

COUNCIL MINUTES

December 17, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 17, 2007 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Scott Somers
Darrell Truitt
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Gregory Dansby, Holy Temple Church of God in Christ.

Pledge of Allegiance was led by Mayor Hawker.

Mayor's Welcome.

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

1. Take action on all consent agenda items.

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

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

Carried unanimously.

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

Minutes from the June 14, October 18 and December 3, 2007 Council meetings.

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

- 3a. **A07-23 (District 5)** Annexing land located west of Hawes Road and south of McDowell Road (1.13 ± ac). Initiated by the property owner, Thomas Kane.

Mayor Hawker announced that this is the time and place to conduct a public hearing regarding the annexation of land located west of Hawes Road and south of McDowell Road.

There being no 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. Arizona Craft Brewer's Guild

This is a one-day fundraising event to be held on Saturday, February 16, 2008 from 1:00 p.m. to 6:00 p.m. at 263 North Center Street. **(District 1)**

- *4b. Guru Palace Cuisine of India

New Restaurant License for Guru Palace Cuisine of India, 2048 East Baseline Road, Suite #1, Sodhi Brothers LLC – Applicant, Sulinder Kaur – Agent. This is a new business with no current liquor license at this location. **(District 2)**

5. Take action on the following contracts:

- *5a. Six (6) Replacement Vehicles for Various City Departments (Funded through Fleet Services' Vehicle Replacement Program).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$125,054.88, including applicable sales tax.

- *5b. Seven (7) Pickup Trucks (2 Replacement and 5 Additions to the Fleet) for the Fire Department.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$164,682.81, including sales tax.

- *5c. Five-Year Pierce Fire Apparatus Master Purchase Agreement for the Fire Department **(Sole Source)**.

The Fire and Procurement Services Departments recommend awarding the contract to Pierce Mfg. Inc., including \$300,000.00 annually for repair parts, based on estimated requirements.

- *5d. Twenty-Nine (29) Additional 700/800 MHz Portable Radios for the Fire Department.

The Procurement Services Department recommends authorizing purchase from the City of Phoenix contract with Motorola at \$133,368.05, including applicable sales tax.

- *5e. Three-Year Supply Contract for Ultra Thin Bonded Wearing Course for the Transportation Department, Field Operations Division.

The Procurement Services Department recommends awarding contracts to the lowest responsive, responsible bidders, United Metro Materials, dba Rinker Materials, in the amount of \$3,632,835.63 and Vulcan Materials Co. in the amount of \$191,201.88 for a total of \$3,824,037.51 annually, including applicable sales tax.

- *5f. Three-Year Supply Contract for Ferrous Chloride for the Utilities Department, Water Division (**Single Bid**).

The Procurement Services Department recommends awarding the contract to the single bidder, Kemira Water Solutions, Inc., at \$853,776.00 annually, based on estimated requirements, including applicable use tax.

- *5g. Two-Year Renewal Supply Contract for Sodium Hypochlorite for the Utilities Department, Water Division.

The Procurement Services Department recommends authorizing renewal to HASA, Inc. at \$372,640.00 annually, based on estimated requirements, including applicable sales tax.

- *5h. CAP Water Treatment Plant Reservoir No. 1 Modifications, 7750 East Brown Road, City of Mesa Project No. 07-005-001. (**District 5**)

This project will provide modifications to the existing CAP Water Treatment Plant Reservoir No. 1 to improve the water quality to meet current Federal requirements for drinking water.

Recommend award to Hunter Contracting Company, in the amount of \$452,600.00 plus an additional \$45,260.00 (10% allowance for change orders) for a total award of \$497,860.00. Funding is available from the approved FY 07/08 Capital Water Bond Program.

- *5i. Publicity Pamphlet/Sample Ballot Mailer printing for the March 11, 2008 Primary Election for the City Clerk's Office.

The Procurement Services Department recommends awarding the contract to the low responsive, responsible bid from Century Graphics at \$26,963.38, including applicable sales tax.

- *5j. Forty-Six (46) VHF Band Portable Radios for the Fire Department.

