



COUNCIL MINUTES

May 19, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 19, 2014 at 5:45 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
Alex Finter Terry Benelli* Christopher Glover Dennis Kavanaugh David Luna Dave Richins Scott Somers*	None	Christopher Brady Debbie Spinner Dee Ann Mickelsen

(*Councilmembers Benelli and Somers participated in the meeting through the use of telephonic equipment; Councilmember Somers joined the meeting at 6:39 p.m.)

Invocation by Pastor Tony Frazee, Gateway Bible Church.

Pledge of Allegiance was led by Vice Mayor Glover

Mayor's Welcome.

Awards, Recognitions and Announcements.

Police Sergeant John Rolfe stated that he was pleased to announce that at the 12th Annual Desert Dog Police K-9 Trials, the Mesa Police Department's (MPD) K-9 Unit won several awards. He recognized the K-9 handlers and their dogs that were present in the audience. He noted that over 60 teams competed in the three-day event, which was created to test the skill of the handlers and the dogs.

Sergeant Rolfe highlighted the individual events, which included explosives, narcotics detection, obedience, tactical challenge, building search, area search, handler protection and Top Dog. He advised that among the awards that the MPD received, Officer Scott Callender and K-9 Jake won first place in narcotics detection, tactical obedience, area search and Top Dog. He also said that the MPD team won first place in team narcotics, second place in team patrol and added that Officer Ron Swart and K-9 Lotus won the prestigious Tough Dog trophy.

Mayor Finter congratulated the K-9 Unit for their achievements. He stated that it was nice to know that the citizens of Mesa are protected by such a wonderful group of animals and handlers who risk their lives on a daily basis.

Mayor Finter commented that Rebuilding Together – Valley of the Sun is an organization that assists homeowners with home repairs, painting, building ramps for the elderly and installing safety modifications. He stated that on Saturday, April 12th, which was designated National Rebuilding Day, the organization came to Mesa to help with the repairs of several homes at the Sunrise Vista Mobile Home Park. He invited Kate Warren, Project Manager for Rebuilding Together, to come forward and report on the events of that day.

Ms. Warren advised that Rebuilding Together – Valley of the Sun, which has been in existence for 24 years, has helped to make improvements to the homes of many low-income seniors. She stated that every April, the group selects one community in which to conduct more in-depth home repairs and noted that this year, it chose the Sunrise Vista Mobile Home Park in Mesa. She explained that the park had several vacant homes that required significant improvements and indicated that the park managers agreed that if the homes could be made livable, they would give them to three deserving families. She added that over four days, volunteers from Boeing, Choice Hotels, Crescent Crown, DPR Construction, Honeywell, Sunstate Equipment, Urban Energy Solutions and Wells Fargo contributed more than 400 hours of service to make a difference and assist nine homeowners at the site.

Mayor Finter expressed appreciation to the volunteers and invited them to come forward to be recognized.

Pamela Muse, Western Regional Director of Alliance for Innovation, stated that she was pleased to announce that the City of Mesa has been honored with the prestigious J. Robert Havlick Award for Innovation in Local Government. She stated that Mr. Havlick was the founder of The Innovation Groups. She explained that the City of Mesa competed with 91 other cities across the United States and Canada for the award and was selected following an extensive and rigorous review process, which she briefly outlined. She noted that at the April 23, 2014 Transforming Local Government Conference Awards luncheon in Denver, Colorado, the City was recognized for its higher education recruitment initiative “How Mesa Became a College Town.”

Ms. Muse presented the award to Mayor Finter and the City Council, Economic Development Department Director Bill Jabjiniak and Deputy Director Jaye O’Donnell.

Mayor Finter congratulated staff and the City of Mesa for being recognized with such a prestigious award.

1. Take action on all consent agenda items.

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

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

Mayor Finter declared the motion carried unanimously by those present.

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

Minutes from the May 5, 2014 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Fry's Food & Drug 123

A grocery store is requesting a new Liquor Store License for Smith's Food & Drug Centers, Inc., 2727 East Broadway Road – Lauren Merrett, agent. This is a location-to-location transfer. **(District 2)**

*3-b. La Famiglia Pizza & Pasta

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Polita VII, LLC, 1859 West Guadalupe Road, Suite 101 – Girolamo Randazzo, agent. The existing Restaurant License held by Tutti Santi Mesa, LLC, will revert back to the State. **(District 3)**

*3-c. Native New Yorker

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Signal Butte NNY Restaurant, LLC, 1947 South Signal Butte Road, Suite A – Amy Nations, agent. The existing Restaurant License held by J Bar G Restaurants, Inc., will revert back to the State. **(District 6)**

*3-d. Tokyo Joe's

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Tokyo, Inc., 1935 South Val Vista Drive, 101 – Andrea Lewkowitz, agent. There is no existing license at this location. **(District 2)**

4. Take action on the following contracts:

*4-a. City's Annual Replacement Program of Personal Computers for Various City Departments. **(Citywide)**

The City continues with its Citywide lifecycle replacement strategy for Personal Computer (PC) acquisition and support to ensure the PC platform continues to meet the business needs of the City. This request includes 54 ruggedized and semi-ruggedized laptops for Police, Fire and Medical and Water Resources. In addition, remaining available funds will support desktop PC replacement for 98 workstations in various City departments. The purchase also includes tablets, which are currently being evaluated for use within the City.

