

COUNCIL MINUTES

April 4, 2005

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 4, 2005 at 5:48 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones
Debbie Spinner

Invocation by Reverend Paul A. Whitlock, Desert Heritage Church U.C.C.

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. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

Mayor Hawker advised that item 13d has also been added to the consent agenda.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the consent agenda items be approved.

Carried unanimously.

2. Consider the findings and recommendation of the Judicial Advisory Board to reappoint Magistrate Karl C. Eppich for a four-year term beginning July 1, 2005 and ending June 30, 2009.

It was moved by Vice Mayor Walters, seconded by Councilmember Rawles, that the recommendation of the Judicial Advisory Board be approved.

Carried unanimously.

3. Consider the findings and recommendation of the Judicial Advisory Board to reappoint Magistrate Victor M. Ortiz for a four-year term beginning July 1, 2005 and ending June 30, 2009.

It was moved by Councilmember Griswold, seconded by Vice Mayor Walters, that the recommendation of the Judicial Advisory Board be approved.

Carried unanimously.

- 3.1. Swearing in of reappointed City Magistrates.

Mayor Hawker administered the oath of office to Magistrate Karl C. Eppich and Magistrate Victor M. Ortiz.

- *4. Approval of minutes of previous meetings as written.

Minutes from the February 17, March 3, 21, and 31, 2005 Council meetings.

5. Conduct a public hearing and consider an amendment to the land use map for the following Minor General Plan Amendment and possible adoption of the corresponding resolution:

Mayor Hawker announced that this is the time and place for a public hearing regarding an amendment to the land use map for Minor General Plan Amendment 05-01 and possible adoption of the corresponding resolution.

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

- 5a. GPMinor05-01 (District 5) 5702 East Main Street. Located south and west of Main Street and Recker Road (8.3 ac.). Minor General Plan Amendment to change existing land use designation from Community Commercial and High Density Residential 10-15 (10-15 du/ac) to Medium Density Residential 6-10 (6-10 du/ac). Dan Mikalacki, owner/applicant – Resolution No. 8451. COMPANION CASE Z05-04.

It was moved by Councilmember Griswold, seconded by Councilmember Rawles, that Resolution No. 8451 be adopted.

Carried unanimously.

6. Consider the following liquor license applications:

*6a. NANCY NEFF, DIRECTOR PUBLIC RELATIONS

Special Event License Application for Nancy Neff, Director Public Relations, Banner Desert Medical Center, a one-day charitable event to be held on Saturday, April 9, 2005, from 6:00 p.m. to 10:00 p.m. at 1400 S. Dobson Road. District #2.

*6b. CHRIS MATTHEW CARPENTER, PASTOR

Special Event License Application for Chris Matthew Carpenter, Pastor, Christ the King Catholic Church, a one-day religious event to be held on Saturday, April 16, 2005, from 5:30 p.m. to 10:00 p.m. at 1551 E. Dana Avenue. District #4.

*6c. DAVID GERARD CISIEWSKI, AGENT

New Beer & Wine Store License for QuikTrip #410, 2445 E. McKellips Road. This is new construction. No previous liquor licenses at this location. District #1.

7. Consider the following contracts:

*7a. One-year renewal of the supply contract for Office Supplies used by all City departments.

The Purchasing Division recommends exercising a one-year renewal of the contract with Office Depot through the US Communities Government Purchasing Alliance for annual purchases estimated at \$950,000.00.

*7b. Additional purchase of HazMat Material Shelter Replacement Parts as requested by the Fire Department. (Contract 2005103).

The Purchasing Division recommends a dollar limit increase to the contract for HazMat Material Shelter Replacement Parts to Lee Bays Supply in the amount of \$57,255.74. (Sole Source).

*7c. Sixteen new workstations and one service counter for the Fleet Support Services Division as requested by Development Services. (State Contract #AD010202-002).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's at \$70,579.70, including design, installation, delivery and applicable sales tax.

*7d. Three-year supply contract for street sweeper brooms as requested by Fleet Support Services. (Contract 2005117).

The Purchasing Division recommends accepting the low bid by West Coast Equipment Inc. at \$60,479.25 based on estimated annual requirements.

- *7e. Five trucks as requested by the Police Department, Environmental Management Division Solid Waste Services, and the Utilities Department Electric Division. (State Contract AD 040004).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$102,079.24.

- 7f. East Mesa Sewer Interceptor – Phase IV, City of Mesa Project No. 01-671-003.

This project will construct the initial phase of the wastewater line known as the East Mesa Interceptor (EMI), from Williams Field Road to Elliot Road along the East Maricopa Floodway. Improvements include the installation of 5,850 lineal feet of 66-inch and 10,450 lineal feet of 54-inch gravity sewer line.

Recommend award to low bidder, Achen-Gardner Engineering, LLC, in the amount of \$6,190,765.88 plus an additional \$619,076.59 (10% allowance for change orders) for a total award of \$6,809,842.47.

Mayor Hawker declared a potential conflict of interest relative to items 7f, 7g, 7i, 7j and 7k and said he would refrain from discussion/participation in these agenda items. He yielded the gavel to Vice Mayor Walters for action on these agenda items.

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- 7g. FY 2005 Residential Street Rehabilitations, City of Mesa Project No. 01-841-007.

This project will rehabilitate and overlay over 129,400 square yards of residential street pavement. Improvements will also include the construction of 165 sidewalk ramps along the improved streets.

Recommend award to low bidder, Nesbitt Contracting Company, in the amount of \$1,044,555.00 plus an additional \$104,455.50 (10% allowance for change orders) for a total award of \$1,149,010.50.

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- *7h. Downtown Street Lighting – 1st Avenue (MacDonald to Hibbert) and Center Street (1st Avenue to 2nd Avenue), City of Mesa Project No. 03-061-001.

This project will improve street lighting in this downtown area by improving the existing lighting system and installing additional streetlights and electrical equipment.

Recommend award to low bidder, Han Mar Energy, Inc., in the amount of \$206,792.00 plus an additional \$20,679.20 (10% allowance for change orders) for a total award of \$227,471.20.

- 7i. 2004/2005 Utility Locating and Potholing by Vacuum Extraction, City of Mesa Project No. 04-917-001.

