



## COUNCIL MINUTES

July 9, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 9, 2007 at 5:45 p.m.

### COUNCIL PRESENT

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

### COUNCIL ABSENT

None

### STAFF PRESENT

Christopher Brady  
Debbie Spinner  
Barbara Jones

Invocation by Vice Mayor Walters.

Pledge of Allegiance was led by Mayor Hawker.

Mayor's Welcome.

### 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.

Councilmember Griswold requested that item 6a, which he removed from the agenda at an earlier Study Session, be added to the consent agenda.

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

Carried unanimously.

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

Minutes of the July 2, 2007 Council meeting.

3. Discuss, take public comment and take action on the following Minor General Plan Amendment, zoning case and right-of-way abandonment: (CONTINUED TO THE AUGUST 13, 2007 REGULAR COUNCIL MEETING.)

\*3a. Public Hearing on Minor General Plan Amendment **GPMinor07-03 (District 3)**.

\*3b. Take action on the following resolution:

**GPMinor07-03 (District 3)** 1350 West Main Street. Located west of Alma School Road and north of Main Street (3.32± ac.). Minor General Plan Amendment to change the General Plan Land Use Map from Mixed-Use Residential 30 percent at 15+ dwelling units per acre (MUR 15+) to High Density Residential 15+ dwelling units per acre (HDR 15+). Dan Randal/Mulberry Business Park, LLC, owner; Fred Woods/Fred Woods Architecture, applicant. *(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)* **COMPANION CASE Z07-28.**

P&Z Recommendation: Approval. (Vote: 5-0 with Boardmembers Langkilde and Salas absent)

\*3c. Take action on the following ordinance introduced at a prior Council meeting:

**Z07-28 (District 3)** 1350 West Main Street. Located west of Alma School Road and north of Main Street (3.32± ac.). **(District 3)** Rezone from C-3 to C-1 BIZ CUP and R-4-BIZ and Site Plan Review. This request will allow the development of a mixed-use office/retail and townhouse development. Dan Randal/Mulberry Business Park, LLC, owner; Fred Woods/Fred Woods Architecture, applicant. *(Held neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)*

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmember Salas absent.)

\*3d. Take action on the following resolution:

Vacating a portion of North Standage Street located between West Main Street and West Pepper Street. **(District 3)**

This abandonment of street right-of-way is being requested from the developers to assemble the adjacent properties for the West Main Station Village Project.

4. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

4a. Public Hearing on Minor General Plan Amendment **GPMinor07-09 (District 5)**.

Mayor Hawker announced that this is the time and place for a public hearing regarding Minor General Plan Amendment **GPMinor07-09**.

Chris Yedlicka, 5445 East McKellips Road, #56, expressed a series of concerns regarding the location of the driveway for the townhouse development which, in his opinion, would be too close to his property and negatively impact its value. He explained that at the Planning and Zoning (P&Z) Board meeting, the applicant initially indicated that the gate would be designated as an "emergency only" gate, but noted that in subsequent conversations with the applicant, he learned that would not be the case. Mr. Yedlicka stated that at the July 2, 2007 Regular Council meeting, the applicant commented that after evaluating various alternatives, the developer determined that a secondary exit from the townhouse complex would be required in that general location, and that the developer proposed to relocate the driveway an additional five feet from the property line. Mr. Yedlicka stated that such a solution does not adequately address his concerns and added that moving the gate the maximum allowable distance "would not damage the design or cause traffic issues inside the proposed development."

Mr. Yedlicka further requested that as a component of the rezoning case, that the Council require the developer to move the gate the maximum allowable distance or make it an "emergency only" gate.

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

4b. Take action on the following resolution:

**GPMinor07-09 (District 5)** The 5500 block of East McKellips Road (south side). Located east of Higley Road on the south side of McKellips Road (4.09± ac.). Minor General Plan Amendment to change the General Plan Land Use Map from Office (O) to High Density Residential (HDR 10-15 du/ac). Ross N. Farnsworth, RSB Partners, LLC., owner; Jeff D. Welker, Welker Development Resources, applicant – Resolution No. 9028. ***(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.) COMPANION CASE Z07-59.***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent.)

Councilmember Jones declared a potential conflict and said he would refrain from discussion/consideration of items 4b and 4c.

