



COUNCIL MINUTES

May 7, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 7, 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

Councilmember Jones participated in the meeting utilizing teleconferencing equipment.

Invocation by Reverend Al Wilsey, Paloma Community Church.

Pledge of Allegiance was led by Brent Sewell, Scout Troop #487.

Mayor's Welcome.

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

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

At the request of a member of the audience, item number 6f was removed from the consent agenda.

It was moved by Vice Mayor Walters, seconded by Griswold, that the consent agenda items, with the exception of agenda item 6f, be approved.

Councilmember Somers noted that although he had concerns regarding item 6j, the item could remain on the consent agenda for introduction. He explained that there would be an opportunity to address the issue when the Council considers the item at the May 21st Regular meeting.

Mayor Hawker called for the vote.

Carried unanimously.

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

Minutes from the April 2, 16, and 26, 2007 Council meetings.

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

3a. **A06-28 (District 6)** Annexing land located at the northwest corner of Broadway Road and 82nd Way (0.20± ac). Initiated by James Vanderpool, the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land at the northwest corner of Broadway Road and 82nd Way (0.20± ac).

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

3.1 Conduct a public hearing concerning the recommended changes to the development impact fees. (Related to Item 6m).

Mayor Hawker announced that this is the time and place for a public hearing regarding the recommended changes to the development impact fees.

Building Safety Director Terry Williams advised that in February the Council approved the Notice of Intent regarding the proposed increases to the development impact fees based on the study conducted by Duncan and Associates. He reported that staff's discussions with representatives of the Arizona Multihousing Association identified several miscalculations regarding the number of multihousing units, which affects the amount of the impact fees. Mr. Williams further advised that item 6m was deleted from this agenda in order to recalculate the impact fees based on the new data and that the revised ordinance would be introduced at the May 21st Regular meeting.

Suzanne B. Gilstrap, representing the Arizona Multihousing Association, stated that questions remain regarding the data, and she noted that the association expected to receive additional information from Mr. Williams within the next week. She expressed concern that the report does not address credits for existing impact fee fund balances, and she stated the opinion that credits should be determined before fees are calculated. Ms. Gilstrap said that changing the impact fee methodology from a conservative "system buy-in" approach to a more aggressive "consumption" approach results in increases of more than one-hundred percent in the water and the

wastewater impact fees, which is a significant expense for developers. She stated the opinion that the City should not charge fees based on future costs for facilities that were constructed five years ago. Ms. Gilstrap also requested clarification regarding the Water Department vehicles that were replacements and the number of vehicles that were new, and she expressed the opinion that only new vehicle costs should be reflected in the development impact fees.

Lauren Barnett, Deputy Director of the Home Builders Association of Central Arizona (HBACA), thanked City staff for their efforts and their excellent outreach to stakeholders and the development community regarding impact fees. She advised that the HBACA focuses on three key elements when reviewing impact fees: 1) a general sense of accuracy, 2) fairness to new growth, and 3) compliance with State Statutes. Ms. Barnett stated the opinion that although the fees are reasonable and fair with regard to the first two elements, the substantial increase in fees will affect the cost of new homes. She advised that the HBACA does not believe that the Cultural Impact Fee meets the intent of State law that requires impact fees to provide a necessary public service.

In response to a question from Councilmember Griswold regarding Ms. Gilstrap's request for credits from fund balances, Mr. Williams advised that the fund balances represent properly collected funds that have not yet been fully expended for designated on-going projects. He stated that he is unaware of any circumstances in which credits would be provided.

Responding to a question from Mayor Hawker, Mr. Williams said that both the State Statutes and a City of Mesa ordinance require that interest earned on these funds be expended for projects in that fee category.

In response to a series of questions from Vice Mayor Walters, Mr. Williams confirmed that the Council could consider adoption of the ordinances with the revised fees at the Council meeting two weeks after the May 21st introduction. He explained that because the revised fees will be lower than the fees published in the Notice of Intent, the Council could take action to adopt the ordinance. Mr. Williams added that if the proposed fees were higher than those published in the original Notice, a new process would be required. He said that citizens would have opportunities to comment on the impact fees at the introduction and when the Council considers the ordinance for adoption.

