



## COUNCIL MINUTES

June 3, 2013

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 3, 2013 at 5:45 p.m.

### COUNCIL PRESENT

Scott Smith  
Alex Finter  
Christopher Glover  
Dina Higgins  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

Invocation by Pastor Chon Pugh from Bethlehem Lutheran Church.

Pledge of Allegiance was led by Councilwoman Higgins.

Mayor's Welcome.

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

Awards, Recognitions and Announcements.

Mayor Smith stated that for many years, the City of Mesa has engaged in a variety of historic preservation efforts throughout the community. He noted that it was important for citizens to remember Mesa's history in order to appreciate the present and define the future. He remarked that recently, one such effort was the restoration of the iconic Diving Lady neon sign at the Starlite Motel, which was damaged several years ago during a rain storm.

Mayor Smith introduced Donna Benge, Chairwoman of the Historic Preservation Board (HPB), who was prepared to present several awards.

Ms. Benge addressed the Council and reported that each year, the HPB presents awards for outstanding achievement related to preservation. She explained that the theme of this year's Arizona Historic Preservation Conference, which will be held in Mesa, is "Making Preservation Relevant – The Past in Future Tense" and will focus not only on preserving historic resources for future generations, but also teaching them about the past.

Ms. Bengé invited the recipients of the awards to come forward and be recognized for their achievements as follows:

- Arizona Museum of Natural History (AMNH) Administrator Dr. Tom Wilson, AMNH Curator Dr. Jerry Howard, and Jim Britton, a member of the Southwest Archaeology Team – “Outstanding Achievement in Archaeology, Education and Outreach for the Development of the Mesa Grande Cultural Park.”
- Vic Linoff, President of the Mesa Preservation Foundation – “Outstanding Achievement in the Rehabilitation and Restoration of the Diving Lady Historic Neon Sign.”

Mayor Smith congratulated the recipients on their achievements and dedication to the community.

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.

Mayor Smith stated that he has received two requests from the public that item 7-c be removed from the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that the consent agenda items, as amended, be approved.

Mayor Smith recognized City Magistrates Karl Eppich, Valerye Boyer-Wells and Victor Ortiz, all of whom were present in the audience and have been recommended for reappointment to the Mesa Municipal Court by the Judicial Advisory Board. He thanked them for their service and professionalism and stated that the Council was honored to reappoint them. He added that the Mesa Municipal Court is recognized throughout Arizona not only as an example of efficiency, but also as “a wonderful way to run a court.”

Mayor Smith called for the vote.

Carried unanimously.

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

Minutes from the May 6, 16 and 20, 2013 Council meetings.

3. Take action on the following recommendations from the Judicial Advisory Board:

- \*3-a. Reappointment of City Magistrate Karl Eppich to a four-year term beginning July 1, 2013, and ending June 30, 2017.
- \*3-b. Reappointment of City Magistrate Valerye Boyer-Wells to a four-year term beginning July 1, 2013, and ending June 30, 2017.

- \*3-c. Reappointment of City Magistrate Victor Ortiz to a four-year term beginning July 1, 2013, and ending June 30, 2017.

4. Take action on the following liquor license applications:

- \*4-a. Ultimate Imaginations, Inc.

This is a one-day charitable event to be held on Saturday, June 29, 2013, from 5:00 p.m. to 12:00 a.m. on Pepper Place between Center Street and Centennial Way. **(District 4)**

- \*4-b. East Mesa Market

New Beer and Wine Store License for East Mesa Market, 723 East Main Street, Shaikh, LLC, - Mohammad Fayyaz, agent. This location has a Beer and Wine Store License held by C Store, LLC that will revert back to the State. **(District 4)**

- \*4-c. Village Mini Market

New Beer and Wine Store License for Village Mini Market, 1224 North Gilbert Road, Van Young, LLC, - Yong Ae Van Alstyne, agent. This location has a Beer and Wine Store License held by Hormes Business, LLC that will revert back to the State. **(District 1)**

