



COUNCIL MINUTES

October 28, 2013

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 28, 2013 at 5:49 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Chris Glover
Dennis Kavanaugh
David Luna
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Invocation by Reverend Andrew Hilla, Apache Wells Community Church.

Pledge of Allegiance was led by Matthew Woolfenden, Scout Troop #751.

Mayor's Welcome

Awards, Recognitions and Announcements

Mayor Smith stated that October is National Domestic Violence Awareness Month and noted that he was pleased to sign a proclamation declaring it as such. He also remarked that he and his fellow Councilmembers, as well as many staff members, were wearing purple to bring awareness to this issue.

Councilmember Luna, who serves on the Maricopa Association of Governments' (MAG) Domestic Violence Council, advised that one in four women and one in 12 men is a victim of domestic violence. He explained that since October is National Domestic Violence Awareness Month, he would like to take this opportunity to recognize staff and community leaders for their efforts and hard work in bringing awareness to this important subject.

Councilmember Luna highlighted the accomplishments of the City of Mesa's Advocacy Center, the Mesa Police Department's Domestic Violence Unit, the City Prosecutor's Office, A New Leaf and the Maricopa County Attorney's Office. He expressed appreciation to staff from all of those departments and agencies for assisting countless domestic violence victims and their families and added that their tireless efforts have not gone unnoticed.

Mayor Smith thanked Councilmember Luna for his comments. He also acknowledged the important role that many City staff members play in dealing with domestic violence on a firsthand basis and commended their efforts for helping citizens who are impacted by this crime.

Parks, Recreation and Commercial Facilities (PRCF) Department Director Marc Heirshberg addressed the Council and reported that in August, the City of Mesa, in partnership with Mesa Public Schools and the Arizona Disabled Sports Association, was recognized by the Arizona Parks and Recreation Association with the 2013 Outstanding Adaptive Program Award for its Desert Challenge Games. He played a short video that highlighted the event.

Mayor Smith congratulated Mr. Heirshberg and his staff, Mesa Public Schools and the Arizona Disabled Sports Association for their efforts and hard work in this regard.

Mr. Heirshberg invited Management Assistant II Leslie Clark to join him at the podium. He stated that Ms. Clark spearheaded PRCF's efforts over a two and a half year process to become a nationally accredited Parks and Recreation Department by the Commission for Accreditation of Park and Recreation Agencies. He highlighted such efforts, which included the following: a self-study assessment that was submitted to a commission of peer reviewers to ensure that the PRCF Department met a minimum of 115 of 144 standards; a visitation review by three peers to assess whether the documentation that PRCF staff submitted in the self-study assessment was, in fact, accurate and put into practice; and an accreditation hearing before the full Commission, after which the PRCF Department was awarded accreditation.

Mayor Smith acknowledged Mr. Heirshberg and his staff for their professionalism and dedication.

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.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Glover, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the June 6, October 3, 7 and 10, 2013 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Knights of Columbus All Saints Council 9485

This is a one-day fraternal event to be held on Saturday, November 2, 2013, from 3:00 p.m. to 7:00 p.m. at 1534 North Recker Road. **(District 5)**

*3-b. Knights of Columbus All Saints Council 9485

This is a one-day fraternal event to be held on Saturday, December 7, 2013, from 3:00 p.m. to 7:00 p.m., at 1534 North Recker Road. **(District 5)**

*3-c. A New Leaf Foundation

This is a one-day charitable event to be held on Saturday, November 9, 2013, from 8:00 p.m. to 11:00 p.m., at 1859 West Guadalupe Road, Suite 105. **(District 3)**

*3-d. Saint Timothy Catholic Church

This is a one-day religious event to be held on Friday, November 15, 2013, from 6:00 p.m. to 10:00 p.m., at 1730 West Guadalupe Road. **(District 3)**

*3-e. Ultimate Imaginations, Inc.

This is a one-day charitable event to be held on Friday, November 1, 2013, from 5:00 p.m. to 10:00 p.m., on Main Street from Center Street to Robson. **(District 4)**

*3-f. Venture Out Social Club, Inc.

This is a one-day civic event to be held on Saturday, November 16, 2013, from 9:00 a.m. to 7:00 p.m., at 5001 East Main Street. **(District 2)**

*3-g. Venture Out Social Club, Inc.

This is a one-day civic event to be held on Monday, January 13, 2014, from 6:30 p.m. to 9:30 p.m., at 5001 East Main Street. **(District 2)**

*3-h. On the Green Sports Grill

A sports bar and grill that serves lunch and dinner is requesting a person-to-person and location transfer of a Bar License for On the Green Sports Grill, 801 South Power Road, Suite 101 and 104, Lindsey Family, LLC – Jody Blaine Lindsey, agent. This location has a Restaurant License held by Lindsey Family, LLC that will revert back to the State. **(District 5)**

*3-i. Angry Crab Shack Restaurant

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Angry Crab Shack Restaurant, 2740 South Alma School Road, Suite 13, Angry Crab Shack Corporation – Ronald Wayne Lou, agent. The previous Restaurant License held at this location by Neighbors Garden Café, Inc., was surrendered to the State on April 23, 2007. **(District 3)**

*3-j. The Palms Theatre

A dinner theatre that serves lunch and dinner is requesting a new Restaurant License for The Palms Theatre, 5247 East Brown Road, Broadway Palm Dinner Theatre West LLC –

Lawrence Edward Elliget, agent. This location has a Restaurant License held by SS Food, Inc., that will revert back to the State. **(District 5)**

4. Take action on the following contracts:

- *4-a. Three-Year Term Contract for Uniform Garment Rental for various City Departments. **(Citywide)**

This contract will provide for the rental of uniform garments to approximately 280 City employees from various departments. The garments furnished by the contractor will be maintained through routine laundering, pressing and repairing to provide a neat and clean appearance for City personnel.

An evaluation committee representing Water Resources, Parks, Recreation and Commercial Facilities, Transportation, Fleet Services and Purchasing evaluated response, and recommends awarding the contract to the highest-scored proposal from Unifirst Corporation, at \$160,000 annually, based on estimated requirements.

- *4-b. One-Year Renewal of the Service Contract for Automated Driveway Entrance/Exit Gates Operators for the Facilities Maintenance Department. **(Citywide)**

This contract provides a qualified contractor to perform quarterly maintenance service and repair services on automated driveway entrance/exit gates operators throughout the City.

Facilities Maintenance and Purchasing recommend authorizing a one-year renewal with Phoenix Fence Company, at \$45,500, based on estimated requirements.