Jeff Welker, the applicant, acknowledged Mr. Yedlicka's concerns, but stated that he disagrees with his comment that moving the driveway the maximum allowable distance would not negatively impact the project. He reported at that the P&Z meeting, the developer did commit to evaluate the opportunity to make an emergency access only, but explained that due to the

number of units on the site, it was determined that a secondary limited exit only would be necessary as an alternative to the main entrance.

Mr. Welker further indicated that subsequent to the July 2<sup>nd</sup> Regular Council meeting, the developer reviewed the design of the driveway and was able to find an additional five feet to increase the landscaping area between the driveway and Mr. Yedlicka's property line from 15 to 20 feet. He also said that the developer has committed to doubling the number of trees to create an additional buffer. Mr. Welker added that with the 20 feet of proposed landscaping, there would be a 50-foot separation between Mr. Yedlicka's home and the secondary limited exit only.

Mayor Hawker questioned whether the 15 to 20 feet of increased landscaping between the driveway and Mr. Yedlicka's property would be reflected in the future site plan.

Mr. Welker stated that if the case is approved, he would prefer that that stipulation be read into the record. He noted that the site plan approved by the P&Z Board reflects a 10-foot landscape strip.

City Attorney Debbie Spinner clarified that any modifications to the ordinance would require that it be reintroduced. She inquired whether this item could be amended or modified on an administrative basis under the new process approved by the Council.

Planning Director John Wesley stated that the stipulations with regard to this case reference approval of the site plan (Companion Case **Z07-59**). He explained that if the Council's motion includes an amendment to the site plan to move the driveway 20 feet from the west property line and the site plan is approved, then the changes could be made administratively without the ordinance being reintroduced.

Ms. Spinner stated that she is agreeable to proceeding in this manner.

Mr. Yedlicka expressed further concerns regarding the negative impact the gate would have on his ability to sell his property.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that **GPMInor07-09** be approved and Resolution No. 9028 adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared that the motion carried unanimously by those voting and Resolution No. 9028 adopted.

4c. Take action on the following ordinance introduced at a prior Council meeting:

**Z07-59 (District 5)** The 5500 block of East McKellips Road (south side). Located east of Higley Road on the south side of McKellips Road (4.09± ac.). Rezone from O-S to R-2 BIZ DMP and Site Plan Review. This request will allow the development of a townhouse community. Ross N. Farnsworth, RSB Partners, LLC., owner; Jeff D. Welker,

Welker Development Resources, applicant – Ordinance No. 4738. ***(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent.)

It was moved by Councilmember Rawles, seconded by Councilmember Somers, that **Z07-59** be approved, with the understanding that the site plan would reflect a 20-foot distance from the west property line for the driveway, and that Ordinance No. 4738 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4738 adopted.

5. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

5a. Public Hearing on General Plan Amendment **GPMInor 07-10 (District 6)**.

Mayor Hawker announced that this is the time and place for a public hearing regarding General Plan Amendment **GPMInor07-10**.

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

5b. Take action on the following resolution:

**GPMInor07-10 (District 6)** The 2600 block of South Power Road (east side). Located north of Guadalupe Road on the east side of Power Road (16.06± ac). Minor General Plan Amendment from Community Commercial (CC) to Medium Density Residential 6-10 du/acre (MDR 6-10). This request will allow the development of a single residential subdivision. Mark Reeb, owner; Greg Hitchens, applicant – Resolution No. 9029. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)*** **COMPANION CASE Z07-60.**

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmember Salas absent.)

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that Resolution No. 9029 be approved.

Carried unanimously.

5c. Take action on the following ordinance introduced at a prior Council meeting:

**Z07-60 (District 6)** The 2600 block of South Power Road (east side). Located north of Guadalupe Road on the east side of Power Road (20.62± ac). Rezone from AG and R1-7 to R1-6 PAD, C-2 on the northwest and southwest corners of the site and Site Plan Review. This request will allow the development of a single residential subdivision and two future retail sites. Mark Reeb, owner; Greg Hitchens, applicant – Ordinance No. 4739. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmember Salas absent.)

It was moved by Councilmember Griswold, seconded by Councilmember Rawles, that Ordinance No. 4739 be adopted.