Information Technology and Purchasing recommend authorizing purchases using the National Intergovernmental Purchasing Alliance Company (NIPA) cooperative contract with Visual Pro 360, at \$226,090.33 and the State of Arizona cooperative contract with Dell, Inc., at \$77,494.35, for the combined total award of \$303,584.68.

- *4-b. Purchase of Replacement Carpet at the Main Library and Dobson Police Station as requested by the Facilities Maintenance Department. **(Citywide)**

The 13 year old carpet in the Main Library, second floor Administration and first floor book stack areas, is in poor condition and ready for lifecycle replacement. The carpet in the Dobson Police Station building is in extremely poor condition and is part of the building's remodel project. Traffic Enforcement will be utilizing the building after the facility is remodeled.

Facilities Maintenance and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Continental Flooring at \$28,463.82, including applicable construction sales tax.

- *4-c. Dollar-Limit Increase to the Term Contract for Emergency Response, Non-Emergency Response and Household Hazardous Waste Event Support for the Development and Sustainability Department. **(Citywide)**

Environmental and Sustainability requests the dollar-limit increase through the initial contract period (10/31/2014), and for years two and three. The increase is necessary because of increased participation in the Household Hazardous Waste Program.

Development and Sustainability and Purchasing recommend authorizing a dollar-limit increase of \$120,000, increasing the contract amount from \$460,000 to \$580,000 annually, based on estimated requirements. This purchase is partially funded by the Environmental Compliance Fee and the Mesa Green and Clean Fee.

- *4-d. Purchase of Stage Floor Refurbishment and Replacement for the Mesa Arts Center (Single Bid). **(Citywide)**

This contract will provide all labor, equipment, materials, and services for the installation and finishing of resilient wood floors at the Mesa Arts Center. The existing Masonite stage floor in the Nesbitt/Elliott Playhouse and the Farnsworth Studio Theaters will be replaced. The work will be completed during the month of July, allowing installation to be completed during downtime.

Arts and Culture, Mesa Arts Center and Purchasing recommend awarding the contract to single qualified bidder, Paul R. Peterson Construction, Inc., at \$73,796.40. This purchase is funded by the Mesa Arts Center Restoration Fund.

- *4-e. One-Year Term Contract for Temporary Employment Services for the Arts and Culture Department as requested by the Human Resources Department. **(Citywide)**

This contract will provide the City qualified, cost-effective, temporary workers to fill positions and provide temporary services of the type as required by the Mesa Arts Center on an as-needed basis.

Human Resources and Purchasing recommend authorizing a one-year contract using the City of Chandler cooperative contract with Devau Human Resources, at \$700,000, based on estimated requirements.

- *4-f. Three-Year Term Contract for Luminaires and Components for Streetlight Lamps for the Materials and Supply Warehouse (for the Transportation and Facilities Maintenance Departments). **(Citywide)**

This contract will provide various sizes of luminaires and components for streetlight lamps for the replacement of existing and the installation of future streetlight luminaires for use by the Transportation and Facilities Maintenance Departments.

Business Services, Transportation, Facilities Maintenance and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidders: Independent Electric Supply/ESSCO; Voss Electrical Co., dba Voss Lighting; Wesco Distribution, dba Brown Wholesale Electric and Wesco Distribution Inc., not to cumulatively exceed \$265,000 annually, based on estimated requirements.

- *4-g. Purchase of Two Replacement Vehicles, including One Sport Utility Vehicle and One Cab and Chassis Vehicle for the Fire and Medical Department. **(Citywide)**

This purchase will provide one 2015 Ford Explorer for use by Technical Services, Dispatch and Deployment, and Fire and Life Safety Education; and one 2015 Super-Duty Chassis Cab F-550 for use by Fire Suppression as a wild land apparatus.

Fire and Medical and Purchasing recommend authorizing the purchase from the lowest priced, responsive and responsible bidder, PFVT Motors, Inc., at \$79,949.93. This purchase is funded by the Fire and Medical Services Budget.

- *4-h. Three-Year Term Contract for Fence, Gate and Safety Rail Repair/Installation for the Transportation Department. **(Citywide)**

This contract will provide for the repairs/installation of fencing, trash racks, safety rails and bollards. Work will be performed at a variety of locations on an as-needed basis.