- *4-c. One-Year Renewal of the Term Contract for Tires for the Materials and Supply Warehouse (for Fleet Services and Fire and Medical Services Departments). **(Citywide)**

This contract provides Bridgestone Firestone brand tires for use by Fleet Services and Fire Resource Management to maintain for City's Fleet and Fire vehicles. The contract is primarily used for the larger tires for heavy-duty vehicles, such as Solid Waste trucks and Fire apparatus.

Materials and Supply, Fleet Services, Fire and Medical Services and Purchasing recommend authorizing a one-year renewal using the State of Arizona/Western States Contracting Alliance cooperative contract with Firestone Complete Auto Care and Redburn Tire Company (Mesa locations for both vendors), at \$225,000 annually, including applicable sales tax, based on estimated requirements.

- *4-d. One-Year Renewal of the Term Contract for Tires for the Materials and Supply Warehouse (for Fleet Services and Fire and Medical Services Departments). **(Citywide)**

This contract provides Goodyear brand tires for use by Fleet Services and Fire Resource Management to maintain the City's Fleet and Fire vehicles.

Materials and Supply, and Purchasing recommend authorizing a one-year renewal using the State of Arizona Department of Transportation cooperative contract with Purcell Tire Company (a Mesa business), at \$750,000 annually, based on estimated requirements.

- *4-e. Purchase of One (1) Replacement Light-Duty Pickup Truck and One (1) Additional Cab and Chassis Service Body Vehicle for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

The replacement vehicle has met established criteria and will be retired and sold at auction. The addition to the fleet is for Eastmark Park. These two (2) vehicles are additional purchases against contracts originally awarded by the Council on April 1, 2013.

Fleet Services, Parks, Recreation and Commercial Facilities and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, PFVT Motors, Inc., at \$53,410.29. This purchase is funded by the Vehicle Replacement Fund (\$25,639.82) and the General Fund – Capital (\$27,770.47).

- *4-f. Purchase of Three (3) Replacement Vehicles (Tahoes) and Two (2) Additions to the Fleet (Tahoes) for the Police Department. **(Citywide)**

These vehicles have met established criteria and will be retired and sold at auction. The two (2) additions to the fleet will be used by the Police Department for DUI enforcement. These five (5) vehicles are additional purchases against contracts originally awarded by the Council on April 1, 2013.

Fleet Services, Police and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Midway Chevrolet, at \$192,530.85. The three replacements will be funded by the Vehicle Replacement Fund and the two additions will be funded by the Governor's Office of Highway Safety.

- *4-g. Dollar-Limit Increase to the Term Contract for Emergency Vehicle Equipment and Installation Services for Police Patrol Vehicles as Requested by Fleet Services. **(Citywide)**

On April 1, 2013, the Council approved the initial three-year term contract for Emergency Vehicle Equipment and Installation Services for Police Patrol Vehicles.

Fleet Services is consolidating all of the City's emergency equipment purchases for the general fleet with that of the Police Department and intends to use the LSH contract for this purpose. Fleet Services requires the dollar-limit increase of \$925,000 to raise the purchasing threshold on the LSH contract to accommodate the consolidation strategy; this is not a request for additional funding.

Fleet Services and Purchasing recommend authorizing a dollar-limit increase of \$925,000, from \$628,000 to \$1,553,000 annually for the primary contract, Kenco OR LLC, dba LSH Lights, and the conditional secondary award, Arizona Emergency Products, based on estimated requirements.

- *4-h. Four-Month Extension and Dollar-Limit Increase to the Term Contract for Temporary Agency Worker Services as requested by the Human Resources Department. **(Citywide)**

The existing contract is set to expire on December 2, 2013. Human Resources and Purchasing recommend extending the expiration date to allow for a new solicitation to be developed and awarded. The new contract will add classifications and requirements currently covered in a separate contract.

Human Resources and Purchasing recommend authorizing a dollar-limit increase of \$1,348,000 and a four-month extension with Allstaff Services Inc., Corporate Job Bank, GCA Services Group (a Mesa business), and Job Brokers Inc., of \$4,790,000 to \$6,138,000, based on estimated requirements.

- *4-i. Dollar-Limit Increases and Three (3)-Month Extensions to the Term Contracts for Temporary Employment Services as requested by the Arts and Culture and the Parks, Recreation and Commercial Facilities Departments. **(Citywide)**

Both contracts will expire on December 31, 2013. With the three (3)-month extensions, the contracts will expire March 31, 2014. The dollar-limit increases are being requested to cover estimated spending for the timeframe of the extension. The time extensions and dollar-limit increases will allow for these contracts to continue until a solicitation can be completed. The solicitation will combine the classifications covered in these two contracts with the classifications currently covered by the Human Resources Temporary Agency Worker contract.

Arts and Culture, Parks, Recreation and Commercial Facilities, and Purchasing recommend a three (3)-month extension of the existing City Contract for the Mesa Convention Center and a dollar-limit increase of \$30,000, from \$88,000 to \$118,000, for this contract. The three vendors on the City's contract are TS Staffing Services Inc., Labor Ready Southwest Inc., and Allied Forces Temporary Services.

Arts and Culture, Parks, Recreation and Commercial Facilities, and Purchasing recommend extending the City of Chandler cooperative contract with Devau Human Resources for an additional three (3)-months, as well as increase the dollar limit of the contract by \$200,000, from \$450,000 to \$650,000.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to accept funding made available through a Federal SubAward Agreement with the University of Illinois. This Agreement provides \$50,000 to the Police Department for overtime, equipment, supplies and Safe Ride subsidies. **(Citywide)** – Resolution No. 10340.
- *5-b. Approving and authorizing the City Manager to accept funding made available through a Charitable Contribution from State Farm Mutual Automobile Company. This Contribution provides \$25,000 to the Police Department for overtime for Teen Driver Safety Awareness programs. **(Citywide)** – Resolution No. 10341.
- *5-c. Approving and authorizing the City Manager to accept funding made available through a SubGrantee Agreement with the Arizona Department of Homeland Security. This Agreement provides \$200,000 to the Mesa Police Department for training and equipment. **(Citywide)** – Resolution No. 10342.

