



OFFICE OF CITY CLERK

## COUNCIL MINUTES

May 5, 2008

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

### COUNCIL PRESENT

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

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Councilmember Jones participated in the entire meeting through the use of telephonic equipment.

Invocation by President Terry Turk, Church of Jesus Christ of Latter-Day Saints.

Pledge of Allegiance was led by Morgan Griffiths, Scout Troop #751.

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.

City Clerk Linda Crocker advised that citizens have submitted requests to remove items 6d and 6e from the consent agenda.

Councilmember Rawles requested, and the Council concurred, that item 8d be included on the consent agenda.

It was moved by Vice Mayor Walters, seconded by Councilmember Truitt, that the consent agenda items, with the addition of item 8d and the exception of items 6d and 6e, be approved.

Carried unanimously.

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

Minutes from the March 6, 2008 and April 10, 17 and 21, 2008 Council meetings.

3. Take action on the following liquor license applications:

\*3a. Best Western Dobson Ranch Inn & Resort

New Hotel-Motel License for Best Western Dobson Ranch Inn & Resort, 1644 S. Dobson Road, Geyser Dobson Ranch MT LLC – Applicant; Kevin Patrick Thorpe – Agent. No previous Hotel-Motel License at this location (**District 3**).

\*3b. Best Western Dobson Ranch Inn & Resort

New Restaurant License for Best Western Dobson Ranch Inn & Resort, 1644 S. Dobson Road, Geyser Dobson Ranch MT LLC – Applicant; Kevin Patrick Thorpe – Agent. The previous Restaurant license held at this location by The Other Place will revert back to the State (**District 3**).

\*3c. Hodori Soon Tofu Restaurant

New Restaurant License for Hodori Soon Tofu Restaurant, 1116 S. Dobson Road, Suite #111, Tae Jin Inc – Applicant; Kuk Eui Kim – Agent. The previous Restaurant License held at this location by Hodori Korean Restaurant will revert back to the State (**District 3**).

4. Take action on the following bingo application:

\*4a. BINGO – CLASS A

Coronado Park Club (**District 2**)  
Patricia A. Thiele, Manager  
2700 E. Allred  
Mesa, AZ 85204

5. Take action on the following contracts:

5a. Purchase of Tire Rubber Modified Surface Sealant (TRMSS) as requested by the Transportation Division, Field Operations.

The Procurement Services Department recommends authorizing purchase from the City of Glendale contract with Musgrove Enterprises LLC, (dba) SealMaster AZ, at \$311,362.50 annually, based on estimated purchases, including contingencies and applicable sales tax.

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

It was moved by Councilmember Somers, seconded by Councilmember Truitt, that staff's recommendation regarding agenda items 5a, j, k, l and n be approved.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Truitt-Walters-Whalen  
NAYS – None  
ABSTAIN – Hawker

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

- \*5b. Dollar limit increase to the supply contract for gasoline and diesel fuel for City vehicles for the Fleet Services Department.

The Procurement Services Department recommends increasing the dollar limit of the contract to Phoenix Fuel Companies by \$1,200,000.00 to \$5,102,600.00, for the remainder of this contract period (through 7/31/08).

- \*5c. **Deleted.**

- \*5d. Dollar limit Increase to the supply contract for traffic signal equipment and cabinet assemblies for warehouse inventory.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Econolite Control Products, Inc. by \$100,000.00 to \$248,678.99, for the remainder of this contract period (through 11/30/08).

- \*5e. Purchase and installation of sixty-seven (67) workstations and twelve (12) office furniture systems for the Police Technical Services Building.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Goodman's Interior Structures at \$329,374.38 including design, installation, delivery and applicable sales tax.

- \*5f. Dollar limit Increase to the supply contract for Fire Department uniform purchases.

The Procurement Services Department recommends increasing the dollar limit of the contract to United Fire Equipment by \$58,000.00 to \$268,000.00, for the remainder of this contract period (through 6/30/08).

- \*5g. Three-year supply and service contract for Precast Electric Vaults for the Utilities Department, Electric Division (**Single Bid**).

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bid from Oldcastle Precast, Inc. at \$413,877.93 including contingencies and sales tax.

