and, if approved, would require the development of an application process. Mr. Wesley said that Zoning/Civil Hearing Administrator Gordon Sheffield discussed the issue with Mr. Langkilde in the past, and he acknowledged that the communications regarding this issue could have been handled in a better manner.

Mayor Hawker suggested that staff prepare a history of the communications regarding this issue.

Vice Mayor Walters apologized on behalf of the City for the miscommunication. She noted that the City and MCC have a good relationship and a history of cooperation. Vice Mayor Walters added that the report indicates that banners would require a change of poles, which could cost approximately \$118,000 at the Southern and Dobson campus. She noted that this type of expenditure would not be possible in view of the City's current financial situation. Vice Mayor Walters explained that a favorable Council decision on this matter would initiate subsequent steps in the process including Council consideration of an ordinance and an amendment to the Sign Code.

Mr. Wesley confirmed that the explanation provided by Vice Mayor Walters was correct. He advised that staff is presently seeking Council direction relative to moving forward with a text

change that would have to be processed through Planning and Zoning prior to returning to the Council for consideration.

In response to a question from Councilmember Thom, Mr. Wesley advised that the change would not be an appropriate issue for consideration by the Board of Adjustment due to the fact that this issue involves a change to the Code.

Mayor Hawker called for the vote.

Carried unanimously.

*9.1. Discuss and consider a Severance Pay Separation Agreement for the City Attorney.

10. Hear public comments, discuss and consider the recommendation of the Transportation Advisory Board regarding traffic control changes on Baseline Road near Longmore Street.

Deputy Transportation Director Dan Cleavenger stated that at the October 18, 2005, Transportation Advisory Board (TAB) meeting, citizens brought forward a number of concerns following the death of Rhodes Junior High School student Sean Casey, who was killed when a westbound driver ran a red light at Baseline Road and Longmore Street. He said that following the tragic accident staff received many requests from area residents for speed control changes. Mr. Cleavenger advised that the existing speed limit on Baseline is 35 miles per hour (mph) between 7:30 a.m. and 4:00 p.m. on school days and 45 mph at all other times. He said that the November 15, 2005 TAB meeting addressed the issue as an agenda item and that approximately 100 citizens were in attendance to request traffic control changes.. He added that petitions with more than 1800 names were also presented at the meeting. Mr. Cleavenger further stated that the primary request made by the citizens was to establish a 35 mph speed limit at all times based on the fact that after school activities are conducted after 4:00 p.m. and on weekends.

Mr. Cleavenger reported that an analysis conducted by staff indicates that five accidents involving school-age bicycle riders and pedestrians occurred in that area of Baseline Road during the past three and one-half years. He said that the vehicle that killed Sean Casey was estimated to be traveling at 45 mph, and that the other four incidents involved speeds under 25 mph. Mr. Cleavenger advised that staff based their recommendation on speed data collected at this site and at six other schools located on arterial streets. He said that an evaluation of pedestrian and bicycle crossings on Baseline Road in the area of Rhodes Junior High School indicated a dramatic decrease in the numbers during the after-school hour timeframe. He added that a Police Department presence in the area with radar vans and motorized officers resulted in an average speed reduction of five to eight mph. Mr. Cleavenger advised that the Police Department has issued over 1,000 citations on this section of roadway since the September 23rd accident involving Sean Casey. He added that in addition to continued police enforcement, staff presented the following recommendations to TAB:

- Install a larger advance warning sign for the school upgraded to 36" by 36" from 30" by 30".
- Install additional 36" by 36" signs in the raised landscaped median.
- Include flashing lights on the speed limit signs installed 300' in advance of the school and another on the school property (in both directions).

- Install driver feedback signs that display the speed (or displays “slow down” instructions) for all oncoming traffic utilizing a radar gun. These types of signs also enable staff to download data for measuring the effectiveness.
- Educate staff, parents and students.

Mr. Cleavenger noted that education is important due to the fact that in four of the five accidents on Baseline, other than the Sean Casey accident, the school age pedestrians or bicyclists were at fault. He said that staff would prefer to emphasize compliance with the speed limit during the 7:30 a.m. to 4:00 p.m. timeframe rather than lowering the speed limit to 35 mph for all hours of the day.

Mr. Cleavenger reported that the Transportation Advisory Board voted unanimously in favor of staff's recommendation with two modifications:

- Extend the 35 mph speed limit for an additional two hours until 6:00 p.m.
- Document the impact of the changes in six months and report the findings to TAB.