Mayor Hawker expressed support for the new methodology in order to have new growth pay for itself. He explained that this methodology recognizes the increased costs to replace existing infrastructure. Mayor Hawker added that the higher fees reflect the increased costs of concrete, steel and other construction materials. He thanked staff for their efforts to implement the new methodology.

Mr. Williams stated that the recommendations of the consulting firm, Duncan and Associates, were instrumental in proposing the new methodology.

Mayor Hawker stated that although future discussions could address the legal implications of the Cultural Impact Fee, the fee would remain separate and unique to clearly identify expenditures rather than consolidating the fee with the Parks and Recreation Impact Fees. He advised that the Mesa Arts Center, a voter-approved project that is debt free, and donated collections received by the museums are not included in any of the impact fees. Mayor Hawker thanked staff for implementing the Council's direction relative to the impact fee structure.

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

4. Take action on the following liquor license applications:

*4a. Organizacion Maya Guatemalteca

This is a one-day civic event to be held on Saturday, May 12, 2007 from 6:00 p.m. to 1:00 a.m. at 3929 E. Main Street **(District 2)**.

*4b. Fresh & Easy Neighborhood Market

New Beer & Wine Store License for Fresh & Easy Neighborhood Market, 1202 W. University Drive, Fresh & Easy Neighborhood Market, Inc. – Applicant; Randy D. Nations – Agent. Arizona CVS Stores LLC previously held a Liquor Store License which they will be retaining **(District 1)**.

*4c. Bench Warmers

New Restaurant License for Bench Warmers, 801 S. Power Road, Suite 101, Bench Warmers Enterprises Inc. – Applicant; Michael John Ryan – Agent. The previous Restaurant License held at this location by Brabeion LLC will revert back to the State **(District 6)**.

*4d. Brunello's

New Restaurant License for Brunello's, 1954 S. Dobson Road, The Village Idiot Incorporated – Applicant; Todd Andrew Tischer – Agent. The previous Restaurant License held at this location by Brunello Enterprises Inc will revert back to the State **(District 3)**.

*4e. Chicago Boys Pizza

New Restaurant License for Chicago Boys Pizza, 3440 E. Baseline Road, Suite 102, Gregory Wesley Selman – Individual. This is an existing business with no previous liquor license at this location **(District 2)**.

*4f. Dragonfly Vietnamese Kitchen

New Restaurant License for Dragonfly Vietnamese Kitchen, 1116 S. Dobson Road, Suite 113, MLN LLC – Applicant; Mike N. Nguyen – Agent. This is an existing business with no previous liquor license at this location **(District 3)**.

*4g. Garcia's Mexican Restaurant

New Restaurant License for Garcia's Mexican Restaurant, 1940 E. University Drive, Fiesta Holdings of Eateries, LLC – Applicant; H.J. Lewkowitz – Agent. The previous Restaurant License held at this location by Fiesta LLC will revert back to the State **(District 2)**.

*4h. Logan's Roadhouse

New Restaurant License for Logan's Roadhouse, 945 N. Dobson Road, Logan's Roadhouse, Inc. – Applicant; Deborah Lynne Canez – Agent. This is a new business with no previous liquor license at this location (**District 1**).

5. Take action on the following contracts:

- *5a. Dollar limit increase to the service contract for Facilities Landscape Maintenance Services for grounds adjacent to City buildings and facilities for the Facilities Maintenance Department.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to The Groundskeeper by \$33,209.30 to \$547,288.30 annually for 2006/07.

- *5b. One replacement vehicle for the Procurement Services Department, Materials & Supply Division.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet at \$57,577.60, including sales tax.

- *5c. Two replacement pick-up trucks as requested by the Fire Department.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$50,014.34, including sales tax.

- *5d. Two heavy duty trucks with sewer and catch basin cleaning systems (one replacement and one addition) for Utilities and Transportation Departments.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, I-10 International Trucks, dba McCandless of Arizona/AWI at \$657,714.36, including sales tax.

- *5e. One replacement advanced relay test set for the Utilities Department, Electric Division (**Sole Source**).

The Procurement Services Department recommends awarding the sole source contract to Omicron Electronics Corp. USA at \$53,121.60, including use tax.

