



COUNCIL MINUTES

April 16, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 16, 2007 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

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

Pledge of Allegiance was led by Kyle and Matthew Farabee.

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.

Presentation of the 2006 Spirit of Mesa Neighborhood Awards.

Neighborhood Services Department Director Kari Kent reported that this year, the Neighborhood Services Department received 19 nominations for the Spirit of Mesa Neighborhood Awards and explained that the efforts to improve Mesa's neighborhoods as outlined in these applications were exceptional. She expressed appreciation to all of the applicants and also acknowledged the community leaders who served as judges in the selection of tonight's winners.

Ms. Kent, with the assistance of various Councilmembers, presented awards to the following individuals:

- Neighborhood Public Safety Award – Carmen Guerrero, representing Comite'de Familias.
- Neighborhood Beautification Award – Marianne Levin, representing the residents of Dartmouth Trace.
- Neighborhood Events and Community Building Award – Holly Aljets, President of the Women's Association of the Villages of Eastridge.

- Margie Frost Neighborhood Advocacy and Organization Award – Michelle Ortiz, representing the residents of the Casa Mia Neighborhood.
- Virginia Lamb Outstanding Individual Leadership Award – Bev Tittle-Baker.

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 Councilmember Griswold, seconded by Vice Mayor Walters, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the March 1 and 15; April 2, 2007 Council meetings.

3. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment.

3a. Public Hearing on Minor General Plan Amendment **GPMInor07-02 (District 6) (See Item 3b).**

Mayor Hawker announced that this is the time and place for a public hearing regarding Minor General Plan Amendment **GPMInor07-02**, the 10400 block to 10700 block of East Southern Avenue (south side). Located at the southwest corner of Southern Avenue and Signal Butte Road (110± acres). Minor General Plan Amendment from Mixed Use Employment to Regional Commercial (RC) and High-Density Residential 15+ dwelling units/acre (HDR 15+). This request will allow the development of a regional commercial shopping center with associated residential, office and hotel uses.

Robert Pizorno, an attorney with Beus Gilbert, the applicant, 4800 North Scottsdale Road, Suite 6000, Scottsdale, stated that this request meets the City's goals with regard to the General Plan.

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

3b. Take action on the following resolution:

GPMInor07-02 (District 6) The 10400 block to 10700 block of East Southern Avenue (south side). Located at the southwest corner of Southern Avenue and Signal Butte Road (110± acres). Minor General Plan Amendment from Mixed Use Employment to Regional Commercial (RC) and High-Density Residential 15+ dwelling units/acre (HDR

15+). This request will allow the development of a regional commercial shopping center with associated residential, office, and hotel uses. Erin Nellis; Signal Butte 114, LLC by DeBartelo Development, owner; Paul Gilbert, Beus Gilbert, applicant – Resolution No. 8947. **COMPANION CASE Z07-22 (See Item 8e) (Held two neighborhood meetings, notified property owners, and registered neighborhoods.)**

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

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Resolution No. 8947 be adopted.

Carried unanimously.

4. Take action on the following liquor license applications:

*4a. Las Sendas Elementary School PTO

This is a one-day charitable event to be held on Friday, April 20, 2007 from 6:00 p.m. to 10:00 p.m. at 7900 East Eagle Crest. (**District 5**).

*4b. Anthology, Inc.

This is a one-day charitable event to be held on Friday, May 4, 2007 from 12:00 Noon to 11:59 p.m. at 243 South Mesa Drive. (**District 4**).

*4c. Native New Yorker

New Restaurant License for Native New Yorker, 1947 South Signal Butte Road, Suite 101, J Bar G Restaurants Inc. – Applicant, Amy S. Nations – Agent. New Construction with no previous liquor license held at this location. (**District 6**).

*4d. Taqueria Cajeme

New Restaurant License for Taqueria Cajeme, 356 East University Drive, Taqueria Cajeme Etal – Applicant, Francisco J. Meza Jimenez – Partner. Existing business with no previous liquor license held at this location. (**District 4**).

*4e. Apache Wells Shriners Club

This is a one-day charitable event to be held on Wednesday, April 18, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. (**District 5**).

*4f. Apache Wells Shriners Club

This is a one-day charitable event to be held on Thursday, April 19, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. (**District 5**).

*4g. Apache Wells Shriners Club

This is a one-day charitable event to be held on Wednesday, April 25, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. **(District 5)**.

