

COUNCIL MINUTES

June 26, 2006

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 26, 2006 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Tom Rawles

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

(Councilmember Somers participated in the meeting through the use of teleconferencing equipment.)

Mayor Hawker excused Councilmember Rawles from the meeting.

Invocation by President Jerry Lewis, Mesa, Arizona Maricopa Stake of the Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance led by Rosario Beltran, Scout Troop # 459.

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.

Recognize outgoing board and committee members.

Vice Mayor Walters expressed appreciation for the efforts and hard work of the citizens who served on the City's advisory boards and committees. Mayor Hawker presented plaques to the individuals who were completing terms of service.

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.

City Clerk Barbara Jones highlighted various corrections with regard to the reading of the consent agenda.

It was moved by Mayor Hawker, seconded by Councilmember Jones, that the consent agenda be approved, with the following corrections: deletion of 11a; removal of 13i; and 19g added to the consent agenda.

Councilmember Jones commented that at today's Study Session, he had requested that item 19g be removed from the consent agenda. He explained that typically when the Council reviews a zoning case that has the support of the Planning and Zoning Board (P&Z), the language contained on the agenda states "Approval with Conditions." Councilmember Jones noted that one such condition is: "Compliance with all requirements of the Design Review Board."

Councilmember Jones said that he does not always agree with the decisions of the Design Review Board, and noted that relative to agenda item 19g, he attended the Board's meeting when the case was reviewed. He explained that he became disconcerted when he learned that the day after the meeting, a Boardmember contacted the architect for the project and set out certain requirements that had not been discussed previously by the entire Board.

Councilmember Jones stated that as a result of this incident, it is imperative that citizens who serve on Mesa's boards and committees fully understand the scope of their roles in order to prevent costly delays in the development of City projects. He added that he was willing to place item 19g back on the consent agenda because he supports the project and wants it to move forward.

Mayor Hawker called for the vote.

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the May 18, 22 and 23, and June 5, 8 and 15, 2006 Council meetings.

3. Conduct a public hearing on the proposed Fiscal Year 2006-07 Budget Plan.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Fiscal Year 2006-07 Budget Plan.

In response to a request from Mayor Hawker, Budget Director Jamie Warner provided an extensive overview of the proposed Fiscal Year 2006/07 budget for the benefit of the viewing audience and those citizens present in the Council Chambers.

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

Councilmember Griswold stated that it was his understanding that Mesa's budget is approximately 18% larger than that of Gilbert's, which is a community one-third the size of Mesa.

In response to Councilmember Griswold's comment, City Manager Christopher Brady explained that if the City's budget were compared to the budgets of other communities that are less populated than Mesa, it would be considered "very reasonable and prudent." He explained that it is important to note that the General Governmental Operations and Maintenance budget, which totals \$294.5 million, represents the area in which many of the budget reductions occurred.

Mr. Brady advised that over 60% of the City's operating budget has been earmarked for Public Safety, which is in response to the priorities established by the Council and the community. He further commented that an additional \$600 million has been allocated to contingency funds in order to address future increases in the City's debt service payment schedule.

Mr. Brady further stated that in keeping with the Council and the community's priorities, as well as the passage of the sales tax increase, Mesa would receive over \$30 million in new revenues that would be dedicated to street improvements and transportation projects. He added that the emphasis on Public Safety has resulted in reduced operating hours for the City's libraries and museums.

4. Conduct a public hearing concerning the Five-Year Capital Improvement Program for Fiscal Years ending 2006-2011.

Mayor Hawker announced that this is the time and place for a public hearing concerning the Five-Year Capital Improvement Program for Fiscal Years ending 2006-2011.

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

5. Conduct a public hearing concerning water, wastewater, natural gas, solid waste rates, rate components fees and/or service charges increases.

Mayor Hawker announced that this is the time and place for a public hearing concerning water, wastewater, natural gas, solid waste rates, rate components fees and/or service charges increases.

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

6. Take action on an ordinance and resolution modifying water rate schedules and charges – Ordinance No. 4564 and Resolution No. 8757.

Vice Mayor Walters commented that at a previous Study Session, the Council discussed the possibility of staff including a notice with the City's water bills informing its customers that Mesa will incur substantial costs with respect to its arsenic remediation efforts. She stated that although those costs are not directly associated with the proposed water rate increase, it does reflect the escalated costs to operate the City's water system.

