



COUNCIL MINUTES

April 21, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 21, 2008 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Darrell Truitt
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

(Mayor Hawker excused Councilmember Somers from the entire meeting.)

Invocation by Vice Mayor Walters.

Pledge of Allegiance was led by Cameron Catalfo, Scout Troop # 253.

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. 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.

Vice Mayor Walters stated that item 7e should have been removed from the consent agenda.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the consent agenda items, as amended, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the April 7, 2008 Council meetings.

3. Take action on the following liquor license applications:

*3a. Hohokam Park Cinco De Mayo

This is a two-day charitable event to be held on May 3 and 4, 2008 from 2:00 p.m. to 10:00 p.m. at 1235 N. Center Street. **(District 1)**

*3b. Circle K Store #6357

New Beer & Wine Store License for Circle K Store #6357, 1850 S. Stapley Drive, Circle K Stores Inc. – Applicant, Kim Kenneth Kwiatkowski – Agent. Circle K Stores, Inc. will retain the Liquor Store license held at this location. **(District 4)**

*3c. Cobblestone Auto Spa & Market V

New Beer & Wine Store License for Cobblestone Auto Spa & Market V, 1855 S. Signal Butte Road, Cobblestone Auto Spa & Market V LLC – Applicant, Randy D. Nations – Agent. This is new construction with no previous liquor license at this location. **(District 6)**

*3d. Bennett's Tavern

New Restaurant License for Bennett's Tavern, 1762 S. Greenfield Road, Suite #111, Bennett Hospitality LLC – Applicant, Eric Christopher Bennett – Agent. The previous Restaurant License held at this location by Rotelli's Pizza & Pasta closed 6/15/2007. **(District 6)**

*3e. Kwan's Sampan Restaurant

New Restaurant License for Kwan's Sampan Restaurant, 1927 N. Gilbert Road, Suite #14, C1 Enterprise Inc – Applicant, Wilson Woo – Agent. The previous Restaurant License held at this location by Lucky Feng Corporation, issued 05/19/1998, will revert back to the State. **(District 1)**

3f. Cornish Pasty Co.

New Restaurant License for Cornish Pasty Co., 1941 W. Guadalupe Road, Suite #101, Thomas Arnold Inc. – Applicant, Dean Lloyd Thomas – Agent. This is an existing building with no previous liquor license at this location. **(District 3)**

It was moved by Vice Mayor Walters, that the applicant's request for the issuance of a new Restaurant License for Cornish Pasty Co. be denied, based on the failure of the company to obtain the appropriate building permits for the above-listed location.

Vice Mayor Walters further commented that her motion would afford the business owner the opportunity to come forward and obtain the necessary permits prior to the entity's hearing

before the State Liquor Board, at which time the Council would withdraw their objection to the request for the issuance of a new Restaurant License.

Councilmember Rawles seconded the motion.

Mayor Hawker declared the motion carried unanimously by those present.

*3g. **Deleted.**

4. Take action on the following bingo application:

*4a. BINGO – CLASS A

Sun Life Resort (**District 5**)
Bernard Garren
5055 E. University Drive
Mesa, AZ 85205

5. Take action on the following contracts:

- *5a. Two-year Renewal Contract for Landscape Maintenance Services for Parkway Medians and Rights-of-Way, in an Area Designated as Section V, for the Transportation Department, Field Operations.

The Procurement Services Department recommends authorizing renewal with The Groundskeeper at \$192,147.51 annually, based on estimated requirements.

- *5b. One Light-Duty Replacement Truck with Utility Body for the Transportation Department, Field Operations.

The Procurement Services Department recommends authorizing purchase from Avondale Dodge, Inc. at \$30,866.52, including applicable sales tax.

- *5c. Three-Year Supply Contract for Replacement Street Sweeper Brooms for the Fleet Services Department. (**Single Bid**)

The Procurement Services Department recommends awarding the contract to the single bidder, West Coast Equipment Inc., at \$63,771.09 annually, including contingencies and applicable sales tax, based on estimated requirements.