- *5f. RSA SecurID Authentication System for the Police Department (Qualify of Life Funding).

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, Accuvant, Inc. at \$40,938.69, including sales tax.

- *5g. Cured-in-place wastewater lining on Horne, Extension, Broadway and Power Roads, and Southern Avenue Interceptor Rehabilitation (Phase 2), City of Mesa Project No. 04-858-001 and 01-682-001.

This project will rehabilitate the existing pipe by installing a new interior lining system that will strengthen the existing pipe and improve the flow capacity of the main.

Recommend award to Achen Gardner Engineering LLC as the Construction Manager at Risk for the Design Phase Services contract in the amount of \$62,087.80. Funding is available from existing bond proceeds in the Wastewater Bond Program.

- 5h. Bus stop mini-shelter site preparations, City of Mesa Project No. 01-505-003.

This project will prepare 27 sites with the necessary concrete surface improvements so the mini-shelters can be installed by City crews.

Recommend award to the low bidder, Talis Construction Corporation, in the amount of \$95,225.00 plus an additional \$9,522.50 (10% allowance for change orders) for a total award of \$104,747.50. This project will be funded with the Local Transportation Assistance Fund (LTAF II) (50%) and Quality of Life Funds (50%).

Councilmember Rawles advised that consistent with his previous votes regarding transit issues, he would not support this agenda item.

Councilmember Griswold advised that although 27 sites have been selected, the City could change a site location if a more pressing need was identified.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority vote.

6. Introduction of the following ordinances and setting May 21, 2007, as the date of the public hearing on these ordinances:

- *6a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

No Parking: 10-3-24 (D) (Full Time No Parking)

On Second Avenue from Mesa Drive to Pomeroy (north of Broadway Road and west of Mesa Drive) (**District 4**).

On the east side of Pomeroy from Broadway Road to a point 198 feet north of Broadway Road and on the west side of Pomeroy from Broadway Road to a point 210 feet north of Broadway Road (3rd Avenue alignment) (north of Broadway Road and west of Mesa Drive) (**District 4**).

On the east side of Terripin from McKellips Road to June Street and on the west side of Terripin from McKellips Road to a point 91 feet south of McKellips Road (south of McKellips Road and east of Power Road) **(District 5)**.

- *6b. **A06-18 (District 6)** Annexing land located at the northeast corner of Broadway Road and Hawes Road (8.69 ± ac.). Initiated by David Henry, representing the property owner.
- *6c. **A06-33 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.16 ± ac.). Initiated by the property owner, Julie Preder.
- *6d. **Z07-15 (District 6)** 8743 East Pecos Road. Located west of Ellsworth Road on the south side of Pecos Road (10.5± ac.). Rezone from AG to M-1 PAD and O-S and Site Plan Review. This request will allow the development of a new office/warehouse development. Allen Marsh, Pecos Gateway, LLC, owner; Michael P. Monroe, Archicon, L.C., applicant. *(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*

P&Z Recommendation: Approval with conditions. (Vote: 4-1 with Boardmembers Carter abstaining; Langkilde and Salas absent).

- *6e. **Z07-27 (District 5)** The 3800 block of North Higley Road (east side). Located north of Thomas Road and east of Higley Road (9.84± ac.). Rezone from R1-90 (conceptual M-1) to M-1 and Site Plan Review. This request will allow the development of an industrial subdivision. Inez M. Boyle, Boyle Family Investments, LLC, owner; Jeff Welker, applicant. *(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)*

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

- 6f. **Z07-28 (District 3)** 1350 West Main Street. Located west of Alma School Road and north of Main Street (3.32± ac.). 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. *(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)*

P&Z Recommendation: Denial. (Vote: 3-2 with Boardmembers Finter and Carter nay; Langkilde and Salas absent).