This project will perform non-destructive location and potholing of underground utilities in order to identify and avoid conflict during design and construction. This project is an annual contract for the current year, with City option to extend for up to one additional year.

Recommend award to low bidder, Comcast Corporation, as the primary contractor, in the amount of \$313,300.00 plus an additional \$31,330.00 (10% allowance for change orders) for a total award of \$ 344,630.00.

Recommend award to the second low bidder HMS Conco, Inc., as the secondary contractor, in the amount of \$157,875.00, plus an additional \$15,787.50 (10% allowance for change orders) for a total award of \$173,662.50.

The total award for both contracts is \$518,292.50.

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- 7j. Police Firearms Range Impound Lot Improvements, City of Mesa Project No. 02-222-001.

This project will expand the facility's impound lot to provide additional handling capability and improve operations; install improvements for a new target system to be installed by the Police Department; and improve security around the facility by installing new fencing, key pad accessible gates, and privacy screening on the fencing to minimize public visibility.

Recommend award to low bidder, Comcast Corporation, in the amount of \$139,015.85 plus an additional \$13,901.59 (10% allowance for change orders) for a total award of \$152,917.44.

It was moved by Councilmember Rawles, seconded by Councilmember Thom, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- 7k. 2004 Arterial Street Improvements – Greenfield Road (Broadway Road to Main Street) and Broadway Road (Oakland Street to Maricopa Floodway Bridge), City of Mesa Project No. 01-841-006.

This Project will reconstruct over 77,000 square yards of asphalt pavement and install approximately 2,200 lineal feet of storm drain piping and associated drainage structures. Improvements will also include the installation of conduit and pull boxes for traffic signals and other minor street improvements.

Recommend award to low bidder, Nesbitt Contracting Company, in the amount of \$1,955,543.30 plus an additional \$195,554.33 (10% allowance for change orders) for a total award of \$2,151,097.63.

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

Vice Mayor Walters yielded the gavel to Mayor Hawker.

8. Introduction of the following ordinances and setting April 18, 2005, as the date of the public hearing on these ordinances:

- *8a. A04-17 (District 6) Annexing the SWC of Ellsworth Road and E. Florian Ave. (3.37±acres). Initiated by the property owners.
- 8b. Amending Title 5, Chapter 17, Table 5, of the Mesa City Code relating to Cultural Facility Development Impact Fees.

Erin Patterson, 3200 East Camelback Road, #180, Phoenix, representing the Home Builders' Association of Central Arizona, spoke in opposition to the subject fees. She noted that her organization understands the necessity for municipalities to assess impact fees, but she expressed the opinion that the proposed cultural impact fees do not meet the intent of the State Statutes.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that the subject ordinance be introduced and that April 18, 2005, be set as the date of the public hearing.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

9. Consider approving the FY 2005-2009 Strategic Plan, which describes how the City of Mesa will pursue goals for assisted housing needs and non-housing community development programs eligible under the Housing and Urban Development's federal programs.

Mayor Hawker questioned whether approval of the FY 2005-2009 Strategic Plan impacted the Council's consideration of agenda items 11f through 11j.

Community Revitalization Director Kit Kelly explained that the subject plan establishes broad goals for the City of Mesa, and that a Five-Year Plan is required to be in place in order to obtain federal funding. She advised that approval of the plan would not preclude the Council from implementing changes to agenda items 11f through 11j. Ms. Kelly added that Mesa, as a participant in a consortium of Valley communities that applies for the funds, would contribute data to the consortium's consolidated plan for presentation to the County Board of Supervisors.

Vice Mayor Walters noted that the information in the plan clarifies the programs that are unique to the City of Mesa, such as Opportunity Zones and Revitalization Areas.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the FY 2005-2009 Strategic Plan be approved.

Councilmember Rawles advised that many items identified in the plan are projects that philosophically he does not consider to be the proper role of government. He also stated the opinion that the City of Mesa should "play by the rules" that are presently in place and continue to apply for their "fair share" of available federal dollars, and therefore he would support the motion.

Councilmember Thom stated that she would not support the motion due to the fact that federal funding programs redistributes tax dollars paid by citizens. She expressed the opinion that income tax rates could be lowered if cities and states did not compete for federal dollars.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

10. Deleted.

11. Consider the following resolutions:

- *11a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Town of Queen Creek and the City of Mesa to identify and define the responsibilities of Queen Creek and Mesa for the design, construction, ownership, operation and maintenance, and cost of the East Mesa Sewer Interceptor – Resolution No. 8442.
- *11b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Regional Public Transit Authority (RPTA) and the City of Mesa to develop, design, and construct a 24,000 gallon diesel fueling facility at the East Mesa Transit Operations and Maintenance Facility – Resolution No. 8443.
- *11c. Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Mesa and the Pima County Sheriff's Department for High Intensity Drug Trafficking Area Task Force (HIDTA) overtime funds – Resolution No. 8444.
- *11d. Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Mesa and the Maricopa County Sheriff's Office to participate in the Maricopa County High Intensity Drug Trafficking Area Task Force (HIDTA) Met Lab Task Force – Resolution No. 8445.
- *11e. Authorizing the City Manager to enter into a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission for the purpose of providing enhanced forensic crime laboratory services – Resolution No. 8446.
- 11f. Approving and authorizing the City Manager or his designated representative to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2005-2006 funding for nonprofit organization projects – Resolution No. 8452.

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

Ms. Kelly explained that the City of Mesa receives Community Development Block Grant (CDBG) funds to benefit low and moderate-income neighborhoods or to assist homeowners who are unable to maintain their dwellings. She added that the Home Investment Partnership Program (HOME) addresses affordable housing issues, including the American Dream Down Payment Initiative (ADDI). Ms. Kelly noted that the City has historically utilized Emergency Shelter Grant (ESG) funds to provide assistance to shelters, such as the Men's Center or the domestic violence shelter.

Ms. Kelly advised that staff's recommendation designates approximately 16 percent of the CDBG funds for nonprofit organizations, and the remaining 84 percent would be utilized for City programs and contingency projects.