- *5d. Purchase of Three (3) Replacement Heavy-Duty Chassis Vehicles with Roll-Off Container System for the Solid Waste Department (Funded through Fleet Services' Vehicle Replacement Program and Solid Waste FY07/08 Budget).

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Inland Kenworth, at \$647,993.56, including sales tax.

- *5e. Purchase of Computer Security Software for the Information Technology Department.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, En Pointe Technologies Sales, Inc., at \$39,177.60, including applicable use tax.

- *5f. Purchase of One (1) Replacement Heavy-Duty, Solid Waste Container Carrier Truck for the Solid Waste Department.

The Procurement Services Department recommends authorizing purchase from the lowest, responsive and responsible bid from Rush Truck Center of dba AZ Rush Truck Center, Phoenix at \$100,762.32, including applicable sales tax.

- *5g. **Deleted.**

- *5h. Purchase of Hardware and Software to Upgrade the Enterprise Document Management System for the Information Technology Department, (Tax-Exempt Lease) **(Single Bid)**.

The Procurement Services Department recommends authorizing purchase from the State of Arizona Contract with ASAP Software Express, Inc. at \$4,938.01 and awarding the single bid from ICI Solutions at \$244,604.64, along with additional miscellaneous items at \$6,457.35, for a combined award of \$256,000.00, including contingencies and applicable taxes.

- 5i. Three-Year Supply Contract for Asphalt and Crack Sealant for the Transportation Department, Field Operations (Partially HURF Funded).

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bids as follows: Groups I, II & III - Quality Emulsions, LLC, primary at \$3,051,916.42 annually; Ergon Asphalt Products, Inc., secondary at \$381,551.77 annually; and Group IV - Crafcoc, Inc., primary at \$142,044.83 annually; Superior Supply, Inc., secondary at \$25,183.00 annually. The total combined award is then \$3,600,696.02 annually, based on estimated purchases, including contingencies and applicable taxes.

Mayor Hawker declared potential conflicts of interest on items 5i, 5j, 5k, 5l, 5m and 5n and said he would refrain from discussion/consideration of these items. He yielded the gavel to Vice Mayor Walters for action on these items.

Vice Mayor Walters stated that she would read into the record each one of the above-listed items, at which time the Council would take action on these items in one motion.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that the recommendations of staff relative to items 5i, 5j, 5k, 5l, 5m and 5n be approved.

Upon tabulation of votes, it showed:

AYES - Jones-Rawles-Truitt-Walters-Whalen
ABSTAIN - Hawker
ABSENT - Somers

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

With action on these items being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- 5j. Pressure Reducing Valve Station (PRV 31), 1834 East Lehi Road, City of Mesa Project No. 04-067-001. **(District 1)**

This project will construct a pressure reducing valve that will be enclosed within a new masonry screen wall and upgrades the electrical and instrumentation facilities. The PRV is needed in order to provide adequate fire flow capabilities and to improve water quality.

Recommend award to the low bidder, Sallaway Development LLC, in the amount of \$127,813.00 plus an additional \$12,781.30 (10% allowance for change orders) for a total award of \$140,594.30. Funding is available from the approved FY 2007/2008 Capital Water Bond Program.

(See item 5i.)

- 5k. Sossaman Road Waterline (Pecos Road to Velocity Way) and Pressure Reducing Valve Station (PRV 34), 7002 South Sossaman Road, City of Mesa Project No. 06-035-001. **(District 6)**

This project includes approximately 3,300 feet of 16-inch waterline, a pressure reducing valve station (PRV 34), a new masonry wall enclosure, and associated electrical and instrumentation facilities for the pressure reducing valve station.

Recommend award to the low bidder, Visus Engineering Construction, Inc., in the amount of \$408,000.00 plus an additional \$40,800.00 (10% allowance for change orders) for a total award of \$448,800.00. Funding is available from the approved FY 2007/2008 Water Capital Bond Program.