Transportation and Purchasing recommend awarding the contract to the lowest priced, responsive and responsible bidders, Biddle & Brown Fence Co., LLC (Primary) and Empire Fence, LLC (Secondary) (a Mesa business), at \$500,000; annually, based on estimated requirements.

- *4-i. Three-Year Term Contract for Heavy-Duty Automotive Body Repair Services for the Fleet Services Department. **(Citywide)**

This contract will establish a qualified vendor list of automotive body repair firms to provide nonexclusive repair service on an as-needed basis. The awarded vendors will provide all labor, tools, materials, garage facility and insurance to perform body and related mechanical repair work for the City's fleet of approximately 300 heavy-duty trucks.

An evaluation committee representing Fleet Services and Purchasing evaluated responses and recommends awarding the contract to the highest scored proposals from Rush Truck Center – Phoenix; Vanguard Truck Center; Freightliner of Arizona; and MAACO Collision Repair (a Mesa business), at \$150,000 annually, based on estimated requirements.

- *4-j. Purchase of a Replacement Pneumatic Turning Target System for the Police Department. **(Citywide)**

This contract will provide for the purchase and installation of a pneumatic high-speed turning target system at the Mesa Police multi-agency shooting range, including the removal of the existing turning target system. The current turning target system was installed over 13 years ago and the system is at the end of life and replacement is needed at this time.

An evaluation committee representing Police and Purchasing evaluated responses and recommends awarding the contract to the highest scored proposal from Action Target, at \$52,026.40. This purchase is funded by the AZ POST Grant Agreement (\$37,200.00) and by the Police operating budget (\$14,826.40).

- *4-k. Purchase of Video Surveillance Equipment to Upgrade the Closed Circuit Television System for the Mesa Municipal Court. **(Citywide)**

Municipal Court's current Closed Circuit Television (CCTV) system is not adequate to provide security services through surveillance viewing of accessible public areas at the Court facility and its courtrooms. The recommended system upgrade would increase the number of CCTV cameras from 44 to 79, reposition cameras to eliminate blind spots in numerous areas and add another video monitor to increase viewing capability by 25%.

Municipal Court and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, IP Camera Warehouse, dba National Supply Contractors, at \$129,062.20.

*5. Approving a salary adjustment for City Magistrates, effective July 1, 2014.

6. Take action on the following resolutions:

- *6-a. Authorizing and supporting the submittal of a grant application by AGUILA Youth Leadership, Inc., to the Gila River Indian Community for \$300,000 over three years to expand college preparation services to students in the East Valley – Resolution No. 10436.
- *6-b. Authorizing and supporting the submittal of a grant application by Arizona Autism Charter School to the Gila River Indian Community for \$300,000 over three years to support their Health and Wellness Activity Center and Sensory Gym – Resolution No. 10437.
- *6-c. Authorizing and supporting the submittal of a grant application by the Arizona Burn Foundation to the Gila River Indian Community for \$500,000 over five years to support their Strategic Growth Campaign to expand services – Resolution No. 10438.
- *6-d. Authorizing and supporting the submittal of a grant application by the Arizona Museum of Natural History to the Gila River Indian Community for \$89,050 over three years to support expansion of the Mesa Grande Cultural Park Educational Outreach to Title 1 Schools – Resolution No. 10439.

- *6-e. Authorizing and supporting the submittal of a grant application by ATLATL to the Gila River Indian Community for \$15,000 to support the 31st Annual Roy Track Mesa Pow Wow – Resolution No. 10440.
- *6-f. Authorizing and supporting the submittal of a grant application by A.T. Still University of Health Sciences to the Gila River Indian Community for \$300,000 over three years to support outreach expansion for their Native Students Achieving Healthcare Professions Program – Resolution No. 10441.
- *6-g. Authorizing and supporting the submittal of a grant application by Banner Health Foundation to the Gila River Indian Community for \$200,000 over three years to expand special education programming at the Howard S. Gray School at Banner Behavioral Health Center – Resolution No. 10442.
- *6-h. Authorizing and supporting the submittal of a grant application by the Boy Scouts of America Grand Canyon Council to the Gila River Indian Community for \$125,000 to expand traditional scouting programs – Resolution No. 10443.
- *6-i. Authorizing and supporting the submittal of a grant application by the Child Crisis Center to the Gila River Indian Community for \$75,000 to support Emergency Shelter Services – Resolution No. 10444.
- *6-j. Authorizing and supporting the submittal of a grant application by the City of Mesa Police Department to the Gila River Indian Community for \$44,435 to support Rape Aggression Defense (R.A.D.) Community Education and Training – Resolution No. 10445.
- *6-k. Authorizing and supporting the submittal of a grant application by the Gene Lewis Boxing Club to the Gila River Indian Community for \$35,000 to support their Building Futures, One Child at a Time Program – Resolution No. 10446.
- *6-l. Authorizing and supporting the submittal of a grant application by the City of Mesa's Mesa Counts on College Department to the Gila River Indian Community for \$75,000 to support the Community Educational Access Center – Resolution No. 10447.
- *6-m. Authorizing and supporting the submittal of a grant application by the Mission of Mercy to the Gila River Indian Community for \$25,000 to support their Mobile Clinic services – Resolution No. 10448.
- *6-n. Authorizing and supporting the submittal of a grant application by Oakwood Creative Care to the Gila River Indian Community for \$75,000 over three years to support their Adult Day Health Services Program – Resolution No. 10449.
- *6-o. Authorizing and supporting the submittal of a grant application by Paz de Cristo to the Gila River Indian Community for \$87,000 over three years to support Extended Day Shelter Services – Resolution No. 10450.
- *6-p. Authorizing and supporting the submittal of a grant application by the Save the Family Foundation to the Gila River Indian Community for \$30,000 to support their Homeless Families Intervention Project – Resolution No. 10451.