- \*5h. Information Technology Building Data Center chiller replacement, 59 East 1<sup>st</sup> Street, City of Mesa Project No. 06-052-001 (**District 4**).

This project will remove the existing cooling system and will replace it with a new cooling system that is more reliable and energy-efficient. The new system will also provide additional flexibility to meet the cooling needs of the Data Center.

Recommend award to the low bidder, H.A.C.I. Mechanical Contractors, Inc., in the amount of \$422,210.00 plus an additional \$42,221.00 (10% allowance for change orders) for a total award of \$464,431.00. Funding is available from the approved FY 07/08 Capital Improvement and Operational Budget.

- \*5i. New floors in the Ikeda Theatre at the Mesa Arts Center (MAC), City of Mesa Project No. 07-003-001.

This project will remove the existing flooring in the Ikeda Theatre and replace the surface with a new hardwood maple floor.

Recommend award to the low bidder, SDB Contracting Services in the amount of \$110,944.00 plus an additional \$11,094.40 (10% allowance for change orders) for a total award of \$122,038.40. Funding is available from the approved FY 07/08 Arts & Cultural Capital Program.

- 5j. Water meter assembly rehabilitation, City of Mesa Project No. 01-603-004.

This project will replace twenty-six (26) six-inch commercial water meters in locations throughout the City.

Recommend award to the low bidder, Ellison-Mills Contracting, LLC, in the amount of \$270,613.54 plus an additional \$27,061.35 (10% allowance for change orders) for a total award of \$297,674.89. Funding is available from the approved FY 07/08 Water Bond Program.

(Refer to item 5a for the Council action that approved this agenda item.)

- 5k. Cured-in-place wastewater lining on Horne, Extension, Broadway and Power Roads, City of Mesa Project Nos. 04-858-001, 04-864-001, 04-865-001; and Southern Avenue interceptor rehabilitation, City of Mesa Project No. 01-682-001 (**Districts 3, 4, 5, 6**).

This project will rehabilitate the existing pipe by installing new "trenchless" interior lining systems within the existing pipe.

Recommend award of the construction phase services contract to Achen-Gardner Engineering as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$3,367,513.72, plus a 10% change order allowance of \$336,751.37, for a total award of \$3,704,265.09. Funding is available from existing bond proceeds in the Wastewater Bond Program.

(Refer to item 5a for the Council action that approved this agenda item.)

5l. FY 08/09 residential street overlays – Phase 1, City of Mesa Project No. 06-044-005 **(Districts 1 and 3)**.

This project includes more than 265,000 square yards of asphalt pavement mill and overlay. Additional improvements include the installation of A.D.A. compliant sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, Construction 70 Inc., in the amount of \$2,594,321.00 plus an additional \$259,432.10 (10% allowance for change orders) for a total award of \$2,853,753.10. Funding is available from the approved FY 07/08 Transportation Operating budget.

(Refer to item 5a for the Council action that approved this agenda item.)

5m. McKellips Road waterline (Val Vista Drive to Higley Road), City of Mesa Project No. 06-055-001 **(District 5)**.

This project will install a 30-inch waterline along McKellips Road from Val Vista Drive to Higley Road.

Recommend award to the low bidder, Hunter Contracting Company, in the amount of \$2,273,195.00 plus an additional \$227,319.50 (10% allowance for change orders) for a total award of \$2,500,514.50. Funding is available in the adopted FY 07/08 Water Capital Bond Program.

Councilmember Truitt declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item. (Mayor Hawker previously declared a potential conflict of interest regarding this item.)

It was moved by Councilmember Somers, seconded by Councilmember Whalen, that staff's recommendation for agenda item 5m be approved.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Walters-Whalen  
NAYS – None  
ABSTAIN – Hawker-Truitt

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

5n. Municipal Court Building, City of Mesa Project No. 01-850-001. **(District 4)**

This project will construct a new Municipal Court Building with approximately 100,000 square feet on three floors.

Recommend award of the construction phase services contract to Sundt Construction, Inc., as the Construction Manager at Risk (CMAR) for this project with a Guaranteed

Maximum Price (GMP) of \$25,000,947.00, plus a 5% change order allowance of \$1,250,047.00, for a total award of \$26,250,994.00. Funding is available from Public Safety Bonds, Quality of Life Funds, and Court construction fees.