(See item 5i.)

- 5l. FY 2007/2008 Residential Street Overlays, City of Mesa Project No. 06-044-002. **(Districts 1 and 6)**

This project includes more than 290,000 square yards of asphalt pavement mill and overlay. The work will also include the installation of ADA compliant sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, M.R. Tanner Development and Construction, Inc., in the amount of \$2,853,000.00 plus an additional \$285,300.00 (10% allowance for change orders) for a total award of \$3,138,300.00. Funding is available from the approved FY 2007/2008 Transportation Operating Budget.

(See Item 5i.)

- 5m. FY 2007/2008 Street Improvements (Road Segments: McKellips Road from Gilbert Road to Val Vista Drive and Recker Road from Adobe Road to McKellips Road), City of Mesa Project No. 06-044-003. **(Districts 1 and 5)**

This project includes more than 100,000 square yards of asphalt pavement reconstruction along McKellips Road from Gilbert Road to Val Vista Drive and along Recker Road from Adobe Road to McKellips Road. The project will also install approximately 3,000 feet of storm drain in Recker Road, sidewalk, sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$2,994,276.55 plus an additional \$299,427.66 (10% allowance for change orders) for a total award of \$3,293,704.21. Funding is available from the approved FY 2007/2008 Transportation Operating Budget.

(See Item 5i.)

- 5n. FY 2007/2008 Arterial/Collector Overlays, Phase II (Road Segments: Baseline Road from Power Road to SR 202, Lindsay Road from Main Street to University Drive, Val Vista Drive from Main Street to University Drive, 40th Street from Brown Road to McLellan Road and Baywood Avenue from 63rd Street to Power Road), City of Mesa Project No. 06-044-004. **(Districts 2, 5 and 6)**

This project includes more than 120,000 square yards of rubber asphalt overlay and 30,000 square yards of asphalt pavement reconstruction. The work will also include sidewalk, sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$2,043,043.90 plus an additional \$204,304.39 (10% allowance for change orders) for a total award of \$2,247,348.29. Funding is available from the approved FY 2007/2008 Transportation Operating Budget.

(See Item 5i.)

- *5o. City Well No. 12 Equipping Phase, City of Mesa Project No. 05-056-002. **(District 4)**

This project will install the necessary above ground piping, electrical, and chlorination equipment so the City can put this well in operation once again.

Recommend award to the low bidder, Prime Contracting, in the amount of \$485,269.00 plus an additional \$48,526.90 (10% allowance for change orders) for a total award of \$533,795.90. Funding is available from the approved FY 2007/2008 Water Bond Program.

- *5p. FY 2008/2009 Utility Locating and Potholing by Vacuum Extraction, City of Mesa Project No. 07-904-001.

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

Recommend award to the low bidder, Arizona Pipeline Company, as the primary contractor, in the amount of \$416,170.00 plus an additional \$41,617.00 (10% allowance for change orders) for a total award of \$457,787.00; and HMS Conco, Inc. as the

secondary contractor in the amount of \$208,085.00 plus an additional \$20,808.50 (10% allowance for change orders) for a total award of \$228,893.50. The total award for both contracts is \$686,680.50. Funding for these services will be charged to the individual capital projects for which the utility potholing is performed.

- *5q. FY 2008/2009 Sewer Video Recording Contract, City of Mesa Project No. 07-916-001.

This is an annual contract to perform video recording inspections on City Capital Improvement Projects and Development Projects for the upcoming fiscal year.

Recommend award to the low bidder, TAZ Environmental Testing, Inc., in the amount of \$63,950.00 plus an additional \$6,395.00 (10% allowance for change orders) for a total award of \$70,345.00. These services will be charged to the individual Wastewater Capital Projects for which the sewer line video inspection is performed.