The Procurement Services Department recommends authorizing purchase from the State contract with Motorola at \$118,835.69, including applicable sales tax.

6. Introduction of the following ordinances and setting January 7, 2008, 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 Mesquite Canyon from Guadalupe Road to the south side of Olla Avenue. (South of Guadalupe Road and east of Ellsworth Road) **(District 6)**

On Pierpont from 48th Street to Banner Gateway Drive. (North of Baseline Road and west of Higley Road) **(District 6)**

On Wildrose from the south side of Knowles Avenue to a point 210 feet north of Baseline Road. (North and south of Baseline Road and east of Crismon Road) **(District 6)**

On 48th Street from Pierpont to the centerline of US 60. (North of Baseline Road and west of Higley Road) **(District 6)**

On 96th Street from Guadalupe Road to a point 210 feet north of Guadalupe Road. (North of Guadalupe Road and east of Ellsworth Road) **(District 6)**

Speed Limits: 10-4-6 (30 mph)

Increasing the speed limit from 25 mph to 30 mph on Pierpont from 48th Street to Baseline Road. (North of Baseline Road and west of Higley Road) **(District 6)**

Increasing the speed limit from 25 mph to 30 mph on 48th Street from Hampton Avenue to Pierpont. (North of Baseline Road and west of Higley Road) **(District 6)**

- *6b. **Z07-113 (District 3)** The 1500 block of South Alma School Road. Located north of the US 60 Freeway and west of Alma School Road (95± acres). Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign. Macerich Fiesta Mall Adjacent, LLC – Garrett Newland, Vice President of Development, Westcor, owner/applicant. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: No Recommendation.

DRB Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmembers DiBella and Clark absent)

- *6c. **Z07-115 (District 5)** 3061 North Sossaman Road. Located east of Sossaman Road and north of McDowell Road (1.31±ac.). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Bela and Eva Marie Bunkoczy, owner; City of Mesa, applicant.

PHO Recommendation: Approval with Conditions.

- *6d. **Z07-116 (District 6)** 6860 East Warner Road. Located north of Warner Road, east of Power Road (0.72± ac.). Site Plan Review. This request will allow for the development of a bank within the Gateway Norte Business Park. Donna Esposito, GCB Investment Properties, owner; JD Berryman, K & I Architects, applicant. ***(Notified property owners and held a neighborhood meeting.)***

PHO Recommendation: Approval with Conditions.

7. Take action on the following resolutions:

- *7a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Costco Wholesale Corporation, and the City of Mesa for the reimbursement of \$112,000 for regional street lighting, traffic signal and street improvements that are being required by Mesa in conjunction with a proposed commercial development known as Costco Wholesale, located at 1330 South Sossaman Road. Mesa's estimated share will be funded from the approved FY07/08 Streets Capital Program – Resolution No. 9134. **(District 6)**
- *7b. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Weingarten/Investments, Inc., a Texas Corporation, and the City of Mesa for the reimbursement of \$68,240.70 for regional street, street lighting and traffic signal improvements that are being required by Mesa in conjunction with a proposed commercial development known as Shoppes @ Parkwood Ranch located at 10720 East Southern Avenue. Mesa's estimated share will be funded from existing Street HURF Bond proceeds – Resolution No. 9135. **(District 6)**
- *7c. Granting a Power Distribution Easement to Salt River Project on Falcon Field located at 5030 East Falcon Drive – Resolution No. 9136. **(District 5)**

This easement is necessary for Salt River Project to provide power to the "Falcon Jet Center" property.
- *7d. Extinguishing a Public Utility Easement at 1855 South Signal Butte Road – Resolution No. 9137. **(District 6)**

This easement is no longer required as the proposed utilities have been relocated in existing easements.
- 7e. Approving and authorizing the City Manager to approve the Assignment, Assumption and Amendment of Lease and Lessor's Consent for PREHAB, dba A New Leaf for East Valley Men's Center – Resolution No. 9140.

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

It was moved by Councilmember Jones, seconded by Vice Mayor Walters, that Resolution No. 9140 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Rawles-Somers-Truitt-Walters
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9140 adopted.