Mayor Hawker noted that the FY 2005-2006 allocation recommendation for nonprofit organizations is \$620,309, and that agenda item 11g recommends \$3,005,870 for City projects. He inquired whether restrictions exist relative to shifting funds between the two areas.

Ms. Kelly responded that no restrictions exist between the funding areas, but the primary purpose must address a benefit to low and moderate-income citizens. She noted that the percentage of allocations between the City and nonprofit organizations varies from year to year.

In response to a question from Councilmember Griswold, Ms. Kelly explained that the City's funding includes reimbursement for staff's administrative costs which otherwise would be a General Fund expense.

Mayor Hawker stated that the Council would hear public comment.

The following individuals addressed the Council in support of CDBG funding relative to a joint venture of the Mesa Association of Hispanic Citizens and the Martin Luther King (MLK) Celebration Committee to purchase the former home of Dr. Alston, the first African American physician to serve the City of Mesa:

Ron Peters, 1711 East Brown Road, a member of the
Mesa Historic Preservation Committee
Pat Gilbert, 1519 East Frost
David Dean, 628 West Portobello Avenue, Chairman of the
Mesa Historic Preservation Committee
Ellen G. Sims-Oso, 562 North Pasadena
Maria M. Mancinas, 542 North Lewis
Victor Linoff, Past Chairman of the
Mesa Historic Preservation Committee
Phillip A. Austin, 215 North Robson, representing the
Mesa Association of Hispanic Citizens
Michael Campbell, 3755 East Broadway, representing the
MLK Celebration Committee

Comments made by the above citizens in support of the Alston House funding included the following:

- Members of Mesa's Historic Preservation Committee, speaking as individuals rather than as representatives of the Committee, expressed support for funding the Alston House project.

- Dr. Alston deserves recognition as the first African American physician to serve Mesa at a time when the community was segregated.
- The project will provide a significant economic impact in the Washington Park/ Escobedo Neighborhood.
- Restoration will energize revitalization efforts in the neighborhood.
- The project will enable two nonprofit organizations, the Mesa Association of Hispanic Citizens and the Mesa MLK Committee, to partner in a restoration effort that will provide office space for these organizations upon completion.
- The restored building would enable the two nonprofit organizations to more effectively serve the community.

Mayor Hawker stated that Paul Ludwick, 1550 North Stapley Drive, completed a card in support of CDBG funds for the Alston House project, but indicated that he did not wish to address the Council.

The following individuals addressed the Council in opposition to staff's recommendation due to the fact that CDBG funding for the Young Men's Christian Association's (YMCA) proposed baseball field project is not included:

Bob Bloom, 1461 East Downing Street, Chairman of the
Mesa Family YMCA Building and Facilities Committee
Damon Olsen, 207 West Mesa Drive, Executive Director
of the Mesa Family YMCA
Ted Wendell, 7130 East Saddleback Street, a member of
the YMCA Board of Directors
Neil Barna, 1860 East Laurel Street, a member of the
YMCA Board of Directors
Debra Duvall, 7130-49 East Saddleback, a member of the
YMCA Board of Directors

Comments made by the above citizens in support of CDBG funding for the YMCA's sports' field renovation project include the following:

- The YMCA elected to remain in a CDBG area in order to serve the low and moderate-income population, which includes the Washington Park/Escobedo neighborhood.
- The project would provide physical activities for 3,000 to 4,000 Mesa children.
- The YMCA application is for \$219,000 in CDBG funds, and the total cost to complete the project is \$419,000.
- Partners have committed \$108,000 for the project: \$65,000 from the Tourism and Sports Authority (TSA) for lights, \$10,000 from the HoHoKams for equipment, and \$33,000 from the Valley of the Sun YMCA.
- The YMCA's application is a one-time capital funding request.

In response to a question from Councilmember Walters, Ms. Kelly advised that some contingency funds were available but the amount was insufficient to fund the YMCA's request.

Councilmember Rawles, referring to the \$180,000 funding allocation for Mesa Community College (MCC) for the Irving School project in addition to the \$70,000, stated the opinion that the community would be better served by allocating this amount to the YMCA project. He

clarified that he did not oppose the City's efforts to attract MCC to the downtown location, but he noted that the MCC District, as a result of a recent successful \$10 million bond election, has alternative sources of revenue that are not available to the YMCA.

Ms. Kelly advised that Councilmember Rawles' suggestion was feasible, but she clarified that the \$180,000 allocation is in the contingency fund.

Vice Mayor Walters, noting that Dr. Duvall also serves as Chairman of the Commission on Excellence for MCC, requested that she comment relative to Councilmember Rawles' proposal.

In response to Dr. Duvall's statement that she was unaware of the Council's commitments to MCC regarding the Irving School, Vice Mayor Walters advised that a memo of understanding exists. She noted that the timeframes indicate that the design phase may not be completed in the next fiscal year, and therefore the funding allocation may be premature. She emphasized that her comments should not be construed to indicate a lack of interest on her part relative to developing a downtown MCC campus.

Town Center Development Administrator Shelly Allen stated that staff has been working with MCC staff and a consultant to develop plans for the downtown campus. She advised that the City received a grant to fund a building conditions assessment of the Irving School, and the assessment should be completed by the end of April, at which time plans can proceed.

Addressing Neighborhood Services Manager Lisha Garcia, Mayor Hawker requested information relative to the manner in which the Alston House application came forward.

Ms. Garcia advised that Dr. Alston's granddaughter deeded the subject property to the East Valley Habitat for Humanity organization in 2001 for use as an office with the understanding that the property would be maintained in honor of her grandfather. She noted that when East Valley Habitat for Humanity was folded into the Valley of the Sun Habitat for Humanity, a determination was made that the property was no longer needed because the organization's offices are located in Phoenix. Ms. Garcia added that 1984 and 1997 City records identify the Alston House as an Arizona historical property that contributes to a historic district. She said that prior to her employment by the City, representatives of the Mesa Association of Hispanic Citizens and the MLK Celebration Committee approached the City regarding the possible revitalization of the subject property for the purpose of office space. Ms. Garcia reported that the two organizations agreed to purchase the property from Habitat for Humanity.