- *6-q. Authorizing and supporting the submittal of a grant application by Visit Mesa to the Gila River Indian Community for \$56,000 to support marketing and sales for tourism – Resolution No. 10452.
- *6-r. Authorizing and supporting the submittal of a grant application by Whisper n Thunder to the Gila River Indian Community for \$75,000 over three years to support higher education for Native Americans through their Leadership Academy – Resolution No. 10453.
- *6-s. Authorizing and supporting the submittal of a grant application by the City of Mesa's Library Services Department to the Gila River Indian Community for \$5,100 to support Digital Literacy Community Education and Training – Resolution No. 10454.
- *6-t. Approving and authorizing the City Manager to enter into a Firm Transportation Service Agreement with a term of ten years ("Supply Period") for the transportation of natural gas with El Paso Natural Gas, a Kinder Morgan Company – Resolution No. 10455.
- *6-u. Approving and authorizing the City Manager to enter into the Second Amendment to the Gilbert Road Light Rail Transit Extension Agreement in the amount of \$4,135,737 to continue project design and real estate acquisition activities and initiate the procurement of services for final design, construction, and public art for the 1.9 mile light rail extension. Funding is 94.3% (\$3,900,000) from the Federal Congestion Mitigation Air Quality Fund from the Maricopa Association of Governments, and 5.7% (\$235,737) matching City funds – Resolution No. 10456.
- *6-v. Modifying fees and charges for the Arts and Culture Department – Resolution No. 10457.
- *6-w. Modifying fees and charges for the Planning Division and the Development Services Division of the Development and Sustainability Department – Resolution No. 10458.
- *6-x. Modifying fees and charges relating to the Environmental Compliance requirements as a part of the Development and Sustainability Department – Resolution No. 10459.
- *6-y. Modifying fees and charges for Falcon Field Airport – Resolution No. 10460.
- *6-z. Modifying fees and charges for the Library – Resolution No. 10461.
- *6-aa. Modifying fees and charges for the Transportation Department – Resolution No. 10462.

7. Introduction of the following ordinance and setting June 2, 2014 as the date of the public hearing on this ordinance:

- *7-a. Amending the Mesa Zoning Ordinance; Title 11 of the Mesa City Code; Chapters 6, 7, 8, 31 and 58 regarding the zoning districts that allow tattoo parlors and body piercing salons, and deleting criteria for the requirement of Council Use permits of same, and providing penalties for violations. **(Citywide)**

Staff recommendation: Approval

P&Z Board recommendation: Approval (Vote: 3-1, Boardmembers Clement, Hudson and Johnson absent.)

8. Discuss, receive public comment, and take action on the following ordinance:

- *8-a. **A14-04 (District 1)** Annexing 5.8± acres of land located east of the northeast corner of Alma School and McLellan Roads. This annexation is initiated by the property owners – Ordinance No. 5222.

9. Discuss, receive public comment, and take action on the following resolutions and ordinances:

- *9-a. A resolution declaring modified City Code for the Residential Solid Waste tax to be a public record; and an ordinance modifying the City Code Title 5, Chapter 13 regarding the Residential Solid Waste Development Tax – Resolution No. 10463 and Ordinance No. 5223.
- *9-b. A resolution declaring modified Terms and Conditions for the Sale of Utilities to be a public record; and an ordinance modifying the Terms and Conditions for the Sale of Utilities related to customer account maintenance, credit and refund policies, certain clerical corrections and clarifying verbiage – Resolution No. 10464 and Ordinance No. 5224.

