

## **CITY COUNCIL AGENDA**

### **COUNCIL CHAMBERS – 57 EAST FIRST STREET**

Monday, May 22, 2006  
5:45 P.M.

Invocation by Paul A. Whitlock, Desert Heritage Church.

Pledge of Allegiance.

Mayor's Welcome.

Presentation of 2006 Historic Preservation Awards.

### **CITIZEN PARTICIPATION**

All citizens are permitted and encouraged to speak on agenda items. If you are interested in speaking on an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

### **CONSENT AGENDA**

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.

1. Take action on all consent agenda items.
- \*2. Approval of minutes of previous meetings as written.

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3. Conduct a public hearing on the annual assessments for the Mesa Town Center Improvement District No. 228. The proposed annual assessments for the FY 2006/2007 do not include any rate increases. The District was established to provide enhanced municipal services for the Mesa Town Center.
4. Conduct a public hearing for Minor General Plan Amendment **GPMInor06-02 (District 6)** to change the General Plan Land Use Map from Business Park (BP) to High Density Residential 10 - 15 dwelling units per acre (HDR 10 - 15). The 9600 block of East Southern Avenue (south side). Located south of east Southern Avenue and west of South Crismon Road (15.5± ac). M.R. Parasher, Yale Casitas Inc., owner; Martin Hazine, HGN, applicant. **COMPANION CASE Z06-25.**
5. Take action on the following resolution:
  - 5a. **GPMInor06-02 (District 6)** The 9600 block of East Southern Avenue (south side). Located south of east Southern Avenue and west of South Crismon Road (15.5± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Business Park (BP) to High Density Residential 10 - 15 dwelling units per acre (HDR 10 - 15). M.R. Parasher, Yale Casitas Inc., owner; Martin Hazine, HGN, applicant. **COMPANION CASE Z06-25.**  
***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations and schools in the vicinity.)***  
  
P&Z Recommendation: Approval. (Vote: 4-1 with Boardmember Mizner nay, Saemisch and Salas absent)
6. Take action on the following liquor license applications:
  - \*6a. St. Bridget Catholic Church  
  
Special Event License Application: Joseph Spadaro – Applicant. This is a one-day religious event to be held on Saturday, June 3, 2006 from 5:30 P.M. to 9:00 P.M. at 2213 N. Lindsay. District #5.

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\*6b. Main Street Sports Grill

Person-to-Person Transfer Bar License for Main Street Sports Grill, 260 W. Main Street, PM Liquors, Inc. – Applicant, David Jerome Forman – Agent. The Bar License previously held at this location by Cloyd Holland Moody, Individual, issued 12/29/2004 will transfer to the applicant. District #4.

\*6c. Golden Canyon Chinese Restaurant

Person-to-Person Transfer Beer & Wine Bar License for Golden Canyon Chinese Restaurant, 1133 S. Dobson Road, Cuong A. Cool – Applicant. The Beer & Wine Bar License previously held at this location by Jeff & Alex, Inc., issued 11/07/2000, will transfer to the applicant. District #3.

\*6d. Arco AM/PM

New Beer & Wine Store License for Arco AM/PM, 365 E. Southern Avenue, So Mesa LLC – Applicant, Russell Gene Scaramella – Agent. The Beer & Wine Store License previously held at this location by BP West Coast Products LLC will revert back to the State. District #4.

\*6e. Hodori Korean Restaurant

New Restaurant License for Hodori Korean Restaurant, 1116 S. Dobson Road, Ste 111, J & Jihae, Inc., Applicant, Kyu K. Pyun - Agent. The Restaurant License previously held at this location by Hodori Soon Tofu Restaurant will revert back to the State. District #3.

7. Take action on the following contracts:

- \*7a. Additional purchase of One Automated Side Loading (ASL) Refuse Truck as requested by the Development Services Department, Environmental Management Division.

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The Purchasing Division recommends authorizing an additional purchase option with the original bidder, Freightliner, Sterling, Western Star of Arizona (formerly Cunningham Commercial Vehicles), in the amount of \$212,623.69, including extended warranties and applicable sales tax.

- \*7b. Twenty-four Roof-Mounted Air Conditioning Units for installation on Solid Waste Collection Vehicles as requested by the Development Services Department, Environmental Management Division.

The Purchasing Division recommends ratifying the low quote by C. W. Carter Co. at \$65,672.28, including applicable taxes.

- \*7c. Thirteen-month contract for Dust and Erosion Control Services as requested by the Development Services Department, Environmental Management Division.

