

## COUNCIL MINUTES

February 22, 2005

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 22, 2005 at 5:46 p.m.

### COUNCIL PRESENT

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

### COUNCIL ABSENT

Mayor Keno Hawker

### OFFICERS PRESENT

Mike Hutchinson  
Barbara Jones  
Debbie Spinner

Vice Mayor Walters excused Mayor Hawker from the entire meeting.

Invocation by Pastor Doug Davidson, Trinity Baptist Church.

Pledge of Allegiance was led by Tucker Crandell, Boy Scout Troop No. 996.

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. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (\*) were approved with one Council action.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

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

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

Minutes from the January 27, February 3, 7, 10 and 17, 2005 Council meetings.

3. Conduct a public hearing for the FY 2005-2009 Strategic Plan, which describes how the City of Mesa will pursue goals for assisted housing needs and non-housing community development programs eligible under the Housing and Urban Development's federal programs.

Vice Mayor Walters announced that this is the time and place for a public hearing regarding the FY 2005-2009 Strategic Plan which describes how the City of Mesa will pursue goals for assisted housing needs and non-housing community development programs eligible under the Housing and Urban Development's federal programs.

Jim Davidson, 2542 East Lynwood, spoke in support of the Strategic Plan. He noted that many people in the community support Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funding, and that many agencies rely heavily on these sources. He urged the Council to continue to support this type of funding.

Teresa Brice-Heames, 606 North Robson, Senior Vice President of Housing for Mesa, also expressed support for the five-year plan. She stated that the report indicates that rental housing generates a disproportionate number of housing problems compared to home ownership. Ms. Brice-Heames explained that a primary goal of her agency is to prepare clients to address the maintenance issues that accompany home ownership. She stated the opinion that the benefits derived by the community far exceed the amount of funds allocated. Ms. Brice-Heames also expressed appreciation for Vice Mayor Walters' efforts to address these issues at the national level.

Dave Richins, 833 West 11<sup>th</sup> Place, expressed frustration relative to the manner in which the strategic plan was formulated. He stated the opinion that additional time should be allocated for review of a five-year plan in order to properly address the needs of a growing city.

There being no additional speakers, Vice Mayor Walters declared the public hearing closed.

3.1. Conduct a public hearing concerning the recommended changes to the development impact fee program including: public safety, fire, and cultural impact fees.

Vice Mayor Walters announced that this is the time and place for a public hearing concerning the recommended changes to the development impact fee program including: public safety, fire, and cultural impact fees.

Erin Patterson, 3200 East Camelback Road, Phoenix, representing the Home Builders Association of Central Arizona, expressed concern regarding the cultural impact fee, and she stated the opinion that the fee does not meet the intent of the State Statutes, which requires that the fee address a necessary public service.

There being no additional speakers, Vice Mayor Walters declared the public hearing closed.

4. Consider the following liquor license applications:

a. STAN TROUTMAN, PRESIDENT

Special Event License application for Stan Troutman, President, Mesa Hohokams, a one-day civic event to be held on Thursday, March 10, 2005, from 5:00 P.M. to 11:00 P.M. at 1235 N. Center Street. The City of Mesa and Hohokam Stadium will suspend its liquor license from 4:00 to 11:00 P.M. for this event. District #1.

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

It was moved by Councilmember Rawles, seconded by Councilmember Thom, that the subject license be forwarded to the State Liquor Board with a recommendation for approval.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried by a majority of those present and voting.

b. STAN TROUTMAN, PRESIDENT

Special Event License application for Stan Troutman, President, Mesa Hohokams, a one-day civic event to be held on Thursday, March 17, 2005, from 5:00 P.M. to 11:00 P.M. at 1235 N. Center Street. The City of Mesa and Hohokam Stadium will suspend its liquor license from 4:00 to 11:00 P.M. for this event. District #1.

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

It was moved by Councilmember Griswold, seconded by Councilmember Rawles, that the subject license be forwarded to the State Liquor Board with a recommendation for approval.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried by a majority of those present and voting.

\*c. SAAD NEMER SAAD, AGENT

New Beer & Wine Store License for ARCO AM/PM, 1163 W. Broadway Road. This is an existing business. The license previously held at this location by Eleanor Marie Garcia, Agent, Express Stop, Inc., will revert back to the State. District #4.

\*d. VINAY K. BINJRAJKA, AGENT

New Beer & Wine Store License for Shell, 6806 E. Brown Road. This is an existing business. The license previously held at this location by Gregory M. Sargovetz, Agent, C&M Convenience Stores, Inc., will revert back to the State. District #5.

