

COUNCIL MINUTES

August 13, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 13, 2007 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Invocation by Dr. Blaine Mays, Community Church of New Thought.

Pledge of Allegiance was led by Councilmember Somers.

Mayor's Welcome.

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.

Mayor Hawker advised that with Council concurrence, item 9e would be added to the consent agenda.

City Clerk Barbara Jones reported that members of the audience have requested that items 8c and 8l be removed from the consent agenda.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that the consent agenda items, with the addition of agenda item 9e and the exception of agenda items 8c and 8l, be approved.

Carried unanimously.

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

Minutes of the April 5, 19 and 26, May 3, 17, 24 and 31, and July 2 and 9, 2007 Council meetings. (The July 9, 2007 Study Session minutes were amended on page 3, paragraph 5.)

3. Discuss, take public comment and take action on the following Minor General Plan Amendment, zoning case and right-of-way abandonment:

3a. Public Hearing on Minor General Plan Amendment **GPMInor07-03 (District 3). (Continued from the July 9, 2007 Council Meeting).**

Mayor Hawker announced that this is the time and place for a public hearing regarding a Minor General Plan Amendment (GPMInor07-03). He stated that speakers could address all items under agenda item 3 at this time.

Carson Coffelt, 1425 West Pepper Place, stated opposition to the project and said that the street closure would generate additional traffic on his street. He expressed the opinion that if the project failed, his property values would be negatively affected and that if the project succeeded, he would receive no benefit.

Marilynn Wennerstrom, 1112 North Center Street, noted that the West Mesa Community Development Corporation (CDC) has offered the applicant \$10,000 in order to address various projects. She questioned the propriety of that offer for the reason that the West Mesa CDC receives Community Development Block Grant (CDBG) funding.

Vice Mayor Walters responded to Ms. Wennerstrom by explaining that the West Mesa CDC received a \$10,000 grant from the State Farm Insurance Company for these types of projects.

Ralph Smith, 1402 West Pepper Place, spoke in opposition to the project. He expressed the opinion that the proposed design would negatively affect property values for several residents. He requested that the proposal return to the Design Review Board for further consideration.

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

3b. Take action on the following resolution:

GPMInor07-03 (District 3) 1350 West Main Street. Located west of Alma School Road and north of Main Street (3.32± ac.). Minor General Plan Amendment to change the General Plan Land Use Map from Mixed-Use Residential 30 percent at 15+ dwelling units per acre (MUR 15+) to High Density Residential 15+ dwelling units per acre (HDR 15+). Dan Randal/Mulberry Business Park, LLC, owner; Fred Woods/Fred Woods Architecture, applicant – Resolution No. 9057. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE Z07-28. (Continued from the July 9, 2007 Council Meeting).**

P&Z Recommendation: Approval. (Vote: 5-0 with Boardmembers Langkilde and Salas absent).

David Udall, 30 West 1st Street, the attorney representing the owner and the applicant, reported that when the applicant's initial proposal was not acceptable to the neighbors and lacked Council support, the project was redesigned in order to address the concerns. He stated that a majority of the neighborhood supports the current proposal with the exception of a few residents who continue to oppose the project. Mr. Udall said that the current project was approved by the Planning and Zoning Board (by a 5 to 0 vote with two members absent) and was unanimously approved by the Design Review Board. He advised that the two property owners most affected by the abandonment of North Standage Street are in support of the project, and he added that the applicant has agreed to make improvements to these properties.

In response to a question from Vice Mayor Walters regarding the drainage issue, Mr. Udall stated the applicant would comply with all City standards and engineering requirements regarding the drainage issue.

Fred Woods, the applicant, stated that he plans to hire a civil engineer to address the drainage issues.

Deputy City Manager Jack Friedline confirmed that City Engineering staff would review the project to insure that all drainage will be retained on the site.

Responding to a question from Councilmember Griswold, Mr. Udall stated that a large billboard sign, which presently generates significant revenue for the owner, would be removed in order to accommodate the project.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Resolution No. 9057 be adopted.

Councilmember Rawles referred to comments made by a speaker during the public hearing. He stated the opinion that although a developer has an obligation not to harm neighboring properties, approval of a zoning case should not be contingent on the project providing a benefit to a neighboring property.