In response to questions from Mayor Hawker, Ms. Garcia advised that no stipulation was recorded on the deed that requires historical preservation of the property. She also advised that the Historical Preservation Committee received an update that included the fact that the two organizations had filed an application for funding in order to purchase the Alston property. Ms. Garcia stated that an environmental review process, which is required of every project utilizing federal resources, includes an evaluation of the historic significance of the property, and at that time, the project information would be forwarded to the Historic Preservation Committee for their review.

Ms. Kelly explained that the project was referred to as "historic preservation" because that is the applicable CDBG category.

Ms. Garcia confirmed that the two nonprofit organizations have not entered into a legal arrangement or partnership relative to this project.

Mayor Hawker expressed the opinion that the financial information provided by both nonprofit organizations does not indicate that sufficient resources are available to continue project development beyond the expenditure of the CDBG funds. He also noted that the City contributed \$16,000 to the 2004 MLK celebration activities.

Ms. Garcia advised that the application states that the organizations anticipate receiving a donation of approximately \$35,000 in professional services for architectural and structural drawings, and that Habitat for Humanity has offered to provide volunteer services for the remodeling process. She added that staff is unable to determine whether additional City resources will be requested in the future.

Mayor Hawker expressed concern that the project would require on-going City funding, and he stated the opinion that the subject building does not have sufficient architectural significance for historical designation. He advised that he would support this agenda item provided funding for the Alston House project is excluded.

In response to questions from Councilmember Rawles, Mr. Gilbert, speaking on behalf of the two nonprofit organizations, advised that he assisted with the initial grant application, and that the organizations did not contemplate requesting future renovation funds from the City. He explained that although he was not associated with either group, he did support their efforts.

Mr. Austin, speaking on behalf of the Mesa Association of Hispanic Citizens, stated unequivocally that no additional funds would be requested beyond the present applications.

Mr. Campbell, representing the MLK Celebration Committee, responded to a question from Mayor Hawker by stating that \$100,000 is being requested this year for the Alston House, but the MLK Committee hopes to continue a partnership with the City in future years. He added that additional funds would be solicited from private organizations for operating costs.

Responding to comments from Vice Mayor Walters, Mr. Austin advised that the goal of his organization is to seek private funding for operating expenses. He clarified that his organization anticipates that the facility will be utilized for many community and neighborhood activities, such as practice sessions for their mariachi group, economic development and job-related activities, and the educational mentoring program. Mr. Austin stated that on-going operating expenses would be addressed by increased membership, sponsorship, events and private/public partnerships.

Vice Mayor Walters recommended that the funds be shifted to the contingency fund until additional information is provided to the Council.

Mr. Austin advised that his organization is willing to provide additional information in an effort to cooperate with the Council in moving forward on the project.

In response to a question from Councilmember Griswold, Mr. Austin stated that the Alston House property was donated to Habitat for Humanity.

Mr. Gilbert advised that during recent discussions, the Executive Director of Habitat for Humanity indicated to him that the asking price for the Alston House property is \$80,000.

Mr. Austin acknowledged that his organization should address the issues raised by the Council in regard to this project.

Councilmember Thom expressed the opinion that Habitat for Humanity should donate the Alston House property to the City of Mesa. She noted that the nonprofit Save the Family organization, which provides valuable services to the community, owns millions of dollars worth of property in the City of Mesa.

Ms. Kelly responded to comments from Mayor Hawker and advised that the \$100,000 proposed for the Alston House project could be moved into the contingency fund, or the Alston House could be identified as an alternate project subject to the Council receiving additional information.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that the CDBG fund allocations for nonprofit organizations be approved with the following changes: the Alston House project would be listed as an alternate project subject to the Council receiving additional information; the MCC funds would be reallocated to the YMCA's baseball field project; and the MCC project would be placed on the contingency list.

In response to a question from Councilmember Rawles, Vice Mayor Walters clarified that the intent of her motion was to place all of the funds for the MCC project on the contingency list.

Councilmember Rawles emphasized that the Council intends to continue to cooperate with MCC relative to establishing a downtown campus, and he stated the opinion that maintaining MCC's \$70,000 allocation would be a "good faith" indication of that intention. He noted that \$180,000 is included for MCC under the contingency reserve project list.

Ms. Kelly clarified that the actual amount remaining in the contingency reserve fund would not be determined until the end of the fiscal year.

Councilmember Rawles offered an amendment to the motion, accepted by the maker and the second, that the \$70,000 designated for MCC remain in place, and that approximately \$180,000 (the exact amount to be determined at year end) in the current year's contingency reserve fund for MCC be allocated to the YMCA Field of Dreams project.

Councilmember Rawles advised that he did not support the City's utilization of tax dollars to purchase properties for the purpose of restoration or historical preservation, but he indicated his willingness to participate and assist in community fundraising activities that would enable the nonprofit agencies to purchase the Alston House.

Responding to comments by Mr. Austin, Councilmember Rawles said that he will make a personal financial contribution and pledge his assistance in community fundraising, but at this point in time he will not commit any City funds to the project.

In response to Mayor Hawker's request that the motion before the Council be restated, Vice Mayor Walters said that the amended motion before the Council is to approve staff's recommendation for 2005-2006 CDBG funding allocations for nonprofit organizations with the following changes: 1) the Alston House project would be moved to contingency projects subject

to the Council receiving additional information and future Council consideration, 2) the current year's contingency funds designated for MCC, an amount to be determined, would be reallocated to the YMCA Field of Dreams project, and 3) the 2005-2006 recommendation for a \$70,000 funding allocation to MCC would remain in place.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSTAIN - Whalen

Mayor Hawker declared the motion, as amended, carried unanimously by those voting and Resolution No. 8452 adopted.

11g. Approving and authorizing the City Manager or his designated representative to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2005-2006 funding for City department projects through the Community Development Block Grant (CDBG) program – Resolution No. 8453.

It was moved by Councilmember Rawles, seconded by Councilmember Griswold, that the Council approve staff's recommendation for 2005-2006 funding for City department projects through the CDBG program, except that the Alston House renovation project in the amount of \$50,000 be designated as an alternate project subject to the Council receiving additional information and further consideration.

Councilmember Whalen expressed concern relative to the fact that approximately 15 percent of CDBG funds is allocated to nonprofit organizations, and the remaining 85 percent is directed to City projects. He also expressed concern relative to the \$500,000 cost for the City to administer CDBG funds.