- *7f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement regarding cooperative law enforcement training operations among public agencies within the State of Arizona – Resolution No. 9138.
- *7g. Approving and authorizing the City Manager to execute Amendments to the Highway Safety Contract between the City of Mesa and the Governor’s Office of Highway Safety to extend the contract expiration to December 31, 2007 and to receive funds in the amount of \$30,000 for holiday DUI Task Force Enforcement by the Mesa Police Department – Resolution No. 9139.
- *7h. **Deleted. (See Item 7g)**
- 7i. Calling of the November 4, 2008 Special Election – Resolution No 9141.

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

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that the Ballot Questions contained in Exhibit A-1 (with the amended amount under Question 2, Street Bonds, of \$230,600,000), be approved.

Mayor Hawker stated that the Council’s action tonight is intended to convey a message to the Mayoral/Council candidates running for office in March 2008 concerning the importance of discussing the proposed bond package during the campaign. He noted that this Council has spent a considerable amount of time assessing the various Public Safety/Street projects that the above-referenced bonds would fund.

Councilmember Rawles explained that because the new Councilmembers who take office in June 2008 would only have a two-week timeframe within which to call the November 4, 2008 Special Election and “get up to speed” with regard to the proposed projects to be included in the bond package, this Council determined it was appropriate to proceed with this item. He stated that the new Council would have the ability to cancel the election or modify the amount of the bond package if they so desired.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Rawles-Somers-Walters-Whalen
ABSTAIN - Truitt

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9141 adopted.

8. 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.

8a. Amending Title 7, Chapter 2 of the Mesa City Code relating to the Mesa Fire Code as recommended by the General & Economic Development Committee (Approval. Vote: 2-1, Rawles nay) – Ordinance No. 4789. **CONTINUED FROM THE DECEMBER 3, 2007 COUNCIL MEETING.**

It was moved by Councilmember Somers, seconded by Councilmember Jones, that Ordinance No. 4789 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4789 adopted.

8b. Amending Title 4, Chapters 2, 3, 4 and 5 of the Mesa City Code relating to the Mesa Building Codes as recommended by the General & Economic Development Committee. (Approval. Vote: 2-1, Rawles nay) – Ordinance No. 4790. **CONTINUED FROM THE DECEMBER 3, 2007 COUNCIL MEETING.**

It was moved by Councilmember Somers, seconded by Councilmember Whalen, that Ordinance No. 4790 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4790 adopted.

*8c. **Z07-91 (District 4)** 905 West Broadway Road. Located east of Alma School on the south side of Broadway Road (1.12± acres). Site Plan Modification. This request will bring the site into compliance with current standards. Larry Stickler, D & L Concrete, owner; David Lind, Architechnology, applicant – Ordinance No. 4787. **(Notified property owners, homeowners' associations and registered neighborhoods.)**

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

8d. **Z07-102 (District 1)** 1234 West University Drive. Located west of Alma School Road on the north side of University Drive (.17± ac.). Council Use Permit. This request will allow

the development of a pawnshop. Michael Mugel, owner; Brad Shain, Pawn X-Change, applicant. ***(Notified property owners, homeowners' associations and registered neighborhoods.)***

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

Brad Shain, CEO of Maxit Financial (Pawn X-Change), the applicant, provided a short synopsis of his company's efforts to successfully change the negative image of pawnshops at his stores in Seattle and in the Phoenix area. He explained that the stores, which employ over 300 individuals, do not sell firearms or pornography and are family-friendly establishments. Mr. Shain also stated that the quality of his stores has driven less reputable pawnshops out of business. Mr. Shain requested the Council to consider his request for the Council Use Permit (CUP) and added that many of his employees are present in the audience and willing to address the Council on his behalf.

Eric Nelson, 1234 East 17th Street, Santa Anna, California, a partner with Red Mountain Retail Group, the landlord for Westwood Village Plaza, expressed support for the applicant's request. He acknowledged the neighbors' concerns with regard to a proliferation of pawnshops in the area, but noted that Mr. Shain's stores operate at a higher standard than similar businesses. Mr. Nelson also suggested additional restrictions that could be placed on Mr. Shain's business such as limiting the hours of operation, restricting the sale of guns or pornography, and removing "pawn" from the name of the business.