The Purchasing Division recommends authorizing the use of the Maricopa County contract with EarthCare Consultants, LLC for purchases estimated at \$236,405.81.

- \*7d. One 17-Yard Dump Truck and Conveyor System as requested by the Transportation Division, Field Operations.

The Purchasing Division recommends accepting the low responsive, responsible bid from I-10 International at \$194,933.90, including options, warranties and applicable sales tax.

- \*7e. Tire Rubber Modified Surface Sealant (TRMSS) as requested by the Transportation Division, Field Operations.

The Purchasing Division recommends authorizing the use of the City of Glendale contract with Musgrove Enterprises LLC (dba) SealMaster AZ for annual purchases estimated at \$357,405.63, including applicable sales tax.

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- \*7f. Solar Lighting for Bus Shelters as requested by the Development Services Department, Transportation Division. Federal Transit Administration Grant (\$96,000), Local Transportation Assistance Fund, (LTAF II), provided by ADOT (\$222,936) and Quality of Life Funds (\$24,000).

The Purchasing Division recommends accepting the only responsive proposal by Carmanah Technologies Corp. at \$342,936.00, including applicable taxes.

- \*7g. Three-year Supply Contract for Fertilizers as requested by the Community Services Department, Parks & Recreation Division.

The Purchasing Division recommends awarding the contract as follows:

Fertizona LLC at \$147,250.31;  
Wilbur-Ellis Co. at \$9,572.26;  
Helena Chemical at \$24,143.96; and  
Ewing Irrigation Products Inc. at \$19,628.66.

The combined award is then \$200,595.19 annually based on estimated requirements and including contingencies and applicable taxes.

- \*7h. Three-year Supply Contract for Drafting Print Paper as requested by the Development Services Department, Engineering Division.

The Purchasing Division recommends accepting the lowest responsive bid for Sections B & C from ScottBlue Reprographics at \$30,340.91 annually, based on estimated quantities, including contingencies and applicable taxes.

- \*7i. One-Year Supply Contract for Automotive Lighting, Mirrors and Safety Supplies as requested by the General Services Department, Fleet Support Services.

The Purchasing Division recommends authorizing the use of ADOT contract with The Lighthouse at \$31,389.54 annually, based on estimated requirements.

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- \*7j. Computer Infrastructure Hardware and Software as requested by the General Services Department, Information Services Division. (Partially funded by Tax-Exempt Lease)

The Purchasing Division recommends authorizing the purchase from the State of Arizona contract with GTSI Corp. at \$117,787.96, including applicable sales tax and contingencies.

The combined recommended purchase, including \$4,000.00 for additional system components is to be financed through a tax-exempt lease and budgeted funds.

- \*7k. Hohokam Stadium Canopy Cover, City of Mesa Project No. 04-913-001.

This project will rehabilitate the existing canopy structure at Hohokam Stadium. Improvements include rehabilitating the existing canopy structure by replacing missing or damaged sheet metal purlins, reinforcing connections with sheet metal screws, and providing additional brace support for the purlins in the canopy. Work includes painting all steel components of the canopy structure.

Recommend award to the low bidder, JMW Construction, Inc., in the amount of \$180,100.00 plus an additional \$18,010.00 (10% allowance for change orders) for a total award amount of \$198,110.00. Funding is available from the FY 05/06 Facilities Maintenance Operating budget.

- \*7l. Landscaping and Irrigation Improvements at Mesa Cemetery, City of Mesa Project No. 05-014-001.

This project will provide improvements to the northwest area of the Mesa Cemetery to make this area available for future cemetery needs. Improvements include site grading, installation of concrete curbing, landscaping, installation of hub lot markers, and installation of a turf irrigation system.

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Recommend award to the low bidder, W.L. Emshoff, in the amount of \$70,885.00 plus an additional \$7,088.50 (10% allowance for change orders) for a total award of \$77,973.50. Funding is available from FY 05/06 general funds budgeted in the Cemetery Capital Program.

- 7m. Falcon Field Airport Runway Incursion Prevention Falcon Drive and Taxiway 'B', City of Mesa Project No. 01-493-001. (Related to Agenda Item 9f)

This project will construct cul-de-sacs at the intersection of Falcon Drive and Taxiway 'B' at Falcon Field Airport. Improvements include the installation of concrete curbs and fencing around the cul-de-sacs to prevent vehicular access into the taxiway. Also included is the relocation of street light poles, installation of sliding gates for authorized access into the taxiway, and other minor street improvements. Ninety percent of the construction cost is funded by a Federal grant with 5% from a State of Arizona grant and 5% match by the City of Mesa.