Councilmember Thom stated that she would not support this agenda item due to the fact that funding is provided to add four Code Compliance Officer positions.

Councilmember Rawles explained that his intent is to list the Alston House as an alternate project rather than placing the project on the contingency list. He added that no funding allocations are made to alternate projects without Council approval.

In response to Mayor Hawker's concern that the Alston House project is referred to as "historic preservation," Ms. Kelly advised that requirements regarding the historic nature of the property cannot be determined until the evaluation process is initiated. She advised that any action relative to the Alston House would be brought forward for Council consideration. Ms. Kelly added that the term "historic" is intended to be descriptive in nature.

Mayor Hawker stated that In the event the Alston House is not brought forward as an alternate project, he would prefer that the amount of \$50,000 be designated for the streetlight program.

Councilmember Rawles, as the maker of the motion, offered an amendment, accepted by the second, that the \$50,000 funding allocation for the Alston House renovation be moved to alternate projects, that any reference to the Alston House as a "historic" project be omitted, and that the streetlight program be designated as the primary alternate project.

Councilmember Jones reported that during meetings with legislative representatives in Washington, D.C., the City's success in leveraging CDBG dollars was emphasized. He expressed concern that the majority of the subject CDBG dollars are designated for City projects, and that a substantial amount of the funding is directed towards administrative costs.

Vice Mayor Walters noted that persuasive arguments could be made in favor of funding the projects of both the nonprofit organizations and the City. She explained that the intent of the CDBG program is to address revitalization and economic development in low and moderate income areas. Vice Mayor Walters advised that the purpose of adding Code Compliance Officers is to service older, decaying neighborhoods and to prevent further neighborhood deterioration by working with residents to address issues. She also expressed her personal preference for allocating funds for the Clean Sweep and Opportunity Zone programs. Vice Mayor Walters asked Ms. Kelly to address the issue of the administrative costs.

Ms. Kelly explained that the CDBG Program guidelines allow up to 20% of the allocation to be utilized for administrative costs. She advised that the City's \$500,000 request is 12.8 percent of the allocation, and that historically the City's administrative costs have been low due to the fact that the City has absorbed costs for items such as space and equipment. She also noted that an increase in the City's CDBG allocation occurred during a hiring freeze, and that staffing is required in order to properly administer the program.

Vice Mayor Walters stated the opinion that the CDBG program should pay for the City's overhead costs to administer the program. She noted that although her funding preferences may be slightly different than those recommended by staff, she would support the amended motion.

Councilmember Jones said he would support the amended motion, but he would prefer that a greater share of future allocations be designated for nonprofit organizations in order to enable greater leveraging of the dollars.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion, as amended, carried by majority vote and Resolution No. 8453 adopted.

11h. Approving and authorizing the City Manager or his designated representative to proceed with an application to the Department of Housing and Urban Development (HUD) through the Maricopa HOME Consortium for FY 2005-2006 funding for nonprofit organization projects through the HOME Investment Partnerships (HOME) program – Resolution No. 8454.

In response to a question from Mayor Hawker, Ms. Kelly advised that HOME Program projects are required to address the preservation or creation of affordable housing. She added that the City has historically allocated funds to two nonprofit agencies, ARM of Save the Family and Housing for Mesa, both of which are allowed to receive operating funds under the program

guidelines. Ms. Kelly said that the remaining funds in the program address “bricks and mortar” projects, except for one item that provides funds for tenant assistance in order to offset some of the cutbacks in the Section 8 Housing Program.

Mayor Hawker stated that he was concerned with the rehabilitation and preservation of the existing affordable housing stock, and that in the future he would oppose funding the creation of additional affordable housing stock. He expressed the opinion that other Valley communities should contribute to the region’s stock of affordable housing.

Vice Mayor Walters noted that most of the funds are designated to address rehabilitation of existing homes. She noted that the only item that addresses new housing is a Habitat for Humanity project to purchase land for affordable housing at a future site. Vice Mayor Walters noted that constructing homes on vacant parcels within neighborhoods has a positive impact on the surrounding area.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 8454 be adopted.

Councilmember Thom stated opposition to the motion. She noted that Habitat for Humanity was being allocated funds at the same time they were attempting to profit on the Alston House property. Councilmember Thom also expressed the opinion that the program to provide down payment assistance (ADDI) to future homeowners is an inappropriate use of tax dollars.

Councilmember Jones noted that the majority of the funding in the subject agenda item addresses rehabilitation projects.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8454 adopted.

- 11i. Approving and authorizing the City Manager or his designated representative to proceed with an application to the Department of Housing and Urban Development (HUD) through the Maricopa HOME Consortium for FY 2005-2006 funding for City of Mesa Department projects through the HOME Investment Partnership (HOME) Program – Resolution No. 8455.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 8455 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8455 adopted.

- 11j. Approving and authorizing the City Manager or his designated representative to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2005-2006 funding through the Emergency Shelter Grant (ESG) program – Resolution No. 8456.

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

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that Resolution No. 8456 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 8456 adopted.

- *11k. Approving the submittal of a grant application for Proposition 202 funds from the Gila River Indian Community – Resolution No. 8447.

This application is from the National Center for American Indian Enterprise Development and is to provide business development assistance to Native American entrepreneurs and tribal enterprises.

- *11l. Deleted/moved to 8b.

- *11m. Granting the sale of City property located at 1156 West Main Street, and reserving a public utility and facilities easement – Resolution No. 8448.

- *11n. Approving and authorizing the City Manager to execute an Amended and Restated Agreement No. 5242 with the City of Phoenix for the construction, operation and maintenance of the Val Vista Water Treatment Plant and Val Vista Transmission Line – Resolution No. 8449.

- *11o. Approving and authorizing the City Manager or his designated representative to execute an Intergovernmental Agreement between the City of Mesa and the City of Apache Junction for training of Apache Junction recruits by the Mesa Police Department Academy – Resolution No. 8450

12. Consider the following the ordinances:

- *12a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4364:

Prohibiting Left Turns From Driveways: 10-3-15 (B)

The east side of Center Street from driveway with centerline approximately 100 feet north of 1st Street (Town Center Area, Council District 4).