Councilmember Griswold noted that streets in the area were developed many years ago and are situated very close together. He expressed the opinion that the closure of a portion of North Standage Street would improve traffic conditions in the neighborhood.

Mayor Hawker called for the vote.

Carried unanimously.

3c. Take action on the following ordinance introduced at a prior Council meeting:

Z07-28 (District 3) 1350 West Main Street. Located west of Alma School Road and north of Main Street (3.32± ac.). District 3. Rezone from C-3 to C-1 BIZ CUP and R-4-BIZ and Site Plan Review. This request will allow the development of a mixed-use office/retail and townhouse development. Dan Randal/Mulberry Business Park, LLC, owner; Fred Woods/Fred Woods Architecture, applicant – Ordinance No. 4742. **(Held**

neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods. (Continued from the July 9, 2007 Council Meeting).

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmember Salas absent.)

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Ordinance No. 4742 be adopted.

Carried unanimously.

3d. Take action on the following resolution:

Vacating a portion of North Standage Street located between West Main Street and West Pepper Street – Resolution No. 9058 (**District 3**).

(Staff Recommendation): The portion of North Standage Street from Main Street north to the back property lines of the residential properties along the south side of West Pepper Place is being vacated for the development of WEST MESA CENTER.

Alternative 1: The portion of North Standage Street from Main Street north to West Pepper Place is being vacated for the development of WEST MESA CENTER. **(Continued from the July 9, 2007 Council Meeting)**.

Mayor Hawker noted that staff's recommendation is for Alternative 1.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that Resolution No. 9058 (Alternative 1) be adopted.

Carried unanimously.

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

4a. **A07-07 (District 6)** Annexing land located north and west of Southern Avenue and Ellsworth Road (1.12 ± ac.). Initiated by the property owner, James Ford.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land located north and west of Southern Avenue and Ellsworth Road (1.12 ± ac.).

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

4b. **A07-16 (District 5)** Annexing land located on Crimson Road north of Brown Road (0.15 ± ac.). Initiated by the property owner, Warren Petersen.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land located on Crimson Road north of Brown Road (0.15 ± ac.).

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

5. Take action on the following liquor license applications:

*5a. Wal-Mart Supercenter #2482

Location Transfer Liquor Store License for Wal-Mart Supercenter #2482, 857 N. Dobson Road, Wal-Mart Stores Inc. – Applicant; Clare Hollie Abel – Agent. This is new construction with no previous liquor license at this location. **(District 1)**.

*5b. Le Seafoods Wholesale Retail

New Beer & Wine Store License for Le Seafoods Wholesale Retail, 502 S. Dobson Road, Suite #8, Tuan Thai Le, Individual. This is an existing business with no previous liquor license at this location. **(District 3)**.

*5c. Average Joe's

New Restaurant License for Average Joe's Bar & Grill, 1749 W. Main Street, Suite #10, William Herbert Tubman, Individual. The previous Bar License at this location, for Teddy T's Bar & Grill, closed on 02/11/2003. **(District 3)**.

*5d. California Pizza Kitchen

New Restaurant License for California Pizza Kitchen, 1850 S. Val Vista Drive, California Pizza Kitchen Inc.– Applicant; H.J. Lewkowitz – Agent. This is new construction with no previous liquor license at this location. **(District 2)**.

*5e. The Cheesecake Factory

New Restaurant License for the Cheesecake Factory, 6613 E. Southern Avenue, Suite #1502, The Cheesecake Factory Restaurants, Inc. – Applicant; Deborah Lynn Arrowsmith – Agent. This is new construction with no previous liquor license at this location. **(District 6)**.

*5f. Islamorada Fish Company

New Restaurant License for Islamorada Fish Company, 1133 N. Dobson Road, Bass Pro Outdoor World LLC – Applicant; Robert Thelen – Agent. This is new construction with no previous liquor license at this location. **(District 1)**.

*5g. Pita Jungle

New Restaurant License for the Pita Jungle, 1850 W. Southern Avenue, Pita Jungle Mesa Inc. – Applicant; Fouad A. Khodr – Agent. The previous Restaurant License at this location, for New Peking, closed on 01/07/2002. **(District 3)**.