(Refer to item 5a for the Council action that approved this agenda item.)

6. Introduction of the following ordinances and setting May 19, 2008, as the date of the public hearing on these ordinances:

- \*6a. Amending the Mesa Tax Code (MTC) as a result of the adoption of changes to the Model City Tax Code (MCTC) as follows:

Exemption of Solar Energy Devices (Sections 5-10-100, 415, 416, 417, 465)

Exemption of Architectural and Engineering Fees (Sections 5-10-415, 416, 417)

Revision of the definition of Out-of-State Sales (Section 5-10-100, Regulation 5-10-350.3)

- \*6b. Amending Section 5-10-445 of the Mesa City Code regarding lowering the threshold of residential properties owned for taxation from three properties to two properties.

- 6c. Amending Section 11-1-6 of the Mesa Zoning Ordinance by adding definitions for "Auto Title Lenders," "Deferred Presentment Lenders," and "Non-chartered Financial Institutions" (aka "Payday Loan Stores"). Also amending Chapter 11-6 of the Mesa Zoning Ordinance pertaining to permitted uses within commercial zoning districts, including "Auto Title Lenders", "Deferred Presentment Lenders" and "Non-chartered Financial Institutions"; requirements for separations between these uses and residential uses; requirements for separations between these uses and like uses; and requirements related to the review, evaluation and processing of requests for proposed locations of these uses.

P&Z Recommendation: To be heard May 1, 2008.

DDC Recommendation: To be heard May 1, 2008.

Earnie Johnson, 1414 North Hibbert, addressed the Council in support of the proposal. He also expressed the opinion that legislation should be adopted that would close all existing payday loan stores.

Councilmember Whalen stated that he voted in opposition when this proposal was previously presented to the Council because he believed the number of payday loan stores would be controlled by market forces. He reported that the proliferation of these types of businesses in his district has caused him to change his opinion, and he recommended that the Council approve Alternative B, which includes a requirement for a Council Use Permit.

In response to a question from Vice Mayor Walters, City Attorney Debbie Spinner confirmed that Alternative B would require a Council hearing for a Council Use Permit in order to determine if the use is compatible with the surrounding area.

Responding to a question from Councilmember Whalen, Zoning/Civil Hearing Administrator Gordon Sheffield stated that the Alternative B ordinance also provides the Council with some flexibility to waive the requirement for a 1,200-foot separation.

It was moved by Councilmember Whalen, seconded by Vice Mayor Walters, that the ordinance identified as Alternative B be introduced and that May 19, 2008 be established as the date for the public hearing.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority vote.

Mayor Hawker noted that laws passed by the State Legislature enable payday loan stores to operate through 2010, at which time these types of operations would cease to exist unless extended by legislative action. He expressed the opinion that the law should be allowed to “sunset” in 2010.

6d. Amending Sections 11-1-6, 11-5-3, 11-6-3 and 11-6-4 of the Zoning Ordinance regarding Group Homes for the Handicapped and Supervised Living Facilities. The amendment revises and deletes existing definitions related to “Group Homes for the Handicapped (GHHS)” and “Supervised Living Facilities (SLFs).” It adds a definition for “Correctional Transitional Housing Facilities (CTHFs).” The amendment revises Sections 11-5-3, 11-6-3 and 11-6-4 regarding permitted uses in the R-4 and all Commercial Zoning Districts, permitted locations of SLF/CTHFs, required spacing between similar SLF/CTHF land uses and criteria for evaluating land uses requiring Council Use Permits.

Mayor Hawker stated that several individuals have requested the opportunity to address the Council regarding this item.

Steve Collins, 1825 South Cholla, representing several owners of group home facilities, expressed opposition to the proposal. He noted that after meeting with City management to discuss the proposal, he was under the impression that further discussions would be held before the Council considered the issue. He stated the opinion that the current Council was attempting to take quick action before the expiration of their terms of office. Mr. Collins said that although Mesa cited the City of Phoenix program as a model, the Phoenix program has not proven to be successful. He requested that the Council reconsider taking action at this time.