- \*4-d. Barro's Pizza

New Restaurant License for Barro's Pizza, 1066 North Power Road, Suite 103, A and D Pizza, Inc., - Bruce Robert Barro, agent. This location has a Restaurant License held by B and R Pizza, Inc. that will revert back to the State. **(District 5)**

- \*4-e. Gus's New York Pizza and Bar Mesa

New Restaurant License for Gus's New York Pizza and Bar Mesa, 2015 North Power Road, Suite 106, K. E. E. Business Ventures, LLC, - Violeta Pivac Dujakovic, agent. This location has a Restaurant License held by Pisa Pizza Restaurant, Inc. that will revert back to the State. **(District 5)**

5. Take action on the following contracts:

- \*5-a. Purchase of One Replacement Motorcycle for the Police Department. **(Citywide)**

The Police Department's motorcycle fleet consists of 29 cycles, 25 utilized for traffic enforcement and four older motorcycles for training new officers. One motorcycle has been damaged beyond repair and a replacement is needed to maintain the fleet of 29. The replacement motorcycle was specified as a Kawasaki ZG1400 to be consistent with the existing motorcycle fleet. Timely replacement is critical to mitigate the shortage of motorcycles available for traffic enforcement in the City.

Fleet Services, Police and Purchasing recommend awarding the contract to the single bidder, Kelly's Kawasaki (a Mesa business), at \$31,037.85. This purchase is funded by the Vehicle Replacement Fund.

- \*5-b. Six-Month Renewal of the Term Contract for Heavy-Duty Truck Brake and Wheel Parts for Various Departments as requested by the Fleet Services Department. **(Citywide)**

The contract provides heavy-duty truck brake and wheel parts for Fleet Services. In 2012, Fleet Services established this contract against the Arizona Department of Transportation (ADOT) contract due to problems with the brake linings that were provided from the City's 2010 Brake and Wheel Parts contract. This is a six-month renewal to supply materials while the City rebids the entire 2010 Brake and Wheel Parts contract that expires this summer.

Fleet Services and Purchasing recommends authorizing a six-month renewal using the ADOT cooperative contract with Arizona Brake and Clutch Supply, Inc., at \$50,000, based on estimated requirements.

- \*5-c. One-Year Contract for Landscape Maintenance Services for Eastmark Great Park as requested by the Parks, Recreation and Commercial Facilities Department. **(District 6)**

DMB hired Gothic Grounds to maintain the common and right-of-way areas under their care. Due to the importance of continuity with DMB's and Parks, Recreation and Commercial Facilities' landscaped areas, two landscape contractors may present potential conflict concerning which landscaper is responsible should a problem arise. Since Gothic completed the installation of the landscape materials and the irrigation system at Eastmark Great Park, it allows for the transition from installation to long-term maintenance and responsibility for critical failures for plant death, should they arise.

Parks, Recreation and Commercial Facilities and Development and Sustainability recommend awarding a one-year contract to sole source, Gothic Grounds Management, Inc., at \$55,200 for Landscape Maintenance, plus an additional \$11,040 for extra work, for a combined total of \$66,240, based on estimated requirements. This purchase is funded by DMB Associates, Inc., at \$54,794.28 and by Parks, Recreation and Commercial Facilities, at \$11,445.72.

- \*5-d. Purchase of One Light-Duty Pickup Truck (Addition) and Two Light-Duty Cab and Chassis Service Body Vehicles (One Replacement and One Addition) for the Water Resources Department. **(Citywide)**

This purchase will provide one replacement, light-duty, 3/4-Ton, 4X2, standard cab chassis, equipped with 8 foot, 56 inch cab-to-axle service body truck, to replace a Water Resources vehicle that was damaged beyond repair. It will also provide two additions to the fleet, one light-duty, 1/2-Ton, extended cab, 2-wheel drive pickup truck; and one light-duty, 3/4-Ton, 4X2, extended cab chassis, equipped with 8 foot, 56 inch cab-to-axle service body truck. These vehicles are for new positions (Utilities Systems Analyst II and Electrical Controls Specialist) approved during the FY 12/13 budget process.