10. Take action on the following subdivision plats:

- *10-a. “The Summit at Mountain Bridge” (**District 5**) The 8700 to 8800 blocks of East McKellips Road (north side). Located north and west of East McKellips Road and North Ellsworth Road. 74 RS-15 PAD lots (38± acres) Pinnacle Ridge Holdings, LLC, owner; Daniel Matthews, Wood, Patel & Associates, Inc., engineer.
- *10-b. “Leawood” (**District 2**) The 4100 block of East Southern Avenue (south side). Located on the southwest corner of East Southern Avenue and South Norfolk (6.2± acres). Porchlight Holdings, owner; Reese Anderson/Ralph Pew, Pew and Lake PLC, applicant.
- *10-c. “Adobe Meadows” (**District 5**) 10500 to 10700 blocks of East Adobe Road (north side) and the 800 to 900 blocks of North Signal Butte Road (west side). Located at the northwest corner of Signal Butte Road and Adobe Road (40± acres). Land Holdings Co., LLC, owner; Paul Dugas, applicant; M2 Group, Inc., engineer.

Items not on the Consent Agenda

11. Conduct a public hearing and take action on the following resolution relating to the annual assessments for the Mesa Town Center Improvement District No. 228:

- 11-a. Conduct a public hearing.

Mayor Finter announced that this was the time and place for a public hearing regarding the annual assessments for the Mesa Town Center Improvement District No. 228.

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

- 11-b. A resolution approving the 2014 District Assessments for the Mesa Town Center Improvement District No. 228. The final assessments do not include any rate increases – Resolution No. 10465. **(District 4)**

It was moved by Vice Mayor Glover, seconded by Councilmember Luna, that Resolution No. 10465 be adopted.

Mayor Finter declared the motion carried unanimously by those present and Resolution No. 10465 adopted.

12. Conduct a public hearing and take action on the following ordinances modifying City-owned utility rates/fees/charges and resolutions declaring the rates/fees/charges to be a public record and available to the public.

- 12-a. Conduct a public hearing on modifications to rates/fees/charges on the sale of City-owned utilities: water, wastewater, electric, solid waste, natural gas and utility service fees.

Mayor Finter announced that this was the time and place for a public hearing regarding modifications to rates/fees/charges on the sale of City-owned utilities: water, wastewater, electric, solid waste, natural gas and utility service fees.

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

- 12-b. A resolution declaring modified rates/fees/charges for electric utility services to be a public record; and an ordinance modifying the rates/fees/charges for electric utility services – Resolution No. 10466 and Ordinance No. 5225

Mayor Finter stated that pending no objection of the Council, items 12-b through 12-g will be voted on in one motion.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Luna, that Resolution Nos. 10466, 10467, 10468, 10469, 10470 and 10471 and Ordinance Nos. 5225, 5226, 5227, 5228, 5229 and 5230 be adopted.

Mayor Finter declared the motion carried unanimously by those present and Resolution Nos. 10466, 10467, 10468, 10469, 10470 and 10471 and Ordinance Nos. 5225, 5226, 5227, 5228, 5229 and 5230 adopted.

- 12-c. A resolution declaring modified rates/fees/charges for natural gas utility services to be a public record; and an ordinance modifying the rates/fees/charges for natural gas utility services – Resolution No. 10467 and Ordinance No. 5226.

(See Council action under item 12-b.)

- 12-d. A resolution declaring modified rates/fees/charges for water utility services to be a public record; and an ordinance modifying the rates/fees/charges for water utility services – Resolution No. 10468 and Ordinance No. 5227.

(See Council action under item 12-b.)

- 12-e. A resolution declaring modified rates/fees/charges for wastewater utility services to be a public record; and an ordinance modifying the rates/fees/charges for wastewater utility services – Resolution No. 10469 and Ordinance No. 5228.

(See Council action under item 12-b.)

- 12-f. A resolution declaring modified rates/fees/charges for solid waste utility services to be a public record; and an ordinance modifying the rates/fees/charges for solid waste utility services – Resolution No. 10470 and Ordinance No. 5229.

(See Council action under item 12-b.)

- 12-g. A resolution declaring modified utility service fees to be a public record; and an ordinance modifying the utility service fees – Resolution No. 10471 and Ordinance No. 5230.

(See Council action under item 12-b.)

(The Council adjourned the Regular Council meeting at 6:20 p.m. to convene a Special Council meeting. The Regular Council meeting reconvened at 6:29 p.m.)

13. Discuss, receive public comment, and take action on the following ordinances:

- 13-a. **Z14-005 (District 2)** 5656 East Albany Street (north side). Located north and east of North 56th Street and East Main Street (32± acres). Rezone from Maricopa County R1-8 SC to City of Mesa RS-9 AS. This request will establish City of Mesa zoning on previously annexed property – Ordinance No. 5231.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 6-0-1, Vice Chair Coons, abstain.)