Brenda Capizzi, 1460 East Pepper, and Debbie Schiller, 250 East Vine Circle, completed speaker/comment cards expressing opposition to 6d and 6e, but indicated that they did not wish to speak.

Monty Hogle, 1421 South Creston Circle, speaking on behalf of a group of citizens who were present in the audience, expressed support for the Council moving forward on this issue, and he requested additional clarification on the zoning restrictions. Mr. Hogle also suggested that the occupancy of group homes be limited to six individuals.

Diana Jaquette, 2508 East Edgewood Avenue, completed a speaker/comment card in support of agenda items 6d and 6e, but indicated that she did not wish to address the Council.

In response to a request from Councilmember Whalen, Zoning/Civil Hearing Administrator Gordon Sheffield advised that the proposal before the Council does not amend any of the current zoning requirements for residential districts. He explained that the term "recovery home" is being removed from the designation of what is considered to be a "group home for the handicapped." He stated that presently no "supervised living facilities" are located within the City of Mesa. Mr. Sheffield said that "transitional correctional housing facilities" would serve individuals who have been released from prison and would be located in homes in an M-1 district at least one mile from a similar facility and at least 500 feet from a residential district.

Councilmember Whalen noted that item 6d is being considered in conjunction with item 6e, which proposes to repeal the licensing of these facilities. He explained that certified group homes for the handicapped, which comply with the provisions of the *Americans with Disabilities Act* (ADA), would continue to be regulated by the Zoning Department. Councilmember Whalen stated the opinion that the City's practice of issuing a license to a group home facility incorrectly implies some type of legitimacy. He added that the only City inspection of a group home is conducted by the Fire Department. Councilmember Whalen added that the City has the capability of enforcing zoning regulations, but there is no enforceability related to a license issued to a group home.

Vice Mayor Walters noted that she, and possibly others, have met individually with Mr. Collins, and she added that she has been addressing the issue of group homes for approximately ten years. She explained that the proposals in items 6d and 6e represent a small part of the issue. Vice Mayor Walters said that cities must deal with the broad issue of group homes within the context of Federal legislation, and she suggested that the City's website include a link to the Federal guidelines.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that the subject ordinance be introduced and that May 19, 2008 be established as the date for the public hearing.

Councilmember Whalen addressed the issue of the number of occupants permitted in a group home, and he advised that his interpretation of Federal law is that the occupancy cannot diminish the residential flavor of the neighborhood, which is somewhat vague. He explained that in the City of Mesa, any group home for the handicapped that exceeds six occupants is subject to additional fire safety requirements.

Vice Mayor Walters offered an amendment to the motion, accepted by the seconder, that the ordinances proposed in items 6d and 6e be introduced and that May 19, 2008 be established as the date for the public hearings.

Carried unanimously.

- 6e. Repealing Title 5, Chapter 2 of the Mesa City Code regarding licensing of group homes for the handicapped and supervised living facilities.

(Refer to item 6d for the Council discussion and action that approved this item for introduction.)

- \*6f. Amending Section 6-4-20 through 6-4-31 of the Mesa City Code relating to livestock restrictions in the City. This amendment will transfer the livestock restrictions from Title 6 of the Code (Police Regulations) to Title 8 of the Code (Health, Sanitation and Environment). The effect of the proposed amendments and changes would be to allow for the Code Compliance Division to enforce the livestock restrictions; to impose a civil penalty, rather than a criminal penalty for the violation of the livestock restrictions; and allow for the pre-existing exercise of livestock privileges to remain in compliance when improvements to adjacent properties are made, as recommended by the Public Safety Committee. (Approval. Vote: 3-0).
- \*6g. Amending Title 9, Chapters 6 and 8 of the Mesa City Code and the Engineering and Design Standards of the City to modify the requirements for public street improvements adjacent to developing properties, as recommended by the Transportation and Infrastructure Committee. (Approval. Vote: 3-0).
- 6h. **Z07-74 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road (51± ac.). Rezone from R1-90 DMP to R-2 (20± ac.), C-2 (9± ac.) and PEP (21± ac), and PEP with a Council Use Permit (2± ac), all part of a P.A.D. overlay and a modification to the Las Sendas Development Master Plan. This request will allow the development of a mixture of multi-family, retail, resort, and office uses. (***Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.***) ***Legal protest filed, ¾ Vote required.***

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

Mayor Hawker noted that several citizens requested the opportunity to speak regarding this item, and he advised that the Council would follow the standard procedure of first hearing from the applicant.