Fleet Services and Water Resources recommend awarding the contract to the lowest, responsive and responsible bidders, Berge Ford (a Mesa business), at \$23,691.75 and PFVT Motors, Inc., at \$58,310.84, for the combined total award of \$82,002.59. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

\*5-e. Dollar-Limit Increase to the Term Contract for Concrete Supplies for the Transportation Department. **(Citywide)**

This contract provides various concrete supplies and tools, such as rebar, concrete forms, steel form stakes, curb lugs, lumber, twisted twine, rubber boots, sackcrete, concrete tamps, etc. Contract pricing also includes 15% off catalog/MSRP for tools and equipment, and 20% off all other supplies. Transportation and Engineering have been working on maintenance projects to renovate the City's storm drain system (to prevent flooding, maintain the health and safety of the general public and maintain access for local businesses affected by flooding), which required unanticipated supply needs.

Transportation and Purchasing recommend authorizing a dollar-limit increase with Border Construction Specialties, LLC, from \$24,500 to \$49,000 annually, based on estimated requirements.

\*5-f. Two-Year Renewal of the Term Contract for Welding Services for the Transportation Department. **(Citywide)**

This contract provides an experienced contractor for welding services on an as-need basis for the Transportation Department. Last year, the City experienced significant storm drain grate thefts, which placed Mesa citizens in extreme danger. When a catch basin drain grate is stolen, it leaves an open vault in the street that can be up to 20 feet deep, hazardous to pedestrians, joggers, bicyclists and vehicles. The most effective method to prevent thefts and allow access to the catch basin for maintenance and cleaning is to weld a tether chain from the storm drain grate to the basin frame.

The initial term was one-year and this is the first two-year renewal, for a total term of three years.

Transportation recommends authorizing a two-year renewal with Grate Solutions, Co., at \$50,000 annually, based on estimated requirements.

\*5-g. One-Year Renewal of the Service Contract for Traffic Signal Fiber Optic Conduit and Fiber Optic Cable Installation Services for the Transportation Department. **(Citywide)**

This contract assists Transportation, Intelligent Transportation Systems, in filling gaps in the Traffic Signal Communication Infrastructure. The system allows communications between the Transportation Management Center and the City's traffic signals, closed circuit television cameras, video detection systems and other related equipment within the network.

This second, one-year renewal will be valid through 6/16/2014 for a three-year total term.

Transportation recommends authorizing the renewal with Roadway Electric, LLC, at \$320,000 based on estimated requirements.

- \*5-h. Approving and authorizing the City Manager to enter into the FY 13/14 Annual Agreement with Visit Mesa for the following: **(Citywide)**
  - 1. Transfer of agreed upon Transient Occupancy Tax (TOT) funds used to promote tourism and convention activities, as well as specific community/civic events and sports that bring visitors to Mesa.
  - 2. Payment of up to \$250,000 of allocated Economic Development Investment Funds to support the Visit Mesa “City Limitless” re-branding initiative.

6. Take action on the following resolutions:

- \*6-a. Approving and authorizing the City Manager to execute Amendment No. 1 to the Gilbert Road Light Rail Transit Extension Environmental Assessment Funding Agreement in the amount of \$1,000,000 to complete the environmental assessment and begin preliminary engineering on the 1.9 mile light rail extension. Funding is 94.3% (\$943,000) from the federal Congestion Mitigation Air Quality fund from the Maricopa Association of Governments, and 5.7% (up to \$57,000) matching City funds – Resolution No. 10263.
- \*6-b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Arizona State University for the establishment of the Mesa Technology Accelerator – Resolution No. 10264. **(District 6)**
- \*6-c. Authorizing and supporting the submittal of a grant application by Banner Health Foundation to the Gila River Indian Community for \$150,000 to expand their Feeding and Swallowing program – Resolution No. 10265.