*5h. RA Sushi

New Restaurant License for RA Sushi, 1652 S. Val Vista Drive, Suite #101, RA Sushi Mesa Corp. – Applicant, Scott Robert Kilpatrick – Agent. This is new construction with no previous liquor license at this location. **(District 2)**.

6. Take action on the following bingo application:

*6a. BINGO APPLICATION – CLASS A

Hometown Crescent Run 3 **(District 6)**
John F. LesCallett
8500 E. Southern Avenue

7. Take action on the following contracts:

*7a. One replacement heavy-duty truck with telescopic derrick for the Transportation Department, Field Operations Division.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, Altec Industries, Inc. at \$166,773.02, including use tax.

*7b. One replacement 3-ton truck for the Utilities Department, Water Division.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, McCandless of AZ at \$97,121.83, including sales tax.

*7c. One replacement heavy-duty truck with a sewer and catch basin cleaning system for the Utilities Department, Water Division.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, I-10 International Trucks dba McCandless of Arizona/AWI at \$332,910.93, including sales tax.

*7d. Two-year renewal supply contract for Police vehicle repair and maintenance for the Police Department.

The Fleet Services and Procurement Services Departments recommend exercising the two-year renewal of the Mesa contract with Five Star Ford at \$735,000.00 annually, based on estimated usage.

*7e. Two-year renewal supply contract for Police motorcycle repair and maintenance for the Fleet Services Department.

The Procurement Services Department recommends exercising a two-year renewal of the Mesa contract with Probity Cycle, Inc. at \$150,000.00 annually, based on estimated usage.

- *7f. Three-year supply contract for Ford, General Motors and Chrysler/Jeep Auto and Light Truck Parts for the Fleet Services Department.

The Procurement Services Department recommends awarding the Mesa contract to Mel Clayton Ford at \$200,000.00, Brown & Brown Chevrolet at \$95,000.00, and Earnhardt Chrysler Jeep at \$95,000.00, for a total award of \$385,000.00 annually, based on estimated requirements.

- *7g. One-year extension of authorization to purchase automotive lighting, mirrors and safety supplies for the Fleet Services Department.

The Procurement Services Department recommends authorizing a one-year extension to purchase off the ADOT contract with Lighthouse at \$54,050.00 annually based on estimated requirements, including contingencies and applicable taxes.

- *7h. Thirty (30) roll-off containers (20 replacement and 10 additions for Clean Sweep/Green Sweep Program) for the Solid Waste Department.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, Action Container Solutions at \$110,009.05, including sales tax.

- *7i. Two-year renewal of the supply contract for slurry seal sand for the Transportation Department, Field Operations Division (HURF Funded).

The Procurement Services Department recommends exercising a two-year renewal option with Mesa Materials (primary) at \$219,687.26 annually, including sales tax, based on estimated requirements.

- *7j. Dollar limit increase to the supply contract for asphalt materials for the Transportation Department, Field Operations Division (HURF and Transportation Sales Tax Funded).

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Vulcan Materials Company by \$200,000.00 to \$771,740.90 annually for 2007/08.

- *7k. Thirty (30) traffic signal Uninterruptible Power Supply (UPS) systems for the Transportation Department, Traffic Engineering Division.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, Brown Wholesale Electric at \$123,753.00, including sales tax.

- *7l. Two-year renewal of the supply contract for electric meters for the Utilities Department, Electric Division.

The Procurement Services Department recommends exercising a two-year renewal of the Mesa contract with Zia Electrical Products at \$120,736.86 and Wesco Distribution Inc. at \$5,587.21 annually including applicable tax, for a total of \$126,324.07 based on estimated requirements.

- *7m. Two-year renewal supply contract for pad mounted switchgear for the Utilities Department, Electric Division.

The Procurement Services Department recommends exercising a two-year renewal of the Mesa contract with G & W Electric Company at \$72,491.66 annually, based on estimated quantities.

- *7n. Purchase of leakage control detection system for the Utilities Department, Water Division (Sole Source).

The Procurement Services Department recommends awarding the Mesa contract to Fluid Conservation Systems, Inc. at \$150,385.60, including applicable use tax.

- *7o. Fifteen-month service contract for insecticide painting of manholes and sewer clean-outs for the Utilities Department, Water Division.