6. Introduction of the following ordinances and setting May 5, 2008, as the date of the public hearing on these ordinances:

- *6a. **Z08-17 (District 4)** 54, 62, 104, and 110 South Allen Road. Located south of Main Street and east of Stapley Drive (0.96± ac.). Rezone from R-2 to R-3. This request will allow for the correct residential density for an existing multi-residential complex. Bonni Canary, Bonni Cherrick Canary Trust, owner; David K. Udall, Udall Shumway and Lyons, applicant.

PHO Recommendation: Approval with conditions.

- *6b. **Z08-18 (District 6)** 7311 East Southern Avenue. Located west of Sossaman Avenue on the south side of Southern Avenue (2.75± ac.). Rezoning within the Superstition Springs Development Master Plan from C-2 CUP BIZ to R-4. This request will allow for the conversion of ten live/work units to apartments within the existing Waterford at Superstition Springs development. Kent Chantung, Zaremba Group, owner; David Ward, Gallagher & Kennedy, P.A., applicant.

PHO Recommendation: Approval with conditions.

- *6c. **Z08-19 (District 6)** 2207 South Hawes Road. Located on the east side of Hawes Road and south of Baseline Road (2.09± ac.). Rezone from R-2 and AG to O-S and Site Plan Review. This request will allow for the development of a medical office building. Mike & Lourdes Killeen, Las Casitas Properties, LLC, owner; Robert Hansen, Endevar Architecture, applicant; Shane M. Kobiarka, SK Engineering, engineer.

PHO Recommendation: Approval with conditions.

- *6d. Amending Section 408 of the Mesa City Charter to allow for the implementation of an individual residential rental inspection program as authorized by State law.

- *6e. Amending Section 11-18-2 of the Mesa City Code regarding annexations by adding annexation guidelines, requiring an annexation agreement and establishing an Annexation Equity Fee.

- *6f. Amending Section 3 and Section 23 of the Terms and Conditions for the Sale of Utilities.
- *6g. Amending Section 9-8-3 by deleting the exceptions in sections (C) and (D) resulting in an equitable application of off-site development requirements for projects of any size.
- 6h. Increasing the monthly vehicle reimbursement to \$300.00 for the Mayor and City Councilmembers.

Vice Mayor Walters stated that she brought this proposal forward for consideration. She explained that in 2001, the Council established a monthly car allowance of \$150.00 to reimburse the Councilmembers for the use of their personal vehicles while conducting City business. Vice Mayor Walters noted that at that time, gasoline cost approximately \$1.40 per gallon, which is significantly less than today's rates.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that the above-referenced ordinance be introduced and that May 5, 2008 be set as the date of the public hearing on the ordinance.

Councilmember Rawles expressed opposition to this item. He commented that at a time when the City of Mesa "is struggling" to provide the appropriate levels of Police and Fire service to its citizens, in his opinion, increasing the Councilmembers' monthly vehicle reimbursement to \$300.00 "sends a wrong message to the community."

Councilmember Whalen clarified that the proposed increase would not benefit the current Councilmembers whose tenure expires June 2nd.

Mayor Hawker commented that although he would support the motion for introduction, his inclination would be to vote in opposition to this item when it is brought back on May 5th. He stated that citizens who run for public office are generally aware of the compensation they receive if elected. Mayor Hawker noted that if it was determined that it would cause a financial strain for an individual to serve as a Councilmember, then such concerns should be addressed prior to becoming a candidate.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Jones-Walters-Whalen
NAYS - Hawker-Rawles-Truitt
ABSENT - Somers

Mayor Hawker declared the motion failed.

Mayor Hawker stated that he previously expressed support for the motion, but inadvertently "hit the wrong button" during the vote. He requested City Clerk Linda Crocker clear the vote tally so that he could revote on this item.

Responding to a question by Mayor Hawker, City Attorney Debbie Spinner clarified that if he "pushed the wrong button" during the vote, it would not be necessary for him to make a motion for reconsideration and the Council could simply revote on the original motion.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Walters-Whalen
NAYS - Rawles-Truitt
ABSENT - Somers

Mayor Hawker declared the motion carried by majority vote of those present.