7. Introduction of the following ordinances and setting June 17, 2013, as the date of the public hearing on these ordinances:

- \*7-a. **Z13-14 (District 2)** The 40 to 100 block of South Val Vista Drive (east side). Located south of Main Street on the east side of Val Vista Drive (10.9± acres). Rezone from RS-9 to RSL4.5. This request will allow the development of single-residence lots. The Estate of Angela K. Coleman, owner; Ralph Pew, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

- \*7-b. **Z13-17 (District 5)** 8840 East Sunland Avenue. Located north of Southern Avenue and west of Ellsworth Road (35.79± acres). Rezone from Maricopa County R1-6 to City of Mesa RM-4 for an existing manufactured home park. This request will establish City of Mesa zoning on recently annexed property. George McGavin, owner/applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

- 7-c. **(See “Items not on the Consent Agenda”)**

- \*7-d. **Z13-23 (District 6)** The 11500 block of East Pecos Road (north side) and 6700 block of South Meridian Road (west side). Located on the northwest corner of Pecos and Meridian Roads (10± acres). Rezone from GI-AF to GI-AF-BIZ and Site Plan Review. This request will allow the development of a manufacturing facility. PM Industrial Holdings, owner; Tom Larson, Matheson Tri-Gas, applicant.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

7-e. **(See “Items not on the Consent Agenda”)**

- \*7-f. Modifying rates for electric utility services. It is proposed that clarifications to the language within the residential electric utility bill schedule be made. These are corrections related to bill uniformity among the various City utilities and have no financial impact.
- \*7-g. Modifying rates for natural gas utility services. It is proposed that clarifications to the language within the residential gas utility schedules be made. These are corrections related to bill uniformity among the various City utilities and have no financial impact.
- \*7-h. Modifying rates for water utility services.
- \*7-i. Modifying rates for wastewater utility services.
- \*7-j. Modifying rates for solid waste utility services.
- \*7-k. Modifying the Utility Service Fee Schedule for fees including Backflow Inspections, Wastewater Service Line Repairs, Sewer Main Blockage Removal, Wastewater Connection Facilities and Water Main Extension and Metering Facilities.
- \*7-l. Modifying the Terms and Conditions for the Sale of Utilities related to High Pressure Gas Service.

8. Discuss, receive public comment, and take action on the ordinance introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the City 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 City Clerk before Council votes on the Consent Agenda.

- \*8-a. Amending Title 5 (Business Regulations), Chapter 10 (Privilege and Excise Taxes) of the Mesa City Code to add Article VII regarding an Access to Care Program – Ordinance No. 5150.

This is an industry-requested assessment that will create a new funding source for Arizona Health Care Cost Containment System (AHCCCS) payments to hospitals within the City of Mesa that provide significant amounts of uncompensated care to uninsured and low-income patients.

9. Take action on the following subdivision plats:

- \*9-a. "Main Street Casitas" **(District 2)** The 5700 block of East Main Street (south side). Located south and west of East Main Street and South Recker Road. 56<sup>th</sup> MD, Inc., owner; Darrell Smith, Wood/Patel, engineer.
- \*9-b. "Bella Via Unit 11B" **(District 6)** The 11000 block of East Ray Road (south side). Located south and east of East Ray and South Signal Butte Roads. Pulte Group, owner; Nguyen Lam, Hilgart Wilson, LLC, engineer.

10. Take action on the following resolution and subdivision plat relating to the property in the 7800 block of East University Drive:

- \*10-a. A resolution vacating a portion of 80<sup>th</sup> Street right-of-way located adjacent to 7867 East University Drive – Resolution No. 10266. **(District 5)**

The vacated right-of-way is no longer needed and will be included as part of the new subdivision plat.

- \*10-b. A subdivision plat - "The Villas at Montana Vista" **(District 5)** The 7800 block of East University Drive (south side). Located south and east of University Drive and Sossaman Road. 139 RS-6 PAD single residence lots (25.21 acres). 80<sup>th</sup> Street and University, LLC, owner; Jeff Giles, Clouse Engineering, Inc., engineer.

**Items not on the Consent Agenda**

- 7-c. **Z13-21 (District 6)** 1350 and 1408 South Ellsworth Road. Located west of Ellsworth Road, south of Southern Avenue (14.3± acres). Rezone from AG and RM-3-PAD to RM-3-PAD and Site Plan Review. This request will allow the development of a condominium project. Ellsworth & US 60, LLC, owner; Reese Anderson, applicant. **(LEGAL PROTEST ¾ VOTE REQUIRED)**

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

Mayor Smith stated that this item is the introduction of an ordinance related to zoning case Z13-21. He noted that a legal protest has been made concerning this matter and added that the Council will not take final action on the issue tonight.