Reese Anderson, 1930 East Brown Road, an attorney representing the applicant, said he would respond to any questions that the citizens or the Council might have regarding the project.

Councilmember Rawles clarified that his affirmative vote to introduce several items on this agenda is not an indication that he will vote in support of the items on May 19, 2008.

Mayor Hawker explained that the introduction process was established to provide notice to citizens of when an ordinance would be considered by the Council.

The following individuals addressed the Council in opposition to the project:

Greg Marek, 3060 North Ridgecrest  
John Duclos, 3347 North Boulder Canyon  
Shirley Duclos, 3347 North Boulder Canyon  
Bill Hall, 3933 North Arboles Circle

Comments made by the speakers in opposition to the project included the following:

- The Las Sendas homeowners are unaware of the provisions of the development agreement that is being negotiated between the City and the property owner.

- The homeowners are opposed to six-story buildings, but they would support the construction of three-story buildings.
- The homeowners are opposed to drive-through uses in a pedestrian-oriented development.
- The City's goal for office space might be achieved with three-story buildings by reducing the amount of residential development.
- The proposed project does not comply with the standards of quality established for the Desert Uplands area.

Mayor Hawker advised that Carol Hall, 3933 North Arboles Circle, completed a card in opposition to the project, but she indicated that she did not wish to address the Council.

Mr. Anderson responded to the comments made by the citizens opposed to the project by noting that development agreements are traditionally private until there is an agreement, which would then be presented to the Council for approval. He stated the opinion that the objections represent an issue of control, and the Las Sendas residents are attempting to exercise control over property that they do not own. Mr. Anderson said that the developer would like the flexibility to determine the appropriate height of the buildings within a range of four to six stories, and he added that the developer would comply with Council direction regarding the issue. He noted that in previous meetings, the residents agreed to four drive-through uses on the property: a bank, a pharmacy, a Starbucks or a similar operation, and a specialty delicatessen /sandwich shop. Mr. Anderson said that all fast-food drive-through windows are prohibited, and that no drive-through operations are included in the current site plan. He added that any future site plan modifications for a bank or pharmacy would be considered by P&Z.

In response to a question from Councilmember Truitt regarding the issue of enforceability, City Attorney Debbie Spinner stated that a development agreement specifies certain rights and responsibilities for each party. She advised that after City Council approval, the document would be recorded with the Maricopa County Recorder's Office and all present and future owners of the property would be bound by that agreement.

Responding to a question from Councilmember Truitt, Mr. Anderson stated that the applicant would accept a stipulation to the ordinance being introduced that states that drive-through facilities on the property are limited to banks and pharmacies.

Discussion ensued relative to the fact that the project narrative includes the four types of drive-through operations previously agreed to by the residents; and that the development agreement has narrowed the types of drive-through operations to two, banks and pharmacies.

Ms. Spinner confirmed that the developer would be required to submit site plans with drive-through facilities to P&Z and then to the Council.

Mayor Hawker stated the opinion that the number of stories permitted in the development agreement should be capped at four.

In response to a question from Councilmember Truitt, Planning Director John Wesley advised that the applicant is applying for a PEP zone and taller buildings would be allowed because they are included in the site plan. He added that even with a PEP zone, unless taller buildings are specified in the site plan, the applicant would be limited to constructing two-story buildings.

Ms. Spinner responded to a question from Councilmember Truitt by advising that the development agreement might be available for publication by the end of the week.

It was moved by Councilmember Truitt that Case Z07-74 be introduced as proposed, with the additional stipulations that the height of the hotel and the Class A office buildings not exceed four stories and that the drive-through facilities be limited to pharmacies and/or banks, and that May 19, 2008 be established as the date for the public hearing.

Ms. Spinner responded to a request from Vice Mayor Walters for clarification by advising that with the additional stipulations, the applicant would still be required to submit the site plans for drive-through facilities to P&Z and the Council.

Vice Mayor Walters seconded the motion.