7. Take action on the following resolutions:

- 7a. Setting May 19, 2008, as the public hearing date for the review and approval of the FY 2008/2009 annual Mesa Town Center Assessments. The proposed final assessments include a three percent (3%) rate increase that was approved by Council on March 3, 2008 – Resolution No. 9231.

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

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

It was moved by Councilmember Jones, seconded by Councilmember Truitt, that Resolution No. 9231 be adopted.

Councilmember Rawles stated that although he has consistently voted in opposition to the Town Center assessments, he would support the motion so that the matter could move forward.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

AYES - Jones-Rawles-Truitt-Walters
ABSTAIN - Hawker-Whalen
ABSENT - Somers

Vice Mayor Walters declared the motion carried unanimously by those present and voting and Resolution No. 9231 adopted.

- *7b. Vacate an alley located at Lee Circle, Kay Circle, and East Hilton Avenue, south of East Holmes Avenue, east of South Mesa Drive – Resolution No 9228. **(District 4)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *7c. Extinguish a Temporary Drainage Easement at 1738 S. Crismon Road – Resolution No. 9229. **(District 6)**

This easement is no longer needed as the design of the property has changed and new easements have been dedicated.

- *7d. Authorize granting easement rights to Transwestern Pipeline Company for a natural gas pipeline over City-owned property in Pinal County – Resolution No. 9230.

These easement rights are needed for the Phoenix Expansion Project pipeline.

- 7e. Modifying fees and charges for the Planning Division.

Planning Director John Wesley provided a brief overview of this agenda item. He reported that the City of Mesa's overall budget is challenged due to, among other factors, a decline in sales tax revenues coming into the City's General Fund. He explained that with regard to the Planning Division, staff has taken a close look at its fees and charges to ensure that there is a source of revenue to pay for the processing of various Planning applications.

Mr. Wesley stated that staff conducted an analysis of Mesa's Planning fees as compared to those in other Valley cities and noted that the City's fees and charges remain "in the average range" of those imposed by the other communities. He also advised that staff performed a cost recovery analysis of various Planning services, which is the basis for the recommended fee increases. Mr. Wesley added that the fee increases include, but are not limited to, primary zoning applications, rezoning, and Design Review applications.

In response to a question from Vice Mayor Walters, Mr. Wesley clarified that overall as a program, the Planning Division has targeted a goal of 30% cost recovery and would like to increase that amount to 40% over time.

Vice Mayor Walters inquired if staff had the opportunity to conduct an analysis in terms of the potential revenue that might be derived from the residential fees as compared to the commercial fees in this scenario for the upcoming year.

Mr. Wesley responded that that question came up late last week and said that staff was unable to specifically research the matter. He noted, however, that he did review the number of residential applications that the City has received thus far this calendar year, which have amounted to very few. He added that it is hard to predict what those numbers will be in the near future.

Kendall Baxley, 1512 S. Sunnyvale Circle, representing the Home Builders Association of Central Arizona, addressed the Council relative to this item. He stated that the Association recognizes the City's need to maintain cost recovery with respect to inflation, but noted that its discomfort lies with the timing of the proposed fee increases. Mr. Baxley commented that when the housing market was flourishing, such fee increases went by virtually unnoticed. He also noted that with respect to the current downturn in the economy, builders are rebidding communities five and six times in order to "squeeze out every ounce of cost possible." Mr. Baxley added that the time and effort spent in rebidding communities is significant and said that additional application fees at this time will further impact the home building community. He requested, on behalf of the Association, that the Council defer the proposed fees for one year or an appropriate time where there is viable evidence of a recovering market.

Vice Mayor Walters stated that she assumed Mr. Baxley's comments applied not only to the above-listed fees, but a set of fees that would be brought forward to the Council for consideration.

Mr. Baxley confirmed that it is difficult for the Home Builders Association to support any fee increases at this time, regardless of the cost recovery and the level of the increases that need to be made in order to sustain profitability within the Planning Department or any other City department.