- *5-d. Approving and authorizing the City Manager to accept funding made available through a SubGrantee Agreement with the Arizona Department of Homeland Security. This Agreement provides \$28,000 to the Mesa Police Department for training and equipment. **(Citywide)** – Resolution No. 10343.
- *5-e. Approving and authorizing the City Manager to accept funding made available through a Highway Safety Contract with the Governor's Office of Highway Safety. This Contract provides \$50,000 to the Police Department for overtime to support and enhance Selective Traffic Enforcement throughout the City of Mesa. **(Citywide)** – Resolution No. 10344.
- *5-f. Approving and authorizing the City Manager to accept funding made available through a Highway Safety Contract with the Governor's Office of Highway Safety. This Contract provides \$110,000 to the Police Department for overtime expenses to enhance and support Impaired Driver/DUI Alcohol Enforcement throughout the City. **(Citywide)** – Resolution No. 10345.
- *5-g. Approving and authorizing the City Manager to accept funding made available through a Highway Safety Contract with the Governor's Office of Highway Safety. This Contract provides \$127,500 to the Police Department's Forensic Services Division toward the purchase of DUI Equipment. **(Citywide)** – Resolution No. 10346.
- *5-h. Approving and authorizing the City Manager to execute a SubGrantee Agreement with the Arizona Department of Homeland Security for grant funds in the amount of \$216,000 for equipment, training, and planning for the Fire and Medical Services Department's Rapid Response Team. **(Citywide)** – Resolution No. 10347.
- *5-i. Approving and authorizing the City Manager to execute an agreement with Clean Energy relating to the installation, lease and maintenance of a temporary compressed natural gas fueling station, and the purchase of associated equipment for a total of \$505,042, to be located at the 6th Street Service Center Yard. **(District 4)** – Resolution No. 10348.
- *5-j. Extinguishing Public and Private Drainage Easements on Lots 1 – 8 of the Final Plat for First Mesa Commerce Park Phase 1, as recorded in Book 1020 of Maps, Page 9, records of Maricopa County, Arizona. **(District 6)** – Resolution No. 10349.

New Drainage Easements will be dedicated on the new Final Plat for First Mesa Commerce Park Phase 1 Amended.
- *5-k. Adopting a resolution relating to Foreign Trade Zone Property Tax reclassification requirements for the City to issue its support for a Foreign Trade Zone application – Resolution No. 10350.

6. 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 City Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the City Clerk before Council votes on the Consent Agenda.

- *6-a. **Z13-043 (District 6)** 3225 South Power Road. Located on the east side of Power Road just south of Guadalupe Road (14.25± acres). Modification of a Planned Area

Development in the LI-PAD zoning district. This request will allow the development of a self-storage facility – Ordinance No. 5187.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 6-0, Boardmember Clement, absent.)

- *6-b. **Z13-044 (District 6)** The 5600 to 6000 blocks of South Signal Butte Road (east side) and the 10800 to 11100 blocks of East Williams Field Road (north side). Located at the northeast corner of Signal Butte Road and Williams Field Road (105± acres). Rezone from RSL-4.5 (35± acres) and RS-6 (70± acres) to RS-6-PAD and Site Plan Review. This request will allow residential development – Ordinance No. 5188.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 6-0, Boardmember Clement, absent.)

- *6-c. Amending various sections of the Mesa City Code; Title 5 (Business Regulations), Chapter 17 (Development Impact Fees), adopting the Pledge Debt Analysis for Continuation of Impact Fees and continuing the Development Impact Fees as currently assessed. **(Citywide)** – Ordinance No. 5189.

This ordinance is to comply with the requirements in A.R.S. §9-463.05 and to continue assessing current development fees and use them solely for principal and interest payments on existing eligible pledged debt.

- *6-d. Amending Title 5 (Business Regulations), Chapter 10 (Privilege and Excise Taxes) of the Mesa City Code, to adopt the changes made to the Model City Tax Code by the Municipal Tax Code Commission. The Commission has approved these changes and the Arizona Revised Statutes require that all Arizona cities and towns adopt the changes approved by the Commission – Ordinance No. 5190.

The combined fiscal impact for all changes adopted by the Commission or preempted by the Arizona State Legislature will result in an overall reduction to City tax revenues of approximately \$1,295,000. The Office of Management and Budget has factored these changes into the City budget.

These changes were reviewed and approved to move forward to the Council by the Audit, Finance and Enterprise Committee on July 1, 2013.

7. Take action on the following subdivision plats:

- *7-a. “Estancia at Mountain Bridge” – **(District 5)** The 8700 to 8800 blocks of East Upper Canyon Drive (north side). Located north of East McKellips Road and west of North Ellsworth Road. 23 RS-35 PAD lots (19.49 ± acres) Pinnacle Ridge Holdings, LLC, owner; Darrell D. Smith, Wood, Patel & Associates, Inc., engineer.

- *7-b. "Bellavia at Mountain Bridge" – **(District 5)** – The 8600 to 8800 blocks of East Upper Canyon Drive (south side). Located north of McKellips Road and west of Ellsworth Road. 115 RS-9 PAD lots (33.4 ± acres) Pinnacle Ridge Holdings, LLC, owner; Darrell D. Smith, Wood, Patel & Associates, Inc., engineer.

Items not on the Consent Agenda

8. Conduct public hearings and take action on the following resolutions and ordinance that was introduced at a prior Council meeting:

- 8-a. Conduct a public hearing.

Mayor Smith announced that this was the time and place to conduct a public hearing regarding **GPMInor13-006**.

There being no citizens wishing to address the Council, the Mayor declared the public hearing closed.

- 8-b. **GPMInor13-006 (District 3)** A resolution regarding the 800 and 900 blocks of West Southern Avenue (south side), the 1200 and 1300 blocks of South Extension Road (west side) and the 800 and 900 blocks of West Grove Avenue (north side). Located at the southwest corner of Southern Avenue and Extension Road. (3.67± acres). Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use Designation from Community Commercial (CC) to High Density Residential 15+ (HDR 15+). This request will allow multi-residence development – Resolution No. 10351.

Staff Recommendation: Adoption

P&Z Recommendation: Adoption (Vote: 6-0, Boardmember Clement, absent.)

It was moved by Councilmember Somers, seconded by Councilmember Kavanaugh, that Resolution No. 10351 be approved.

Carried unanimously.

- 8-c. **Z13-045 (District 3)** An ordinance regarding the 800 and 900 blocks of West Southern Avenue (south side), the 1200 and 1300 blocks of South Extension Road (west side), and the 800 and 900 blocks of West Grove Avenue (north side). Located at the southwest corner of Southern Avenue and Extension Road (19.3± acres). Rezone from LC-BIZ-PAD and RM-4-BIZ-PAD to RM-4-PAD and Site Plan Review. This request will allow multi-residence development – Ordinance No. 5191.

Staff Recommendation: Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 6-0, Boardmember Clement, absent.)

It was moved by Councilmember Kavanaugh, seconded by Councilmember Glover, that Ordinance No. 5191 be approved.

Carried unanimously.

8-d. Conduct a public hearing.

Mayor Smith announced that this was the time and place to conduct a public hearing regarding **GPMajor13-01**.

There being no citizens wishing to address the Council, the Mayor declared the public hearing closed.