Designating One-Way Streets, Alleys, and Driveways 10-3-16

The driveway on the east side of Center Street with centerline approximately 100 feet north of 1st Street (Town Center Area, Council District 4).

The driveway on the east side of Center Street with centerline approximately 337 feet north of 1st Street (Town Center Area, Council District 4).

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

On the east side of Center Street from Main Street to a point 152 feet south of Main Street (Town Center Area, Council District 4).

On the north side of Jerome Avenue from Extension Road to a point 157 feet east of Extension Road (west of Country Club Drive and north of Baseline Road, Council District 3).

On Juanita Avenue from Greenfield Road to Valley Auto Drive (west of Greenfield Road and north of Baseline Road, Council District 6).

Remove the prohibition from Valley Auto Drive between Greenfield Road and a point approximately 525 feet north of Juanita Avenue (west of Greenfield Road and north of Baseline Road, Council District 6) (Valley Auto Drive has been abandoned in this area in conjunction with the Super Wal-Mart development).

12.1 Consider the following recommendation from the Transportation Committee.

- *12.1a. Approving staff's proposal for Alternative 1 which includes initiation of approximately \$2.5 million in design for the first year (FY 05/06) of capital street projects, in anticipation of a dedicated local funding source for right-of-way acquisition and construction for future transportation projects and transit service resulting from the passage of Proposition 400 on November 2, 2004.

13. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- 13a. **Z05-04 (District 5)** 5702 East Main Street. Located south and west of Main Street and Recker Road (8.3 ac.). Rezone from C-2 to R-2 PAD and site plan review. This request is for the development of a town home development. Dan Mikalacki, owner/applicant – Ordinance No. 4378. COMPANION CASE GPMInor05-01.

P&Z Recommendation: Approval with Conditions. (Vote: Passed 6-0-1, Boardmember Finter abstaining)

- 1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.

2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report or on the site plan.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

It was moved by Councilmember Griswold, seconded by Vice Mayor Walters, that Ordinance No. 4378 be adopted.

Carried unanimously.

- *13b. **Z05-03 (District 1)** The 1300 block of East McKellips Road (south side). Located south and east of McKellips Road and Stapley Drive (8.7 ac.). Rezone from O-S to C-1 PAD and site plan review. This request is for the development of a medical office building and a restaurant. Nupetco Association (Albert Petty), owner; Paul Devers, Jr. – Cawley Architects, applicant – Ordinance No. 4365.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. Review and approval of a Special Use Permit by the Board of Adjustment for outdoor seating associated with a restaurant.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *13c. **Z05-15 (District 6)** 8320 E. Germann Road. Located on the northwest corner of Germann and Hawes Roads (6.93 ac.). Rezone from AG to M-1 and site plan review. This request is to allow for the operation of a Chas Roberts Air Conditioning business. Christopher Derken, owner; Michelle Dahlke, Pew & Lake, PLC, applicant – Ordinance No. 4366.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Recordation of a Lot split to match the area being rezoned to M-1.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the lot split, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Staff.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *13d. **Z05-16 (District 6)** The 2500 – 2700 block of South Signal Butte Road (east side). Located south and east of Baseline Road and Signal Butte Road (20± ac.). Rezone from R-2 PAD-DMP, R1-6 DMP, and AG to R1-6 PAD-DMP and R1-6 DMP and Site Plan Review and expansion of the Sunland Springs Village Development Master Plan. This request is for the development of a residential community and accessory RV storage. Craig Ahlstrom, owner; Tim Nielsen, applicant – Ordinance No. 4367.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.

7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *13e. **Z05-18 (District 5)** The 5600 block of East McKellips Road (south side). Located south of McKellips Road and east of Higley Road (3.24 ac.). Site Plan Review. This case is to allow development of two retail/restaurant buildings. Mark Gibbons, Property Reserve Arizona LLC, owner; Bill McDermott, LEADS, Inc., applicant – Ordinance No. 4368.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded with the City prior to the issuance of a building permit.

- *13f. **Z05-19 (District 5)** The 5600 block of East McKellips Road (south side). Located south of McKellips Road and east of Higley Road (10.52 ac.). Site Plan Review. This case is to allow development of an assisted living facility. Mark Gibbons, Property Reserve Arizona, LLC, owner; Neal Pascoe, Beus Gilbert, PLC, applicant – Ordinance No. 4369.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Filed Airport Which will be prepared and recorded by the City prior to the issuance of a building permit.

- *13g. **Z05-21 (District 5)** The 200 block of North Power Road (west side). Located north of Main Street and west of Power Road (0.6 ac.). Rezone from R1-9 to O-S and Site Plan Review. This case is to allow for the development of an office building. Gene Gin, owner; Shawn M. Clow, applicant – Ordinance No. 4370.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
 2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
 3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
 4. Compliance with all requirements of the Design Review Board.
 5. Review and approval of a Development Incentive Permit (D.I.P.) by the Board of Adjustment.
- 13h. **Z05-23 (District 1)** 851 E. Main Street. Located south and west of Main Street and Stapley Road (1± ac.). Council Use Permit. This request is to allow a day labor business. Ron Walters, owner; David Naja (Able Body Labor), applicant.

P&Z Recommendation: Denial. (Vote: Passed 6-1, Boardmember Carpenter voting nay)

David Naja, the applicant, stated that Able Body Labor is the largest private, family-owned labor company in the country with approximately 100 locations in 14 states. He reported that in 2004 the firm assigned 70,000 workers to 21,000 job sites. Mr. Naja advised that the company follows strict employment guidelines in order to prevent immigration law violations. He added that City staff recommended that he apply for a Council Use Permit in order to operate the business. Mr. Naja explained that his firm employs skilled trades people in addition to unskilled laborers. He added that Able Body Labor pays more than the required minimum wage to the unskilled workers who would typically earn only the minimum wage.

Planning Director John Wesley advised that staff classified the business as a day labor center, which requires a Council Use Permit. He noted that staff recommended denial because of the small site, closeness to the street and a lack of parking area. Mr. Wesley added that the Planning and Zoning (P&Z) believed that the business was a good operation for the City of Mesa, but they concurred with staff's recommendation. He reported that further investigation by staff determined that the operation also has many characteristics of a conventional, temporary employment business, that the volume of workers congregating may be less than originally estimated, and that the proposed business may be an acceptable use of the site. Mr. Wesley confirmed that an ordinance has not been prepared for this agenda item.