Recommend award to the low bidder, Visus Engineering, Inc., in the amount of \$524,000.00 plus an additional \$52,400.00 (10% allowance for change orders) for a total award amount of \$576,400.00. Ninety percent of this construction cost is funded by a Federal grant with 5% funding from a State Grant, and 5% local match from the FY 05/06 Falcon Field Airport Capital Program.

- 7n. 2005-2006 Street Improvements, Country Club Drive – Southern Avenue to Baseline Road, McLellan Road – Stapley Road to Gilbert Road, City of Mesa Project No. 04-841-005. **(ONLY ONE BID RECEIVED)**

Each year the Transportation Division identifies roadway segments that require some measure of pavement maintenance. This project will rehabilitate over 65,000 square yards of asphalt pavement. Street segments included in this project are Country Club Drive from Southern Avenue to Holmes Avenue (north of US 60) and from Iron Avenue (south of US 60) to Baseline Road, and McLellan Road from Stapley Drive to Gilbert Road.

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Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$2,631,035.15 plus an additional \$263,103.52 (10% allowance for change orders) for a total award of \$2,894,138.67. Funding is available from FY 05/06 Highway User Revenue Fund (HURF) funds budgeted in the Transportation Capital Program.

- 7o. Carson/Westwood Aquatic Complex, City of Mesa Project No. 01-810-001.

This project will demolish the existing pool facility at Carson Junior High School and a new family-style aquatic facility will be built. The existing facility is in need of extensive improvements and upgrades and renovation of this facility was determined not to be cost effective. This project is being completed using the Construction Manager at Risk (CM@Risk) delivery method. The Design Phase has been completed and staff has negotiated the Guaranteed Maximum Price for the Construction Phase.

Recommend award to the Construction Manager at Risk, Low Mountain Construction, with a guaranteed maximum price of \$4,163,143.00 plus an additional \$416,314.30 (10% allowance for change orders) for a total award of \$4,579,457.30. Funding is available from the Quality of Life Capital Program.

- \*7p. Design services for the Mesa Arts Center Oculus, City of Mesa Project No. 04-921-001-Mesa Arts and Entertainment Alliance funding.

The project will be completed using the Construction Manager at Risk (CM@Risk) delivery method. This initial phase will be the Design Phase Services of installing a large hanging structure (oculus) from the ceiling of the Ikeda Theater. During the Design Phase, the CM@Risk will work closely with City Staff and the design professional to develop the project design.

Recommend award to Construction Manager at Risk, Rhino Rigging, LLC, in the amount of \$2,000.00 for Design Phase Services. Funding is provided by the Mesa Arts and Entertainment Alliance.

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- 7q. 2005/2006 Street Improvements, Dobson Road – Southern Avenue to Western Canal, City of Mesa Project No. 05-906-001 (**ONLY ONE BID RECEIVED**).

Each year the Transportation Division identifies roadway segments that require some measure of pavement maintenance. This project will rehabilitate over 139,000 square yards of asphalt pavement. Street segments included in this project are Dobson Road from Southern Avenue to Western Canal, and Isabella and Javelina Avenues off of Dobson Road. Improvements include the construction of sidewalk and sidewalk ramps along the improved streets, traffic signal improvements, and other minor street improvements.

Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$3,239,358.00 plus an additional \$323,935.80 (10% allowance for change orders) for a total award of \$3,563,293.80. Funding is available from Highway User Revenue Fund (HURF) funds in the Transportation Division Field Operations budget.

8. Introduction of the following ordinances and setting June 5, 2006, as the date of the public hearing on these ordinances:
- \*8a. Amending Title 7, Chapter 2 of the Mesa City Code by adding a new Section 7-2-3 that would require developers and architects to submit electronic drawings for building projects in addition to blueprints prior to issuance of certificate of occupancy. (Single family residences and other related residential projects are excluded from this ordinance.)
  - \*8b. Amending Title 6, Chapter 1 of the Mesa City Code by adding a new Section 6-1-21 entitled Sale and Display of Pseudoephedrine Products.
  - \*8c. Modifying the fees and charges for the Financial Services Operations Division (Customer Service and Revenue Collections Operations) as recommended by the Finance Committee.