8-e. **GPMajor13-01 (District 6)** A resolution regarding the 8200 to 8400 blocks of East Baseline Road (north side). General Plan Land Use Major Amendment from High Density Residential 15+ (HDR15+) and Neighborhood Commercial (NC) to Medium Density Residential 6-10 (MDR 6-10), High Density Residential 15+ (HDR 15+) and Neighborhood Commercial (NC) on 54± acres at the northwest corner of Loop 202 San Tan Freeway and Baseline Road – Resolution No. 10352.

Staff Recommendation: Adoption

P&Z Recommendation: Adoption (Vote: 6-0, Boardmember Clement, absent.)

It was moved by Councilmember Somers, seconded by Councilmember Kavanaugh, that Resolution No. 10352 be approved.

Carried unanimously.

8-f. Conduct a public hearing.

Mayor Smith announced that this was the time and place to conduct a public hearing regarding **GPMajor13-02**.

Stephen Earl, an attorney with Earl, Curley & LaGarde, P.C., addressed the Council and stated that he was appearing on behalf of the applicant/owner, Kitchell Development Company.

Mr. Earl displayed a PowerPoint presentation (**See Attachment 1**) and provided an extensive overview of this item. He discussed the location of the subject property, which is situated at the northwest corner of Val Vista Drive and Thomas Road just south of the 202 Freeway. (See Page 2 of Attachment 1) He explained that the land was once part of a much larger employment area, but noted that when the freeway was constructed, it cut through the larger rectangular property at an angle leaving this remnant 13-acre parcel. He added that the property narrows down to 90 feet at Val Vista Drive, with no frontage onto the street.

Mr. Earl highlighted a map of the previous General Plan, which illustrates the inclusion of the 13-acre site in a larger area that was zoned Mixed Use/Residential (MUR). (See Page 3 of Attachment 1) He pointed out that the MUR identifies a High Density Residential component (30% at 15+ du/ac) and 70% employment uses. He also said that Falcon Field Airport is located to the east of the property.

Mr. Earl, in addition, reviewed a map that shows changes to the General Plan six to seven years ago when the Council approved "a significant shift" in zoning in the area. (See Page 4 of Attachment 1) He noted that south of Thomas Road, much of the land was zoned Medium Density Residential 2-4 du/ac (MDR 2-4) and Medium Density Residential 4-6 (MDR 4-6), with the exception of the mining operation, which remained MUR.

Mr. Earl further commented that not only was the 13-acre site a remnant parcel, but it was also zoned General Industrial (GI). He referred to a document titled "Permitted Uses Under Existing General Industrial (GI) Zoning. (See Page 5 of Attachment 1) He noted that although the property may at one time have been appropriate for GI uses, with the residential development located south of Thomas Road, the respective uses should be separated due to an anticipated amount of truck traffic associated with industrial districts.

Mr. Earl indicated that Kitchell, an award-winning commercial and residential developer in Arizona, was aware of the GI zoning when the company purchased the property. He stated that due to various site constraints, Kitchell realized that the development of a commercial center would not be feasible and partnered with Mark Taylor to construct a high quality, luxury apartment complex at the site. He added that Kitchell envisions the area as a gateway to the community.

Discussion ensued relative to the fact that staff conducted extended neighborhood outreach and notification efforts regarding the developer's proposal (See Page 6 of Attachment 1); that since many homes in the area have not yet been built, the developers conducted notification efforts on seven different occasions (See Page 7 of Attachment 1); and that there are many development constraints at the site which include the following: a cell tower in the southeast corner; underground utilities over which nothing can be built but landscaping; a transmission line that bisects the property; and a well site owned by the Salt River Project (SRP).

In response to a question posed by Mayor Smith at the earlier Study Session, Mr. Earl clarified that the developer initially sought to present the zoning case and the request for a Minor General Plan Amendment together. He noted, however, that since the property is located within the northwestern edge of the Falcon Field Sub-Area Plan, it qualified as a Major General Plan Amendment. He said that the developer was continuing to work on the zoning case with City staff and address all of the challenges associated with this property.

Further discussion ensued relative to the surrounding residents' concerns regarding the amount of traffic that would be generated by the proposed development; that the current GI zoning would, in fact, allow more traffic than what the developer is proposing with the High Density Residential 15+ (HDR 15+); that per the General Plan, both Thomas and Gilbert Roads will be four-lane roadways in the future, Thomas Road will eventually cross over the freeway and connect to Gilbert Road, and Val Vista Road is a four-lane arterial within the vicinity of the site; and that the intersection of Val Vista Drive and Thomas Road operates at an overall level of service (LOS) of A with existing conditions and it is anticipated that it will continue to operate at the same level with the site traffic from the proposed development. (See Page 11 of Attachment 1)

Councilmember Kavanaugh commented that he did not recall the above-referenced street improvements being included in any future bond issue or project.

Mr. Earl responded that as part of the development, Kitchell would be required to construct the north half street of Thomas Road and said that such improvements will accommodate more traffic in the area. He also noted that a street signal currently exists at Thomas Road and Val Vista Drive. He remarked that Val Vista could be improved more than it is today, although it remains a significant carrier of traffic since it is an entrance to the freeway.

Responding to a question from Councilmember Kavanaugh, Planning Director John Wesley clarified that there are no immediate plans for the City to extend Thomas Road over the freeway to connect with Gilbert Road.

In response to a question from Mayor Smith, Mr. Earl explained that the current two-lane configuration of Thomas Road would carry up to 11,000 vehicles per day in order to maintain an LOS of B. He assured the Council, however, that the developer will improve Thomas Road to allow a significantly higher number of trips per day. He added that the existing zoning would have to improve the north half of Thomas Road as the applicant is proposing with the General Plan Amendment.

Mr. Earl displayed photographs depicting GI uses (See Pages 12 through 15 of Attachment 1), none of which would be appropriate uses to develop across the street from single-family residential areas.

Mayor Smith noted that with respect to the subject property, there appears to be somewhat of a conflicting designation in that the General Plan calls for MUR and yet the underlying zoning is GI. He inquired which designation would prevail from a legal standpoint.

Mr. Wesley responded that GI "always trumps" since it is the existing entitlement on the property. He stated, for instance, if a developer came to the City with a site plan consistent with GI zoning, staff would process it and allow that type of use.

Mr. Earl referenced a series of photographs that illustrate examples of luxury apartment complexes that Kitchell and Mark Taylor developed. (See Pages 16 through 35 of Attachment 1)

In response to a question from Mayor Smith, Mr. Earl clarified that the developer intends to bring back the associated zoning case soon and reiterated that Kitchell is working with City staff to work out the challenges related to the site. He assured the Council that the proposed development will include luxury level architecture and amenities.