*4h. Apache Wells Shriners Club

This is a one-day charitable event to be held on Thursday, April 26, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. **(District 5)**.

*4i. Apache Wells Shriners Club

This is a one-day charitable event to be held on Saturday, April 28, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. **(District 5)**.

*4j. Apache Wells Shriners Club

This is a one-day charitable event to be held on Thursday, May 3, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. **(District 5)**.

*4k. Apache Wells Shriners Club

This is a one-day charitable event to be held on Friday, May 4, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. **(District 5)**.

*4l. Apache Wells Shriners Club

This is a one-day charitable event to be held on Thursday, May 10, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. **(District 5)**.

*4m. Apache Wells Shriners Club

This is a one-day charitable event to be held on Thursday, May 17, 2007 from 10:00 a.m. to 6:00 p.m. at 5601 East Hermosa Vista Drive. **(District 5)**.

5. Take action on the following contracts:

*5a. Three (3) Replacement Vehicles for Communications and Parks, Recreation & Commercial Facilities.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$63,405.63, including sales tax.

*5b. Three-Year Supply Contract for Replacement Traffic Signal Controllers and Video Camera Equipment for Warehouse Inventory. **(Single Bid, by Manufacturer)**

The Procurement Services Department recommends awarding the Mesa contract to Econolite at \$236,429.95 annually, based on estimated requirements.

*5c. Renewal Supply Contract for Magnesium Anodes for Warehouse Inventory.

The Procurement Services Department recommends authorizing a two-year renewal of Mesa contract to Mountain States Pipe & Supply Company at \$30,000.00, based on estimated annual requirements.

*5d. IT Infrastructure Improvement FY06/07 Project (Budgeted Contingency Funds Specifically Reserved for Technology Purchases).

The Procurement Services Department recommends awarding the sole source contract to Incipient at \$54,225.60; purchasing hardware from US Communities Contract with GTSI Corp. at \$264,742.40; and purchasing hardware and software from City of Tempe contract with IT Partners at \$1,031,582.19 for a total award of \$1,350,550.19.

*5e. Replacement Microwave Equipment for the Communications Department.

The Procurement Services Department recommends authorizing purchase from the WSCA contract with Harris Corporation at \$31,546.94, including use tax.

*5f. Criminal Database System (COPLINK) for the Police Department (**Sole Source**) (Asset Forfeiture Funds).

The Procurement Services Department recommends awarding the sole source contract to Knowledge Computing Corporation at \$401,907.52, including sales tax.

5g. Desert Wells No. 21 – Drilling Phase, City of Mesa Project No. 05-065-001 (**One Responsive Bidder**) (**District 6**).

This project will drill a new well to expand the City's water supply capabilities and system reliability in the southeast portion of the Desert Wells Zone.

Recommend award to Zim Industries, Inc., in the amount of \$976,055.00, plus an additional \$97,605.50 (10% allowance for change orders) for a total award of \$1,073,660.50. Funding is available from existing water bond authorization.

Mayor Hawker declared potential conflicts of interest with regard to items 5g, 5h and 5i and said he would refrain from discussion/consideration of those agenda items. He yielded the gavel to Vice Mayor Walters for action on this item.

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

Upon tabulation of votes, it showed:

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

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

- 5h. Neighborhood Street Lighting Area 1 (CDBG #8739), Main Street to Broadway Road, Williams Street to Gilbert Road, City of Mesa Project #01-335-005 (**District 2**).

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

Recommend award to Brook Bros. Utility Contractors, Inc., in the amount of \$448,773.00 plus an additional \$44,877.30 (10% allowance for change orders) for a total award of \$493,650.30. This project is funded with Community Development Block Grant (CDBG #8739) funds in the approved FY 06/07 budget.

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

Upon tabulation of votes, it showed:

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

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

- 5i. 2006/2007 Street Reconstructions, City of Mesa Project No. 04-841-008 (**Districts 2, 3, 5 & 6**).

This project includes more than 90,000 square yards of asphalt pavement reconstruction and pavement overlay. Street segments included in this project are Longmore from Southern Avenue to Broadway Road; 32nd Street from McKellips Road to McDowell Road; and Broadway Road from Val Vista Drive to Greenfield Road.

Recommend award to Achen-Gardner Engineering, LLC, in the amount of \$2,442,916.00, plus an additional \$244,291.60 (10% allowance for change orders) for a total award of \$2,687,207.60. Funding is available from the approved FY 06/07 Transportation Operating Budget.