Mayor Finter briefly reviewed the process that would take place during the Council's consideration of this item as follows: 1.) Staff will provide a brief overview of the case; 2.) Applicant will make a presentation regarding the proposed development; and 3.) Citizens who submitted speaker cards to the City Clerk will be given the opportunity to address the Council for a maximum of three minutes. He asked that the members of the audience refrain from clapping and booing and be respectful of the speakers addressing the Council.

Planning Director John Wesley reported that this case is a request to rezone property that was originally located in the County and annexed into the City, although City of Mesa zoning was not addressed at that time. He explained that it was necessary to rezone the property from the County's zoning designation of R1-8 SC to City of Mesa comparable zoning, which is RS-9 AS (i.e., single-family zoning district). He noted that such designation would allow a 9,000 square foot lot with an age-restriction overlay.

Responding to comments from Mayor Finter, City Attorney Debbie Spinner clarified that items 13-a and 13-b relate to the same property. She reiterated that the Council is being asked to consider the rezoning request, as previously outlined by Mr. Wesley, in 13-a. She noted, in addition, that the applicant has requested further rezoning as identified in 13-b.

Ms. Spinner suggested that if this were the preference of the Councilmembers, they could ask the speakers to express their comments and concerns relative to 13-a and 13-b at the same time. She pointed out, however, that each item should be voted on separately since a legal protest was filed with respect to 13-b.

Mayor Finter stated that it was the consensus of the Council that items 13-a and 13-b would be combined for discussion purposes, but that each item would be voted on separately.

Mr. Wesley advised that 13-b is a request to rezone 32 acres of land on the north side of Albany Street, just east of 56th Street, from RS-9 AS to RSL2.5. He stated that this zoning designation would allow 2,500 square-foot lots. He also explained that the applicant is requesting the development of a 228-small-lot single residence subdivision on the site, while retaining approximately eight and a half acres of open space with an accompanying amenity package.

Mr. Wesley further commented that the applicant would propose a "cluster" home development, which would feature six homes situated around an alley or a "motor court." He noted that the driveways would connect the homes to the motor court, with the front of the homes facing a common courtyard in the middle. He pointed out that staff spent a considerable period of time working with the applicant on the proposal to address various issues, such as parking and circulation, to ensure that the development would function well over time.

Responding to a question from Councilmember Kavanaugh, Mr. Wesley clarified that the Solid Waste Department will provide solid waste pickup along the public street that circulates through the subdivision. He also noted that it will be necessary for the homes to be situated within 150 feet of the fire access or have sprinklers installed if they are farther away in order to meet City fire access requirements.

Mr. Wesley, in addition, stated that the case comes to the Council with a recommendation for approval from staff and the Planning & Zoning Board (P&Z).

In response to a question from Councilmember Richins, Ms. Spinner explained that item 13-a will require four votes for the matter to pass. She stated that because a legal protest was filed with respect to 13-b, per state law, it will require six votes for the item to pass.

Ralph Pew, an attorney with Pew and Lake, addressed the Council and stated that he was representing William Lyon Homes, the developer of the proposed housing project. He commented that it was his understanding that Councilmember Somers had yet to appear telephonically and noted that typically, he would ask for a continuance of the case. He explained that since the case requires a super majority vote, in all fairness, the entire Council should be present to take action. He indicated, however, that since the neighbors have taken the time to attend tonight's meeting, he would like to proceed with

the presentation. He further remarked that after he makes his presentation and the neighbors offer their comments, it would be helpful for him to hear from the Councilmembers, without them taking a vote, in order to determine whether the case should be continued or not.

Mayor Finter stated that he would prefer to have the applicant make his presentation and then hear from the citizens who have submitted speaker cards. He clarified that Councilmember Somers, who works for the Phoenix Fire Department, was attempting to call in to the meeting when he received an emergency call that he was required to respond to.

(Councilmember Somers joined the meeting at 6:39 p.m.)

Mr. Pew reported that the rezoning request concerns the 32-acre Dreamland Villa Golf Course. He stated that it was important to note that the property is located squarely within the City's General Plan that calls for 6 to 10 dwelling units per acre (du/acre). He pointed out that the proposed development would result in a density of approximately 7.2 du/acre.

Mr. Pew displayed a site map of the golf course, which is located just east of Higley Road on the south side of University Drive. He provided a brief historical overview of the site as follows: that the golf course was never a part of an amenity package for the original Dreamland Villa development; that the initial concept for the development was to build homes for individuals who were 55 years old and older, but did not include any amenities; that the housing product was built in the 1950s, '60s and early '70s; and that in 1971, Ross Farnsworth, the developer of Dreamland Villa, purchased the golf course.