The Procurement Services Department recommends authorizing purchase from the Pima County contract with Peoria Pest Control at \$100,004.45, based on estimated requirements.

- *7p. Dollar limit increase to the supply contract for cationic emulsion polymer for the Utilities Department, Water Division.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Polydyne, Inc. by \$66,125 to \$215,155 annually for the contract period ending October 31, 2007.

- *7q. Extension and dollar limit increase to the supply contract for tires for warehouse inventory.

The Procurement Services Department recommends authorizing a two-month extension and dollar limit increase to this contract through the State of Arizona contract with Goodyear Tire & Rubber Company, increasing the dollar limit by \$140,000 to \$903,465.80.

- *7r. One regenerative air street sweeper (replacement) for Falcon Field Airport.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, H & E Equipment Services at \$165,287.06, including applicable sales tax. Funding is available from CMAQ grant funds totaling \$141,050 with the balance coming from Falcon Field's authorized budget.

- 7s. West Dora Street improvements, 149 North Phyllis to 2227 West Dora Street, City of Mesa Project 06-009-001 (**District 3**).

This project completes the street improvements on the south side of Dora Street along an existing residential neighborhood that fronts onto Dora Street. The project will install

curb, gutter, sidewalk, driveways, asphalt paving and other miscellaneous improvements to complete the street improvement in this neighborhood.

Recommend award to C-Investments, Inc dba RK Sanders, in the amount of \$44,254.24 plus an additional \$4,425.42 (10% allowance for change orders) for a total award of \$48,679.66. Funding is available from Community Development Block Grant (CDBG) funds in the approved 07/08 budget.

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

It was moved by Councilmember Somers, seconded by Councilmember Griswold, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES – Griswold-Jones-Rawles-Somers-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.

*7t. Neighborhood street lighting Area 2, Broadway Road to 8th Ave, Forest/Toltec to Gilbert Road, City of Mesa Project No. 01-335-006 (**District 4**).

This project replaces existing street lighting in need of upgrading, and installs new street lighting where needed to enhance the illumination and safety of these neighborhoods to meet current City standards.

Recommend award to Utility Construction Company, Inc., in the amount of \$385,754.00 plus an additional \$38,575.40 (10% allowance for change orders) for a total award of \$424,329.40. Funding is available from Community Development Block Grant (CDBG) funds in the approved 07/08 budget.

8. Introduction of the following ordinances and setting August 27, 2007, as the date of the public hearing on these ordinances:

8a. **A06-27 (District 5)** Annexing land located at the northeast corner of Hawes Road and McDowell Road. (151.41 ± ac.). Initiated by one of the property owners, Jack Gunter.

Jack Gunter, 8540 East McDowell Road, a resident of Thunder Mountain, advised that 70 percent of the Thunder Mountain residents were in support of annexation. He added that the remaining 30 percent have not responded to a letter asking if anyone opposed the annexation. Mr. Gunter noted that the petitions were initiated a year and a half ago under the "old rules" that would enable annexation with the signatures presented, and he expressed the opinion that the petitions should be accepted under the former rules.

In response to a question from Mayor Hawker, City Attorney Debbie Spinner stated the opinion that Proposition 207 does apply to petitions submitted to the City after voter approval of this proposition. She further stated that the applicant is requesting that the City assume the risk regarding legal action that could be initiated by residents who have not signed the petition or a waiver.

Vice Mayor Walters said that although she agreed that Thunder Mountain would be a desirable annexation for the City of Mesa, she expressed concern that a potential lawsuit could place City funds in jeopardy.

Responding to a question from Vice Mayor Walters, Planning Director John Wesley stated that following termination of this case and a 45-day waiting period (required by State law), the applicant could begin a new annexation petition process. He added that staff has discussed with the applicant the possibility of annexing only those sections of Thunder Mountain in favor of annexation.

In answer to a question from Mayor Hawker, Mr. Wesley advised that a Council decision to deny the introduction would initiate the 45-day waiting period after which the applicant could begin the petition process.

Councilmember Rawles noted that although he was less concerned about the implications of Proposition 207, he would oppose any proposed annexation that did not have the support of 100 percent of the residents.