Planning Director John Wesley addressed the Council and reported that the property encompasses approximately 14 acres, with the northern 9.5 acres zoned RM-3-PAD and the southern 4.8 acres currently zoned AG. He said that the entire property requires RM-3-PAD zoning in order to accommodate the development of a condominium project.

Mr. Wesley explained that the applicant is requesting PAD modifications with respect to setbacks so that the buildings can be constructed closer to the property lines than would ordinarily be allowed. He added that the completed development will include residential homes, an entrance drive, office, community facility and a central court area for the enjoyment of the residents.



In response to a series of questions from Mayor Smith, Mr. Wesley clarified that the proposal conforms to the Mesa 2025 General Plan and is currently within an area designated as High Density Residential. He stated that a legal protest was filed due to the fact that some of the surrounding neighbors expressed concerns regarding the setbacks, how close the project would be, in particular, to the south and west property lines, and its encroachment on the adjacent development.

Mr. Wesley further remarked that the PAD allows for some modification to the standard code. He advised that the applicant requested to reduce those setbacks in certain areas of the development where the buildings will be constructed closer to the property line than would normally be allowed. He said that a 30-foot setback is the standard and added that the applicant proposed a minimum setback of 10 feet in some locations.

Carl Montgomery, a resident of Valle Del Oro RV Resort, commented that his home is located adjacent to the proposed condominium development. He stated that over the weekend, more than 300 Valle Del Oro residents signed a petition in opposition to the project. He noted that although he was not opposed to the project, he was concerned that the buildings would be constructed within 10 feet of the property line. He urged that the applicant maintain the 30-foot setback standard.

John Jones, a resident of Valle Del Oro, concurred with the comments of the previous speaker. He indicated that currently, there is a development located directly behind the wall of his park model that has a 30-foot setback. He said that since there is a reasonable separation of space between his neighbors on the other side of the wall and his property, he has not been negatively impacted in any way. He also remarked that he sees no purpose in changing the 30-foot setback to 10 feet and added that "it seems unreasonable that one property needs to be that close to another property line."

Councilmember Somers stated that this afternoon, he and Councilwoman Higgins had the opportunity to meet with the applicant, the representatives of Valle Del Oro and their attorneys to discuss this issue. He commented that at that time, a determination was made that the Council would move forward with the introduction of the ordinance tonight. He also noted that he asked the applicant to continue to meet with the Valle Del Oro representatives to possibly reach some resolution in this regard.

Councilmember Somers further remarked that he advised the Valle Del Oro representatives that the 30-foot setback "isn't going to happen" due to the fact that both Valle Del Oro and the housing development to the north have 10-foot setbacks. He pointed out that it was not unusual for a developer to ask for 10-foot setbacks and said that given the density in the area, the proposed setbacks might work well. He added that in the next two weeks, he was hopeful that the parties could address their other issues and concerns.

Councilmember Somers suggested that the Council move forward and approve the introduction of the ordinance. He stated that in two weeks, the Council would give full consideration to the item and allow the applicant, the attorneys for Valle Del Oro and others to speak at the June 17, 2013 Study Session and the Regular Council meeting, if necessary.

Mayor Smith stated that he would like to hear a brief response from the applicant regarding the speakers' concerns related to the proposed setbacks.

Reese Anderson, the applicant, 1744 South Val Vista Drive, stated that at this afternoon's meeting with Councilmember Somers, Councilwoman Higgins and the other parties, he made a commitment to the Valle Del Oro representatives that he would not make a full presentation to the Council this evening. He noted that under Mayor Smith's direction, he would be happy to answer a specific question. He apologized to the parties to whom he made the commitment, but commented that he was simply attempting to honor the Mayor's request.

Mr. Anderson clarified that in speaking with the attorneys for the Valle Del Oro residents, it was his understanding that the primary issue was whether or not the parties disagree as to the amount of impact from the reduction in the setbacks. He explained that in order for the Council to more clearly understand how the site plan works, it would be necessary for him to provide a more detailed presentation.