In response to Vice Mayor Walters' comments, Mr. Brady assured the Council that future water bills would contain a message regarding the arsenic abatement costs.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Ordinance No. 4564 and Resolution No. 8757 be adopted.

An extensive discussion ensued relative to the Federally mandated arsenic remediation program; the fact that states such as Nevada and Utah have been permitted to blend surface water with well water in order to comply with the Environmental Protection Agency (EPA) standards, but that the Arizona Department of Environmental Quality (ADEQ) has not permitted Mesa to comply in a similar manner; and an analysis of a high exposure to arsenic as compared to a low exposure.

Mayor Hawker called for the vote.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 4564 and Resolution No. 8757 adopted.

7. Take action on an ordinance and resolution modifying wastewater rate schedules and charges – Ordinance No. 4565 and Resolution No. 8758.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Ordinance No. 4565 and Resolution No. 8758 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 4565 and Resolution No. 8758 adopted.

8. Take action on an ordinance and resolution modifying natural gas rate schedules and charges – Ordinance No. 4566 and Resolution No. 8759.

Vice Mayor Walters stated that unlike the other utilities, the City has a different method of charging natural gas rates because the commodity cost is passed through to the customers.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Ordinance No. 4566 and Resolution No. 8759 be adopted.

Councilmember Jones explained that staff modeled the natural gas rate at 5% for two years. He said that the City anticipates a high bond debt payment in FY 2007/08 and noted that once that situation has stabilized, the rate would decrease to 3%.

Mayor Hawker called for the vote.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 4566 and Resolution No. 8759 adopted.

9. Take action on an ordinance and resolution modifying solid waste rate schedules and charges – Ordinance No. 4567 and Resolution No. 8760.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Ordinance No. 4567 and Resolution No. 8760 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 4567 and Resolution No. 8760 adopted.

*9.1. Take action on an ordinance and resolution modifying the Terms and Conditions for the Sale of Utilities, City of Mesa's Code of Conduct (Electric Utility), Terms and Conditions for Direct Access Services, Terms and Conditions for Standard Offer and Direct Access and Rules and Regulations (Electric Utility) – Ordinance No. 4557 and Resolution No. 8750.

*9.2. Take action on a resolution adopting fees and charges to partially offset costs incurred to meet Federal Environmental Compliance requirements – Resolution No. 8751.

(Mayor Hawker recessed the Regular Council Meeting at 6:23 p.m. and convened a Special Council Meeting for the purpose of adopting the Fiscal Year 2006/07 budget and approving a Five-Year Capital Program for Fiscal Years 2006-2011. At 6:30 p.m., the Regular Council Meeting reconvened.)

10. Conduct a public hearing prior to release of the petition for signatures for the following proposed annexations:

10a. **A06-10 (District 6)** Annexing land located on Broadway east of Crismon Road (2.3± ac.). Initiated by the property owner, John Brauchler.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing land located on Broadway east of Crismon Road (2.3± ac.).

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

10b. **A06-11 (District 6)** Annexing land located on Broadway Road east of Sossaman Road (0.17 ± ac.). Initiated by the property owner, Spencer Vanderpool.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing land located on Broadway Road east of Sossaman Road (0.17 ± ac.).

Audrey Burfiend, 440 South 76th Place, expressed support for the proposed annexation, but urged that all of the County island properties in the area be “cleaned up” and maintained.

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

10c. **A06-12 (District 6)** Annexing land located on Broadway Road west of Hawes Road (0.39 ± ac.). Initiated by the property owner, Spencer Vanderpool.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing land located on Broadway Road west of Hawes Road (0.39 ± ac.).

Sheri Richardson, 8212 E. Broadway, voiced opposition to the proposed annexation and commented that as a County resident, she does not want to be annexed into the City of Mesa. She requested information regarding the cost that County residents would incur to hook into the City's sewer system and questioned why such costs are being passed on to her and her neighbors.