Mr. Cleavenger reported that the recommended traffic control changes unrelated to the speed limit have been implemented, including the larger school warning signs and the added signs in the medians. He said that staff contacted a vendor regarding the speed display signs, but a commitment has not been made to purchase the equipment. He advised that should the Council recommend a 35 mph speed limit 24 hours a day, staff suggests that the flashing lights and speed display units not be utilized due to the fact that this type of equipment is more effective in areas that have different speed limits at various times of the day.

Mayor Hawker announced that the Council would hear public comment at this time. He stated that the first speaker was Don Casey, and on behalf of the Council, he expressed sympathy to the Casey family for their loss.

Don Casey, the father of Sean Casey, the Rhodes Junior High School student who was killed while crossing Baseline Road on September 23, 2005, addressed the Council regarding proposed traffic control changes in the area of the school. He advised that activities at the school occur on weekends and frequently continue until 10:00 p.m. on school days. Mr. Casey suggested the following changes:

- A permanent speed limit of 35 mph.
- 48” signs.
- A four second red light rather than the existing two seconds.
- Improved streetlights near the school.
- A sign on Longmore at Baseline indicating “no right turn when children are present.”
- A sign indicating that the area is heavily enforced by photo radar.

Mr. Casey described the emotional toll on his family as a result of the accident, and he stated the opinion that lowering the speed limit could save the lives of many children.

Greg Schultz, 1860 South Longmore Road, Assistant Principal/Athletic Director of Rhodes Junior High School, thanked Mr. Cleavenger, City staff and Mesa Public Schools' staff for their efforts to resolve the speed limit issue. He advised that only 28 percent of Rhodes' 1100 students are bused compared to a district average of 34 percent, which means that

approximately 800 students walk to school or utilize an alternate mode of transportation. Mr. Schultz referred to a six-month school activity calendar (a copy is available for review in the City Clerk's Office), which outlines various events scheduled at Rhodes Junior High School. He noted that in addition to school activities, over 700 Mesa American Little League participants often utilize the baseball fields until 10:00 p.m., Monday through Saturday. Mr. Schultz added that over 14,000 people utilized the Rhodes swimming pool during the period of April through September 2005. He summarized his comments by stating that the lower speed limit should be extended beyond the 6:00 p.m. timeframe due to the fact that Rhodes Junior High School serves as a community center.

The following individuals also addressed the Council in support of a 35 mph speed limit on Baseline Road in the area of Rhodes Junior High School:

Alan Hardy, 2502 South Mulberry
Laurel Jones, 2231 North Canton
Dorathy LaLonde, 1353 West Lindner Avenue
Joanne Smith, 2450 South El Dorado
Ann O'Connor, 2649 South Iglesia Circle
Cynthia Jones, 2231 South Canton
Bob Jones, 2231 South Canton
Charles Fletcher, 2430 South Stewart
Jennifer Holladay, 2455 East Broadway Road
Linda Casey, mother of Sean Casey (no address provided)
Scot Haig, 1355 West Laguna Azul Avenue
Colleen O'Connor, 2649 South Iglesia Circle
Jenny Angell Green, 2122 South Paseo Loma
Teresa Young, 1303 East Whalers Way, Tempe
Maria Mancinas, 542 North Lewis Street
Jaron Parsons, 1606 West Natal Avenue
Sam Hansen, 2233 South Johnson Circle

Additional comments made by these speakers included:

- School zone signs for Rhodes Junior High School are visually obstructed.
- School zone signs should include flashing lights.
- All Mesa school zones should have a 35 mph speed limit.

Kenneth Welling, 2647 South Reyes, addressed the Council in opposition to lowering the speed limit to 35 mph. He expressed the opinion that a public education effort to address reckless driving would be more effective than lowering the speed limit.

In response to question from Councilmember Rawles, Mr. Cleavenger explained that the advance warning signs for school zones are available in three sizes: 30, 36 and 48 inches. He stated that the City places 30-inch signs on residential, collector and arterial streets for elementary and junior high schools, and that 48 inch signs are utilized for high schools due to the fact that high schools have many new, inexperienced drivers. Mr. Cleavenger advised that staff recommends that the 30-inch signs be upgraded to 36 inches Citywide in locations where junior high and elementary schools are adjacent to arterial streets, that 30-inch signs continue to

be placed on residential and low-volume collector streets, and that 48-inch signs continue to be utilized for high schools.