Mr. Anderson remarked that in his opinion, the developers have been responsive to every issue that Valle Del Oro has raised. He said, in addition, that the developers have worked with various City departments to not only create a well-designed site plan for a unique piece of property, but also balance everyone's interests. He also pointed out that the Amador subdivision to the north supports the proposal.

Mayor Smith restated that in order for the developer to have a successful and well-planned project, it was necessary to reduce the setbacks and added that such a reduction would have minimal impact on the surrounding neighborhoods.

Mr. Anderson confirmed Mayor Smith's statement. He pointed out that the developer has oriented the buildings so that the narrower side faces the exterior, used architectural plans so that the second floor is set back on part of the building and also enhanced the landscaping.

In response to a question from Councilmember Somers, Mr. Anderson clarified that the developers held a community meeting at Stevenson Elementary School to solicit feedback and input from the neighboring property owners. He stated that as the plans evolved, he has provided a CD of every site plan, elevation, floor plan, et cetera to the Valle Del Oro attorneys.

Councilmember Somers suggested that it might be helpful for the Valle Del Oro residents to have the opportunity to review the revised plans in order to alleviate some of their concerns.

Responding to a question from Mayor Smith, Mr. Anderson explained that the developer's original site plans kept as much of the existing infrastructure in place for the approved and partially constructed Escala Villas, which was the northern connector site. He stated that after working with the Fire Department and Planning Department, much of the work has been removed and/or relocated to accommodate the proposed site.

It was moved by Councilmember Somers, seconded by Vice Mayor Finter, that the introduction of the ordinance regarding zoning case Z13-21 be approved.

Carried unanimously.

- 7-e. **A13-01 (District 5)** Annexing land located at 8840 East Sunland Avenue, 35.79± acres, which is north of East Southern Avenue and west of South Ellsworth Road. This annexation is initiated by the property owner.

Planning Director John Wesley reported that late this afternoon, staff determined that it was necessary to make several changes to the proposed ordinance before it was introduced. **(See Attachment 1)** He read those changes into the record as follows:

Page 1, Line 1, the words “**or plat**” will be deleted.

Page 2, the line that reads: “**Note:** The above described parcel contains 17.51 acres more or less.” **17.51** will be corrected to read 35.79 ±acres.

Page 2, the second line from the bottom, the words “**and plat**” will be deleted.

Page 3, Line 1, the words “**and plat**” will be deleted.

Page 3, Line 2, the words “**and plat**” will be deleted; a period after the word “**thereof**” will be added; and the remainder of the sentence will be deleted.

Page 3, Paragraph 1 of the Ordinance, the words “**and plat**” will be deleted. Paragraph 2 will be deleted in its entirety.

It was moved by Councilmember Somers, seconded by Councilwoman Higgins, that the introduction of the ordinance regarding annexation case A13-01 be approved.

Carried unanimously.

11. Take action on the adoption of the tentative proposed Fiscal Year 2013-14 Budget Plan.

It was moved by Councilmember Richins, seconded by Councilmember Somers, that the tentative proposed Fiscal Year 2013-14 Budget Plan be adopted.

Upon tabulation of votes, it showed:

AYES - Smith-Glover-Higgins-Kavanaugh-Richins-Somers

NAYS - Finter

Mayor Smith declared the motion carried by majority vote.

12. Conduct a public hearing on the following proposed annexation:

- 12-a. Public Hearing prior to the release of petition for signatures for the proposed annexation case A13-03, located west of the northwest corner of Merrill Road and Boise Street.  
**(District 5)**

Mayor Smith announced that this was the time and place to conduct a public hearing regarding the release of a petition for signatures for the proposed annexation case A13-03, located west of the northwest corner of Merrill Road and Boise Street.

There being no citizens present wishing to address the Council, the Mayor declared the public hearing closed.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the meeting adjourned at 6:30 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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DEE ANN MICKELSEN, 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 3<sup>rd</sup> day of June, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

pag  
(attachment – 1)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PURSUANT TO THE PROVISIONS OF ARTICLE 7, CHAPTER 4, TITLE 9, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY LYING ADJACENT TO THE EXISTING CITY LIMITS OF THE CITY OF MESA.