Mr. Pew, in addition, reported that in 1961, the 30 lots located on the east side of the golf course were mapped out and platted. He advised that in 1980, the property owners changed the deed restrictions and age-restricted the lots. He noted, however, that in 1986, the same property owners reversed such restrictions and eliminated the age requirements, which exist to this day. He acknowledged that the bulk of the area adjacent to the golf course is designed for senior living, but pointed out that those 30 lots are not age restricted. He stated that there is nothing that would support an age-restricted product on 30 acres and added that the City Code anticipates that such projects would have a minimum of 40 acres.

Mr. Pew further addressed a series of concerns raised by Leon Ricks, the owner of an apartment complex located on the north side of the golf course. His comments included, but were not limited to, the following: with respect to density, the apartment building consists of 11 units per acre (multi-family, attached units), whereas the proposed development would consist of 7 units to the acre (detached, single-family units); that the green space that currently exists at the south end of the apartments is approximately 35 feet from the property line to the livable area of the apartments; that the developer would propose to move the wall of the development 20 feet further south into the property, thereby providing 55 feet of additional landscaping and open space for the apartment tenants; that the developer will address any drainage issues in this area to alleviate Mr. Ricks of such responsibilities; and that the proposed development would include less housing that faces the apartments and provide more buffer.

Mr. Pew discussed other elements of the projects, such as the proposed 8.6 acres of open space; the fact that the development will comply with the City's open space separation issues and provide fencing throughout the project; that the Design Review Board will review the four-sided elevation; that 2.6 parking spaces per unit will be provided, which exceeds the City Code requirements for these types of developments; that speed tables have been included in the middle of the project for safety; and that paved roads on all sides of the development will provide for sufficient access and drivability and not create traffic problems in the neighborhood.

Mr. Pew also commented that the development is intended to revitalize the market and stated that the individuals who tend to purchase these homes include newlyweds, small families, urban professionals and new empty-nesters.

Mr. Pew, in addition, remarked that concerning the migratory birds and water fowl in the area, the Migratory Birds Treaty Act states that the habitat of these birds can be disturbed, but not during the breeding season. He assured the Council that whenever the breeding season occurs, the developer will comply with the Act.

Mr. Pew concluded his presentation and urged the Council's support of the case.

Joy Grafton, a Dreamland Villa resident, stated that the actual acreage of the proposed development is 29.65 acres, as opposed to 32 acres, and asked that the documentation be corrected to reflect that figure. She offered a series of comments, which were contained in a document distributed to the Council. **(See Attachment 1)** She also outlined various conditions that Dreamland Villa residents would like the Councilmembers to include in their approval of the development, if that was the case. (See Page 2 of Attachment 1)

Patricia Hynoski, a Dreamland Villa resident, expressed opposition to the development. She voiced concern regarding traffic circulation issues and urged that the area remain a 55 years of age and older community.

Mayor Finter stated that citizens who submitted speaker cards and expressed opposition to the case, but did not wish to speak, include Russell Mathis and Luana Aguiar.

Mr. Pew clarified that the developer was not asking for deviations from the Building Code, as noted by Ms. Grafton, and was proposing only one deviation from the Zoning Ordinance as it relates to the garage dimensions. He noted that the proposal was that the internal dimensions of the garage would be 19 feet by 20 feet as opposed to the Ordinance standard of 20 feet by 22 feet. He pointed out that such deviation is justified due to the significant amount of open space. He stated that the developer has agreed to notify the potential buyers of the smaller size and added that both staff and P&Z recommended approval of such deviation.

Mr. Pew asked if the Councilmembers would offer their thoughts and comments in order to determine whether the case should be continued tonight.

Councilmember Kavanaugh noted that P&Z approved this case with 3 ayes, 1 nay, 1 abstention and two absent Boardmembers. He inquired whether the Board required a four person majority in order for the motion to pass.

Ms. Spinner responded that in speaking with Zoning/Civil Hearing Administrator Gordon Sheffield, it was her understanding that historically, P&Z has always passed resolutions based on a majority of the members present at a particular meeting.

Councilmember Kavanaugh suggested that might be an issue that staff and P&Z should address. He stated that despite customary practices, in his opinion, there should be at least four votes in support of a motion to forward on a case to the Council for consideration.

Ms. Spinner noted that she would pass on Councilmember Kavanaugh's comments.

Councilmember Benelli stated that she would be inclined to vote in favor of this case.

Councilmember Somers noted that he too would be in support of the case. He commented that for many decades, Mesa has not adopted ordinances specifically creating age-restricted communities and has left that process to private developers through their development agreements. He also remarked that since the proposed site is less than 40 acres, it would be appropriate to approve this measure.

Councilmember Luna indicated that he was pleased with the development and was also inclined to support a motion in favor of it.