Councilmember Somers stated that the neighbors had expressed concern regarding increased traffic flowing onto Monterrey from the project. He inquired whether it would be possible for the developer to use Power Road as a secondary access route.

Dan Reeb, the applicant, responded that the developer has worked with the City Traffic Engineer and Planning Department and advised that Power Road is currently shown on the plans as an emergency access route. He explained that the developer is open to the idea of it being a secondary egress/exit from the site and has secured the ability to do so if the Council believes that would be appropriate.

Councilmember Somers voiced support for access onto Power Road and stated that because the project is a gated community, the access would be limited to the residents. He also encouraged the developer to install pedestrian gates at the adjacent park so that the neighbors can directly ingress and egress the area.

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

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4739 adopted.

6. Take action on the following liquor license applications:

\*6a. U-Stop

Person Transfer Liquor Store License for U-Stop, 5207 East Main Street, Singh Brothers LLC – Applicant, Lauren Kay Merrett – Agent. The previous Liquor Store License held at this location by Sahajanand LLC will transfer to the Applicant. **(District 5)**

\*6b. Desert Peaks Pizza & Grille

New Restaurant License for Desert Peaks Pizza & Grille, 5601 East Hermosa Vista Drive, The Jeebp LLC – Applicant, Elias Ibrahim Chawki – Agent. The previous Restaurant License held at this location by Wingo Enterprises, Inc. will revert back to the State. **(District 5)**

6c. Rubio's Fresh Mexican Grille

New Restaurant License for Rubio's Fresh Mexican Grille, 1804 South Signal Butte Road, Suite #101, Rubio's Restaurants, Inc. – Applicant, Christopher Curt Bartos – Agent. This is new construction with no previous liquor license held at this location. **(District 6)**

Councilmember Somers noted that one of the stipulations for Council approval of a liquor license application is that the applicant obtain the necessary permits and licenses. He stated that regarding this item, the applicant failed to obtain fire and building safety permits.

It was moved by Councilmember Somers, seconded by Councilmember Rawles, that the above-referenced liquor license application be denied.

Vice Mayor Walters commented that she would like the record to reflect that if the applicant does obtain the required permits and licenses, the Council would no longer object to the application, but their vote would not change.

Councilmember Somers concurred with Vice Mayor Walters' comment.

City Attorney Debbie Spinner clarified that the Council must clearly state on the record the basis for their recommendation of denial. She would suggest that Councilmember Somers state that the applicant failed to meet all license and permit requirements and that he could also include Vice Mayor Walters' comment that if such requirements are met, the Council's objection to the application would be eliminated.

Councilmember Somers amended his motion to include the stipulations as outlined by Ms. Spinner as the basis for his motion for denial.

Councilmember Rawles concurred with the amended motion.

Mayor Hawker called for the vote.

Carried unanimously.

7. Take action on the following contracts:

- \*7a. Two-Year Renewal of the Contract for Landscape Maintenance Services for Section IV for Parkway Medians and Right-of-Way Areas as requested by the Transportation Department, Field Operations Division.

The Procurement Services Department recommends exercising a two-year renewal option with Mariposa Horticultural Enterprises, Inc. at \$191,899.53 annually, based on estimated requirements.

- \*7b. Two-Year Renewal of the Contract for Landscape Maintenance Services for Section III for Parkway Medians and Right-of-Way Areas as requested by the Transportation Department, Field Operations Division.

The Procurement Services Department recommends exercising a two-year renewal option with The Groundskeeper at \$316,180.19 annually, based on estimated requirements.

- \*7c. Six-Month Extension of the Contract for Landscape Maintenance Services for Section VI for Parkway Medians and Right-of-Way Areas as requested by the Transportation Department, Field Operations Division.

The Procurement Services Department recommends a six-month extension with The Groundskeeper at \$87,791.44, based on estimated requirements.

- \*7d. Three-Year Supply Contract for Ultraviolet Wastewater Disinfection Lamps, Ballasts and Wipers for the Utilities Department, Water Division. **(Sole Source)**

The Procurement Services Department recommends awarding the Mesa contract to the sole source bidder, Trojan Technologies, at \$128,230.08 annually including applicable use tax, based on estimated requirements.