Councilmember Somers stated that after meeting with Las Sendas residents, he believed that the parties were close to an agreement, except that some citizens were requesting a maximum building height of three stories and others were willing to accept four stories. He noted that several years ago, the voters approved this area for use as a business park. Councilmember Somers said that this high demographic area should also provide high-wage jobs. He said that development agreements are typically entered into with the developer rather than the property owner, and he expressed concern that only the residential component of this project would be constructed, which could result in a situation similar to the recent case involving Lowe's. He added that he could not support the introduction of this ordinance until his concerns were addressed.

Vice Mayor Walters said that although she shared the concerns expressed by Councilmember Somers, she anticipated that the development agreement would address these issues and therefore, she would support the motion.

Responding to a question from Councilmember Rawles, Mr. Anderson stated that the applicant would accept the four-story limitation.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority vote.

\*6i. **Z08-14 (District 6)** The 8800 to 9200 block of East Elliot Road (north side) and 3200 to 3600 block of South Ellsworth Road (west side). Located west of Ellsworth Road and north of East Elliot Road (127± ac.). Rezone from R1-43 to C-2 DMP (11± ac.) and PEP DMP (30± ac.); and a Rezone from R1-43 to C-2 DMP with Site Plan Review (86± ac.). All part of the Elliot Fiesta Development Master Plan. This request will allow for the development of a retail power and employment center. Douglas Himmelberger, DeRito Partners Development, Inc., owner; Michelle Santoro, Withey Morris, PLC, applicant; Jeffery S. Erickson, Erickson & Meeks, Engineering, LLC, and Tove Christina White,

Kimberly-Horn and Associates, Inc., engineers. (**Notified property owners, homeowners associations and registered neighborhoods.**)

P&Z Recommendation: To be heard May 1, 2008.

- \*6j. **Z08-21 (District 6)** 5524 East Baseline Road. Located on the north side between Higley Road and Recker Road (2.34± ac.). Site Plan Modification. This request will allow for construction of a new warehouse addition to an existing office building. (**Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.**)

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

- \*6k. **Z08-22 (District 5)** The 4200 to 4300 blocks of East McKellips Road (north side) and the 2000 to 3900 blocks of North Greenfield Road (west side). Located north of McKellips Road and west of Greenfield Road (151.93± ac.). Rezone from M-1 to PEP (63.59± ac.) and PF (88.34± ac.), and approval of a Development Master Plan. This request will allow Falcon Field Airport to protect the land southwest of the runways and to lease the land north of that area to commercial developers. (**Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.**)

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

- \*6l. **Z08-23 (District 5)** 3845 North Higley Road. Located on the east side of Higley Road and north of Thomas Road (1.60± ac.). Rezone from R1-90 to M-1 and Site Plan Review. This request will allow the expansion of a metal fabrication shop. (**Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.**)

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

- \*6m. **Z08-24 (District 1)** 1310 East McKellips Road. Located north of McKellips Road and east of Stapley Drive (2.1± ac.). Rezone from O-S to C-1 (1.1± ac.) and Site Plan Review. This request will allow the development of a neighborhood fitness center and office development. (**Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.**)

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

- 6n. **Z08-25 (District 1)** 1150 North Alma School Road. Located north of University Drive on the west side of Alma School Road (34.54± ac.). Rezone from PEP DMP to PEP PAD DMP. This request will allow modifications to a previously approved site plan and the creation of an office subdivision. (**Notified property owners, homeowners associations and registered neighborhoods.**)

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

Mayor Hawker and Councilmember Rawles declared potential conflicts of interest and said they would refrain from discussion/consideration of this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Walters.

It was moved by Councilmember Whalen, seconded by Councilmember Somers, that the proposed ordinance be introduced and that May 19, 2008 be established as the date for the public hearing.

Upon tabulation of votes, it showed:

AYES – Jones-Somers-Truitt-Walters-Whalen  
NAYS – None  
ABSTAIN – Hawker-Rawles

Vice Mayor Walters declared the motion carried by a majority vote.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

60. **Z08-28 (District 2)** 2860 East Main Street. Located north of Main Street and east of Lindsay Road (.20± ac.). Council Use Permit. This request will allow the use of a pawn shop in an existing shopping center. (***Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.***)

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

It was moved by Councilmember Somers, seconded by Vice Mayor Walters, that the proposed ordinance be introduced and that May 19, 2008 be established as the date for the public hearing.