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

Vice Mayor Walters noted that a portion of the funding for this project is derived from an increase in the City's sales tax, which was approved by Mesa voters last year. She stated that she had suggested to the City Manager that it would be helpful for the agenda to reflect the funding source for the project.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried unanimously by those voting

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *5j. Replacement Carpeting for the Police Department Main Building utilizing State of Arizona Contract, City of Mesa Project No. 06-907-003.

This project will replace the carpeting at the Main Police Station located at 130 North Robson Street that has become worn and damaged, creating a safety/trip hazard for users and negatively impacting the appearance of the facilities.

Recommend award to Continental Flooring Company, in the amount of \$198,772.21 plus an additional \$19,877.22 (10% allowance for change orders) for a total award of \$218,649.43. Funding for this project will come from the approved Facilities Maintenance Department operating budget.

- *5k. Replacement Carpeting for the East Mesa Service Center utilizing State of Arizona Contract, City of Mesa Project No. 06-907-004.

This project will replace the carpeting at the East Mesa Service Center located at 6935 East Decatur Street that has become worn and damaged, creating a safety/trip hazard for users and negatively impacting the appearance of the facilities.

Recommend award to Wholesale Floors, Inc., in the amount of \$35,732.41 plus an additional \$3,573.24 (10% allowance for change orders) for a total award of \$39,305.65. Funding for this project will come from the approved Facilities Maintenance Department operating budget.

- *5l. CAP Water Treatment Plant – Access Control System, City of Mesa Project No. 03-002-001 (**District 5**).

This project will install new security cameras, access card readers on all doors to buildings, and other security equipment to increase the security at the CAP Water Treatment Plant that is located at 7750 East Brown Road.

Recommend award to Federal Communications Group, in the amount of \$309,182.00 plus an additional \$30,918.20 (10% allowance for change orders) for a total award of \$340,100.20. Funding for this project will come from the approved Water Bond Program.

- *5m. Fourteen (14) Light and Heavy Duty Vehicles for Various City Departments (4 Additions to the Fleet and 10 Replacements) (Budgeted Contingency Funds Specifically Reserved for Vehicle Acquisition and Utility Bond Refunding) (**Three of Eight Contracts with Single Bids**).

The total recommended award is \$598,847.97. Funding for this purchase is available through budgeted contingency funds specifically reserved for vehicle acquisitions, Utility Bond refunding, and Utilities Department budgeted funds.

6. Introduction of the following ordinances and setting May 7, 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 (**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).

- *6b. **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 (±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. (**Notified property owners, registered neighborhoods and homeowners' associations.**)

PHO Recommendation: Approval with Conditions.

- *6c. **Z07-24 (District 5)** The 8000 to 8200 blocks 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± 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. (**Held five neighborhood meetings, notified property owners, registered neighborhoods and homeowners' associations.**)

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

7. Take action on the following resolutions:

- 7a. Setting May 21, 2007 as the public hearing date on the proposed final assessments for the Mesa Town Center Improvement District No. 228. The proposed final assessments for FY 2007/2008 do not include any rate increases. This District was established to provide enhanced municipal services for the Mesa Town Center – Resolution No. 8948.

Mayor Hawker and Councilmember Whalen declared potential conflicts of interest and said they would refrain from discussion/consideration of this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Walters for action on this item.

It was moved by Councilmember Jones, seconded by Councilmember Somers, that Resolution No. 8948 be approved.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried unanimously by those voting and Resolution No. 8948 adopted.

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

*7b. Providing for the issuance of improvement bonds for the Crismon Business Park Special Improvement District No. 241. This project installed street improvements along portions of South Crismon Road, East Hampton Avenue and South Cheshire Street. Improvement Bonds are being issued to finance the remaining unpaid assessments for this District and are issued by the City of Mesa to the contractor as his payment for his work. Mesa's share of the District costs is \$26,982.52 – Resolution No. 8944.

*7c. Extinguishing a Public Utilities and Facilities Easement and a Drainage Easement at 2737 South Ellsworth Road (**District 6**) – Resolution No. 8945.

These easements are being extinguished to allow the construction of a gas service station and mini-mart.

7d. Approving and authorizing the City Manager to execute an agreement with Pulice Construction, Inc. for the closure of McDowell Road for four months during the construction of the Red Mountain Freeway (**District 5**) – Resolution No. 8949.

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

Councilmember Griswold acknowledged the inconvenience that the area residents would experience while McDowell Road is closed, but stated that it is necessary in order for the Red Mountain Freeway between Power Road and University Drive to be completed.