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- \*8d. **A06-04 (District 5)** Annexing land located on Range Rider Trail east of Hawes Road. (4.73 ± ac.) Initiated by Ruth Irvine, the property owner.
- \*8e. **A06-09 (District 5)** Annexing land located on the southwest corner of Power Road and University Drive. (0.41 ± ac.) Initiated by Dennis Callison, the property owner.
- 8f. **Z06-27 (District 6)** The 9200-9600 block of East Elliot Road (north side). Located north of Elliot Road and east of Ellsworth Road (75± ac.). Rezone from R1-43 to C-2 and M-1. This request is to bring the zoning of the property into conformance with the Mesa 2025 General Plan. The Cardon Company (Will Cardon), owner; City Staff, City of Mesa, applicant. ***(Notified property owners, interested neighbors, and General Motors.)***

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

- 9. Take action on the following resolutions:
  - 9a. Authorizing the City Manager to execute documents to acquire 217 West University Drive utilizing Community Development Block Grant (CDBG) funds on behalf of PREHAB of Arizona, Inc. and to lease the property back to PREHAB of Arizona, Inc. for their Mayfield Alternative Youth Center.
  - \*9b. Approving and authorizing the City Manager to terminate the existing Intergovernmental Agreement (IGA) with the Superior Court of Arizona for jury services at the Mesa City Court and execute a replacement IGA.
  - 9c. Approving the annual assessments for the Mesa Town Center Improvement District No. 228. The proposed annual assessments for the FY 2006/2007 do not include any rate increases. This district was established to provide enhanced municipal services to the Mesa Town Center.

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- \*9d. Approving and authorizing the City Manager to sign an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the design and construction of fiber optic cables within ADOT's Freeway Management System (FMS) along portions of the Superstition (US 60) and Red Mountain Freeway (Loop 202) (ADOT JPA FILE NO. 05-077).
- \*9e. Approving and authorizing the City Manager to sign an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the shared use of ADOT's Freeway Management System (FMS) conduit and for the operation and maintenance of traffic signals located at freeway interchanges (ADOT JPA FILE NO. 05-053).
- 9f. Approving and authorizing the City Manager to execute Amendment No. 3 to ADOT Grant No. E3F49 between the City of Mesa and the State of Arizona Department of Transportation (ADOT) to construct cul-de-sacs and install fence/gates at the Falcon Drive/Taxiway 'B' intersection and design perimeter fence in areas without perimeter fence.
- \*9g. Authorizing the sale of property located at 601 N. Center Street in the amount of \$220,000.  
  
This property has no identified City use and is no longer required.
- \*9h. Vacating right-of-way for Lewis Street between Main Street and Pepper Place.  
  
Lewis Street has been converted to a pedestrian walkway and is no longer a public street.
- \*9i. Authorizing the sale of property located at 15 S. Country Club Drive in the amount of \$150,000.  
  
This property has no identified City use and is no longer required.

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- \*9j. Granting a Power Distribution Easement to Salt River Project at 2254 W. Main Street.  
  
This easement is necessary to provide electric service to the Valley Metro Light Rail Project.
- \*9k. Modifying rents for the Housing Services Division as recommended by the Finance Committee.
- \*9l. Establishing a Loan Subordination processing fee for the Housing Services Division as recommended by the Finance Committee.
- \*9m. Modifying fees and charges for the Commercial Facilities Division of the Community Services Department for golf and cemetery services as recommended by the Finance Committee.
- \*9n. Modifying fees and charges for the Arts and Cultural Division for the Mesa Arts Center and the Mesa Southwest Museum as recommended by the Finance Committee.
- \*9o. Modifying fees and charges for the Parks and Recreation Division as recommended by the Finance Committee.
- \*9p. Modifying fees and charges for the Transportation Division as recommended by the Finance Committee.
- 9q. Modifying fees and charges for CPR certification classes for the Fire Department as recommended by the Finance Committee.
- \*9r. Modifying fees and charges for Falcon Field Airport rents and other fees as recommended by the Finance Committee.
- \*9s. Authorizing the City Manager to execute an agreement between the City of Mesa and the East Valley Institute of Technology for funding of the campus School Resource Officer as provided by Safe Schools grant in the amount of approximately \$85,000.

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- \*9t. Authorize the sale of the Sunbelt Refinery located in Pinal County.

This property has no identified City of Mesa use and is no longer needed.

- \*9u. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Pulice Construction, Inc. for the closure of McKellips Road during the construction of the Red Mountain Freeway from Power Road to University Drive.