Carried unanimously.

7. Take action on the following resolutions:

- \*7a. Granting a Public Utilities Easement at 2745 North Greenfield Road – Resolution No. 9232. (**District 5**).

The easement is needed for the installation of Cox Communications facilities for the Reilly Aviation Project at Falcon Field.

- \*7b. Granting a Power Distribution Easement to Salt River Project at 2745 North Greenfield Road – Resolution No. 9233. (**District 5**).

This easement is necessary for Salt River Project to supply electrical power to the Reilly Aviation Project at Falcon Field.

- \*7c. Extinguishing a portion of a Public Utility Easement at 861 North Dobson Road – Resolution No. 9234. (**District 1**).

This portion of the easement for a sewer line is not needed as the easement area has been relocated and a new easement has been dedicated.

- \*7d. Extinguishing a portion of a Public Utility Easement at 1150 North Alma School Road – Resolution No. 9235. (**District 1**).

This portion of the easement for a fire hydrant is not needed as the easement area has been relocated and a new easement has been dedicated.

- \*7e. Approving and authorizing the City Manager to execute an Agreement between the City of Mesa and Solfocus, Inc., a Delaware Corporation, regarding a demonstration solar electricity installation to be located on the grounds of the City Water Treatment Plant located at 7750 East Brown Road – Resolution No.9236.
- \*7f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Williams Gateway Airport Authority for the design and construction of a traffic signal at the intersection of Sossaman Road and Texas Avenue – Resolution No. 9237. **(District 6)**.
- \*7g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Revenue and the City of Mesa for the exchange of confidential taxpayer information – Resolution No. 9238.
- 7h. Modifying fees and charges for the Planning Division – Resolution No. 9242.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that Resolution 9242 (for commercial fees only) be adopted and that the residential fees be moved forward for consideration on June 2, 2008.

In response to a question from Building Safety Director Terry Williams, Vice Mayor Walters clarified that the term “residential” refers to single-family units only and does not include multi-family or other types of residential units.

Kendall Baxley, representing the Home Builders of Central Arizona, addressed the Council and expressed opposition to the increased planning fees. He noted that there is very little residential construction activity due to the current market conditions.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority vote and Resolution No. 9242 adopted.

- \*7i. Approving and supporting the submittal of four grant applications to the Fort McDowell Yavapai Indian Nation – Resolution No. 9239.

These applications are submitted for Police (\$13,000 to continue tattoo removal program), Fire (\$120,000 for purchase of thermal imagers), Mesa Arts Center (\$25,000 for scholarship program for economically challenged youth) and Arizona Museum of Natural History (\$210,000 over three year period to provide visits to museum to 10,800 Title 1 school children).

- 7j. Approving and supporting the submittal of three grant applications for non-profit organizations to the Fort McDowell Yavapai Indian Nation – Resolution No. 9243.

These applications are submitted for the Symphony of the Southwest (\$150,000 over a three year period to provide basic operational support), the Child Crisis Center (\$50,000 for children’s programming) and the Mesa Historical Museum (\$50,000 to assist with development of an exhibit).

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

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that Resolution No. 9243 be adopted.

Councilmember Rawles offered a substitute motion, seconded by Mayor Hawker, that Resolution No. 9243, excluding the \$50,000 allocation to the Mesa Historical Museum, be adopted.

Councilmember Rawles stated the opinion that utilizing this allocation to develop an exhibit regarding the Chicago Cubs was not in the best interest of the community.

Mayor Hawker called for a vote on the substitute motion.

Upon tabulation of votes, it showed:

AYES – Hawker-Rawles-Truitt  
NAYS – Jones-Somers-Walters  
ABSTAIN – Whalen

Mayor Hawker declared the substitute motion failed for lack of a majority vote.

Mayor Hawker called for a vote on the original motion.