It was moved by Councilmember Rawles, seconded by Councilmember Griswold, that Resolution No. 8949 be approved.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried unanimously by those voting and Resolution No. 8949 approved.

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *7e. Approving and authorizing the City Manager to execute Amendment #7 to the Water Service Subcontract among the United States, the Central Arizona Water Conservation District and the City of Mesa – Resolution No. 8946.

- 7f. Grant the sale of Park Place Center located at 51 thru 55 East Main Street. (District 4) – Resolution No. 8950.

This land is considered excess City property and is no longer needed. The sale price is \$1,800,000.

Councilmember Rawles commented that although he supports the sale of the above-referenced property, he is opposed to the fact that the sale would include deed restrictions that would limit the uses of the property. He stated that in his opinion, the benefits of the sale outweigh the adverse consequences of the deed restrictions and therefore would support its sale.

Vice Mayor Walters expressed support for the sale of the property with the inclusion of the deed restrictions. She explained that Mesa residents invested more than \$90 million (Quality of Life sales tax) in the construction of the Mesa Arts Center, which is adjacent to the property in question, and stated that the City has an obligation to protect that valuable asset. Vice Mayor Walters added that while the deed restrictions would allow many appropriate uses to occur at the site, it would also prohibit the property to be used, for example, as a sexually oriented business or a payday loan store.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 8950 be approved.

Carried unanimously.

- 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 Section 1-21-1 of the Mesa City Code entitled City Purchase of Tangible Personal Property to allow the Utilities Department to enter into a Base Contract for Sale and Purchase of Natural Gas and related Transaction Confirmation for supplies of natural gas – Ordinance No. 4683.

- 8b. **Z07-17 (District 2)** 1744 South Val Vista Drive. Located south of the US 60 Freeway on the west side of Val Vista Drive (66± ac.). Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign for Dana Park Village Square. Village Square Dana Park, LLC/Mike Clements, owner; Mike Clements/Vince Di Bella, applicant – Ordinance No. 4688. **(Notified property owners, registered neighborhoods and homeowners' associations.)**

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

DRB Recommendation: Approval with Conditions. (Vote: 6-0 with Boardmember Berzins absent)

Robert Picorno, an attorney with Beus Gilbert, 4800 North Scottsdale Road, Suite 6000, Scottsdale, stated that he was available to respond to any questions the Council may have regarding this item. He commented that the proposed Freeway Landmark Monument is a unique freeway sign and would greatly enhance Dana Park Village Square.

Mayor Hawker said that in order to be consistent with his previous voting record regarding Freeway Landmark Monuments, he would vote in opposition to this item. He commented that the proposed sign is one of the most attractive he has seen although, in his opinion, the City "opened up the floodgates" in allowing Freeway Landmark Monuments to be built.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that Ordinance No. 4688 be approved.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4688 approved.

- *8c. **Z07-20 (District 6)** The 3300 block of South Power Road (east side). Located east of Power Road and north of Elliot Road (8.43± ac). Rezone from R1-43 to M-1 PAD and Site Plan Review. This request will allow for the development of a self-storage facility. Mike McDaniel, owner; Jeff Welker, Welker Development Resources, L.L.C., applicant – Ordinance No. 4684. ***(Held two neighborhood meetings, notified property owners, registered neighborhoods and homeowners' associations.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-1 with Boardmember Finter nay)

- *8d. **Z07-21 (District 6)** 457 South Higley Road. Located south of Broadway Road and north of Southern Ave (2.57 ac.). Rezone from C-2 PAD to C-2 and Site Plan Modification. This request will allow for the development of a medical office complex. Michael Hamberlin, owner; Lesley L. Partch applicant – Ordinance No. 4685. ***(Notified property owners, registered neighborhoods, homeowners' associations and the Mesa Public School District.)***

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

- 8e. **Z07-22 (District 6)** The 10400 block to 10700 block of East Southern Avenue (south to the freeway). Located at the southwest corner of Southern Avenue and Signal Butte Road (110± acres). Rezone from R1-43 DMP (conceptual O-S, C-2, and M-1) to R-4, C-2 PAD and C-2 PAD BIZ and Site Plan Review. This request will allow the development of a regional commercial shopping center with associated residential, office, and hotel uses. Erin Nellis; Signal Butte 114, LLC by DeBartelo Development, owner; Paul Gilbert,

Beus Gilbert, applicant – Ordinance No. 4689. **COMPANION CASE GPMInor07-2. (Held two neighborhood meetings, notified property owners and registered neighborhoods.) (Related to Item 3a and 3b).**

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

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Ordinance No. 4689 be adopted.