Mr. Wesley commented that staff has already received the site plan and certain design guidelines that show the high quality of the development. He stated that if it were the direction of the Council, staff could also draft a Development Agreement to ensure that the project is of a high level of quality.

Mr. Earl concluded his presentation by noting that in his opinion, the proposed General Plan designation to transition from 30% to 100 % multi-family residential and eliminate the industrial use would be an appropriate option for the property.

Daniel Wilbur, a Lehi Crossing resident, voiced opposition to the proposal and commented that he and many of his neighbors would like to preserve the rural character of Lehi. He also stated that the property's current zoning includes an employment designation and indicated that the proposed multi-family residential use would eliminate the opportunity to create jobs. He added

that he collected 84 signatures of residents in Lehi Crossing who are opposed to the project moving forward.

Kathleen Lopez, a Lehi Crossing resident, concurred with the comments of the prior speaker. She noted that on several occasions, she was contacted by City staff concerning this project and said that she repeatedly voiced her opposition to the development. She further remarked that if the apartment complex is built, she will no longer be able to enjoy the mountain views from her home and added that her property values may decline.

Councilmember Richins stated that he has met people who were both in support and opposed to the proposal. He stated that Lehi Crossing is a newly developing area in Mesa. He also commented that he has never been of the belief that "apartments ruin neighborhoods," but rather lend diversity to a community and make it more interesting. He expressed support for the General Plan Amendment and added that he looked forward to seeing the zoning case come forward and learn more about the project.

Vice Mayor Finter commented that he could foresee a possible conflict with some of the Lehi Crossing residents if they lose their mountain views due to the construction of a multi-story apartment complex across the street. He noted, on the other hand, that as a childhood resident of Lehi, which included many industrial uses that generated dust and noise, he would support the construction of an apartment complex on the subject property as a more appropriate use.

In response to a question from Vice Mayor Finter, Mr. Earl reiterated that Kitchell and Mark Taylor have committed to build a high-quality apartment complex and have no plans to "flip it" in the future.

Mr. Earl acknowledged that he is aware of the Lehi Crossing residents who have concerns with respect to the height of the apartment complex. He noted, however, that under the GI zoning, buildings constructed under that designation would also block the same views. He added that the developer proposes to include a number of buildings that create view corridors and said that the issue will be addressed in a thoughtful manner.

Responding to a question from Councilmember Kavanaugh, Mr. Earl clarified that none of the apartment buildings will be four stories high. He stated that there will be two and three-story elements, as well as carriage units, in which an apartment is built on top of a garage.

Councilmember Richins remarked that it was not his job to protect a person's view across someone else's property. He suggested that if individuals want unobstructed views, they should purchase a property in which the views are protected.

Mayor Smith commented that he has been familiar with this property for many years and stated that he considers the area as a gateway into the community. He noted that he was not offended by a multi-family residential use at this site and recognized that the property would not be viable from a commercial standpoint.

Mayor Smith further remarked that per the General Plan, the corners of Thomas Road and Val Vista Drive are designated for commercial uses and said that he would hope that high-end projects, which are reflective of the surrounding area, would be developed in the future. He also indicated that he has followed Kitchell and Mark Taylor for many years and is aware of their luxury apartment developments. He added that when the zoning case is presented to the Council

for consideration, he will expect to see certain safeguards that are “embedded” in a Development Agreement or “rock hard” stipulations to ensure a high-quality project.

There being no further citizens wishing to address the Council, the Mayor declared the public hearing closed.

8-g. **GPMajor13-02 (District 1)** A resolution regarding the 3300 to 3600 blocks of East Thomas Road (north side) and the 3600 block of North Val Vista Drive. General Plan Land Use Major Amendment from Mixed Use Residential (MUR) to High Density Residential 15+ (HDR 15+) on 13± acres at the northwest corner of Thomas Road and Val Vista Drive – Resolution No. 10353.

Staff Recommendation: Adoption

P&Z Recommendation: Adoption (Vote: 6-0, Boardmember Clement, absent.)

It was moved by Councilmember Richins, seconded by Councilmember Somers, that Resolution No. 10353 be approved.

Carried unanimously.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 7:08 p.m.

SCOTT SMITH, MAYOR

ATTEST:

DEE ANN MICKELSEN, 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 28th day of October, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

A General Plan Amendment

NWC Thomas Road and Val Vista Drive

Mesa, Arizona

Application No.: GPMajor 13-02

City Council

October 28, 2013



EC&L
EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW



Site

Lehi Rd

Eastern Canal

Red

Mountain Freeway

Thomas Rd

McDowell Rd

Val Vista Dr

E Russell St

Riverdale St

N Orchard

Loop 202

VICINITY MAP
NORTH



Mixed Use

Mixed Use/Residential (30% at 15+ du/ac)

Mixed Use/Employment

Town Center (25% at 15+ du/ac)