Mayor Hawker advised that several citizens have requested the opportunity to speak regarding this item. The following individuals came forward to address the Council:

- David Stewart, 1401 West Pepper Place
- Joan L. Woods, 1401 West Pepper Place
- Bob Hanks, 1509 West Pepper Place
- Gregory S. Woods, 1426 West Pepper Place
- Tom Comer, 1418 West Pepper Place

Carson Coffelt, 1425 West Pepper Place
Diane Woods, 1426 West Pepper Place

Comments made by the speakers include the following:

- The Pepper Place Neighborhood opposes the proposal to close Standage Street.
- The townhouse project poses a security problem for area residents.
- There is inadequate parking for the proposed high-rise, high-density development.
- The development will block light and impact the privacy of residents in their backyards.
- Introduction of the ordinance is premature because the developer has not entered into agreements with adjacent landowners, which affects the viability of the project.
- City staff's recommendation to the Planning and Zoning Board for a continuance was based on several factors, some of which include the following: a linear site plan provides a tunnel effect; the buffer to the east and north of the project is insufficient; and the viability of the project is dependent on the abandonment of Standage Street.
- The applicant has not implemented the necessary modifications to address the concerns of the neighborhood.
- The project should be referred back to staff to ensure that the development will be a model for future infill projects along West Main Street.
- Closing Standage Street would negatively affect two area businesses.
- The project could benefit the neighborhood if the developer would address the issues and modifications requested by the neighborhood.

(Copies of materials and photographs provided to the Council by Joan L. Woods are available for review in the City Clerk's Office.)

There being no additional speakers, Mayor Hawker closed the public comment period.

Vice Mayor Walters recommended that the Council move forward to introduce the ordinance and that the developer attempt to resolve the issues of concern with the neighborhood during the next two weeks. She noted that the Council could continue the case if the issues remain unresolved.

Councilmember Griswold stated that the Council has sufficient time to consider the issues raised by the neighborhood.

It was moved by Councilmember Rawles, seconded by Councilmember Whalen, that the subject ordinance be introduced and that May 21, 2007, be established as the date for the public hearing.

Carried unanimously.

- *6g. **Z07-30 (District 6)** The 1300 to 1500 block of South Sossaman Road (west side). Located south of Southern Avenue and west of Sossaman Road (34.5± ac.). Site Plan Modification, modification of the Superstition Springs Development Master Plan, and rezone the eastern portion of the site from M-1-PAD-DMP to C-2-PAD-DMP. This request will allow for the development of a Costco, an industrial park and a future retail development. John D. Kothe, Vice President of T. Wall Properties Arizona LLC, manager of Superstition Springs Commerce Park, LLC, owner; Steven Ybarra, applicant. *(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)*

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

- *6h. **Z07-31 (District 4)** 337 South Nina Drive (east side). Located east of Alma School Road and north of Broadway Road (0.22± ac.). Rezone from R-4 to M-1 and Site Plan Review. This request will bring the existing use into conformance with the Zoning Ordinance and with the General Plan. Edith Mosley, owner; Devin Tietjen, applicant. *(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)*

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

- *6i. **Z07-32 (District 5)** 5747 East McKellips Road. Located west of Recker Road on the south side of McKellips Road (14± acres). Site Plan Review. This request will allow the development of a retail center. Western States Lodging, Gary K. Griffiths, Manager, owner; Dennis Price, applicant. *(Held a neighborhood meeting, notified property owners and homeowners' associations.)*

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

- *6j. **Z07-33 (District 6)** The 8400 to 8800 block of East Elliot Road (north side) and the 3200 to 3600 block of South Hawes Road (east side). Located at the northeast corner of Elliot Road and Hawes Road (170± ac.). Establishment of a Development Master Plan (±170 ac.) for a Regional Shopping and Mixed-Use Employment Center. Rezone the northern portion (±85 ac.) of the site from AG to AG DMP (Conceptual C-2) and rezone the southern portion (±85 ac.) of the site from AG to C-2 DMP. This request will facilitate the development of a Regional Shopping and Mixed-Use Employment Center. Nelson K. Stewart, NKS Group III, LP, owner; W. Ralph Pew, Pew & Lake, PLC, applicant. *(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)*

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

- *6k. **Z07-34 (District 6)** The 1200 block of South Sossaman Road (west side). Located southwest of Southern Avenue and Sossaman Road (5± ac.). Rezone from AG (Conceptual PEP) DMP to C-2 DMP, Site Plan Review and Modification of the Superstition Springs Development Master Plan. This request will allow the development of new retail buildings. Michael A. DeBell, Executive Vice President of Superstition Springs Investors LP, owner; Shelly McTee, Buchalter Nemer, applicants. *(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)*

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

- *6l. Amending Titles 3 and 10 of the Mesa City Code to allow a private contractor to perform parking enforcement of civil traffic violations.
- 6m. **(Deleted)** Amending Title 5, Chapter 17 of the Mesa City Code relating to development impact fees.