- \*7e. Two-Year Renewal for the Supply Contract for Polyethylene Gas Pipe and Fittings for Warehouse Inventory.

The Procurement Services Department recommends exercising the two-year renewal of the Mesa contract with Performance Pipe at \$363,681.88 annually including applicable use tax, based on estimated requirements.

- \*7f. Two-Year Renewal for the Supply Contract for Streetlight and Traffic Poles, Mast Arms and Anchor Bolts for Warehouse Inventory.

The Procurement Services Department recommends exercising the two-year renewal of the Mesa contract with Cem-Tec Corporation at \$26,687.94, Southwest Fabrication LLC

at \$145,352.83, and Valmont Industries, Inc. at \$42,182.18, for a total of \$214,222.95 annually including contingencies and applicable tax, based on estimated requirements.

- \*7g. Extension and Dollar Limit Increase to the Supply Contract for Tires for Warehouse Inventory.

The Procurement Services Department recommends authorizing a one-month extension and dollar limit increase to this contract through the State of Arizona contract with Goodyear Tire & Rubber Company, increasing the dollar limit by \$70,000 to \$763,465.80.

- \*7h. Purchase of Dual Voltage Pole Mount Transformers and Related Hardware for the Utilities Department, Electric Division.

The Procurement Services Department recommends awarding the Mesa contract to the low bidder, City of Brundidge, Alabama at \$64,716.96, including applicable tax and shipping.

- 7i. Baseline Wastewater Interceptor Siphon Inlet and Outlet Structure Rehabilitation, City of Mesa Project 03-083-001 (CMAR Construction Contract).

This project will rehabilitate the structures by repairing and re-lining the damaged concrete surfaces, repairing or replacing equipment damaged by corrosion, and re-lining the 42-inch pipe under the freeway with a cured in-place liner.

Recommend award of the construction phase service contract to B&F Contracting, Inc. with a Guaranteed Maximum Price (GMP) of \$2,941,450.32 plus an additional \$294,145.03 (10% allowance for change orders) for a total award of \$3,235,595.35. Funding is available from existing bond proceeds in the Wastewater Bond Program.

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

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

Upon tabulation of votes, it showed:

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

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

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

- \*7j. South C.A.P. Reservoir and Booster Pump Station, City of Mesa Project No. 01-600-001 (CMAR Construction Contract).

This project includes a buried eight million gallon concrete reservoir and several pumps to distribute water to various pressure zones within the City. The project will be completed using the Construction Manager at Risk (CMAR) delivery method. This initial phase will be the Design Phase Services. During the Design Phase, the CMAR will work closely with City staff and the design professional to develop the project design.

Recommend award of the design phase services contract to McCarthy Building Companies as the Construction Manager at Risk (CMAR) for this project and authorize staff to execute a Design Phase Services contract with McCarthy in the amount of \$190,109.00. Funding is available from existing bond proceeds in the Water Bond Program.

- \*7k. Sewer Diversion Structure Rehabilitation at Baseline and Emerson Roads, City of Mesa Project No. 01-687-003.

City Council is asked to ratify an increase to the contract amount for Project No. 01-687-003 to pay for a portion of an existing underground wastewater line adjacent to the diversion structure that had deteriorated and required repair. The damaged wastewater line required immediate repair to ensure the reliability of the wastewater collection system.

In accordance with City Policy on Construction Contract Change Orders, the Council is asked to ratify the increase of \$46,613.10 to the construction contract. The Contract amount was \$120,084.00, plus \$12,008.40 allowance for Change Orders. With the Change Order allowance, the total Contract amount awarded was \$132,092.40. With the increase of \$46,613.10, the new contract amount is \$178,705.50.