Jeff Begin, 41373 West Cielo Lane, Maricopa, store manager of Maxit Pawn located at Mesa Drive and Southern, spoke in support of the applicant's request. He commented that his store works closely with State and local law enforcement, is customer oriented, and the employees are professional, knowledgeable and well compensated.

Mayor Hawker stated that the following citizens submitted speaker cards and expressed support for the applicant's request for a Council Use Permit:

Sandy Boone	1260 W. Flintlock Way, Chandler
Darlene Saunders	16016 North 31 st Drive, Phoenix
Patty Brady	5501 Tierra Buena
Carol Harder	6050 East Hearn Road
Ryan O'Connell	4104 East Broadway, #2003
Debbie Keith	2055 West Corrine Drive, Phoenix
Michelle Heckman	8319 East Buena Terra Way
Diane Smith	29305 North 146 th Street, Scottsdale
Jana Svobodova	933 East Cochise
Lisa Ridgeway	13705 North 127 th Drive
Becky Tubbs	19336 West Melvin

MiAnne Trudeau, 14218 North 11th Street, a leasing director, reported that Westwood Village Plaza currently has over 32,000 square feet of vacant space and stated that the landlord is experiencing significant difficulty in attracting tenants to the property. She noted that Red Mountain Retail Group has made improvements to the strip mall and recently finalized a lease with Fresh and Easy. Ms. Trudeau added that if the applicant's request was approved, Pawn X-

Change would move into the space vacated by Peter Piper Pizza, which recently moved to the Riverview shopping center.

Stephanie Wright, 535 North Orange Street, Co-Chairman of the Mesa Grande Community Alliance, urged the Council to deny the applicant's request for a CUP. She explained that for many years, her group has had a vision for the revitalization of west Mesa and encouraged the City to adopt and implement the organization's goals and policies to ensure community sustainability. Ms. Wright added that negative perceptions, including a proliferation of pawnshops in west Mesa, continues to be a challenge for the neighbors that is difficult to combat.

Vice Mayor Walters stated that the following citizens submitted speaker cards and expressed opposition to this case:

Patricia Ivey	225 North Standage, #136
Karen Graham	1424 West 1 st Place
Gwen Guthrie	1246 West 1 st Place
Marianne Ellertson	1029 West 10 th Place
Howard Chambers	344 North Beverly
Aaron Ellertson	1135 West 9 th Place
Zan Ellertson	1020 West 10 th Place
Linda Lloyd	1137 West Cherry Street
Keith Crandell	1035 West 4 th Place
Carolyn Crandell	1035 West 4 th Place
C.G. Wenzel	2518 East Hermosa Vista
Norman Johnson	635 West Camino Circle
Cathy/Gary Rogers	61 North Standage Road
Carol Boyle	450 North Emerson
Dave Richins	833 West 11 th Place
Tanya Collins	864 West 10 th Street
Owen Layton	744 North Vineyard
Carol Abrams	1213 North Hillcrest
Tyler Montague	532 North Orange Street
Jenny Richardson	529 North Orange Street
Ralph Smith	1402 West Pepper Place
Dianne Woods	1426 West Pepper Place
Douglas Smith	1026 West 4 th Place
Lynn Burnham	1062 West 4 th Place

Vice Mayor Walters further noted that Michelle Stocker, 1944 East Intrepid, expressed support for the item but did not wish to speak, and Mark Ransom, no address provided, and Bob Blair, 17645 North 16th Street, Phoenix, also expressed support for the item.

The following speakers also voiced opposition to this case:

Earnie Johnson	1914 North Hibbert
Greg Woods	1426 West Pepper Place
Steven Pitts	1142 West 10 th Street

Mr. Shain further commented that his stores service those individuals who are unable to qualify for a checking account or credit card. He also assured the Council that his business would significantly change the image of pawnshops in the area.

Mayor Hawker thanked everyone for the courteous manner in which they conducted themselves during the public hearing portion of the case.

In response to a question from Councilmember Truitt, Mr. Shain clarified that a large percentage of the merchandise sold at his stores is pawned. He noted, however, that approximately 80% of the individuals who obtain loans from the stores eventually retrieve their pawned items.