7. Take action on the following resolutions:

- *7a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Ferguson Holdings, LLC, and the City of Mesa for the reimbursement of \$12,001.25 for regional street improvements that are being required by Mesa in conjunction with a proposed commercial subdivision known as Amberwood Plaza Condominiums, located at 4320 E. Brown Road. Mesa's estimated share will be funded from existing Street HURF Bond proceeds – Resolution No. 8951. **(District 5).**
- *7b. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between PCH Southern Properties, LLC and Higley Medical Properties, LLC, and the City of Mesa for the reimbursement of \$7,192.25 for regional street lighting improvements that are being required by Mesa in conjunction with a proposed commercial development known as Phoenix Children's Hospital Ambulatory Clinic located at 5131 E. Southern Avenue & 1220 S. Higley Road. Mesa's estimated share will be funded from existing Street HURF Bond proceeds – Resolution No. 8952. **(District 6).**
- *7c. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between V J Crismon LLC and the City of Mesa for the reimbursement of \$7,790.00 for regional street lighting improvements that are being required by Mesa in conjunction with a proposed commercial subdivision known as Lots 1, 2 and 5 of Crismon Business Park Amended, located at 10025 E. Southern Avenue. Mesa's estimated share will be funded from existing Street HURF Bond proceeds – Resolution No. 8953. **(District 6).**
- *7d. Extinguishing a Public Utilities and Facilities Easement at 4115 S. Clancy Street – Resolution No. 8954. **(District 6).**

The easement is being extinguished to allow the construction of a new backyard improvement.
- *7e. Extinguishing a Drainage Easement located near the northeast corner of Sun Valley Boulevard and Main Street – Resolution No. 8955. **(District 5).**

This easement is being extinguished to allow the construction of a new development.
- *7f. Vacating a portion of right-of-way to 1457 N. 94th Place (aka Lansing Street) – Resolution No. 8956. **(District 5).**

This right-of-way is being vacated at the request of the adjacent property owners to meet the Planning Division's conditions of setback requirements.

- *7g. Extinguishing two Temporary Construction Easements for gas line near Queen Creek Road and Pecos Road – Resolution No. 8957. **(District 6)**.

These easements are no longer needed as the design of the road has been completed.

- *7h. Extinguishing a Public Utility Easement at 1553 S. Crismon Road – Resolution No. 8958. **(District 6)**.

This easement is not necessary as new construction dedicated another easement as per site plan requirements.

- *7i. Extinguishing a Public Utility Easement at 7257 E. Greenway Street – Resolution No. 8959. **(District 5)**.

This easement is being extinguished to allow the construction of a new backyard improvement.

- *7j. Extinguishing a Public Utility Easement at 5030 E. Falcon Drive and dedicate to the public two new easements – Resolution No. 8960. **(District 5)**.

The easement is being extinguished to allow the construction of a new development. New easements are necessary for the installation of a waterline and driveway.

- *7k. Extinguishing Temporary Retention Easements at 1919 S. Greenfield Road – Resolution No. 8961. **(District 6)**.

These easements are being extinguished to allow the construction of a new development.

- *7l. Extinguishing easements and vacating rights-of-way at 925 N. Harris Street – Resolution No. 8962. **(District 2)**.

The extinguishing of the easements and vacating of the rights-of-way are to correct City maps.

- *7m. Approving and authorizing the City Manager to execute the Motorola Customer Support Plan for the 800 MHz Radio System – Resolution No. 8963.

This plan will provide network monitoring, technical support and security services for the period July 1, 2007 through June 30, 2008 in the amount of \$244,405.92.

- *7n. Grant the sale of City owned property on the northeast corner of McDowell Road and Recker Road – Resolution No. 8964. **(District 5)**.