- \*10. Adopt a Notice of Intention to increase rates or rate components, fees and/or service charges for irrigation water, natural gas, solid waste, wastewater, and water and establishing June 26, 2006 as the date for the public hearing.
  - \*10.1. Discuss and consider recommendation #1 of the City Attorney's Office regarding the disclosure of certain taxpayer information to the federal government.
  - \*10.2. Discuss and consider recommendation #2 of the City Attorney's Office regarding the disclosure of certain taxpayer information to the federal government.
- 11. 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.
  - 11a. **Z06-25 (District 6)** The 9600 block of East Southern Avenue (south side). Located south of east Southern Avenue and west of South Crismon Road (15.5± ac). Rezone from AG and R1-43 to R-3-PAD and Site Plan Review. This request will allow for the development of residential condominiums. M.R. Parasher, Yale Casitas Inc., owner; Martin Hazine, HGN, applicant. **COMPANION CASE GPMInor06-02. (Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations and schools in the vicinity.)**

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P&Z Recommendation: Approval. (Vote: 3-2 with Boardmembers Langkilde, Mizner nay, Saemisch, and Salas absent)

- \*11b. **Z06-28 (District 6)** 6859 East Rembrandt Avenue (south side). Located east of Power Road and north of Warner Road (3.66± ac.). Site Plan and PAD Modifications. This request will allow for the development of a commercial, office and light industrial business complex. Frank Richards, San Tan Commerce Park LLC, owner; Steven Nevala, Cawley Architects, applicant. **(Notified property owners and homeowners associations.)**

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

- \*11c. **Z06-29 (District 2)** The 4300-4330 block of East University Drive (north side). Located west of North Greenfield Road and north of East University Drive (4±ac.). Site Plan Modification. This request will allow for the development of a self-storage facility and a retail shell building. Barry Baker, owner; Jared McQuarrie, New Sun Property Investments, LLC, applicant. **(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)**

P&Z Recommendation: Approval. (Vote: 4-1 with Boardmembers Langkilde nay, Saemisch and Salas absent)

- \*11d. **Z06-30 (District 6)** 4207 South Power Road (east side). Located at the northeast corner of Power Road and Warner Road, "Parcel A" within the Gateway Norte Master Plan Subdivision (1.09± ac.). Site Plan Modification. This request will allow for the development of a retail pad with multiple tenants. Richard Garcia, owner; David Ross, Ross Design Group, LLC, applicant. **(Notified property owners and homeowners associations.)**

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

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- \*11e. **Z06-31 (District 3)** The 500 block of West Baseline Road (south side). Located west of the southwest corner of South Country Club Drive and West Baseline Road (6.82± ac.). Rezone from M-1 to M-1 PAD and Site Plan Modification. This request will allow for the development of medical/office condominiums. Sydney OBP Mesa, LLC – Bob Hunt, owner; William J. Patterson, Odyssey Commercial, applicant. ***(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods and schools in the vicinity.)***

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

- \*11f. **Z06-33 (District 5)** The 1100-1200 block of North Meridian Drive (west side). Located at the southwest corner of Brown Road and Meridian Drive (3.61± ac.). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. This case involves the establishment of City of Mesa zoning on recently annexed property. Portigal Travel, LLC-Lewis Rosenberg, General Manager, owner; Wilfred Klingsat, applicant.

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

- \*11g. **Z06-34 (District 6)** The 6800 block of East Ray Road (south side). Located at the southeast corner of Power Road and Ray Road (3.95± ac.). Site Plan Review. This request will allow for the development of a retail center. Marc Maken Baken, owner; Kurt Frimodig, Robert Kubicek Architects & Associates, Inc., applicant. ***(Notified property owners, registered neighborhoods, homeowners associations and Williams Gateway Area of Regional Economic Activity.)***

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

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12. Take action on the following subdivision plats:
  - \*12a. “VAL VISTA CONDOS 1, BUILDING B” (**District 6**) 1900 block of South Val Vista Drive (east side) located north and east of Baseline Road and Val Vista Drive. 18 C-2 PAD office condominium units (4.79 ac) Val Vista – Gateway, LLC, Christopher W. Warren, representative, owner.
  - \*12b. “MOUNTAIN HORIZONS PHASE 2” (**District 6**) 5000–5600 blocks of South Signal Butte Road (east side) located east of Signal Butte Road and north and south of Ray Road. 8 residential parcels (197.87 ac) Pulte Home Corporation, Chris Bramwell, representative, owner.
  - \*12c. “THE COMMONS AT PIERPONT” (**District 6**) 4838 East Baseline Road (north side) located north and west of Baseline Road and Higley Road. 24 PEP PAD office condominium units (5.97 ac) Pierpont Commerce Partners, LLC, Grant Tayrien and Boyd Anderson, managers, owner.
13. Items from citizens present. (Maximum of three speakers for three minutes per speaker).