Employment

Office

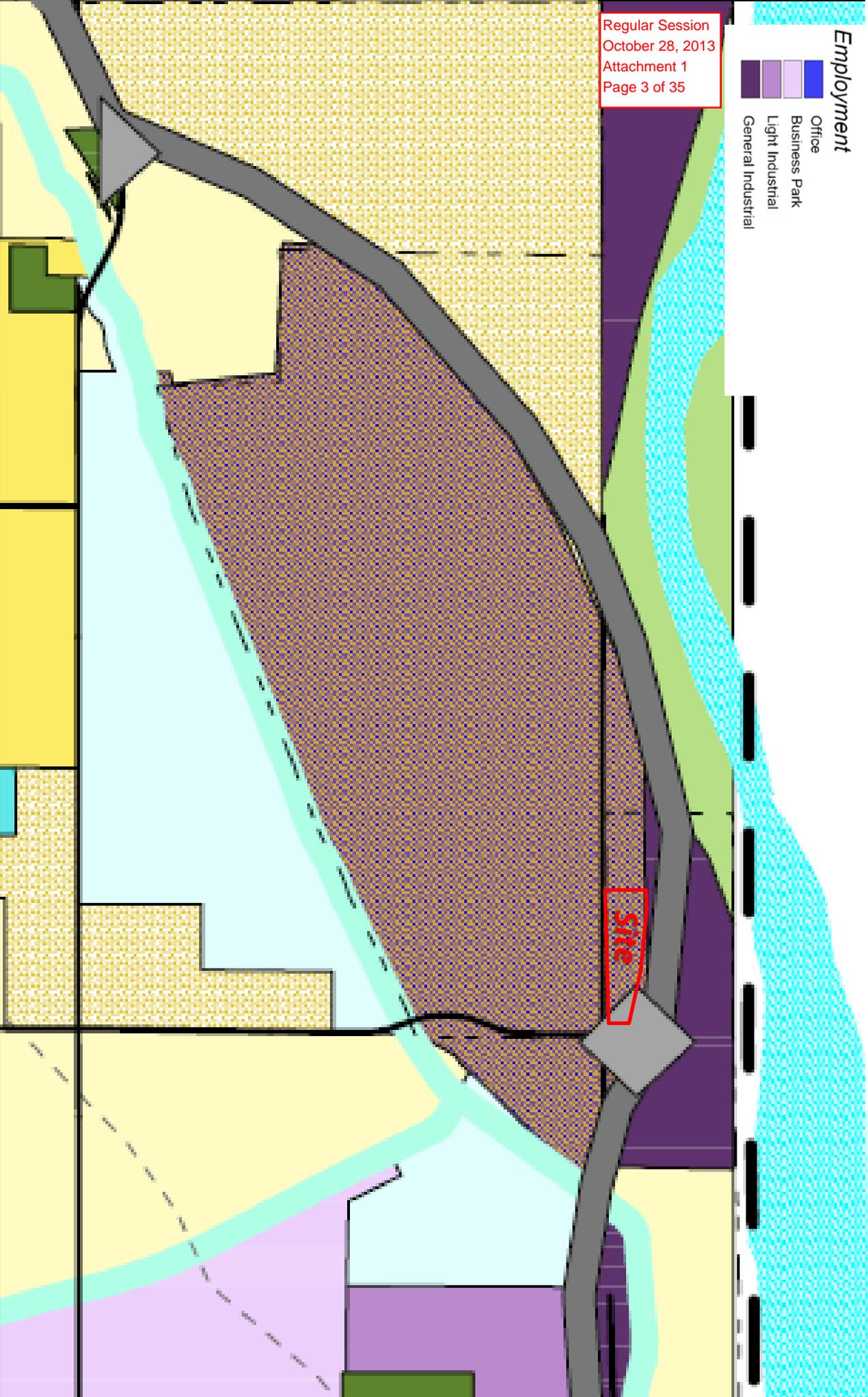
Business Park

Light Industrial

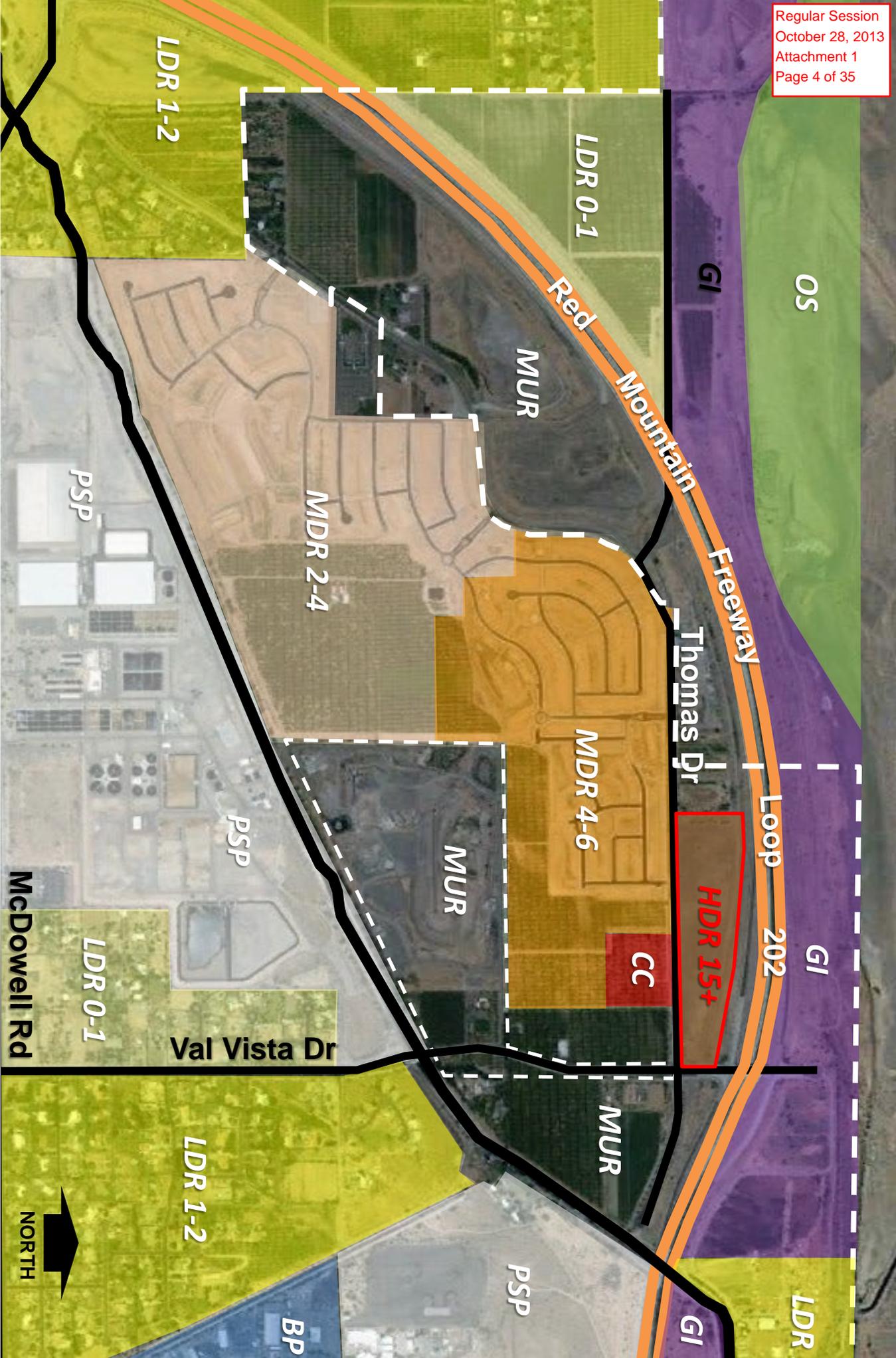
General Industrial

Regular Session
October 28, 2013
Attachment 1
Page 3 of 35

Site



PREVIOUS GENERAL PLAN



LDR 0-1 = (Low Density Residential 0-1 du/ac)
 LDR 1-2 = (Low Density Residential 1-2 du/ac)
 MDR 2-4 = (Medium Density Residential 2-4 du/ac)
 MDR 4-6 = (Medium Density Residential 4-6 du/ac)

CC = (Community Commercial)
 MUR = (Mixed Use/Residential)
 BP = (Business Park)
 GI = (General Industrial)

PSP = (Public/Semi-Public)
 OS = (Open Space)
 HDR 15+ = (High Density Residential 15+)
PROPOSED GENERAL PLAN