This land is considered excess City property and is no longer needed. The sales price is \$5,549,544.00 for 14 acres.

- *7o. Approving and supporting the submittal of a grant application to the Fort McDowell Yavapai Nation – Resolution No. 8965.

This application in the amount of \$225,000 is submitted by the Child Crisis Center – East Valley to expand the services at the East Valley Family Resource Center.

- *7p. Approving and supporting the submittal of a grant application to the Fort McDowell Yavapai Nation – Resolution No. 8966.

This application in the amount of \$150,000 over two years is submitted by The National Center for American Indian Enterprise Development to provide no cost business development programs and training to American Indian small business owners.

- 7q. Endorsing the creation of the Summer Mesa Irrigation Water Delivery District – Resolution No. 8967.

Scott Grainger, 435 East Fairview Circle, representing the Summer Mesa Homeowners' Association (HOA), advised that a majority of their association supports the formation of an Irrigation Water Delivery District (IWDD) as the best method available to address the necessary repairs to the irrigation system. He explained that their association has not been able to collect the required funds from all of the residents and that the formation of a taxing district would eliminate the problem. Mr. Grainger added that the Salt River Project supports the formation of the IWDD.

Robert Brinton, 4011 East Fairview Circle, completed a speaker/comment card in support of the Summer Mesa IWDD, but indicated that he did not wish to address the Council.

Councilmember Somers advised that the City has not experienced any problems with the IWDDs that presently exist in the City of Mesa. He noted that maintenance of these types of irrigation systems is important to the City in order to avoid flood damage to City streets that could result from a system failure. Councilmember Somers stated that although he believes that the HOA could handle the issue, he noted that approval of the request does not present a risk to the City and therefore, he would support the request.

Councilmember Griswold expressed support for the formation of the IWDD.

It was moved by Councilmember Somers, seconded by Councilmember Griswold, that Resolution No. 8967 be adopted.

Mayor Hawker advised that he reviewed the Council discussion of this item, which occurred while he was out of town, and he stated opposition to the formation of an IWDD. He expressed the opinion that the HOA has the power and authority to collect the necessary funds to address the maintenance issues.

Councilmember Rawles stated the opinion that the formation of an IWDD utilizes government to resolve a civil collection matter that could be handled by the HOA, and therefore he would not support the motion.

Councilmember Jones noted that he opposed the formation of an IWDD when the request was presented to the Transportation and Infrastructure Committee. He added that although he had confidence in the Summer Mesa group, he was concerned relative to setting a precedent that would result in the formation of other IWDDs and the lack of proper oversight by the County. Councilmember Jones stated that the HOA had the power to collect the fees, and therefore he would oppose the motion.

Vice Mayor Walters stated the opinion that the process of endorsing an IWDD is similar to the process of reviewing liquor license applications. She added that her understanding of the issue is that a resolution adopted by the City would communicate to the County that the IWDD would not have a negative impact on the City. Vice Mayor Walters further stated the opinion that the Summer Mesa group has met all of the requirements of the law, and therefore she would support the motion.

Councilmember Whalen said that although he has concerns regarding the power of eminent domain, he recognized that this method could effectively address the maintenance of irrigation systems. He stated that he would place his trust in the citizens of Mesa to be responsible, and he expressed support for the motion.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority vote and Resolution No. 8967 adopted.

8. Take action on the following recommendations from the Transportation and Infrastructure Committee: (Continued from the April 16, 2007 Council Meeting).

8a. Request by Terra Verde Land Management, LLC - **Deleted**.

8b. Request by Rick Johnson – **Deleted**.

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

*9a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4690 (**District 3**):

No Parking: 10-3-24 (D) (Full Time No Parking)

On the east side of San Jose from Southern Avenue to a point 245 feet north of Southern Avenue and on the west side of San Jose from Southern Avenue to a point 195 feet north of Southern Avenue (north of Southern Avenue and west of Dobson Road).