Councilmember Rawles noted that the Chamber of Commerce requested that the Council consider all of the fees at one time as opposed to doing so in a piecemeal fashion and stated that he would feel more comfortable proceeding in such a manner. He indicated that he could not support the proposed fees, but stated that if they are not approved tonight, staff should not be precluded from bringing them back when the entire package of fees is presented to the Council.

Discussion ensued relative to the fact that the Planning Division has 11 full time positions that are being eliminated in an effort to balance its budget; that if the above-listed fees are approved tonight, three of the positions could be retained; that the City has begun the Reduction In Force process in terms of identifying the positions, the individuals and other placement opportunities for those employees; and that if the Council prefers to delay action on this item, it would be necessary for staff to determine how such a delay would impact the process.

In response to a question from Mayor Hawker, City Manager Christopher Brady clarified that all of the fees that have been reviewed by the Audit & Finance Committee and Transportation & Infrastructure Committee would be presented to the Council at the June 2, 2008 Regular Council meeting as part of the tentative budget adoption. He emphasized that staff is not seeking full cost recovery of these fees and added that if Mesa does not maintain incremental fee increases, it would be difficult for the City to make up those costs over time.

Mr. Brady further stated that if it is the direction of the Council that staff present all of the proposed fees and charges on June 2nd, staff is agreeable to do so. He also commented that staff would work with Mr. Wesley to address the status of the three positions that may be eliminated if the subject Planning fees and charges are not approved. Mr. Brady added that the City has policies in place to work with those employees to either place them in other City positions or allow them to leave and seek employment outside the City.

Further discussion ensued relative to the notification process for those City employees whose positions would be eliminated; that if the recommended Planning Division fees and charges were approved, the three positions could be funded through the increased revenue generated by such fees; and that implementing the proposed fee increases now, as opposed to the effective date of July 1st, would allow the City to realize a full year of revenue for those positions.

Vice Mayor Walters questioned if the City could legally separate the residential fees from the commercial fees. She explained that this matter is as much an emotional issue as a financial issue for individuals in the home building industry who have experienced friends and competitors going out of business on a daily basis. Vice Mayor Walters inquired if the City delayed the implementation of the Planning fees for six months, whether there would be

enough revenue generated from the commercial side to fund the three positions. She also acknowledged that the Home Builders Association has supported various fee increases in the past and are coming forward at a time when Arizona's home building industry "has been hit very hard."

Mr. Wesley responded that he does not have sufficient information to say what the impact would be with regard to Vice Mayor Walters' proposal. He explained that Budget and Research Director Chuck Odom and his staff have generated financial models relative to the overall estimated fee revenues for the coming year and said he does not know how the residential fees were calculated in that regard. Mr. Wesley reported that typically, the City's residential applications "are a pretty strong mix" relative to the overall development applications, but not in recent months.

City Attorney Debbie Spinner stated that legally, the Council could separate the residential fees from the commercial fees if they so chose and make those modifications tonight prior to taking a vote on this item.

Vice Mayor Walters stated that she would prefer that this item be continued to the first or second Council meetings in May so that the current Council can address the matter.

It was moved by Vice Mayor Walters, seconded by Councilmember Rawles, that this item be continued to the May 5, 2008 Council Meeting, and that the Council be provided additional information as requested from Mr. Odom and others in terms of separating the residential fees and the commercial fees and the potential of the City either delaying the implementation of the fees for six months or bringing back the residential fees in a year.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Rawles-Walters-Whalen
NAYS - Truitt
ABSENT - Somers

Mayor Hawker declared the motion carried by majority vote of those present.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

*8a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4823:

10-4-3 Speed Limits (45 mph) and 10-4-4 Speed Limits (40 mph)

Decreasing the speed limit from 45 mph to 40 mph on Main Street from the west City limits to 159 feet west of Pew. (Main Street west of Alma School Road. **(District 3)**)