Councilmember Griswold commented that approximately 30% of his district consists of County islands and explained that there is a formal process that an individual must follow in order to be annexed into the City of Mesa. He stated that property owners often choose to be annexed to receive City services (i.e., Police and Fire), but stressed that the City does not "force" individuals to connect to Mesa's sewer system if they choose not to.

In response to a question from Mayor Hawker, Development Services Manager Jack Friedline invited Ms. Richardson to contact his office to obtain information regarding the annexation process.

Councilmember Somers stated that the property owners initiated the three annexation requests, all of which are located in his district. He concurred with Councilmember Griswold's comments and encouraged Ms. Richardson to also get in touch with his office if she has any questions or concerns regarding this matter.

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

11. Take action on the following liquor license applications:

*11a. **Deleted.**

*11b. M&M Market

New Beer & Wine Store License for M&M Market, 810 South Stapley, Miller Food Mart, Inc. – Applicant, Zarah Avadisian – Agent. This is an Agent Change and an Acquisition of Control Change. The Beer & Wine Store license previously held at this location by CFM 15-002 Miller Inc., issued 08/14/78, will revert back to the State. District #4.

*11c. Café Rumba

New Restaurant License for Café Rumba, 1315 South Gilbert Road, Suite 102, Tulios Restaurant Concepts, Inc. – Applicant, Randy D. Nations – Agent. This is an existing building with no previous liquor license at this location. District #2.

*11d. China City Buffet

New Restaurant License for China City Buffet, 2235 South Power Road, Suite 101, China Olive, Inc.– Applicant, Cheng Ho – Agent. This is an existing building with no previous liquor license at this location. District #6.

12. Take action on the following bingo application:

*12a. BINGO LICENSE APPLICATION – CLASS B

American Legion Post #27
Thomas Baxstrom
1018 South Meridian
District #6

13. Take action on the following contracts:

- *13a. Court Digital Recording System for Mesa's City Court as requested by the General Services Department, Information Services Division. (Grant Funded – Arizona Supreme Court – Judicial Collection Enhancement Funds)

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal from AV Innovations, Inc. for an amount not to exceed \$103,561.41 including contingencies and applicable taxes.

- *13b. Two-year renewal of the Supply Contract for Gasoline and Diesel Fuel for City Vehicles as requested by the General Services Department, Fleet Support Services Division.

The Purchasing Division recommends exercising a two-year renewal with Phoenix Fuel Company. This is a cooperative bid with Mesa Unified School District #4 who estimates their annual purchase amount at \$2,000,000. The City's portion of the total purchases is estimated at \$3,902,600 annually, including applicable taxes.

- *13c. Three-year Contract for Custodial Services for Parks Restrooms as requested by the Community Services Department, Parks and Recreation Division.

The Purchasing Division recommends accepting the lowest responsive bid from Capitol Cleaning Contractors, Inc. at \$134,431.50 annually based on estimated requirements.

- *13d. Three-year Supply Contract for Landscape Sprinkler Parts and Supplies for the Community Services, Parks and Recreation Division and the Development Services, Facilities Maintenance and Field Operations Divisions.

The Purchasing Division recommends awarding the contract to Sprinkler World of AZ Inc. for \$140,000.00.

- *13e. Two-year renewal contract for Custodial Services at Secured City Buildings as requested by the Development Services Department, Facilities Maintenance Division.

Purchasing recommends exercising the two-year renewal option with Management Cleaning Controls for \$550,711.98 annually based on estimated requirements and including contingencies.

- *13f. Three-year Supply Contract for Street Light Lamps, Luminaries and Components for Warehouse Inventory as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends accepting the lowest responsive bids as follows:

North Coast Electric Co. for Group A at \$57,778.84,
Border States Electric Supply for Groups B and G at \$32,254.69,
Hughes Utilities Ltd. for Groups C and D at \$165,747.71; and
Statewide Wholesale Electric Supply for Group E at \$8,039.45.

The combined award is then \$263,820.69 annually based on estimated requirements, including contingencies and applicable taxes.

- *13g. Truck-Mounted TV Inspection System as requested by the Utilities Department, Water Division.

The Purchasing Division recommends authorizing the use of the City of Peoria contract with ELXSI dba CUES for \$159,528.34, including options and applicable taxes.

- *13h. Six Vehicles as requested by the Utilities Department, Water Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$301,089.70, including applicable sales tax.