8. Introduction of the following ordinances and setting August 13, 2007 as the date of the public hearing on these ordinances:

- \*8a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

No Parking: 10-3-24 (D) (Full Time No Parking) (The following provision will be deleted and thereby parking will be permitted on the following street)

On the west side of 26<sup>th</sup> Street from Inglewood Street to Ivy Street and on the west side of 26<sup>th</sup> Street from a point 100 feet south of Ivy Street to a point 235 feet south of Inca Street. (North of Brown Road and west of Lindsay Road) **(District 1)**

No Parking: 10-3-24 (F2) (No Parking between 7:00 a.m. and 4:00 p.m. on any day that the public schools of Mesa are in session)

On the east side of Abbey from Los Lagos Vista Avenue to Lomita Avenue. (South of Baseline Road and east of Crismon Road) **(District 6)**

On the west side of Abbey from the north side of Lomita Avenue to a point 160 feet south of the north side of Lomita Avenue. (South of Baseline Road and east of Crismon Road) **(District 6)**

On the west side of Abbey from the south side of Los Lagos Vista Avenue to a point 100 feet north of the south side of Los Lagos Vista Avenue. (South of Baseline Road and east of Crismon Road) **(District 6)**

On the north side of Lomita Avenue from the west side of Abbey to a point 230 feet east of the west side of Abbey. (South of Baseline Road and east of Crismon Road) **(District 6)**

On the south side of Lomita Avenue from Abbey to a point 405 feet east of Abbey. (South of Baseline Road and east of Crismon Road) **(District 6)**

9. Take action on the following resolutions:

- \*9a. Extinguishing a Drainage Easement in the 6500 Block of East McDowell Road – Resolution No. 9019. **(District 5)**

The adjacent development makes this easement no longer required.

- \*9b. Extinguishing a portion of a 20-foot Easement for Alley in the 6700 Block of East Main Street – Resolution No. 9020. **(District 5)**

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

- \*9c. Vacating street right-of-way in the 2100 Block of East Kael Street, east of North Gentry Street – Resolution No. 9021. **(District 1)**

This right-of-way is being vacated at the request of the adjacent property owners to eliminate a dead-end street.

- \*9d. Approving and authorizing the City Manager to execute an agreement between the Arizona Automobile Theft Authority and the City of Mesa to accept grant funds in the amount of \$11,710.00 to purchase equipment and fund overtime for the Bait Car Program – Resolution No. 9022.

- \*9e. Approving and authorizing the City Manager to execute an agreement between the Governor's Office of Highway Safety and the City of Mesa to accept grant funds in the amount of \$2,565.00 for DRE/DUI training – Resolution No. 9023.

- \*9f. Approving and authorizing the City Manager or his designated representative to execute a Gas Sales Contract between the Public Energy Authority of Kentucky (PEAK) and the City of Mesa – Resolution No. 9024.

- 9g. Conveying the eastern parcel of the Mesa Historical Museum site at 2345 N. Horne, along East Lehi Road to the Mesa Historical Society as recommended by the Community & Neighborhood Services Committee. (Approval. Vote: 3-0) – Resolution No. 9030.

Dennis Kavanaugh, 2146 West Isabella, #233, Past Chairman of the Mesa Historical Society, addressed the Council and provided a brief overview of the non-profit's ongoing long-term and short-term plans for the Mesa Historical Museum. He stated that the plans include, but are not limited to, the construction of a climate-controlled building to house more than 80,000 artifacts, and the construction of shade structures for larger agricultural implements. Mr. Kavanaugh noted that the non-profit currently subleases the eastern parcel of the property to the Benjamin Franklin Charter School, the proceeds of which support the museum.

Mayor Hawker questioned the purpose of the City of Mesa conveying the property to the Mesa Historical Society as opposed to the non-profit continuing to lease the land for \$1 per year.

Responding to Mayor Hawker's inquiry, Mr. Kavanaugh clarified that in the future, the Historical Society wishes to expand the museum onto the eastern parcel of land. He explained that in seeking future capital financing, it would be beneficial for the Historical Society to include the property as an additional asset to strengthen its financial holdings.

Mayor Hawker voiced concern that the Historical Society does not have a plan with regard to build out or how such expansion would be financed. He stated that he would prefer that the City extend its lease with the Historical Society for three more years and that the museum use the \$40,000 that it receives from the charter school to operate the facility.

It was moved by Vice Mayor Walters that Resolution No. 9030 be adopted.

Vice Mayor Walters expressed appreciation to the volunteers at the Mesa Historical Museum for their efforts and hard work and commented that the only entity interested in preserving the history of Mesa is the City itself. She added that the lease is written in such a manner that the property could only be used for museum uses and not, for instance, as a payday loan store.

Councilmember Griswold seconded the motion.