Deputy City Manager Jack Friedline advised that staff's discussions regarding the provision of City services to Thunder Mountain resulted in a determination that services could be provided to only those sections of the development that were annexed.

Ms. Spinner concurred with a suggestion made by Councilmember Rawles that the necessary Council action would be a motion to deny the introduction in order to terminate the annexation case and initiate the 45-day waiting period.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, to deny the introduction of an ordinance for Case A06-27.

Mayor Hawker commented that although the City would prefer that County islands be annexed into the City, the Council policy is not to force annexation on any resident who wants to remain in the County.

Mayor Hawker called for the vote.

Carried unanimously.

- *8b **A06-28 (District 6)** Annexing land located at the northwest corner of Broadway Road and 82nd Way (0.20 ± ac.). Initiated by the property owner, James Vanderpool.
- 8c. **Z07-43 (District 6)** 8659 East Pecos Road. Located south and east of Hawes Road and Pecos Road (10.59± ac.). Rezone from AG to O-S-PAD for the southern 110' of the site,

and M-1-PAD for the remainder of the site, and Site Plan Review. This request will allow for the development of an office/warehouse development. Jeff Phillippe, Pecos 77, LLC, owner; Reese Anderson, Pew & Lake, PLC, applicant. ***(Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*** **LEGAL PROTEST FILED – ¾ VOTE REQUIRED.**

P&Z Recommendation: Approval with conditions. (Vote: 4-2-1 with Boardmembers Esparza and Langkilde nay; Carter abstaining due to a potential conflict of interest).

Diane Woods, 1425 West Pepper Place, completed a speaker/comment card in opposition to Case Z07-43, but she was not present in the audience at the time the case was considered for introduction.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that Case Z07-43 be introduced and that August 27, 2007, be established as the date for the public hearing.

Carried unanimously.

- *8d. **Z07-56 (District 5)** The 2800 to 3200 blocks of North Sossaman Road (west side). Located north of McDowell Road on the west side of Sossaman Road (1.21± ac). Rezone from Maricopa County R1-35 to City of Mesa R1-35-PAD. For the establishment of City of Mesa zoning on recently annexed property. Las Sendas Community Association, represented by Michael Moore, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *8e. **Z07-71 (District 6)** The 200-300 blocks of South Hawes Road (east side). Located at the northeast corner of Broadway and Hawes Roads (8.69± acres). Rezone from Maricopa County R-5 to City of Mesa R-4. For the establishment of City of Mesa zoning on recently annexed property. Bonita Vista Mobile Home Park LP, represented by Jack Evans, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *8f. **Z07-72 (District 5)** 7611 East Palm Lane. Located east of Sossaman Road north of McDowell Road (1.21± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Brian Bresson and Julie Preder, owners; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *8g. **Z07-73 (District 6)** 221 South Power Road. Located south of Main Street on the east side of Power Road (1.46± ac.). Site Plan Review. This request will allow the development of a medical office building. Chatham and Chatham LLC, Joseph Chatham, owner; Keith Paul, Looker & Cappello Architects, Inc., applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

PHO Recommendation: Approval with conditions.

- *8h. **Z07-75 (District 5)** 3820 North Hawes Road, APN 219-18-008A. Located north of Thomas and Hawes Roads (west side) (1.5 ± ac.) Site Plan Review. To accommodate the future development of a single residence. JCA Holdings LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant. ***(Notified property owners and homeowners associations.)***

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

- *8i. **Z07-76 (District 6)** 3225 South Power Road. Located south of Guadalupe Road on the east side of Power Road (14.72± ac.). Rezone from R1-43 to M-1 PAD and Site Plan Review. This request will allow the development of an industrial/office complex. Frank Warren, Newport Builders, owner; Thomas D. Bohlen, Oracle Architecture & Planning, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *8j. **Z07-77 (District 5)** 1460 North Alta Mesa Drive. Located south of McKellips Road and west of Recker Road (7.04 ± ac.). Rezone from R-2 PAD DMP to R1-6 PAD DMP and Site Plan Review. This request will allow the development of a townhouse community. John Perkinson, Perkinson Investment Corp., owner; Dorothy Shupe, Dreamcatchers Planning & Design, LLC., applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 6-0-1 with Boardmember Carter abstaining due to a potential conflict of interest.)