Vice Mayor Walters noted that Mr. Wesley's accompanying memo to the Council suggests alternative Council actions, such as directing staff to prepare an ordinance authorizing a Council Use Permit with a one-year time limit in order to assess the impact of the business on the area.

Responding to Vice Mayor Walters' request for a definition of a day labor center, City Attorney Debbie Spinner stated that the City Code does not specify a definition and therefore, staff has relied on the P&Z interpretation as well as the industry definition.

Mr. Naja responded to Vice Mayor Walters' request for information by explaining that customers are not allowed to pick up workers at the office location, and that Able Body Labor arranges for transportation of workers who are unable to provide their own means of transportation to the job

site. He stated that work hours are staggered, and that there would not be a large number of people congregating on the site.

Councilmember Rawles expressed support for a motion that requests staff to draft an ordinance that includes a one-year review of the business.

Mayor Hawker suggested that staff include stipulations in the ordinance that relate to parking. He noted that a Council vote to prevent the operation of a business that provides legitimate sources of employment would add to the problems that presently exist on Broadway Road, and he also expressed support for the one-year trial period.

In response to Councilmember Jones' concerns relative to parking, Mr. Naja confirmed that access to the building does exist from the rear parking lot.

Mr. Wesley advised that staff continues to define the operation as a day labor center that includes a mixed-use aspect, and that staff recommends the issuance of a Council Use Permit.

Councilmember Jones expressed concern that the term "day labor center" creates the wrong public impression. He stated the opinion that the business would be more properly defined as a temporary employment agency, and added that he would support the requirement for a one-year review of the operation.

Responding to a question from Mayor Hawker, Mr. Wesley advised that the Council Use Permit would not require an additional P&Z review.

Mayor Hawker suggested that an ordinance be drafted for Council review at the next Study Session.

Councilmember Whalen stated the opinion that the Council Use Permit application should return to P&Z for their review.

It was moved by Councilmember Rawles, seconded by Mayor Hawker, that staff be directed to prepare an ordinance for Council consideration which provides a Council Use Permit for Able Body Labor including a stipulation that requires a one-year review by the Council.

Carried unanimously.

- *13i. **Z05-24 (District 6)** The 6200 block of South Mountain Road (west side). Located south and west of Williams Field Road and Mountain Road (25± ac.). Rezone from AG to M-2. This request is to bring zoning into conformance with the Mesa 2025 General Plan. G M 50 LLC; El Dorado Holdings, Admin. Agent Debra Bricker, owner; Dasia Equities, LLC, James Cullumber, applicant – Ordinance No. 4371.

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

1. Review and approval by the Planning and Zoning Board, Design Review Board, and City Council of future development plans.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all City development codes and regulations.

4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
- 13j. **Z05-25 (District 6)** The 1600 to 1900 block of South Signal Butte Road (both sides). Located on the northeast and northwest corners of Signal Butte and Baseline Roads (91 ac.). Rezone from R1-43 to C-2 DMP and C-2 to C-2 DMP and Site Plan Review. This request is to allow for a regional commercial center. John Perkinson, Bojer Land/Signal Butte Limited Partnership, owner; Elizabeth Gaston, Diversified Partners, applicant – Ordinance No. 4379.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. All pad buildings to be architecturally compatible with the center.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and street frontage landscaping to be installed in the first phase of construction.
7. Recordation of cross-access easements between all lots proposed in the subdivision plat.
8. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Review and approval of a Special Use Permit by the Board of Adjustment for the Car Wash and Gas Station.
11. Compliance with all requirements of the Subdivision Technical Review Committee.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Jason Morris, Withey Anderson and Morris, representing the applicant, stated that the subject property was first identified as regional commercial on the General Plan map in 1986. He advised that as a result of input received at meetings held with the neighbors, the site plan includes theaters, a health spa and restaurants.

The following individuals spoke in opposition to the project:

Pat Strozyk, 11033 East Keats Avenue
Marion Felderman, 11303 East Laguna Azul Circle
*Dianna Wells, 11539 East Kiowa Avenue
*Frank Rennhak, 10856 East Keats Avenue

DeLores M. Rabjohn, 10824 East Keats Avenue
Joe Strahl, 2054 South Wattlewood Circle
*Dr. Brad Bryant, 10849 East Keats Avenue

*Dianna Wells, Frank Rennhak and Dr. Brad Bryant presented letters to the City Clerk expressing opposition to the project, copies of which were distributed to the City Council. Copies of the letters are also available for review in the City Clerk's Office.

Daniel B. Wells, 11539 East Kiowa Avenue, completed a card expressing opposition to the project, but indicated that he did not wish to address the Council.

The following summarizes the comments made in opposition to the project:

- A group of citizens who met with Councilmember Thom were told that the zoning had already been voted on and decided.
- Traffic problems currently exist each weekend as a result of people attending the Swap Meet.
- The traffic study was conducted on a weekday in June, which does not accurately reflect the traffic flow.
- The developer has refused to communicate with Sunland Springs Village residents.
- The development will negatively impact the elderly residents of Sunland Springs Village.
- The area does not require another Wal-Mart store.
- Movie theaters attract car thieves, and crime will spread to the neighboring community.
- The homeowners most affected by the development were not included in the public hearing process.
- The development will negatively impact property values.
- Area residents would prefer upscale shopping opportunities rather than the types of stores planned for the development.

The following individuals addressed the Council in support of the project:

John Perkinson, 4222 East McLellan, Lot 5
Glenn Webster, 2161 South Willow Wood Circle

Comments made in support of the project included the following:

- The area has been designated for commercial development for many years.
- Many residents requested the services proposed for the development.
- The majority of Sunland Springs Village's 1700 residents support the project.

