

COUNCIL MINUTES

February 3, 2005

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 3, 2005 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

Debra Dollar
Debbie Spinner
Barbara Jones

1. Discuss and consider authorizing the City Manager to sign the first amendment to the Phase I Development Agreement between the City of Mesa and De Rito/Kimco Riverview, LLC and De Rito/Kimco Mesa, LLC.

Mayor Hawker and Councilmember Rawles declared potential conflicts of interest on agenda items 1 and 2 and said they would refrain from discussion/participation in these agenda items.

Mayor Hawker yielded the gavel to Vice Mayor Walters for action on this agenda item.

City Attorney Debbie Spinner reported that the developer of the Riverview at Dobson project is requesting that the Council approve an amendment to both Development Agreements (Phase I and Phase II). She explained that such approval would allow the developer an additional 14 days (until February 18, 2005) to deliver to the City a recorded Lease Memorandum. Ms. Spinner stated that the Lease Memorandum provides the City with evidence that the property owners and the developer have entered into a ground lease for the length of the City's Development Agreement, as well as other terms.

Ms. Spinner commented that if the recorded Lease Memorandum is not delivered to the City by tomorrow, February 4, 2005, the Development Agreements would terminate. She added that the reason the developer is requesting the 14-day extension is to secure the original signature on the Lease Memorandum of one of the property owners who is out of the country and currently inaccessible. She added that subsequent to obtaining the property owner's signature, the developer would record the Lease Memorandum and deliver the recorded document to the City.

In response to a question from Vice Mayor Walters, Ms. Spinner clarified that whether Council action is considered administrative or legislative would depend on if it is setting new policy or establishing a new law. She stated that if the Council set policy when it initially adopted the Development Agreement, and that today the Council is being asked to extend a deadline relative to that document, in her opinion, that would be an administrative action and not legislative.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, to authorize the City Manager to sign the first amendment to the Phase I Development Agreement between the City of Mesa and De Rito/Kimco Riverview, LLC and De Rito/Kimco Mesa, LLC.

Upon tabulation of votes, it showed:

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

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

2. Discuss and consider authorizing the City Manager to sign the first amendment to the Phase II Development Agreement between the City of Mesa and De Rito/Kimco Riverview, LLC and De Rito/Kimco Mesa, LLC.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, to authorize the City Manager to sign the first amendment to the Phase II Development Agreement between the City of Mesa and De Rito/Kimco Riverview, LLC and De Rito/Kimco Mesa, LLC.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

3. Items from citizens present.

There were no items from citizens present.

4. Adjournment.

Without objection, the Special Council Meeting adjourned at 7:35 a.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 Special Council Meeting of the City Council of Mesa, Arizona, held on the 3rd day of February 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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