\*e. SUBHASH KUMAR THATHI, AGENT

New Beer & Wine Store License for Shell, 2015 W. University Drive. This is an existing business. The license previously held at this location by Rodney S. Herbert, Agent, Reays Ranch Investors, LLC, will revert back to the State. District #3.

\*f. RANDY D. NATIONS, AGENT

New Restaurant License for Amazing Jake's Pizza Factory, 1830 E. Baseline Road. This is new construction. No previous liquor licenses at this location. District #4.

5. Consider the following contracts:

\*a. Additional purchase option for Caustic Soda, as requested by the Utilities Department. (Contract 2003132)

The Purchasing Division recommends a dollar limit increase to the contract for Caustic Soda (item 3) to UniVar USA, Inc. at \$58,800.00 based on estimated requirements.

\*b. Flow Grid Regulators as requested by the Utilities Gas Division. (Contract 2005107)

The Purchasing Division recommends accepting the only bid by Tri-Pacific Supply, Inc. at \$27,540.48 including applicable use tax. (Sole Source)

\*c. Additional purchase option for Pad Mounted Switchgear as requested by the Electric Division. (Contract 2004144)

The Purchasing Division recommends exercising an additional purchase option with the original low bid by G & W Electric Company c/o Clark Power Products at \$68,794.38.

\*d. Three-year supply contract for Pipe Repair Clamps for Gas, Sewer & Water Service for Warehouse Inventory as requested by the Utilities Gas Division.

The Purchasing Division recommends accepting the overall low bid meeting specifications by Arizona Water Works Supply for \$44,285.45 based on estimated annual requirements.

- \*e. Self-contained Breathing Apparatus as requested by the Fire Department. (Contract 2005106)

The Purchasing Division recommends accepting the low bid by First In, Inc. at \$348,730.60 including applicable sales tax.

- \*f. Municipal Building Screen Wall Repairs, City of Mesa Project No. 03-003-002.

This project will replace the damaged blocks and mortar joints to prolong the service life of the screen wall and provide for safer conditions around the Municipal Building.

This project will also include the painting of the screen walls and an upgrade to the connection between the masonry screen wall and the supporting concrete columns.

Recommend award to low bidder, HH Construction, in the amount of \$214,296.35 plus an additional \$21,429.64 (10% allowance for change orders) for a total award of \$235,725.99.

6. Introduction of the following ordinances and setting March 7, 2005, as the date of public hearing on these ordinances:

- \*a. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting by reference new Personnel Rules.
- \*b. Amending the Mesa City Code Title II, Chapter 23; Mesa Housing Services Governing Board by revising Housing and Human Services Advisory Board to Housing Advisory Board.
- \*c. Amending the Mesa City Code Title II, Chapter 2; revising Housing and Human Services Advisory Board to Human Services Advisory Board, adding Meeting Section and amending all references to Housing Services.
- \*d. Creating a Housing Advisory Board; providing for the appointment of members thereon and defining the powers and duties of the Board; amending the Mesa City Code by adding to Title II a new Chapter 24; and establishing an effective date.
- \*e. Moved to agenda item 6.1a.
- \*f. Moved to agenda item 6.1b.
- \*g. Moved to agenda item 6.1c.
- \*h. Moved to agenda item 6.1d
- \*i. **Z04-106 (District 5)** 2759 North Val Vista Drive. Located east of Val Vista Drive and south of McDowell Road (2.47 ac.). Rezone from R1-35 to O-S-PAD and Site Plan Review to allow for the development of office buildings. Saager Development, L.L.C., (Eric Faas) owner/applicant.