- 13i. Police Emergency Towing Services

The Council is requested to approve the assignment of the City's Police Emergency Towing Services Contracts for Zones 2 and 3 to ACT Towing, LLC, the new owners of Cactus Towing, as recommended.

Mayor Hawker stated that he removed this item from the consent agenda in order to provide staff with an opportunity to respond to questions he posed during an earlier Study Session.

Materials Management Director Ed Quedens advised that Todd DeMasseo, General Manager of ACT Towing, LLC, was available to respond to any questions or concerns regarding this issue.

In response to a series of questions posed by Mayor Hawker, Mr. DeMasseo's comments included, but were not limited to, the following:

- ACT Towing, LLC (ACT) has entered into a purchase agreement with Diversified Towing (Cactus Towing).
- The transaction is an asset purchase; however, with any of the municipal towing contracts reassigned to ACT, the company would assume any liabilities pursuant to the terms and conditions of those contracts.
- ACT is proceeding through a series of transfers, including the municipal contracts held by Cactus Towing, the appropriate documents for the Department of Public Safety, and the contract reassignment process with Gilbert, Chandler and Scottsdale.

- ACT intends to retain all of Cactus Towing's existing staff.
- Mr. DeMasseo will continue as Acting General Manager.
- ACT will retain the trade name of Cactus Towing.
- The sole owner of ACT is Janet Rush. At such time as the contract reassignments are completed, Mr. DeMasseo would receive a 50% ownership interest in ACT.

In response to a question from Councilmember Somers, Mr. Quedens clarified that the terms of the Police Emergency Towing Services contract awarded in 2005 was for three years, with a two-year renewal option available at the discretion of the City.

Bruce Baker, 11143 West Spartan, Sun City, a member of Governor Napolitano's Motor Vehicle Towing Advisory Council, reported that the group has recently finalized a series of rules and regulations regarding the towing industry that will go into effect on July 1st. He commented that in meeting with Mr. Quedens, a tentative agreement was reached that he, Mr. Baker, would remain neutral regarding this agenda item, and the City of Mesa and its Council would enforce the new rules and requirements established by the Towing Advisory Council.

In response to a question from Mayor Hawker, City Attorney Debbie Spinner advised that the City's original Request for Proposal (RFP) for the Police Emergency Towing Services contract specified that the company that was awarded the contract would have the right to request a transfer of the contract. She noted that such a request requires Council approval. Ms. Spinner further stated that the Council could choose to accept the proposed transfer, in which case all of the duties and responsibilities of Cactus Towing would be transferred to ACT.

Mr. Quedens clarified Mr. Baker's comments and stated that he and Mr. Baker agreed that the City would ensure that all of its towing vendors (not just ACT) would comply with all certification and licensing requirements. He added that such compliance would occur regardless of the Council's action on this item.

Mayor Hawker expressed support for the transfer of the contract and said he sees no reason why it should not be transferred to another towing company that is equally qualified.

Vice Mayor Walters stated that she assumes the City should have no difficulty in requiring any of its vendors to comply with State law. She also voiced support for the transfer of the contract to ACT and noted that there are sufficient safeguards in place to protect the City in the event of non-performance by the vendor. Vice Mayor Walters added that although it is unfair to place an undue burden on one company over another, she appreciates the scrutiny that has been given to this item, especially in light of the past controversy surrounding the Police Emergency Towing Services contract.

Councilmember Griswold expressed support for the Governor's efforts to impose greater regulations on the towing industry.

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

Mayor Hawker declared the motion carried unanimously by those present.

- *13j. Desert Well No. 17 – Drilling Phase, City of Mesa Project No. 01-616-001.

This project will drill a new well to expand the City's water supply capabilities and system reliability in the southeast portion of the Desert Wells Zone. The City of Mesa maintains and operates numerous groundwater wells throughout the City to provide drinking water to Mesa citizens.

Recommend award to the low bidder, Zim Industries, Inc., in the amount of \$700,464.00 plus an additional \$70,046.40 (10% allowance for change orders) for a total award amount of \$770,510.40. Funding is available from the existing Water Bond authorization.

14. Introduction of the following ordinances and setting July 5, 2006, as the date of the public hearing on these ordinances:

- *14a. Amending various sections of the Mesa City Code regarding the following traffic modifications.