10-4-4 Speed Limits (40 mph) and 10-4-5 Speed Limits (35 mph)

Increasing the speed limit from 35 mph to 40 mph on Main Street from 159 feet west of Pew to Alma School Road. (Main Street west of Alma School Road. **(District 3)**)

- *8b. **A07-38 (District 6)** Annexing land located south and east of Ellsworth Road and Pecos Road (0.01 ± ac). Initiated by the property owner, Williams Gateway Airport Authority – Ordinance No. 4824.
- *8c. **A07-39 (District 6)** Annexing land located south and west of Ellsworth Road and Pecos Road (0.08 ± ac). Initiated by the property owner, Williams Gateway Airport Authority – Ordinance No. 4825.
- *8d. **Z07-120 (District 6)** 423 South Signal Butte Road. Located on the south side of Broadway Road and the east side of Signal Butte Road (13.5+ acres). Rezone from R1-6-PAD to R1-6 and C-2 and Site Plan Review for the development of a neighborhood commercial center for the western most 4.64 acres of the property. Tom Alford, DeRito Partners Development, Inc., owner; Michelle Santoro, Whitney Morris, P.L.C., applicant; Tom Meeks, Erickson & Meeks Engineering, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) (CONTINUED FROM THE JANUARY 22, 2008 AND MARCH 17, 2008 COUNCIL MEETINGS). THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE MAY 19, 2008 COUNCIL MEETING.***

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

- *8e. **Z08-13 (District 5)** Parcel 8 at Mountain Bridge, the 2000 to 2200 blocks of North Hawes Road (east side); Parcels 12-13 at Mountain Bridge, the 8900 to 9000 blocks of East McKellips Road (south side). Located west of Ellsworth Road and north and south of McKellips Road (70.9± ac). Rezone from R1-35 (conceptual R1-15 and R1-9) to R1-15 PAD DMP (29.6± ac) and R1-15 PAD DMP (41.3± ac) and Site Plan Review. This will allow for the development of residential subdivisions. Jeff Blandford, Manager, Pinnacle Ridge Holdings, LLC, owner; Paul Dugas, Pinnacle Ridge Holdings, LLC, applicant; Darrell Smith, Wood Patel and Associates, Inc., engineer – Ordinance No. 4826. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Carter nay).

- *8f. **Z08-14 (District 6)** The 8800 to 9200 blocks of East Elliot Road (north side) and 3200 to 3600 blocks of South Ellsworth Road (west side). Located west of South Ellsworth Road and north of East Elliot Road (127± ac). Rezone the northern portion (67± ac) from R1-43 to C-2 DMP (28± ac) and PEP DMP (39± ac); and a rezone and Site Plan Review for the southern portion (60± ac) from R1-43 to C-2 DMP. All part of a Development Master Plan. This request will allow for the development of a retail power center. Douglas Himmelberger, DeRito Partners Development, Inc., owner; Michelle Santoro, Whitney Morris, PLC, applicant; Jeffery S. Erickson, Erickson & Meeks, Engineering, LLC, and Tove Christina White, Kimberly-Horn and Associates, Inc., engineers. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) THIS CASE IS BEING REFERRED BACK TO THE PLANNING AND ZONING BOARD.***

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

- *8g. **Z08-15 (District 5)** 4608 East Virginia Street. Located east of Greenfield Road and south of Loop 202 Freeway (19.4± ac). Rezone from M-2 to M-2 PAD and Site Plan Review. This request will allow the development of an industrial subdivision. Dorsey Abshier, Mesa Virginia Street LLC, owner; Henry Chan, Ware Malcomb, applicant; Brian Smith, Hunter Engineering, Inc., Engineer – Ordinance No. 4827. (***Notified property owners and the Falcon Field Area Alliance.***)

P&Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Carter nay).

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:25 p.m.

KENO HAWKER, MAYOR

ATTEST:

LINDA CROCKER, 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 21st day of April 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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