Upon tabulation of votes, it showed:

AYES – Jones-Somers-Truitt-Walters  
NAYS – Hawker-Rawles  
ABSTAIN – Whalen

Mayor Hawker declared the motion carried by a majority vote and Resolution No. 9243 adopted.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that 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. **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 – Ordinance No. 4828. (**Notified property owners.**)

PHO Recommendation: Approval with conditions.

- \*8b. **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 – Ordinance No. 4829. (**Notified property owners, homeowners associations and registered neighborhoods.**)

PHO Recommendation: Approval with conditions.

- \*8c. **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 – Ordinance No. 4830. (**Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.**)

PHO Recommendation: Approval with conditions.

- \*8d. 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 – Ordinance No. 4831.
- 8e. Increasing the monthly vehicle reimbursement to \$300.00 for the Mayor and City Councilmembers.

Vice Mayor Walters said that the subject proposal was placed on the agenda at her request. She advised that before the establishment of the \$150.00 monthly vehicle reimbursement in 2001, the Mayor and Councilmembers were required to complete detailed mileage reports for reimbursement of their expenses. She noted that the price of gasoline was \$1.31 per gallon in 2001 and that the price is now approaching \$4.00 per gallon. Vice Mayor Walters advised that Councilmembers have the option to complete the mileage reports for reimbursement of actual expenses, accept the monthly vehicle allowance, or refuse to accept any reimbursement of vehicle expense. She explained that the duties of a Councilmember require considerable travel throughout the City, and her primary concern is that individuals should not be required to be wealthy in order to serve on the Council. She added that the mileage reimbursement provided by the City of Mesa is less than the amounts provided by many other Valley cities.

Councilmember Jones concurred with the comments made by Vice Mayor Walters.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the monthly vehicle reimbursement for the Mayor and City Councilmembers be increased to \$300.00.

Councilmember Whalen commented that although he agreed with the comments made by Vice Mayor Walters, he noted that the Mayoral candidates and Councilmembers-elect have expressed opposition to the increase and therefore, he would oppose the motion.

Councilmember Truitt also expressed concurrence with comments made by Vice Mayor Walters, but he stated the opinion that it was inappropriate to increase the allowance for Councilmembers during a time of budget reductions and employee layoffs.

Councilmember Somers agreed that the increased allowance was warranted, but he could not support the increase at this time.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion failed by a majority vote.

9. Discuss, receive public comment and take action on ordinances introduced at a prior Council meeting and resolutions:

- \*9a. 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 – Ordinance No. 4832.
- \*9b. Amending Section 3 and Section 23 of the Terms and Conditions for the Sale of Utilities – Ordinance No. 4833.
- \*9c. Amending Section 9-8-3 of the Mesa City Code by deleting the exceptions in sections (C) and (D) resulting in an equitable application of off-site development requirements for projects of any size – Ordinance No. 4834.
- \*9d. Take action on the following resolution – Resolution No. 9240:  
  
Approving Annexation Guidelines for annexation into the City of Mesa.
- \*9e. Take action on the following resolution – Resolution No. 9241:  
  
Modifying annexation application fees and adopting a new annexation equity fee.

10. Take action on the following subdivision plats:

- \*10a. “BELLEROSE OFFICE CONDOMINIUM PLAT” (**District 6**) 3850 East Baseline Road (north side) located north of Baseline Road and east of Val Vista Drive. 2 O-S PAD office condominium units (0.10 ac.) Bryan and Sidney Madsen, owners; Allen Consulting Engineers, Inc., Greg Allen, engineer.

- \*10b. "REILLY AVIATION" (**District 5**) 2745 North Greenfield Road (east side) located south and east of McDowell Road and Greenfield Road. 41 M-1 lease hold condominium units (5.22 ac.) City of Mesa, owner; Allen Consulting Engineers, Inc., Anthony Zaugg, engineer.
- \*10c. "CLUBHOUSE VILLAGE AT ALTA MESA" (**District 5**) 1508 North Alta Mesa Drive (west side) located north and west of Brown Road and Alta Mesa Drive. 36 R1-6 PAD townhome units (7.04 ac.) Clubhouse Village, LLC, Perkinson Investment Corp, manager, John Perkinson, president, owner; Allen Consulting Engineers, Inc., Greg Allen, engineer.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the meeting adjourned at 7:22 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 5<sup>th</sup> day of May 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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