- *8k. **Z07-80 (District 5)** The 8000-8100 blocks of East Brown Road. Located south and east of Brown Road and 80th Street (4.52± ac.). Rezone from R1-9 (conceptual O-S) to O-S, and Site Plan Review. To accommodate the development of an assisted living facility and an office building. Gary Crosby, Crosby Enterprises, Inc., owner/applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- 8l. **Z07-81 (District 5)** 1202 North Power Road (west side). Located on the northwest corner of Brown Road and Power Road (1.9± ac.). Rezone from R1-9 to C-1, Council Use Permit and Site Plan Review. This request will allow the development of a convenience store with fuel pumps. John Ortle & David Sleater, owners; David Cisiewski, Law office of David Cisiewski, PLLC, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **LEGAL PROTEST FILED – ¾ VOTE REQUIRED.**

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

Lynne Spahr, 1237 North 67th Street, addressed the Council in opposition to the case. She stated the opinion that the project would negatively affect the quality of life for the neighborhood, and she added that the residents in proximity to the development are opposed to the project.

David Cisiewski, 11811 North Tatum, Phoenix, the applicant, stated that the project has the support of City staff and a unanimous P&Z recommendation for approval. He noted that the property was annexed into the City twenty years ago with a concurrent C-1 zoning case for a 9,000 square foot retail center. Mr. Cisiewski advised that this case proposes to return the C-1 zoning for a 4,400 square foot retail building. He said that 250 notices were sent to area residents regarding a May neighborhood meeting, which was attended by seven residents, three of whom were in opposition. Mr. Cisiewski advised that two residents in the immediate area have expressed support, and he noted that buffers between the neighborhood and the development include the existing 24-foot alley and veterinary clinic and, in addition, the developer plans to install extensive screening and landscaping.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Case Z07-43 be introduced and that August 27, 2007, be established as the date for the public hearing.

Carried unanimously.

- *8m. **Z07-82 (District 2)** 2434 E Southern Avenue. Located on the north side of Southern Avenue west of Lindsay Road (1.34± acres). Rezone from R1-43 to C-1. This request will allow for a commercial childcare facility. John and Linda Skidmore owner; Thomas Bottomley – Dreamcatchers Planning & Design, applicant. **(Notified property owners, homeowners associations and registered neighborhoods.)**

PHO Recommendation: Approval with conditions.

- *8n. **Z07-83 (District 2)** 4225 E University Drive. Located on the southwest corner of University Drive and Greenfield Road (24.9± acres). Rezone from R-4 to R-4 PAD and Site Plan Review. This request will allow for the conversion of apartments to townhomes for sale. D. Gregory Hales, Carlsbad Development Inc LLC, owner; Mark Tomecak, applicant. **(Notified property owners).**

PHO Recommendation: Approval with conditions.

9. Take action on the following resolutions:

- 9a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa, for an award of \$91,232 to support the provision of weatherization services provided through Mesa Community Action Network Inc. and PREHAB of Arizona dba A New Leaf – Resolution No. 9059.

Councilmember Whalen declared a potential conflict of interest regarding agenda items 9a and 9b and said he would refrain from discussion/consideration of these agenda items.

It was moved by Vice Mayor Walters, seconded by Councilmember Rawles, that Resolution No. 9059 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9059 adopted.

- 9b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa, for an award of \$5,755 to support the provision of weatherization services provided through Mesa Community Action Network Inc. and PREHAB of Arizona dba A New Leaf – Resolution No. 9060.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that Resolution No. 9060 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9060 adopted.

- *9c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Maricopa County for animal control impounding and shelter services in the amount of \$68,472.32 – Resolution No. 9031.

- *9d. Approving and supporting the submittal of a grant application to the Gila River Indian Community – Resolution No. 9032.

This application in the amount of \$35,000 is submitted by the Mesa Family YMCA to assist with the National Youth Project Using Mini Bikes Program.

- *9e. Approving and supporting the submittal of a grant application to the Gila River Indian Community – Resolution No. 9033.

This application in the amount of \$200,000 is submitted by Paloma Sports Outreach to fund the completion of the concession stand/public restroom structures servicing the sports complex.

- *9f. Approving and supporting the submittal of a grant application to the Gila River Indian Community – Resolution No. 9034.