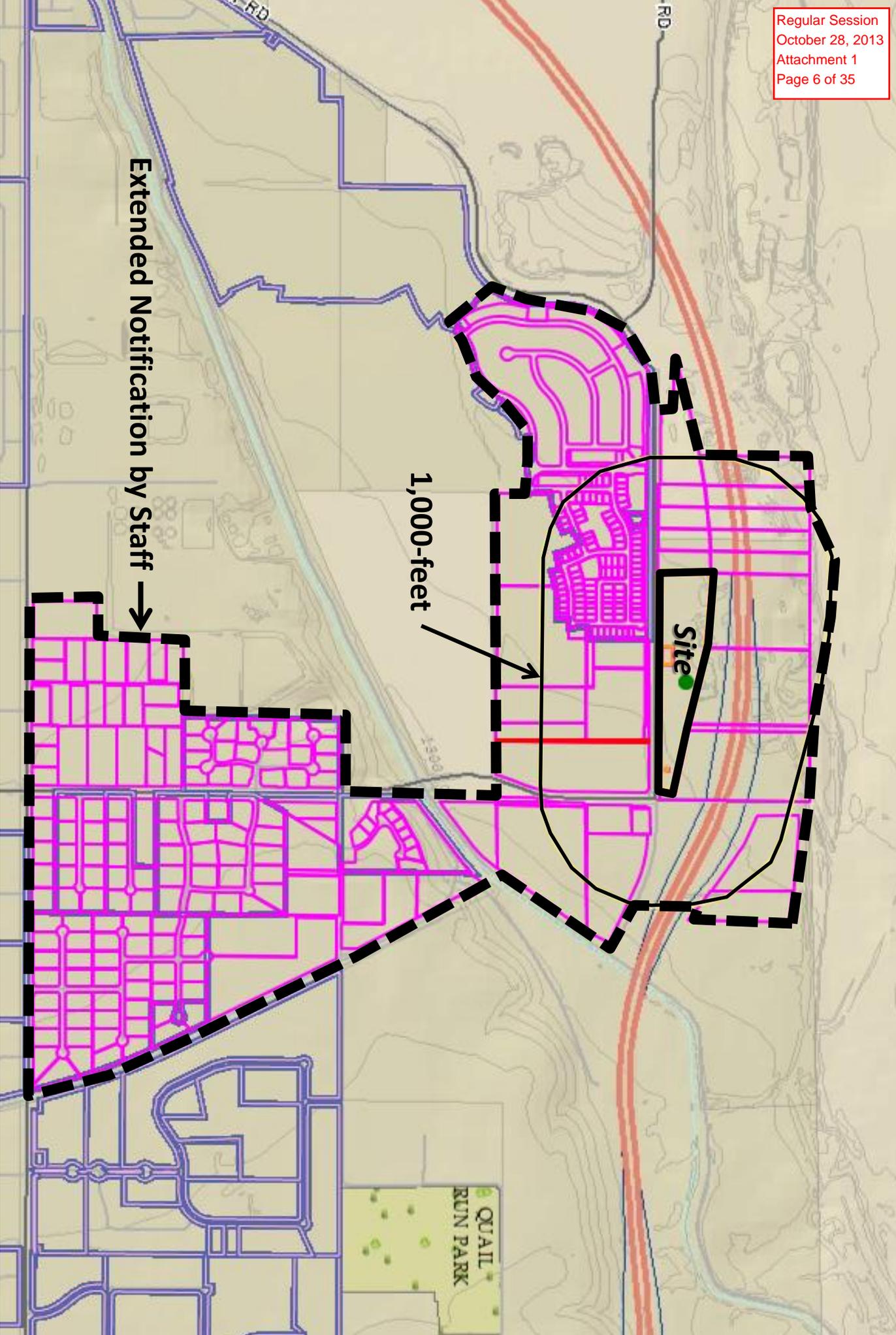


Permitted Uses Under Existing General Industrial (GI) Zoning

Stated Purpose of General Industrial (GI) District. “To provide areas for manufacturing, processing, assembly, research, wholesale, and storage, and similar activities that require separation from residential uses due to noise, vibration, use of hazardous materials, or other characteristics. These activities principally take place indoors, but may also include some outdoor activities. This district also permits a full range of commercial activities.”

Permitted Uses Allowed by Right in the GI Zoning District

- Automobile / Vehicle Repair, Major
- Large Vehicle and Equipment Sales, Services, and Rental
- Building Materials and Services
- Bars / Clubs / Lounges
- Funeral Parlors and Mortuaries
- Laboratories
- **Manufacturing, General**
- Metal Refining, Casting or extrusion (Subject to CUP)
- Salvage and Wrecking (Subject to CUP)
- **Contractors’ Yards**
- **Indoor Warehousing and Storage**
- **Wholesale**
- **Freight / Truck Terminals and Warehouses**
- **Outdoor Storage**