Discussion ensued relative to the fact that if the Council approved the applicant's request, various conditions of approval would include specific hours of operation and the termination of the CUP when the property was transferred to an operator other than Mr. Shain; and that the stipulations did not include a provision regarding the elimination of the word "pawn" from the business's name.

It was moved by Vice Mayor Walters, that the applicant's request for a Council Use Permit be denied.

Vice Mayor Walters commented that because the residents of west Mesa have expressed concern regarding the proliferation of pawnshops in their neighborhood, she could not support the applicant's request to open a similar business in the area.

Councilmember Jones commended Mr. Shain for the Maxit Pawn store located at Mesa Drive and Southern Avenue. He noted, however, that the residents in west Mesa are "not ready" for another pawnshop being located in their neighborhood. Councilmember Jones added that although Mr. Shain's higher-level stores might drive less reputable shops out of business, the perception remains that he is still operating a pawnshop.

Councilmember Rawles said that he would prefer that Pawn X-Change move into the site vacated by Peter Piper Pizza as opposed to the space remaining vacant. He also noted that although there is an over concentration of pawnshops in the neighborhood, the Council does not make the same type of judgment with regard to other businesses in the community.

Councilmember Somers disagreed with Councilmember Rawles' comment and advised that the Council does limit the use of certain types of businesses such as tattoo parlors. He stated that to allow the establishment of another pawnshop in west Mesa "seems to fly in the face" of the efforts undertaken by the residents and the City to create a new vision for the community.

Councilmember Somers seconded the motion.

Councilmember Truitt commented that if the primary objection with regard to this case is the over concentration of pawnshops in the area, it might be appropriate for the City to draft a new ordinance that would increase the distance requirement between such businesses. He added that if the applicant operates a reputable business, which no one has disputed, then he would support his request for a Council Use Permit.

Councilmember Whalen noted that last year when a majority of the Council voted against imposing a distance separation requirement for the number of payday loan stores in Mesa, he concurred with the majority. He explained that he has changed his mind and would ask that the matter be reconsidered. Councilmember Whalen stated that he considers the issue of pawnshops in a similar manner and suggested that it might be appropriate for the Council to consider similar requirements in this regard. He added that he is sorry Westwood Village Plaza is losing tenants to Riverview, but suggested that the strip mall is still a viable location for businesses to lease space.

Mayor Hawker commented that although Mr. Shain's business may be setting a new standard for pawnshops, the residents of west Mesa have worked hard to revitalize their neighborhood and create a new vision for the community. He stated that because of such efforts, he would support the motion.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

- *8e. **Z07- 111 (District 5)** 6147 East Main Street. Located east of Recker Road and South of Main Street (10± acres). Site Plan Modification. This request will allow the expansion of an existing office development. Michael Hamberlin, Baywood Professional Plaza, LLC, owner; Lesley L. Partch, Partch and Associates Architecture, applicant; John Gray, Evans, Kuhn, & Associates, Inc, engineer – Ordinance No. 4788. ***(Notified property owners, homeowners' associations and registered neighborhoods.)***

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

9. Discuss, receive public comment, and take action on the following ordinances introduced at a prior Council meeting and resolution:

- 9a. Take action on the following ordinance:

Amending Title 4, Chapter 1 of the Mesa City Code relating to the Administrative Code as recommended by the General & Economic Development Committee (Approval. Vote: 2-1, Rawles nay) and the Audit & Finance Committee (Approval. Vote: 3-0).

Building Safety Director Terry Williams clarified that this agenda item reflects changes to the administrative portion of the Building Code, including the requirements for various fees. He explained that staff is proposing that the City of Mesa take "a first step" toward a Green Building Program that would encourage property owners to consider constructing buildings that meet "Leadership in Energy and Environmental Design" (LEEDS) standards. Mr. Williams stated that as part of that process, the new Code provisions include an incentive for projects that achieve

LEEDS certification. He said that the incentive is to rebate 50% or 100% of the premium paid for expedited services charged on a project, depending upon the level of certification attained.