This application in the amount of \$200,000 is submitted by the National Center for American Indian Enterprise Development to provide business start-up training and education to American Indian small business owners and tribal enterprise operations within Arizona.

- *9g. Approving and supporting the submittal of a grant application to the Gila River Indian Community – Resolution No. 9035.

This application in the amount of \$30,000 is submitted by the Southwest Shakespeare Company, Inc. to assist in their implementation of the Off The Page, On To The Stage educational program.

- *9h. Approving and supporting the submittal of a grant application to the Gila River Indian Community – Resolution No. 9036.

This Application in the amount of \$175,000 is submitted by Save the Family to assist with repairs and maintenance on current affordable rental properties as well as help purchase four additional three-bedroom affordable rental units.

- *9i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the City of Mesa, City of Chandler, City of Tempe, the Salt River Pima Maricopa Indian Community, City of Scottsdale and the U.S. Bureau of Alcohol, Tobacco and Firearms, for the purpose of creating The East Valley Gang And Criminal Information Fusion Center – Resolution No. 9037.

- *9j. Approving and authorizing the City Manager to execute a Memorandum of Understanding between the City of Mesa and the United States Marshals Service to provide one Mesa Police Department Detective to the High Intensity Drug Trafficking Area Fugitive Task Force – Resolution No. 9038.

- *9k. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission for overtime in the amount of \$7,000 earned by a Mesa Police Department Detective assigned to the US Marshals High Intensity Drug Trafficking Area Fugitive Task Force – Resolution No. 9039.

- *9l. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Gilbert Unified School District #41 – Resolution No. 9040.

The Gilbert Unified School District #41 will provide funds to pay the salaries of School Resource Officers assigned to two junior high schools and one high school in the District.

- *9m. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District #4 – Resolution No. 9041.

The Mesa Unified School District #4 will provide funds to pay for salaries of School Resource Officers assigned to junior high schools in the District.

- *9n. Extinguishing a portion of a Public Utilities Easement at 2202 West Enid Avenue – Resolution No. 9042 (**District 3**).

The portion of this easement is being extinguished to allow the construction of a new swimming pool.

- *9o. Vacating the alley between East Draper Street and East 7th Place, west of North Hobson Street – Resolution No. 9043 (**District 1**).

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *9p. Vacating the alley between East First Street and East First Place, east of North Stapley Drive – Resolution No. 9044 (**District 2**).

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *9q. Amending Resolution No. 9018 reinstating the per lot or unit fee associated with final plat applications; and correcting the typographical error in the Design Review Board administrative review fees – Resolution No. 9045.

- *9r. Approving and authorizing the City Manager to execute an agreement between the Department of Economic Security and the City of Mesa to accept grant funds in the amount of \$143,750 for training to assist at-risk youth with future employment – Resolution No. 9046.

- *9s. Approving and authorizing the City Manager to execute an agreement between the Arizona Department of Public Safety and the City of Mesa to accept grant funds in the amount of \$181,050 for the Victims Of Crime Act (VOCA) Victim Assistance Grant Program – Resolution No. 9047.

- *9t. Approving and authorizing the City Manager to execute an agreement between the Arizona Criminal Justice Commission and the City of Mesa to accept grant funds in the amount of \$135,000 to purchase hardware, software and portable forensic light source kits – Resolution No. 9048.

- *9u. Approving and authorizing the City Manager to execute the Terms and Conditions of Accepting Future Airport Improvement Program Grants from the Federal Aviation Administration – Resolution No. 9049.

- *9v. Approving and authorizing the City Manager to execute Airport Development Grant Agreement #E8S28 between the Arizona Department of Transportation (ADOT) and the

City of Mesa for the construction of the Echo Ramp Expansion at Falcon Field Airport – Resolution No. 9050.

The total cost for this project is \$1,200,000. The State has agreed to fund up to \$1,080,000 for the project. The remaining portion of \$120,000 will be paid with City funds approved in FY 07/08 budget.

- *9w. Approving and authorizing the City Manager to execute Airport Development Grant Agreement #E8S29 between the Arizona Department of Transportation (ADOT) and the City of Mesa for the design/construction of the Northwest Quadrant Taxiway Extension project at Falcon Field Airport – Resolution No. 9051.