- \*j. **Z05-01 (District 6)** 1825 South Val Vista Drive and Inverness Avenue. Located north and east of Baseline Road and Val Vista Drive (2.47 ac.). Site Plan Modification. This request is for the development of a bank. State Farm Mutual; Steven Kalaskie (Director), owner; Jeremy Jones, DWL Architects, applicant.
- \*k. **Z05-02 (District 5)** 2830 North Norwalk. Located north and west of McDowell Road and Greenfield Road (5.13 ac.). Site Plan Modification. This request is for the development of industrial buildings. Viewpoint Resort (Dan Reeb), owner; Gregory Hitchens, applicant.
- \*l. **Z05-05 (District 6)** The 9000 block of East Guadalupe Road (south side). Located south and west of Guadalupe Road and Ellsworth Road (8.2 ac.). Rezone from R-2 DMP to R-2 BIZ-PAD-DMP and site plan review. This request is to allow for the development of a town home development. Donald J. Zeleznail, owner; Jason P. Allen, applicant.
- \*m. **Z05-06 (District 6)** 6225 East Test Drive. Located south and west of US 60 and Superstition Springs Boulevard (3.18 ac.). Rezone from M-1 PAD to M-1 PAD BIZ and site plan review. This request is to an allow auto dealer facility to exceed the maximum number of permitted stories. John Stalupi Jr., owner; Barry Barcus, applicant.
- \*n. **Z05-07 (District 4)** The 800 block of West Broadway Road (south side). Located on the southwest corner of Broadway and Extension Roads (0.87 ac.). Rezone from M-1 to M-1 PAD and site plan review. This request is to facilitate individual building ownership in an existing industrial commercial development. R. Cutler, owner; Gary D. Wenger, applicant.
- \*o. **Z05-08 (District 5)** 6116 East Arbor Avenue. Located south and east of Main Street and Recker Road (4.59 ac.). Rezone from C-2 to C-2 PAD and site plan review. This request is to allow for medical office condominiums. Michael Hamberlin, owner; Steven Nevala, applicant.
- \*p. **Z05-09 (District 6)** 10646 East Pecos Road. Located north and west of Pecos Road and the alignment of Signal Butte Road (2.9 ac.). Site Plan Review. This request is to allow for a general contractors yard and associated office. Dave Jarvis, owner; Laurel Hodges, applicant.
- \*q. **Z05-10 (District 5)** 6740 East University Drive. Located north and west of University Drive and Power Road (1.08 ac.). Site Plan Modification. This request is to allow for the development of an inline general commercial center. Dan Mikalacki, owner/applicant.
- \*r. **Z05-11 (District 6)** The 5200 to 5300 Block of East Southern Avenue (south side). Located south of Southern Avenue and east of Higley Road (1.38 ac.). Site Plan Modification. This request is to allow for the development of a retail pad for a car wash. Rick Stertz, Strategic Asset Acquisition, LLC, owner; Rick Huch, Seaver Franks Architect Inc., applicant.
- \*s. **Z05-12 (District 6)** The 4600 to 5600 blocks of South Mountain Road (west side) and the 10800-11200 blocks of East Galveston Street (north side). Located east of the Signal Butte Road alignment, north and south of Ray Road. (572.71 ac.). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. This case involves the establishment

of City zoning on recently annexed property. Pulte Homes (Andrew E. Moore with Earl, Curley & Lagarde, P.C.), owner; City of Mesa, applicant.

- \*t. **Z05-13 (District 6)** 4566 East Inverness Avenue. Located north of Baseline Road and east of Greenfield Road. (2.24 ac.). Modification to the PAD overlay. This request is to allow the subdivision of an existing office building. East Valley Medical Office Building, LLC, owner; Mark Mullen, applicant.
- \*u. **Z05-14 (District 2)** 1905 South Lindsay Road. Located north of Baseline Road and east of Lindsay Road. (0.87 ac.). Rezone from R1-9 to O-S and Site Plan Review. This request is to allow for the development of offices. Kenneth D. Russell, owner; Christian Bowers, Piping Systems, applicant.

6.1. Introduction of the following ordinances and setting March 21, 2005, as the date of public hearing on these ordinances:

- a. Amending Title 5, Chapter 17, Table 5, of the Mesa City Code, relating to Fire Development Impact Fees.

Courtney Gilstrap LeVinus, 2302 North 3<sup>rd</sup> Street, Phoenix, representing the Arizona Multihousing Association, stated that she would address the proposed police and fire impact fees (agenda items 6.1.a and 6.1.b). She provided the Councilmembers with a copy of a February 17, 2005 letter (a copy is available for review in the City Clerk's Office) that was directed to Deputy Building Safety Director Jeff Welker stating her organization's disagreement with the data utilized to calculate the fees. Ms. LeVinus expressed the opinion that an inaccurate number of calls for service are attributed to multihousing units, and she advised that a preliminary review of the City's fire call report indicated an estimated ten percent error rate. She added that representatives of the Multihousing Association would like to meet with staff in order to review the data and identify calls that should not be attributed to multifamily units.

In response to a question from Councilmember Thom, Ms. LeVinus noted that the City data identifies 58,308 multifamily units, and that the Multihousing Association has a figure of 34,379 consisting of 50 units and above.