Councilmember Rawles expressed concern regarding the comments that the signs identifying Rhodes Junior High School to drivers on Baseline are not highly visible, and he stated a preference for the installation of 48-inch signs. He noted that drivers are not presently obeying the 35 mph speed limit between 7:30 a.m. and 4:00 p.m.

Discussion ensued relative to the fact that the City of Tempe has a 35 mph speed limit for high schools only; that a junior high school located on a Tempe arterial street would have a dual speed limit; and that the State Legislature is responsible for defining criminal offenses.

Councilmember Rawles noted that while high schools have many inexperienced drivers, junior high and elementary schools have many inexperienced pedestrians. He advised that he is now inclined to support extending the 35 mph speed limit beyond 6:00 p.m. to 8:00 p.m. and to include the installation of signs equipped with flashing lights.

Councilmember Griswold concurred with the comments of Councilmember Rawles, and he noted that he has requested that the Casey family grant permission for Sean Casey's name to be utilized in public education efforts.

Councilmember Thom commented that the City of Mesa is experiencing an increasing number of traffic fatalities, and she expressed support for the recommendations offered by Councilmember Rawles.

Councilmember Whalen expressed support for a 35 mph speed limit and signs equipped with flashing lights in the area of Rhodes Junior High School, and he suggested that a one-year pilot program be implemented.

Vice Mayor Walters noted that the Council's deliberations are impacted by public input, and she concurred with Councilmember Whalen's recommendation for a one-year pilot program.

Mayor Hawker stated that he would support Councilmember Rawles' recommendation for a 35 mph speed limit between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday. He also expressed the opinion that the City should consider 48-inch signs for all of Mesa's school zones, and that flashing signs are warranted in the Rhodes Junior High School area due to the amount of traffic in the Baseline Road corridor.

Councilmember Jones noted that the Council is unable to control poor drivers. He agreed that improved signage should be installed in the Rhodes Junior High School area, and he expressed support for implementing a one-year program that sets the speed limit at 35 mph, 24 hours a day. Councilmember Jones also emphasized the importance of installing radar speed display units in addition to the improved signage. He added that the City does not have the necessary financial resources to provide Police enforcement 24 hours a day in the area of Baseline Road.

Councilmember Rawles stated that his proposal includes a request for staff to provide a status report in six months, and that the Council could reconsider the issue in one year. He added that the 35 mph speed limit could be extended to 24 hours a day if the speed restrictions during the 7:00 a.m. to 8:00 p.m. timeframe fail to address the problem. He expressed concern that the 35 mph speed limit was not enforceable on a 24-hour basis.

It was moved by Councilmember Rawles, seconded by Councilmember Thom, that the Rhodes Junior High School area on Baseline Road be posted with 48 inch signs that include flashing lights, that radar speed display units be installed, that the maximum speed be set at 35 mph, Monday through Friday when school is in session, during the 7:00 a.m. to 8:00 p.m. timeframe, and that staff provide a status report in six months.

Vice Mayor Walters stated opposition to the motion due to the fact that she believes additional traffic controls should be implemented. She requested that the City Attorney research the issue of traffic fines that are applicable in school zones and provide the information to the Council.

Councilmember Whalen concurred with the comments of Vice Mayor Walters and advised that he would not support the motion. He stated the opinion that fixed photo radar technology should be installed on Baseline Road and McKellips Road.

Councilmember Jones also expressed opposition to the motion due to the fact that he believes that the proposed changes are insufficient to address the problem.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES – Hawker-Griswold-Rawles-Thom
NAYS – Jones-Walters-Whalen

Mayor Hawker declared the motion carried by a majority vote.

Mayor Hawker thanked everyone for providing input. He added that the Council would review the impact of these changes and, if necessary, readdress the issue at a future meeting.

11. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *11a. **Z05-94 (District 6)** The 6500 block of East Superstition Springs Boulevard (north side). Located west of Power Road and south of the Superstition Freeway (3± acres). Site Plan Modification. This request is to allow for the development of restaurant uses in a group commercial center – Ordinance No. 4498. (*Notified neighbors, registered neighborhoods and homeowners associations.*)

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

- *11b. **Z05-97 (District 6)** The 4100 block of East Valley Auto Drive (north side). Located at the southwest corner of US60 and South Greenfield Road (5.85± ac). Rezone from M-1 to M-1-PAD and Site Plan Review. This request will allow for the development of office and warehouse condominiums. Jon Huston, owner; Boyd H. Thacker, applicant – Ordinance No. 4499. *(Held neighborhood meetings and contacted registered neighborhoods.)*

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

- *11c. **Z05-98 (District 5)** 4460 East Main Street. Located east of the northeast corner of North Greenfield Road and East Main Street (2.5± ac). Rezone from C-2 to C-3. This request is to bring the current tenant uses into compliance with the zoning ordinance. Joe Dotty, Power of Attorney for owner; Jerry Torr, applicant – Ordinance No. 4500. *(Notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *11d. **Z05-99 (District 6)** The 2400 block of South Wattlewood extending east and south to the approximate alignment of East Nell Avenue, then east to South Copperwood. Located north of Guadalupe Road and west of Meridian Drive (23.2± ac). Rezone from R1-6 DMP to R-2 PAD DMP and Site Plan Review. This request will allow the development of golf condominiums within the Sunland Springs Village Development Master Plan. Craig Ahlstrom, Farnsworth Development, owner/applicant – Ordinance No. 4501. *(Held neighborhood meeting and notified the homeowners association.)*

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

- *11e. **Z05-100 (District 6)** 5905 East Still Circle. Located west of Recker Road and north of Baseline Road (5± ac). Site Plan Review. This request is to allow for the development of a long-term acute care facility. Gary Cloud, owner; Timothy C. Becker, applicant – Ordinance No. 4502. *(Notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *11f. **Z05-102 (District 6)** The 8500-8600 block of East Guadalupe Road (south side). Located east of the southeast corner of South Hawes Road and East Guadalupe Road (9± ac). Rezone from R1-43 to R1-6-PAD and Site Plan Review. This request will allow for the development of a single-family residential subdivision. Yoram Hachamon, Miramesa Properties, LLC, owner; Thomas D. Bohlen, Oracle Architecture & Planning, applicant – Ordinance No. 4503. *(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *11g. **Z05-103 (District 5)** The 6300-6800 blocks of East Baywood Avenue (north side). Located west of Power Road and north of Broadway Road (38.5± ac). Rezone from R-4 BIZ, C-2, and O-S to C-1 BIZ and Site Plan Review. This request will facilitate the further development of the hospital campus. Don A. Evans, owner; John Berry, Esq., applicant – Ordinance No. 4504. *(Held neighborhood meetings, notified neighbors, registered neighborhoods and homeowners associations.)*

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

- *11h. **Z05-104 (District 4)** 1050 South Stapley Drive. Located north of Southern Avenue and west of Stapley Drive (6.5± ac). Rezone from R-2 to R-2 PAD. This request is to allow the conversion of existing apartments to condominiums. Sunland Manor Limited Liability Company, owner; Sean Lake, Pew & Lake, P.L.C., applicant – Ordinance No. 4505. *(Notified neighbors, registered neighborhoods and homeowners associations.)*

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

12. Consider the following subdivision plats:

- *12a. “ANASAZI ESTATES” – **(District 5)** – 8600-8700 blocks of East Culver Street (north side) located south and east of McDowell Road and Hawes Road. 4 R1-35 single residence lots (5.12 ac) Daniel S. Lee, Connie G. Lee, M&I Marshall and Isley Bank, owners; Allen Consulting Engineers, Inc., engineer.
- *12b. “SUPERSTITION GATEWAY EAST” – **(District 6)** – 1600-1900 blocks of South Signal Butte Road (east side) located north and east of Baseline Road and Signal Butte Road. 10 C-2 DMP commercial lots (24.19 ac) CTW Retail Partners, L.L.C., Chris Hinkson, Tim Dollander and Walt Brown, managing partners/owners; WRG Design, Inc., engineer.
- *12c. “TOWNHOMES AT SUNLAND SPRINGS VILLAGE PHASE ONE” – **(District 6)** – 2500-2700 blocks of South Signal Butte Road (east side) located north and east of Guadalupe Road and Signal Butte Road. 97 R1-6 PAD DMP condominium units (13.61 ac) Transnation Title Insurance Company, trustee; Clouse Engineering, Inc., engineer.

13. Items from citizens present.

Richard Tracy, Sr., 2238 South Cottonwood Street, addressed the Council in support of energy efficient technology that included compact fluorescent light bulbs and improved hot water circulation systems (copies of printed materials provided by Mr. Tracy are available for review in the City Clerk’s Office).

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:49 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 9th day of January 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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