The total cost for this project is \$300,000. The State has agreed to fund up to \$270,000 for the project. The remaining portion of \$30,000 will be paid with City funds approved in FY 07/08 budget.

- *9x. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Maricopa County, Department of Public Health for reimbursement up to \$75,000 per year for three years to provide childhood immunizations – Resolution No. 9052.

- *9y. Approving and authorizing the City Manager to execute an Intergovernmental Agreement to provide two-way radio communications services to the Town of Gilbert through the City of Mesa’s 800 MHz radio system – Resolution No. 9053.

- *9z. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Power & Ray Holdings LLC, and the City of Mesa for the reimbursement of \$34,600.00 for regional street lighting and traffic signal improvements that are being required by Mesa in conjunction with a proposed commercial subdivision known as Talon Airport Plaza located at 5229 S. Power Road. Mesa’s estimated share will be funded from existing Street HURF Bond proceeds – Resolution No. 9054.

- *9aa. Authorizing the City Manager to execute a Termination of the Disposition and Development Agreement and associated Addendum #1 between City of Mesa and Redstone Investments LLC – Resolution No. 9055.

- *9bb. Granting the sale of City-owned property at the northwest corner of Main Street and Country Club Drive – Resolution No. 9056.

This land is considered excess property and is no longer needed. The sales price is \$1,340,000.

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

- *10a. **A06-24 (District 5)** (Applicant has withdrawn request.) **(Deleted)**.

- *10b. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4741:

No Parking: 10-3-24 (D) (Full Time No Parking) (The following provision will be deleted and thereby parking will be permitted on the following street.)

On the west side of 26th Street from Inglewood Street to Ivy Street and on the west side of 26th Street from a point 100 feet south of Ivy Street to a point 235 feet south of Inca Street (north of Brown Road and west of Lindsay Road). **(District 1)**.

No Parking: 10-3-24 (F2) (No Parking between 7:00 a.m. and 4:00 p.m., on any day that the public schools of Mesa are in session.)

On the east side of Abbey from Los Lagos Vista Avenue to Lomita Avenue (south of Baseline Road and east of Crismon Road). **(District 6)**.

On the west side of Abbey from the north side of Lomita Avenue to a point 160 feet south of the north side of Lomita Avenue (south of Baseline Road and east of Crismon Road). **(District 6)**.

On the west side of Abbey from the south side of Los Lagos Vista Avenue to a point 100 feet north of the south side of Los Lagos Vista Avenue (south of Baseline Road and east of Crismon Road). **(District 6)**.

On the north side of Lomita Avenue from the west side of Abbey to a point 230 feet east of the west side of Abbey (south of Baseline Road and east of Crismon Road). **(District 6)**.

On the south side of Lomita Avenue from Abbey to a point 405 feet east of Abbey (south of Baseline Road and east of Crismon Road). **(District 6)**.

11. Take action on the following subdivision plat:

- *11a. “MOUNTAIN VISTA MARKETPLACE” **(District 6)** 10400-10700 blocks of East Southern Avenue (south side) located south and west of Southern Avenue and Signal Butte Road. 1 R-4 multi-residence lot, 7 C-2 PAD, and C-2 PAD BIZ commercial lots (108.26 ac) US Real Estate Limited Partnership, Mike Clements, representative, owner.

*12. Approve write-off of utility and miscellaneous items for the quarter ending December 31, 2006 totaling \$319,666, and the quarter ending March 31, 2007 totaling \$867,169. Collection efforts will continue with respect to all of these accounts, including the assignment of accounts to a collection agency.

13. Items from citizens present.

Nate Caine, 1325 West Keats Avenue, noted that the City Council agenda on the website now provides on-line access to the Council reports and backup materials for each agenda item. He

complimented Management Assistant II Carla Wagner of the City Manager's Office for implementing this feature.

Diane Woods, 1426 West Pepper Place, thanked the Councilmembers for their service. She also stated the opinion that the City of Mesa always makes a concerted effort to obtain the views of citizens regarding various issues.

Councilmember Rawles, on behalf of the Council, thanked Ms. Woods for her comments.

14. Adjournment.

Without objection, the meeting adjourned at 6:46 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 13th day of August 2007. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

baa