Carried unanimously.

- *8f. **Z07-23 (District 5)** 8000 to 8225 blocks of East Thomas Road alignment and areas south to East Redberry Road. Located west of Hawes Road and south of Thomas Road (39± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Frank/Sheri Allen, Jerry/Mary Barron, Deland Bentz, Joseph/Dorothy Coia, Desert Castle Inc., Dennis/Heather Duncan, G. Brent Stolworthy LLC, Austin/Lynn Goodale, Jacob/Rebecca Hansen, Eunice Holaren, Michelle Holaren, James/Janae Jarnagin, JP Custom Home, Earl/Nancy Labovitz, Jason/Kaya Laos, Lawlor Construction, Timothy/Carmen Murphy, Nichole Shaffer, Schell Alla Tr, Southwest Commercial Real Estate, Ronald/Joni Trout, Calvin/Marilyn Uhl, City of Mesa, owners; City of Mesa, applicant – Ordinance No. 4686.

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

- *8g. **Z07-25 (District 5)** 2725, 2701 and 2661 North Ogden Road. Located south of McDowell Road and east of Greenfield Road (1.26± acres). Site Plan Review. This request will allow for the development of three office warehouse buildings. Charles Klees, Jr., owner, Michael P. Monroe, applicant – Ordinance No. 4687. **(Held one neighborhood meeting and notified property owners.)**

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

9. Take action on the following recommendations from the Transportation and Infrastructure Committee:

- 9a. Request by Terra Verde Land Management, LLC for water and wastewater service outside the City limits at the southwest corner of East Main Street and South 97th Street.

Committee Recommendation: Approval of Option 3. (Vote: 2-0 with Jones abstaining due to a potential conflict of interest.)

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

Mayor Hawker reported that at a Study Session held earlier this afternoon, the Council discussed the possibility of delaying action on this item so that they would have an opportunity to discuss and consider the City of Glendale model regarding annexation agreements. He questioned what impact, if any, there would be on the applicant as a result of such delay.

Responding to Mayor Hawker's inquiry, City Attorney Debbie Spinner clarified that in speaking with Jeff Welker, the applicant, it was her understanding that he would be agreeable to a short delay of the case pending Council consideration on whether to adopt the Glendale model or review Mesa's annexation policy.

Mr. Welker addressed the Council and concurred with Ms. Spinner's comments. He explained that the developer is not opposed to being annexed into the City of Mesa and, in fact, attempted to do so earlier in the process, but was unsuccessful. Mr. Welker noted that although he is confident that the Council would address Mesa's annexation policy in a prompt manner, he requested that the case not be delayed any longer than necessary. He also stated that he is aware of a claim that was filed that has a limitation as to how long it remains valid and added that the property owner, whom he does not represent, also voiced concern that the claim could expire while the Council considers Mesa's annexation policy.

In response to a question from Mayor Hawker, Ms. Spinner clarified that she and Mr. Welker have already agreed that the time limitation on the claim could be set aside while the Council considers Mesa's annexation policy. She stated that the claim has been extended and indicated that the parties are attempting to resolve the issue. Ms. Spinner also commented that she informed Mr. Welker that she would extend the claim again if the Council brought back this case for further consideration. Ms. Spinner added that in speaking with City Manager Christopher Brady, staff would endeavor to make a presentation to the Council at the April 26, 2007 Study Session regarding the Glendale model and Mesa's annexation policy.

Mayor Hawker responded to an inquiry from Mr. Welker and stated that if the Council were unable to reach a prompt decision with regard to the City's annexation policy, it would be appropriate for the Council to continue this item to a date certain for Council action.

Discussion ensued relative to the fact that if the Council approved a policy change regarding Mesa's annexation agreements, it could be approved at the April 26th Study Session and would not require the formal introduction and adoption of an ordinance; that the City would withhold water and wastewater service to the developer while it proceeded through the annexation process; and that if the Council changed its policy regarding annexation agreements, it would take approximately 90 days for the applicant to proceed through the annexation process.

Councilmember Rawles stated that the annexation process takes approximately 90 days to complete and indicated that if the applicant were willing to begin that process, he would be comfortable delaying action on this agenda item to the May 7, 2007 Regular Council meeting. He added that he would not support a continuance that would delay action on this case for three or four months.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that this item be continued to the May 7, 2007 Regular Council Meeting.