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

On the east side of Lindsay Road from the driveway with centerline approximately 380 feet north of Southern Avenue (northeast corner of Lindsay Road and Southern Avenue, Council District 2).

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

On the south side of Juanita Avenue from the south leg of Revere to Vineyard (north of Baseline Road and East of Extension Road, Council District 3).

On 39th Street from Flossmoor Avenue to Gable Avenue (north and south of Southern Avenue, east of Val Vista Drive, Council District 6).

No Parking: 10-3-24 (F 9) (No Parking between 10:00 p.m. and 4:00 a.m.)

On the south side of Juanita Avenue from Revere to Vineyard (north of Baseline Road and east of Extension Road, Council District 3) (Remove Prohibition).

- *14b. Amending Mesa City Code Building Regulations Title 4, Chapters 1, 2 3 and 5 to make minor modifications to the requirements for building permits and to correct/clarify several building and related code requirements, as recommended by the General Development Committee.
- *14c. Amending Mesa City Code Public Ways and Property Title 9, Chapters 1, 2, 5, 6 and 8 to modify the requirements for street improvements and rights-of-way dedication, as recommended by the General Development Committee.

15. Take action on the following resolutions:

- *15a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between Salt River Project Agricultural Improvement and Power District and the City of Mesa for the relocation of power poles and power lines along East University Drive and North Gilbert Road – Resolution No. 8752.
- *15b. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement between Sam’s West, Inc., and the City of Mesa for the reimbursement of regional offsite improvements that are being required by Mesa in conjunction with the proposed development known as Sam’s Club, located at 4663 East McKellips Road. Mesa’s estimated City Share is \$14,390.00 – Resolution No. 8753.
- *15c. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District No. 4 relating to the design and construction of the Neighborhood Aquatic Complex at Carson Junior High School – Resolution No. 8754.
- *15d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona through the Department of Commerce for an award of \$62,231 to support the provision of weatherization services provided through the Mesa Community Action Network – Resolution No. 8755.
- *15e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona through the Department of Commerce for an award of \$4,750 to support the provision of weatherization services provided through the Mesa Community Action Network – Resolution No. 8756.
- 15f. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Maricopa County for funding in the amount of \$250,000 for crime prevention programs for at-risk youth – Resolution No. 8763.

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

It was moved by Councilmember Jones, seconded by Vice Mayor Walters, that Resolution No. 8763 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those present and voting and Resolution No. 8763 adopted.

- *15g. See Agenda Item 9.2.

- *16. See Agenda Item 9.1.
- *17. Authorizing the City Manager to enter into an agreement with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.
- *18. Approve write-off of utility and miscellaneous accounts for the quarter ending February 28, 2006 in the amount of \$392,376. Collection efforts will continue with respect to all of these accounts.
19. 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 City Clerk before Council votes on the consent agenda.
- *19a. Amending Title 6, Chapter 1 of the Mesa City Code by adding a new Section 6-1-21 entitled Sale and Display of Pseudoephedrine Products – Ordinance No. 4558.
- *19b. **Z06-32 (District 5)** The 100 to 200 block of North Sunvalley Boulevard (east side). Located north of Main Street, west of Sossaman Road. (2.60± ac.). Rezone from O-S to R-2 PAD and Site Plan Review. This request will allow for the development of a residential townhouse subdivision. RSB Partners, L.L.C. (Ross Farnsworth), owner; Jeff Welker, Welker Development Resources, L.L.C., applicant – Ordinance No. 4559. ***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***
- P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmembers Saemisch and Salas absent.)
- *19c. **Z06-35 (District 6)** The 7600 to 7800 block of East Elliot Road (south side). Located at the southeast corner of Elliot Road and Sossaman Road (59.94± ac.). Rezone from R1-43 to C-2 and M-1. This request will bring the zoning of the property into conformance with the Mesa 2025 General Plan. Susan C. Dodds, Susan C. Dodds Trust and Thomas M. Dodds, Elliot & Sossaman Ltd., owners; City Staff, City of Mesa, applicant – Ordinance No. 4560. ***(Notified property owners and interested neighbors.)***
- P&Z Recommendation: Approval with Conditions. (Vote: 7-0)
- 19d. **Z06-37 (District 1)** The 300 to 400 block of North Stapley Drive (west side) and the 1100 to 1200 block of East University Drive (south side). Located at the southwest corner of Stapley Drive and University Drive (2.05± ac.). Site Plan Modification. This request will allow for the development of a commercial center. Kumar 'Mark' Sahajwani, Jones Executive Accounting and Payroll System, Inc. and PREHAB of Arizona; owners; Zamir Hasan, applicant – Ordinance No. 4568. ***(Held two neighborhood meetings, notified property owners and neighbors.)***
- P&Z Recommendation: Approval with Conditions. (Vote: 7-0)