In response to a question from Vice Mayor Walters, Mr. Williams confirmed that 9a deals with several dozen changes proposed for the Administrative Code and noted that the LEEDS certification incentive is included in those modifications.

In response to a series of questions from Councilmember Rawles, Mr. Williams clarified that there is nothing in the Administrative Code being amended to reflect the increased fire suppression requirement for shell buildings. He commented that those proposed changes were included in the Mesa Fire and Building Codes (Items 8a and 8b).

Councilmember Rawles responded that in reading the minutes from the November 19, 2007 General & Economic Development Committee meeting, it was his understanding that was the case and that is why he opposed the motion at that time. He stated that if 9a and 9b relate to the LEEDS certification incentive, he would continue to object to those items.

Mr. Williams apologized to Councilmember Rawles if there was a misunderstanding with regard to this item.

Discussion ensued relative to the fact that developers requesting a "super expedited" review process by staff would be required to pay the base rate fee for LEEDS certification; that the incentive would include a 50% or 100% rebate of the premium charge, but not the base permit fee; that other Valley communities, most notably Scottsdale, are seeking options which would encourage property owners to develop to LEEDS standards; and that City staff is also considering such options.

It was moved by Councilmember Jones, seconded by Councilmember Whalen, that staff's proposal for revisions to the Mesa Administrative Code, including the LEEDS certification incentive, be approved.

Mayor Hawker questioned why a government entity would offer an incentive to a property owner to obtain LEEDS certification when, in his opinion, that should be the decision of the individual. He stated that if the purpose of such standards is to conserve, for instance, water and Mesa's water revenues decline, the City would be impacted not only by providing a rebate, but also generating less water revenues.

Vice Mayor Walters commented that although she concurs with Mayor Hawker's financial model, the purpose of the LEEDS certification is to assist Mesa in becoming a more sustainable community. She stated that while other cities have created incentives to encourage developers to move in the direction of LEEDS certification, Mesa has not had the funding to do so and may not in the near future. Vice Mayor Walters also questioned whether, in fact, the Council would have an interest in setting policy in that regard.

Further discussion ensued relative to the fact that the calculation of the expedited fee is based on staff overtime or contracting with outside sources to provide that level of service; and at the present time, there are approximately two dozen LEEDS building projects in Arizona.

Vice Mayor Walters stated that she supported this item when it was discussed in the Committee, but would prefer that the Council delay action regarding the LEEDS certification incentive until it can be discussed in the context of all budget-related decisions.

City Manager Christopher Brady recommended that it might be appropriate for staff to make a more detailed presentation to the Council regarding LEEDS certification and the issue of sustainable communities at a future Study Session. He stated that at that time, the Council could determine whether they wish to pursue such methodology.

Councilmember Jones and Councilmember Whalen withdrew their motion and second to the motion.

Councilmember Rawles suggested that the Council take no action tonight and that staff reintroduce the changes to the Administrative Code in two weeks with the exclusion of the LEEDS certification incentive.

Mr. Williams stated that it would be necessary to bring back items 9a and 9b at a later date.

9b. Take action on the following resolution:

Amending the Fees and Charges for the Building Safety Division.

(No action was taken on this item.)

10. Take action on the following subdivision plat:

- *10a. "ESCALANTE AT MOUNTAIN BRIDGE" (**District 5**) The 8200 block of East McKellips Road (south side) located south and west of McKellips Road and Hawes Road. 76 R1-15 PAD DMP single residence lots (35.76 ac) Pinnacle Ridge Holdings, L.L.C., Jeff Blandford, manager, owner; Darrell Smith, Wood, Patel and Associates, Inc., engineer.

*11. Take action on the following recommendation from the Public Safety Committee:

Approving Amendment #1 of the Photo Safety Enforcement Agreement with American Traffic Solutions (ATS).

Committee Recommendation: Approval. (Vote: 3-0)

*11.1. Take action on the following recommendation from the Audit and Finance Committee:

Accept the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2007.

Committee Recommendation: Approval. (Vote: 3-0)

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the meeting adjourned at 7:10 p.m.

KENO HAWKER, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 17th day of December 2007. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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