Discussion ensued relative to the fact that the current \$160 per unit impact fee for police is proposed to increase to \$320, and that the fire impact fee of \$103 per unit is proposed to increase to \$218.

Responding to Vice Mayor Walters' question relative to the legal aspect of changing the amount of an impact fee, City Attorney Debbie Spinner advised that such a change would require reintroduction of the ordinance.

In response to Vice Mayor Walters' comment, Mr. Welker confirmed that the impact fee applies to all multihousing units, and he noted that the figures provided by the Arizona Multihousing Association includes only properties of 50 units and above.

Responding to comments from Councilmember Rawles, Mr. Welker advised that staff utilized census data and 9-1-1 call reports as the basis for the report. He stated that staff has a high degree of confidence in the census information because the data has been consistent over a

long period of time. Mr. Welker noted that other communities utilize similar methods to determine impact fees.

Councilmember Whalen requested that staff re-examine the statistics and the methodology utilized relative to agenda items 6.1.a and 6.1.b, and that staff provide a report to the Council at the March 7, 2005 Council Meeting.

Further discussion ensued relative to the fact that if the data indicates that an impact fee should be adjusted, the ordinance could be changed and reintroduced.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that the subject ordinance be introduced and that March 21, 2005, be set as the date of the public hearing.

Upon tabulation of votes, it showed:

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

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

- b. Amending Title 5, Chapter 17, Table 5, of the Mesa City Code, relating to Public Safety Development Impact Fees.

(The discussion listed under item 6.1.a addresses both agenda items 6.1.a and 6.1.b.)

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that the subject ordinance be introduced and that March 21, 2005, be set as the date of the public hearing.

Upon tabulation of votes, it showed:

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

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

- c. Amending Title 5, Chapter 17, Table 5, of the Mesa City Code, relating to Cultural Facility Development Impact Fees.

Councilmember Rawles stated that he concurred with Erin Patterson's comments when she addressed agenda item 3.1, and he expressed the opinions that the imposition of a cultural impact fee is not a necessary function of government, and that the fee does not comply with Arizona law.

Councilmember Thom advised that she agreed with Councilmember Rawles' comments, and she stated the opinion that the cultural impact fee is not a "necessity" that requires government funding.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that the subject ordinance be introduced and that March 21, 2005, be set as the date of the public hearing.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Walters-Whalen  
NAYS - Rawles-Thom  
ABSENT - Hawker

Vice Mayor Walters declared the motion carried by a majority of those present.

\*d. Amending Title 5, Chapter 17, of the Mesa City Code, relating to Development Impact Fees.

7. Consider the following resolutions:

\*a. Granting an underground power easement to Salt River Project in the 7000 block of East Warner Road – Resolution No. 8420.

This easement is necessary to provide power to the City Sewer Lift Station.

b. Authorizing the City Manager or his designee to execute an agreement between the City of Mesa and Pre-Hab of Arizona for funding from the State of Arizona Summer Youth Employment Training Program – Resolution No. 8423.

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

It was moved by Councilmember Rawles, seconded by Councilmember Thom, that Resolution No. 8423 be adopted.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried unanimously by those present and voting and Resolution No. 8423 adopted.

\*c. Extinguishing a portion of a Public Utility Easement on Lot 185 of CORY ESTATES UNITS 6 & 7, located at 801 North Harris Street – Resolution No. 8421.

This easement is no longer required.

\*d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Chandler, Glendale, Goodyear, Mesa, Peoria and Scottsdale relating to joint representation in settlement efforts relating to *Central Arizona*

*Water Conservation District v. United States of America, et al.* (No. CIV 95-625-TUC-WDB) – Resolution No. 8422.

- e. Amending Resolution No. 8407, which authorized the issuance and sale of City of Mesa Street and Highway Revenue Refunding Bonds, Series 2005, to include provisions required by Financial Security Assurance (FSA) Inc., the Insurer of such Bonds – Resolution No. 8424.

Fred Rosenfeld, the City's Bond Counsel, explained that the City is able to issue Street and Highway Revenue Bonds against gas tax revenue that the City anticipates to receive from the State for a period of up to 30 years. Mr. Rosenfeld noted that the City recently advanced refunds for approximately \$23 million of these bonds, which resulted in a savings to the City of approximately \$1.3 million. He advised that FSA was retained to insure the bonds, which means that the City paid a premium to FSA in return for FSA's guarantee to the bondholder that the bonds will be paid. Mr. Rosenfeld noted that the City signed a side agreement to ensure FSA's commitment to provide security for the bonds, and that agreement requires an amendment to Resolution No. 8407.