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

Catherine Ryan-Stover, 2329 North Recker, #47, a representative of PREHAB of Arizona, stated that the organization is not opposed to the case, but requested that consideration be given to the applicant installing a fence on the adjoining property line with PREHAB.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Zoning Case Z06-37 be approved, and that a note be submitted to the Design Review Board indicating that the Council would like the Board to consider requiring the applicant to install a fence along the adjoining property line with PREHAB of Arizona, and that Ordinance No. 4568 be adopted

Kumar "Mark" Sahajwani, the applicant, acknowledged the concerns expressed by Ms. Ryan-Stover. He suggested the possibility of the applicant and PREHAB sharing the cost for the construction of a fence.

Mayor Hawker commented that the cost sharing issue would need to be resolved between the applicant and PREHAB of Arizona and said that such a determination is not within the purview of the Council.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those present and voting and Ordinance No. 4568 adopted.

- *19e. **Z06-38 (District 5)** The 240-260 block of North Power Road (west side). Located south of the southwest corner of Power Road and University Drive (.41± ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. For the establishment of City of Mesa zoning on recently annexed property. Dennis Callison; owner; City of Mesa, applicant – Ordinance No. 4561.

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

- *19f. **Z06-39 (District 1)** The 600 block of East Jasmine Circle (north side). Located south of McKellips Road and east of Mesa Drive (1.00± ac.). Rezone from R1-43 to R1-6 BIZ. This request will allow for the development of a single residential subdivision. Mark Gunning, H & G Enterprises, LLC, owner; Jeff Welker, Welker Development Resources, LLC, applicant – Ordinance No. 4562. ***(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***

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

- *19g. **Z06-41 (District 3)** The 1200 through 1500 block of South Dobson Road (west side). Rezone from C-1-BIZ and R-4 to C-1-DMP and Site Plan Modification (72± ac.). This request is to allow a phased development at the Banner Desert Medical Center with

patient towers, children's hospital, medical office buildings and associated structures. Jay Stallings, BDMC, owner; Joseph D. Goforth, Berry & Damore, applicant – Ordinance No. 4563. ***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Langkilde abstaining due to a potential conflict of interest).

20. Take action on the following subdivision plats:

- *20a. "MOUNTAIN PRESERVE AT LAS SENDAS" (**District 5**) 7500 block of East Eagle Crest Drive (south side) located north and east of Thomas Road and Power Road. 2 R1-35 PAD DMP single residence lots (6.84 ac.) Sonoran Desert Holdings, LLC, Jeff Blandford, manager, owner.
- *20b. "TUSCANY COVE" (**District 1**) 1600 block of North 26th Street (east side) located south and west of McKellips Road and Lindsay Road. 6 R1-9 single residence lots (1.53 ac.) Nowata Leasing, an Arizona Limited Partnership, Greg Hamblin, managing partner, and Mark Gunning and Kathy Gunning, owners.
- *20c. "RESTAURANT DEPOT" (**District 3**) 1900 block of South Extension Road (east side) located north and east of Baseline Road and Extension Road. 1 M-1 industrial lot (5.67 ac.) JMDH Real Estate of Mesa, LLC, Julius Giannini, owner.
- *20d. "HAWES ROAD APARTMENTS" (**District 6**) 400-500 block of South Hawes Road (east side) located south and east of Broadway Road and Hawes Road. 11 R-3 PAD four-plex buildings (3.43 ac.) John Bellerose, owner.

21. Items from citizens present.

There were no items from citizens present.

22. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:05 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 26th day of June 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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