- *9b. **Z07-14 (District 6)** The 5200 to 6700 blocks of South Sossaman Road (both sides, east to Ellsworth Road). Modification to the existing Williams Gateway Airport Development Master Plan ($\pm 3,020$ ac.). This case involves the development of Williams Gateway Airport. Lynn F. Kusy, Executive Director, Williams Gateway Airport Authority, owner; Casey Denny, Deputy Director, Williams Gateway Airport Authority, applicant – Ordinance No. 4691. (*Notified property owners, registered neighborhoods and homeowners' associations.*)

PHO Recommendation: Approval with Conditions.

- *9c. **Z07-24 (District 5)** The 8000 to 8200 block of the East Thomas Road alignment (south side) and the 3400 to 3500 block of north 80th Street (east side). Located west of Hawes Road and south of Thomas Road ($31\pm$ acres). Rezone from R1-35 to R1-35 PAD. This request will allow for the development of a single residence subdivision. Robert Watson, Sim Nathan, James and Janae Jarnagin, Deland Bentz, Jason and Kala Laos, Ronald Trout, Christopher Haws, Brent Stolworthy, Heather Duncan, Timothy and Carmen Murphy, Austin and Lynn Goodale, Jake and Rebecca Hansen, Calvin and Marilyn Uhl, Ron and Cheryl Barron, Jerry and Mary Barron, Jason and Natalie Lawlor, Frank and Sheri Allen, Joe and Dorothy Coia, Nichole Schaffer, Darin Palmer, Clare Graves, Rick Palmer, Earl and Nancy Labovitz, owners; Nathan Palmer, applicant – Ordinance No. 4692. (*Held five neighborhood meetings, notified property owners, registered neighborhoods and homeowners associations.*)

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

10. Take action on the following subdivision plats:

- *10a. "SUNSET COVE ESTATES" (**District 5**) 1500 block of North 72nd Street (west side) located north and east of Power Road and Brown Road. 3 R1-35 single residence lots (3.55 ac.). Peterson Properties, LLC, Layne Peterson, member, owner.
- *10b. "PASADENA ESTATES" (**District 1**) 2200 block of North Center Street (east side) located north and east of McKellips Road and Center Street. 18 R1-9 PAD single residence lots (6.67 ac.). Jo Rose Enterprises, LLC, Nancy Mahr, manager, owner.
- *10c. "CITADEL PLAZA" (**District 6**) 5151 East Broadway Road (south side) located south and west of Broadway Road and Higley Road. 7 C-1 office condominiums (1.06 ac.). GS&E, LLC, Richard W. Gurtler, manager, owner.
- *10d. "DESERT BLOOM CONDOMINIUM" (**District 1**) 1432 East Knoll Circle (north side) located north and east of McKellips Road and Stapley Drive. 4 R-3 residential condominium units (0.17 ac.). Desert Bloom, LLC, Anette Asmaili, owner.
- *10e. "BROADWAY 101 COMMERCE PARK PHASE II" (**District 3**) 2200 block of West Broadway Road (north side) located north and west of Broadway Road and Dobson Road. 7 M-1 PAD industrial lots (49.86 ac.). Broadway 101 Venture, LLC, David Krumwiede, owner.

11. Items from citizens present.

Mayor Hawker advised that the Council would hear from a maximum of three speakers for three minutes each. He added that citizens who do not have the opportunity to address the Council at this meeting may pre-schedule their appearance at the Thursday Study Session by contacting the City Manager's Office no later than noon on Tuesday.

Frank Alger, 1009 North April Street, provided an update on the status of the Mesa Veterans Parade Association. He also addressed Councilmember Rawles and expressed opposition to the method utilized by the Councilmember to protest the Iraq War.

Mayor Hawker noted that a Councilmember is provided the opportunity to respond to comments made directly to him under this agenda item.

Councilmember Rawles responded by noting that 67 American service personnel died in Iraq since the last Council meeting and that 54 of the 67 names have been released. He requested that members of the audience stand as he read the 54 names.

Richard Tracy, Sr., 2238 South Cottonwood Street, commented on freeway traffic and "Park and Ride" lots, and he suggested that a "Park and Ride" lot be located at the Riverview development. He also stated the opinion that a Building Permit Application he filed with the City was not processed in a timely manner.

Greg Devorce, 2512 South Jefferson Avenue, encouraged the Council to maintain the existing level of transit service and Dial-A-Ride services.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:12 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 7th day of May 2007. 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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