Councilmember Richins remarked that he drove through the area in question and noticed that there was a combination of well-kept homes and some that appeared to be struggling. He said that he performed some calculations with respect to car trips per day, and noted that assuming there were 228 units, two cars per home, and perhaps four car trips per day, that would equate to 1,800 to 1,900 car trips per day which, in his opinion, is a fairly low number within a neighborhood. He also indicated that with the proposed amenity package and few schools in the area, he would anticipate that the development would attract young professionals, empty nesters and newlyweds. He added that for all those reasons, he would be inclined to support the project.

Mr. Pew advised that since the entire Council is available, either in person or via phone, he would be out of order to request a continuance of the case and asked that they take action on this matter.

It was moved by Vice Mayor Glover, seconded by Councilmember Kavanaugh, that Ordinance No. 5231 be adopted.

Carried unanimously.

- 13-b. **Z14-006 (District 2)** 5656 East Albany Street (north side). Located north and east of North 56th Street and East Main Street (32± acres). Rezone from RS-9 AS to RSL2.5 PAD. This request will allow the development of a single-residence subdivision. **(Legal Protest: 6 votes required.)** – Ordinance No. 5232.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 3-1-1, Boardmember Di Bella, nay; Vice Chair Coons, abstain; Boardmembers Hudson and Johnson, absent.)

(See discussion of this item under 13-a.)

It was moved by Vice Mayor Glover, seconded by Councilmember Richins, that Ordinance No. 5232 be adopted.

Carried unanimously.

Mayor Finter thanked everyone who participated in this matter and stated that he appreciated their patience.

14. Items from citizens present.

There were no items from citizens present.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:16 p.m.

ALEX FINTER, MAYOR

ATTEST:

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 19th day of May 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

pag
(attachment – 1)

PRESENTATION POINTS

We the Residents of Dreamland Villa originally protested the proposed development of the golf course because we believe this development will negatively affect our lifestyles, quality of life, and our property values. Most of us chose to live here because we were done with raising children and fighting rush hour traffic every day. The golf course also created a lovely green space for our community. Choosing to buy here appeared to be a reasonable, well thought out investment.

While recognizing the Seller has a right to sell and request a zoning change, we also believe Planning & Zoning and the City Council have a responsibility to ensure that both the Dreamland Villa residents and future residents of the planned development enjoy the best quality lifestyle both in the quality of the development and consideration of sensitive environmental issues within the development. The decisions you make will have as yet unforeseen effects on the lifestyle & the quality of life of Mesa residents, directly and indirectly, whether or not they are constituents.

One of the primary responsibilities the City Council has is to ensure compliance with the Building Code. The City of Mesa's Building Code is both specific and explicit and sets the Minimum building standards deemed acceptable. It was created to prevent unscrupulous builders from building garbage, homes that were poorly constructed and unsafe.

In the February meeting Mr. Pew stated that as of that date, all the requested "changes" to this Code (whether they were called variances or exceptions) met the INTENT of the Code. We maintain that when the conditions under which a builder will be allowed to build is as specific as those in the current Building Code (such as an 8' Set Back), intent is irrelevant and not subject to interpretation, because the intent of the City is clearly and unequivocally stated within the Code. Therefore, NO CHANGES, EXCEPTIONS OR VARIANCES or other deviations from the Code should be granted. Refusal to grant these deviations is for the public good and trumps private investments.

The only "Intent" here is the intent of the developer to cram as many units as possible in the buildable space of the land purchased. We don't need residents of Dreamland Villa or of the proposed development to become the collateral damage of poor planning and development.

Now, to be realistic, we have identified conditions for the public good that we would like you to include in your approval if your approval of this development is inevitable. Tonight I will identify four; however a more complete list follows below which includes but is not limited to:

- 1. Do not grant any deviations from the existing building code;**
- 2. Require Developer to install high efficiency fixtures and appliances to minimize water consumption as a standard part of every unit sale. Without these high efficiency fixtures and appliances the water consumption is estimated to be in excess of 16 million gallons per year for the proposed 228 households ;**
- 3. Install a traffic light at N. 57th Place & Main to prevent avoiding the lights on N. 56th St. and to avoid crossing west bound traffic to travel east on Main St.;**
- 4. No 2 story homes or higher on the perimeter of the development;**
- 5. Make the unit clusters 4 units instead of six;**
- 6. Make the proposed development a gated community;**
- 7. Make sure proposed play areas for children are easily accessible for all units;**
- 8. Demand that all landscaping for the development be “Desert Landscaping” to conserve water;**
- 9. Resolve all staff concerns listed in the P & D report dated February 19, 2014, and May 19, 2014, to the benefit of the future residents and to satisfy the concerns raised by the staff.**
- 10. Do not allow catch basins and drainage areas to be included in the square footage calculations of units per acre for building purposes; and**
- 11. Correct all submitted and future documents to read the parcel of 29.65 Acres not the 32+ Acres on all submitted documents to date.**

Thank you,

Joy Grafton and Jole Jones