The following citizens completed blue cards in support of the project, but indicated that they did not wish to address the Council:

Chad Montgomery, 8523 E. Pampa Circle
Adrienne Montgomery, 8523 E. Pampa Circle
Evelyn Trokey, 10856 E. Kiva Avenue
Arlene Fowler, 10827 E. Kiva Avenue
Spencer Wright, 706 N. Orange Circle
Chris Anderson, 10484 E. Broadway

Marlene Hoffmann, 10843 E. Kiva Avenue
Edna M. Magnuson, 11446 E. Mendoza Avenue
Kevin D. Kerpan, 7226 E. Monte Avenue
Harold Norman, 11357 E. Keats Avenue
Muriel Akins, 2147 S. Berrywood Circle
George Akins, 2147 S. Berrywood Circle

Mr. Morris advised that the developer, as a gesture of good faith, agreed to fund the cost of placing a traffic signal at the main entrance to Sunland Springs Village. He noted that police reports indicate calls for service at movie theaters in Mesa are very low. Mr. Morris stated that he was available to answer any further questions.

Mr. Wesley confirmed that the area has been designated for commercial development for a long period of time, and that staff believes the proposed development will provide necessary services to area residents. He advised that the P&Z recommendation was 7-0 for approval.

Councilmember Thom noted that the parcel that is being rezoned from R-143 to C-2 is not suitable for residential development because of the traffic. She added that many of the area residents are in support of the project.

It was moved by Councilmember Thom, seconded by Councilmember Rawles, that Ordinance No. 4379 be approved.

In response to a request by Vice Mayor Walters, Traffic Engineer Alan Sanderson addressed the Council relative to the traffic issues. He advised that the current site plan is the result of the developer complying with the City's requests. Mr. Sanderson outlined the planned improvements, which include the following:

- The developer will widen Signal Butte in order to accommodate signalized, dual left turns into the project from both directions.
- The developer will complete all of the improvements on the north leg at the intersection of Baseline and Signal Butte, which will include dual left turn lanes and left turn arrows.
- The developer volunteered to pay for and install a traffic signal at Springwood Boulevard, which is beyond what the developer is obligated to provide.
- The Fire Department will install a traffic signal by the fire station in accordance with their current practice of installing traffic signals on arterial streets where fire stations are located.

Mayor Hawker called for the vote.

Carried unanimously.

- *13k. **Z05-26 (District 5)** The 7800 block of East University (south side). Located south of University Drive and east of Sossaman Road. (23.5 ac.). Rezone from R1-43 to R1-6 PAD and preliminary plat. This case is to allow for development of a single-family residential subdivision. Tom Couey, owner; Michelle Dahlke, Pew and Lake, PLC, applicant – Ordinance No. 4372.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.

- *13l. **Z05-27 (District 5)** The 1900 block of North Higley (west side). Located west of Higley Road and south of McKellips Road (8.87 ac.). Rezone from M-1 to M-1 PAD, M-2-PAD and Site Plan Review. This case is to allow for development of an office/industrial/commercial center. Corey Smith, DCSJ Ltd., owner/applicant – Ordinance No. 4373.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

- *13m. **Z05-28 (District 6)** The northeast corner of Ray Road and South Mountain Road. (73.54 ac.). District 6. This case involves the establishment of City zoning on recently annexed property. Rezone from County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. John Poulsen, President of Providence Homes, Inc., owner/applicant – Ordinance No. 4374.

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

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

- *13n. **Z05-30(a) (District 5)** Parcel 2 at Las Sendas. Located north of Thomas Road and east of Power Road (39± ac.). Rezone from R1-90 DMP to R1-15 PAD-DMP and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant – Ordinance No. 4375.

P&Z Recommendation: Approval with Conditions. (Vote: Passed 6-0-1, Boardmember Carpenter abstaining)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
9. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
10. Compliance with Ordinance #3694 requiring a grading permit.

- *13o. **Z05-30(b) (District 5)** Parcel 7 at Las Sendas. Located north of Thomas Road and east of Power Road (6± ac.). Rezone from C-2 DMP to R1-35 PAD-DMP and modification of the Las Sendas Development Master Plan. This case is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant – Ordinance No. 4376.

P&Z Recommendation: Approval with Conditions. (Vote: Passed 6-0-1, Boardmember Carpenter abstaining)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
9. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
10. Compliance with Ordinance #3694 requiring a grading permit.

- *13p. **Z05-30(c) (District 5)** Parcel 46 at Las Sendas. Located east of Power Road and south of McDowell Road (22± ac.). Rezone from R1-90, R1-35, R1-90 DMP, and R1-35 DMP to R1-7 PAD-DMP and modification to the Las Sendas Development Master Plan. This case is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant – Ordinance No. 4377.

P&Z Recommendation: Approval with Conditions. (Vote: Passed 6-0-1, Boardmember Carpenter abstaining)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
9. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
10. Compliance with Ordinance #3694 requiring a grading permit.

14. Consider the following subdivision plats:

- *14a. "LINDSAY PARK TOWNHOMES", – (Council District 2) – 2400-2800 blocks of East Southern Avenue (south side) located south and west of Southern Avenue and Lindsay Road. 165 R-2 PAD townhome units (21.02 ac). Lindsay Park Townhomes, LLC, Rodney L. Morris, President, owner; Landmark Engineering, engineer.
- *14b. "ZAHARA PROFESSIONAL OFFICES", – (Council District 5) – 3600 block of North Power Road (west side) located north and west of Thomas Road and Power Road. 36 C-2 PAD DMP office condominium units (6.20 ac). SPB Commercial, L.L.C., Philip Gelb, President, owner; Gervasio & Associates, Inc., engineer.
- *14c. "BROADWAY 101 COMMERCE PARK", – (Council District 3) – 2200 block of West Broadway Road (north side) 9 M-1 PAD industrial lots (71.77 ac). Broadway 101 Venture, LLC., Stephen M. Steppe, President, owner; Norman Engineering, Inc., engineer.

15. Items from citizens present.

Mercedes Mercado-Ochoa, 724 North Vineyard Street, thanked the City for supporting a recent event honoring Cesar Chavez. She also reported on the Cesar Chavez event and program initiated by the City of Phoenix, and she expressed disappointment that the City of Mesa has not responded in a similar manner.

16. Adjournment.

Without objection, the Regular Council Meeting adjourned at 9:28 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 4th day of April 2005. 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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