WHEREAS, a petition in writing accompanied by a map or plat of said real property, having been filed and presented, signed by the owners of not less than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the City of Mesa, as shown by the last assessment of said property, of the following particularly described property that is not embraced within the present limits of the City of Mesa, to enact the necessary ordinance for the extension of its corporate limits to include the property in said petition and in this ordinance particularly described, and the accurate and particular descriptions of said property, all in Maricopa County, Arizona, so petitioned to be annexed to the City of Mesa, being as follows, to wit:

The North half of the Southeast quarter of Section 28, Township 1 North, Range 7 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any part lying within DESERT DAWN ESTATES UNIT ONE, according to Book 131 of Maps, Page 50, records of Maricopa County, Arizona; AND

EXCEPT that portion which lies northwesterly of the following described line:

Commencing at a brass cap in handhole marking East quarter corner of said Section 28, being North 89°57'20" East 2652.30 feet from a brass cap marking the center of said Section 28; thence along the East - West mid-section line of said Section 28, South 89°57'20" West 2117.99 feet to the POINT OF BEGINNING; thence South 7°46'33" West 130.11 feet; thence South 25°36'21" West 1103.39 feet to the East right of way line of South 88<sup>th</sup> Street; thence along said East right of way line, South 0°00'29" West 166.50 feet; thence South 64°24'33" West 44.35 feet to the POINT OF ENDING on the North - South mid-section line of said Section 28, being North 0°00'29" East 1330.94 feet from a brass cap in a handhole marking the South quarter corner of said Section 28; AND

EXCEPT any part within the right of way for E Pueblo Avenue, S 88<sup>th</sup> Street, E Sunland Avenue and S 90<sup>th</sup> Street.

**Note:** The above described parcel contains 17.51 acres more or less.

WHEREAS, the City Council having, after due investigation in the behalf made, determined that said petition is signed by the owners of not less than one-half in value of the real and personal property and more than one half of the persons owning said real and personal property that would be subject to taxation by the City of Mesa, as shown by the last assessment of said property, lying within said particularly described area, and that said property is not now embraced within the limits of the City of Mesa and that the provisions of Section 9-471, Arizona Revised Statutes, and amendments thereto have been fully observed and having determined that the City of Mesa should extend and increase its corporate limits so as to include and embrace said property within its corporate limits and said petitioners having caused an accurate map and plat of said area so petitioned to be annexed thereto to be made and presented to the City

Council to be adopted as the official map and plat of said property and which map and plat shows the legal boundaries thereof, together with the lots, avenues, blocks, street, alleys, easements and lanes, which are to be dedicated to public use as streets, avenues, alleys, easements and lanes of the City of Mesa within said area;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, COUNTY OF MARICOPA, STATE OF ARIZONA, AS FOLLOWS:

1. That the present corporate limits of the City of Mesa are hereby extended and increased so as to include and embrace the property in this ordinance and in said petition and map and plat particularly described within the corporate limits of the City of Mesa and said property is hereby annexed to the corporate limits of the City of Mesa.
2. That the annexed plat of lots, blocks, avenues, streets, alleys, easements and lanes is hereby declared to be the official map and plat of the area so annexed, showing the legal boundaries of lots, blocks, avenues, streets, alleys, easements and lanes, and giving the dimensions of same, also the number of each lot and block and the names and widths of streets and avenues, widths of all alleys, easements and lanes, and the location thereof; and said streets and avenues, alleys, easements and lanes are hereby dedicated to the public and upon the filing of a copy of this ordinance, together with an accurate map of said territory so annexed, certified by the Mayor of this City, in the office of the County Recorder of Maricopa County, Arizona, the fee of all avenues, lanes, streets, highways, easements and

alleys shown in and on said map and plat shall vest in the City of Mesa.

PASSED AND ADOPTED by the City Council of the City of Mesa, this 17<sup>th</sup> day of June, 2013.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

EFFECTIVE DATE: July 17, 2013