Councilmember Griswold noted that the City of Mesa completely eliminated its subsidy to the museum due to budget constraints. He explained that because the museum is a worthwhile endeavor and "a real treasure" to the community, he would support the motion.

Councilmember Rawles commented that he did not see any difference between the Historical Society's long-term lease with the City and the conveyance except that the conveyance would provide the non-profit with an additional asset when it seeks capital financing.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Somers-Walters-Whalen  
NAYS - Hawker

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 9030 adopted.

- \*9h. Renaming the Mesa Southwest Museum to Arizona Museum of Natural History as recommended by the Community & Neighborhood Services Committee – Resolution No. 9025. (Approval. Vote: 3-0)
- \*9i. Approving and authorizing the City Manager to execute a lease with the East Valley Senior Services to operate the Senior Center located at 247 North Macdonald Street – Resolution No. 9026.
- \*9j. Approving and authorizing the City Manager to execute a lease with Western States Police and Fire Games for usage of the City facility located at 100 North Center Street – Resolution No. 9027.

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

- \*10a. **A06-24 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.7± ac.) Initiated by the property owner, Ronda White. **(CONTINUED TO THE AUGUST 13, 2007 REGULAR COUNCIL MEETING.)**

- \*10b. **Z07-63 (District 5)** The 1340 to 1430 block of North Power Road (east side). Located north of Brown Road on the east side of Power Road (2.05± ac.). Rezone from R1-35 to O-S, and Site Plan Review. This request will allow for the development of office buildings. Dave Marquez, owner; Boyd Thacker – Brock, Craig and Thacker Architects, Ltd., applicant – Ordinance No. 4732. ***(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent.)

- \*10c. **Z07-64 (District 3)** The 1000 to 1200 block of West Grove Avenue (north side). Located south of Southern Avenue and east of Alma School Road (4.9± ac.). Site Plan Modification and Modification of the existing BIZ overlay. This request will allow the development of a mixed-use mid-rise condominium project with first floor retail. TR Alma Partners, LLC; Thomas Roszak, owner; Pew and Lake, PLC; Reese Anderson, applicant – Ordinance No. 4733. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-1 with Boardmembers Langkilde nay and Salas absent.)

- \*10d. **Z07-65 (District 6)** The 5600 to 5900 blocks of East Baseline Road (north side). Located west of Recker Road on the north side of Baseline Road (78.5± ac.). Rezone from AG, AG (Conceptual C-2 and M-1) and PEP-PAD to PEP-DMP-CUP, and Site Plan Review. This request will allow for the development of a hospital, specialty hospital, and physician office buildings including a 15,000 sf pharmacy. Dan F. Ausman, Sr. V.P. of

Operations, VHS Acquisition Subsidiary No. 11 Abrazo Health Care, owner; Stephen C. Earl – Earl, Curley and Lagarde, applicant – Ordinance No. 4734. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent.)

- 10e. **Z07-67 (District 6)** 11202 East Germann Road. Located on the west side of the Meridian Road alignment between Pecos Road and Germann Road (227± ac). Rezone from M-2 to M-2 BIZ, Council Use Permit, and Site Plan Review. This request will allow the development of a steel mill. TRW-VSSI; Will C. Rogers, owner; Commercial Metals Company; Andrew Sarat, applicant – Ordinance No. 4740. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Adams absent.)

Stephen Earl, 3101 North Central Avenue, Phoenix, the applicant, addressed the Council and provided a brief overview of the case. He reported that the proposed micro steel mill, which would manufacture rebar from scrap metal, would be highly automated and there would be no emissions normally associated with the industry. Mr. Earl explained that the plant would employ approximately 165 engineers, technicians and trained professionals and is intended to meet the current demand for rebar in Arizona. He also noted that the building would be located in the center of the property in order to insulate it from the surrounding area and added that the trucks traveling in and out of the mill would use Germann Road.

Mr. Earl commented that the Johnson family, who has lived in the area for more than a decade and whose home is adjacent to the proposed site, would be impacted by the truck traffic in front of their home. He explained that the trucks would drive past the Johnson property, come to a point of access near Meridian Road and then travel into the plant. He stated that representatives of Commercial Metals Company (CMC) are negotiating with the Johnsons to purchase their property so that the family could have a new home outside of an industrial district.