Discussion ensued relative to the fact that the amendment does not substantively alter the original agreement; and that the amendment requires the City to submit an audited financial statement to FSA within 180 days following the end of each fiscal year.

Mr. Rosenfeld recommended that the Council approve the amendment.

It was moved by Councilmember Jones, seconded by Councilmember Thom, that Resolution No. 8424 be adopted.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried unanimously by those present and Resolution No. 8424 adopted.

8. Consider the following the ordinances:

- \*a. Providing a monthly communications allowance of up to \$80.00 for the Mayor and City Councilmembers – Ordinance No. 4343.
- b. **A04-04 (District 6)** Annexing the east side of Power Road between Ray and Williams Field Road. (67.7± acres). Initiated by the property owners (list of property owners attached.).

City Manager Mike Hutchinson advised that staff is proposing to continue this item until the Regular Council meeting on March 7, 2005. He stated that in the interim staff would meet with the property owners in order to obtain additional information.

Vice Mayor Walters noted that several requests to speak have been submitted, and she added that the consensus of the Council appears to support a continuance to March 7, 2005. She explained that each speaker would have the opportunity to address the Council at this meeting, and that there would be another opportunity to address the Council on March 7th.

The following individuals spoke in opposition to the annexation:

Larry Ferron, 241 South Sistine  
Craig Van Sickle, 14031 South 185<sup>th</sup> Street  
Dwight Udall, 14403 South Power Road  
Jori Udall, 14403 South Power Road

Comments made in opposition to the annexation include:

- Development planned for the corner of Power and Ray Roads has not materialized.
- Annexation would not benefit the property owners.
- The developer is attempting to purchase area properties at a price below market value.
- The developer should pursue annexation after the properties have been purchased.
- Existing businesses might not be allowed to continue operation if the annexation occurs.
- Many current property owners do not require City services.

Mr. and Mrs. Udall presented letters (copies are available for review in the City Clerk's Office) dated February 22, 2005, from Fred Cho, 14441 South Power Road, expressing opposition to the annexation, and from M. K. Hamblin and Dru Wyeth of S & H Steel Company, requesting withdrawal of their signatures on petitions in support of the annexation.

The following individuals completed cards expressing opposition to the annexation, but indicated that they did not wish to address the Council:

C. Nelson, 14212 South 185<sup>th</sup> Street  
John D. Nation representing Clean Cut Lawns  
Justin Bingham, 1356 South Spur

Speaking in support of the annexation were the following individuals:

Mike Cahill, the developer of the southeast corner,  
11601 East Charter Oak Drive, Scottsdale  
Larry Gunning, 8275 North 61<sup>st</sup> Place, Paradise Valley  
Craig Boswell, 310 East Gary Circle, representing QuikTrip

Comments made in support of the annexation include:

- Development in the area of Power and Ray Roads would enhance the entrance to Williams Gateway Airport and Arizona State University East.
- The subject property could be developed to the same level of quality as the development that is occurring directly across the street in Gilbert.
- The subject property is a prime area for retail development.
- Annexation of the area into the City of Mesa would provide access to City utilities and services.

- Development would generate additional tax revenue for the City of Mesa.

In response to questions from Councilmember Thom, City Attorney Debbie Spinner noted that a court decision exists that allows petition signatures to be withdrawn any time prior to Council action; however, she advised that a more recent Statute was passed requiring that a property owner seeking to withdraw a signature from a petition which modifies the boundaries of a City, must do so prior to 5:00 p.m. on the day the petition is recorded in the County Recorder's Office.

Mr. Cahill responded to questions from Councilmember Thom by advising that several parcels have different contracts, and he noted that some prospective businesses refuse to make a commitment until the annexation and zoning are in place. He stated that some properties are already committed, and that four to six properties are in escrow and one property has been purchased. Mr. Cahill also added that negotiations with the Power Road Baptist Church have been ongoing for six months, but no agreement has been reached.

Councilmember Thom stated that Earl Cummings, one of the property owners, called her to state that he has no interest in selling his property, and that he does not want his property annexed into the City. She also expressed an interest in learning the details of a meeting held on January 16, 2005 at the Power Road Baptist Church regarding the proposed annexation. Councilmember Thom advised that she was willing to approve an annexation supported by the property owners, but she does not want annexation by the City to be used as leverage to further the efforts of a developer or to pressure businesses to sell to developers. She also expressed concern that annexation would force existing businesses to close as a result of different zoning.