In response to a question from Councilmember Somers, Ms. Spinner clarified that if the pending motion is approved, then at the May 7th meeting the issue that the Council would consider (if they changed the policy regarding annexation agreements and the applicant committed to being annexed) would be whether to approve the applicant's request for water and wastewater service. She added that they would have to trust that the applicant would continue through the annexation process.

Councilmember Somers expressed support for the motion and stated that he looked forward to Council's discussion regarding a new annexation policy.

Further discussion ensued relative to the fact that the City charges a \$250 annexation fee if the property is less than 5 acres and \$500 if the property is 5 acres or more; that the fee is charged at the time the application is filed; and that if Mr. Welker files the annexation paperwork earlier, staff would work with him relative to those fees.

Councilmember Rawles stated that if the Council changes the City's annexation policy on April 26th and Mr. Welker files the annexation application and pays the fee sometime between April 26th and May 7th, he would be agreeable with such an arrangement.

Mr. Welker further indicated that the developer would not need water and wastewater service immediately. He also said that if it were possible to be annexed into the City, he would begin the process of having staff review the plans for the project, which the developer has committed to build to City standards.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

9b. Request by Rick Johnson for water service outside the City limits at the northeast corner of Oasis Street and 79th Street.

Committee Recommendation: Approval of Option 2. (Vote 3-0)

Mr. Friedline stated that it was his understanding that Mr. Johnson was in agreement to delay this case in anticipation of the April 26th Study Session, at which time the Council might approve policy changes regarding annexation agreements.

In response to a question from Councilmember Griswold, Mr. Friedline clarified that the applicant has agreed to pay "in lieu" fees for half street improvements and added that no additional fees would be incurred to annex into the City.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that this item be continued to the May 7, 2007 Regular Council meeting.

Carried unanimously.

10. Take action on the following subdivision plats:

*10a. "MOUNTAIN HORIZONS UNIT 10" (**District 6**) 11000-11200 blocks of East Ray Road (north side) located north and west of Ray Road and Mountain Road. 119 R1-6 PAD

DMP single residence lots (28.50 ac.) Pulte Home Corporation, Tim Loughrin, representative, owner.

- *10b. "MOUNTAIN HORIZONS UNIT 12" (**District 6**) 5300 block of South Signal Butte Road (east side) located south and east of Ray Road and Signal Butte Road. 58 R1-6 PAD DMP single residence lots (19.64 ac.) Pulte Home Corporation, Tim Loughrin, representative, owner.
- 10c. "SANCTUARY ON HIGLEY" (**District 6**) 5225 East Enid Avenue (south side) located north and east of Southern Avenue and Higley Road. 26 R-2 BIZ townhome lots (2.47 ac.) R.S.B. Partners, LLC, Ross Farnsworth, Jr., manager, owner.

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

It was moved by Councilmember Griswold, seconded by Councilmember Somers, that the above-referenced subdivision plat be approved.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

- *10d. "HARRIS CROSSING" (**District 1**) 1600 block of East Hermosa Vista Drive (south side) located north and west of McKellips Road and Gilbert Road. 6 R1-43 PAD single residence lots (6.09 ac.) NGB Development, LLC, Gary Stapley, manager, owner.

11. Items from citizens present.

Frank Alger, 1009 North April Street, announced that the Mesa Veterans' Parade Association has received its incorporation papers and is now an official non-profit organization. He also stated that the next meeting of the Association is scheduled for April 20th at 1:00 p.m. in Room 170 of the Mesa Municipal Plaza Building. Mr. Alger commented that a portion of the unused funds from the 2006 Veterans' Day Parade was donated to send care packages to troops overseas. He also expressed disappointment that Councilmember Rawles continues to not stand for the Pledge of Allegiance.

Jerry D. Walker, 113 South Ogden Circle, commented that our nation's troops who are stationed in foreign countries do not hesitate to stand for the Pledge of Allegiance. He commented that at the April 2, 2007 Regular Council meeting, Councilmember Rawles stated that he would respond to the concerns expressed by a number of veterans regarding his decision to not stand for the Pledge. He invited Councilmember Rawles to share those views.

Councilmember Rawles acknowledged that he had made the comment referenced by Mr. Walker. He stated, however, that the veterans' definitions and understanding of what constitutes freedom differs vastly from his and declined to comment further.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:40 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 16th day of April 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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