Discussion ensued relative to the fact that Germann Road is scheduled to be widened to six lanes in front of the Johnson property; that Meridian Road would ultimately intersect the Williams Gateway Freeway; that at that time, the City would re-evaluate whether access to the steel mill should be moved to Meridian Road or farther down on Germann Road; that CMC has hired an appraiser who is in the process of determining the value of the Johnson property; and that once an agreement has been reached between CMC and the Johnsons, the developer would be willing to close on the transaction as soon as possible.

Mr. Earl acknowledged the Johnsons' predicament and assured the Council that CMC would do all that it could to be a good neighbor to the family as long as they lived in the area.

Councilmember Somers urged CMC to work with the Johnson family relative to the disposition of their property and stated that he hoped the matter would be resolved before the mill becomes

operational. He expressed support for the project, but encouraged the developer to bring more employment to the site.

Rhonda Johnson, 11464 East Germann, stated that as the mother of ten children, she has significant concern with regard to the development of a steel mill near her home. She explained that her family would be negatively impacted due to increased traffic, noise and safety issues. Mrs. Johnson stated that representatives of CMC have met with her family regarding the purchase of their property. She requested that Germann Road not be widened until her family reaches an agreement with CMC concerning the sale of their property.

Further discussion ensued relative to questions posed by Mrs. Johnson regarding the widening of Germann Road; that the steel mill is scheduled to open in 2009; and that the widening of Germann Road would coincide with that timeframe.

Councilmember Somers recognized the Johnson family's difficult situation and stated that relocating from their home of many years would be a painful process. He expressed appreciation to Mrs. Johnson for taking the time to address the Council this evening.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Ordinance No. 4740 be adopted.

Vice Mayor Walters commented that hopefully the Johnsons would be able to find a new home in which to create more wonderful memories. She also acknowledged Mrs. Johnson for being the mother of ten children.

Councilmember Griswold expressed support for the project. He voiced concern, however, regarding the planning area east of Meridian Road in Pinal County.

Mayor Hawker commented that the steel mill project is compatible with other uses in the area and protects the arrival and departure flights for Williams Gateway Airport. He stated that he is sorry the Johnson family is being displaced from their home, but noted that this area of the community has long been planned as a major job center.

Councilmember Rawles commented that when he met with representatives of CMC Steel, they stressed the fact that the company is a good corporate citizen. He encouraged the company to continue in that regard during its negotiations with the Johnson family and added that the Council would be very disappointed if that did not occur.

Mayor Hawker called for the vote.

Carried unanimously.

- \*10f. **Z07-68 (District 3)** 1803 South Vineyard Road. Located north and west of Baseline Road and Country Club Drive (7.8± ac.). Rezone from M-1 and C-3 to C-3 and Site Plan Review. This request will allow the development of five medical office buildings. David Sellers, LGE Design Build, owner; Michael Edwards, DFD Architecture, applicant – Ordinance No. 4735. ***(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent.)

- \*10g. **Z07-69 (District 6)** 9135 East Guadalupe Road. Located on the southwest corner of Guadalupe Road and Ellsworth Road (9.9± ac.). Site Plan Review. This request will allow the development of a retail shopping center and health club facility. Chris Lattanzio, VDG Guadsworth, LLC., owner; Jeff Looker, Looker & Cappello Architects Inc., applicant – Ordinance No. 4736. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent.)

- \*10h. **Z07-70 (District 5)** 4827 East McKellips Road. Located west of Higley Road on the south side of McKellips Road (2.8± ac.). Rezone from M-1 to M-1 BIZ and Site Plan Review. This request will allow the development of a four-story hotel and a restaurant pad. Jason Jones, Hansji Hotels, owner/applicant – Ordinance No. 4737. ***(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent.)

11. Take action on the following subdivision plat:

- \*11a. "FALCON COMMERCE PARK CONDOMINIUMS" **(District 5)** 1600-1700 blocks of North Rosemont (west side) located south and west of McKellips Road and Higley Road. 24 M-1 industrial condominium units (7.05 ac) Graystar Real Estate Holdings, LLC, Doug Dragoo, member, owner.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the meeting adjourned at 7:00 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 9<sup>th</sup> day of July 2007. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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