Councilmember Griswold expressed the opinion that a continuance would enable the parties to work towards a win/win situation.

Responding to a comment from Vice Mayor Walters, Ms. Spinner confirmed that the zoning of a County property annexed into the City remains the same. She noted that issues could come forward if the County's existing zoning is not being properly enforced.

Councilmember Whalen requested additional information regarding the percentage of property owners who are required to approve in order for the annexation to move forward. He also noted concern relative to the fact that Power Road is controlled by Maricopa County, and that many confusing issues continue to exist regarding this area. He stated that the presence of Williams Gateway Airport and Arizona State University East are vital to the economic future of Mesa.

Vice Mayor Walters noted that many issues remain to be resolved regarding the proposed annexation, and she requested that staff address these issues in a written report to the Council.

It was moved by Councilmember Whalen, seconded by Councilmember Rawles, that Case A04-04 be continued to the March 7, 2005 Council Meeting.

Planning Director John Wesley responded to Councilmember Thom's comments by stating that the City is required to maintain the same zoning on property that is annexed from the County into the City.

Ms. Spinner clarified that Council action is required to affirm the zoning, but the Council must comply with State Statutes that require "comparable zoning" on property annexed into the City. She stated that the Council could take action at a later date to change the zoning.

Vice Mayor Walters advised that in the past the Council has rejected some proposed annexations due to the fact that the City did not want to accept the zoning that was in place on the property.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

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

\*c. Amending the Mesa City Code regarding the following traffic modification – Ordinance No. 4344:

Speed Limits: 10-4-5 (35 mph) and 10-4-06 (30 mph).

Reducing the speed limit from 35 mph to 30 mph on 1<sup>st</sup> Street from Country Club Drive to Mesa Drive. (Town Center Area, Council District 4).

9. Consider the following subdivision plats:

- \*a. “CRISMON COMMONS EAST”, – (Council District 6) – 1700-1900 blocks of South Crismon Road (east side) located north and east of Baseline Road and Crismon Road. 5 C-2 commercial lots (25.98 ac) Hunsinger Family Limited Partnership, an Arizona Limited Partnership and Crismon of Washington, LLC, a Washington Limited Liability Company, Norma Fay Dobson Toci, Manager, owners; Anderson-Nelson, Inc., engineer.
- \*b. “CRISMON COMMONS WEST”, – (Council District 6) – 1700-1900 blocks of South Crismon Road (west side) located north and west of Baseline Road and Crismon Road. 7 C-2 commercial lots (20.79 ac) Hunsinger Family Limited Partnership, an Arizona Limited Partnership and Crismon of Washington, LLC, a Washington Limited Liability Company, Norma Fay Dobson Toci, Manager, owners; Anderson-Nelson, Inc., engineer.

10. Items from citizens present.

Chris Denison, 548 South Udall, #2, representing the Mesa Jaycee’s, addressed the Council to solicit support for a 5K Fun Run in the downtown Mesa area. He noted that Mesa has not typically hosted these types of events, and that a Fun Run would generate additional foot traffic in the downtown area.

Vice Mayor Walters suggested that staff arrange for Mr. Denison to contact the Parks and Recreation Department.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:06 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 22nd day of February 2005. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

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Attachment

Unique Owner	Parcel Number
1 William Anderson	304-37-020
William Anderson	304-37-025
1 Justin Bingham	304-37-015C
1 Frederick Cho	304-37-002N
1 Frederick & Paula Cho	304-37-019
1 Clean Cut Lawns	304-37-015D
1 Commerce Enterprises LLC	304-37-007
1 Maria Dolores Coury	304-37-010
1 Earl Cummings	304-37-016
1 D&L Enterprises	304-37-013B
	304-37-015B
1 Flood Control District	304-38-002A
Flood Control District	304-38-011A
1 John Gaines	304-37-021
1 Robert & Julie Galvin	304-37-002A
1 Joseph Kestner	304-37-022
1 City of Mesa	304-37-006
	304-37-002Z
	304-37-005
1 Edward Nasser	304-37-003A
1 Gary Nelson	304-37-009
1 Roosevelt Water Cons Dist	304-37-003B
1 S&H steel	304-37-011
1 S&H steel	304-37-013A
1 James Mcdowell	304-37-023
James Mcdowell	304-37-024B
James Mcdowell	304-37-024A
1 Mark /Vicki Talbot	304-37-002U
1 Dwight Udall	304-37-017
1 Jesse Udall	304-37-018
1 Craig Vansickle	304-37-012A