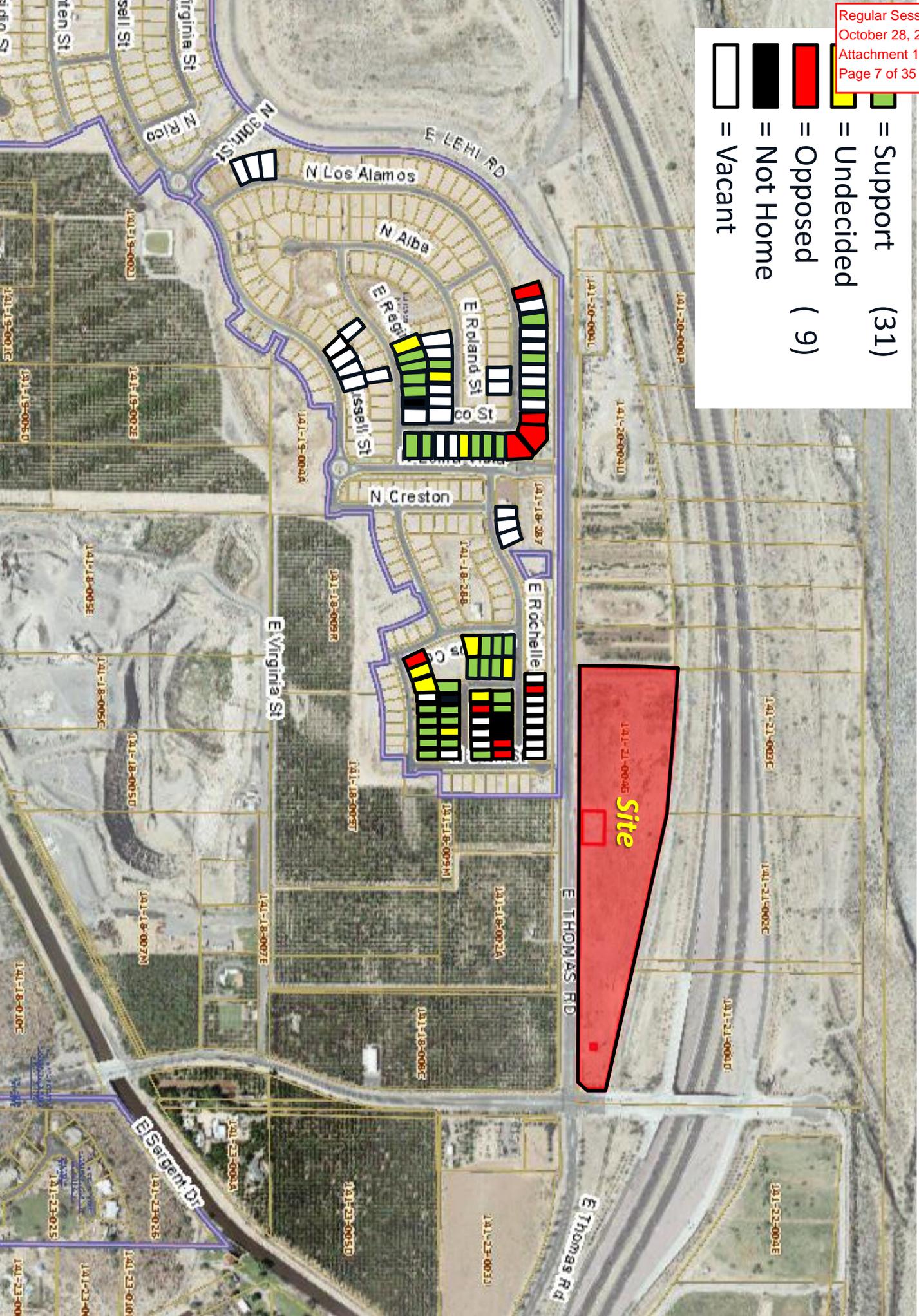


Extended Notification by Staff →

Property Ownership Map
Extended Notification Area by City of Mesa Staff

= Support (31)
 = Undecided (9)
 = Opposed (9)
 = Not Home
 = Vacant

NEIGHBORHOOD OUTREACH PROGRAM



7 Neighborhood visits through neighborhood



428-ft

200-ft

341-ft

90-feet

Subject Site

Well-Site

Cell Site

E THOMAS RD

E THOMAS RD

E Thomas Rd

N Citrus Cove

E Riverdale St

E Roland St

N 34th St

101-18-0028

101-18-0029

101-18-0030

101-18-0031

101-18-0032

101-18-0033

101-18-0034

101-18-0035

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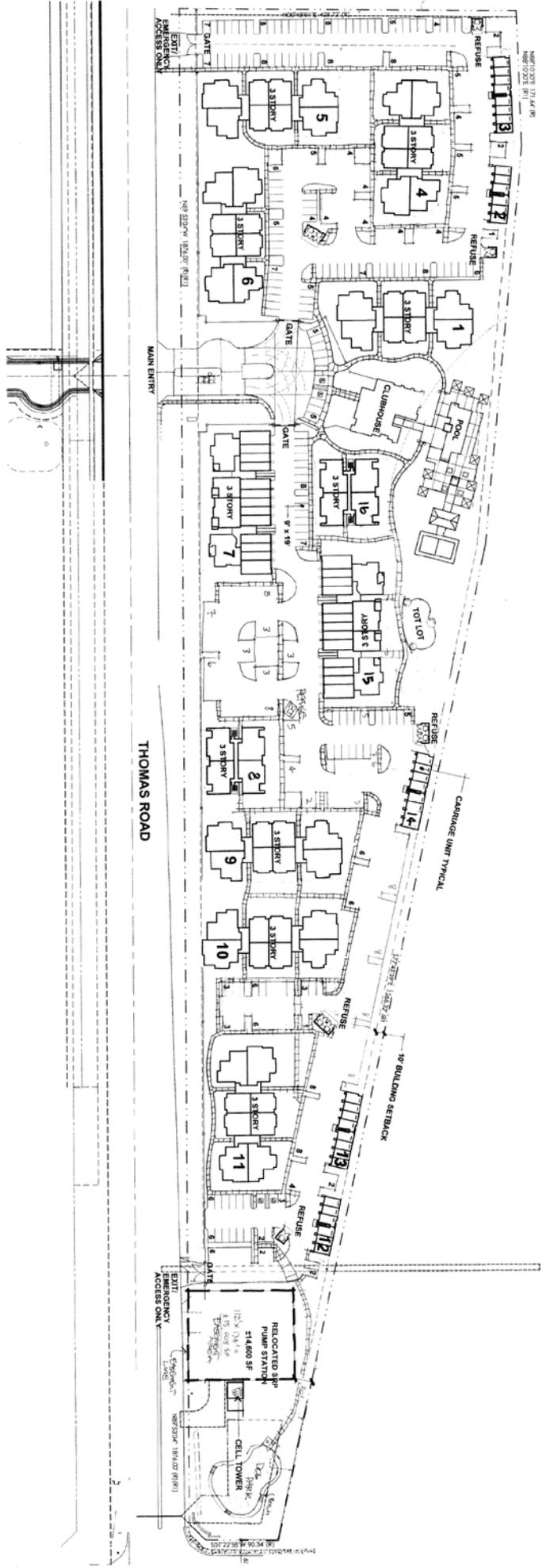
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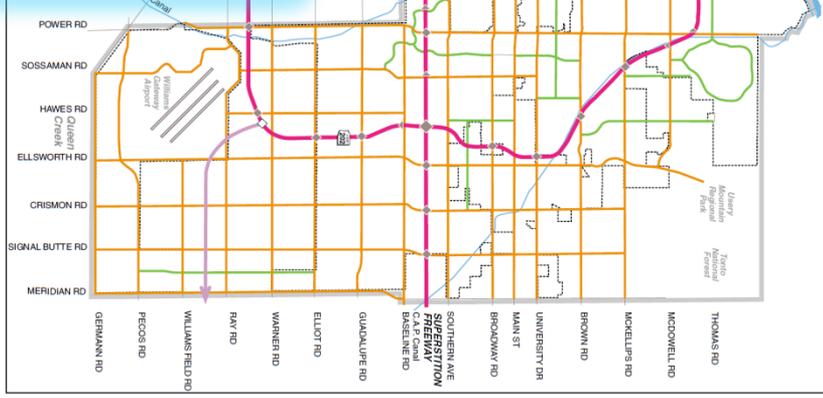
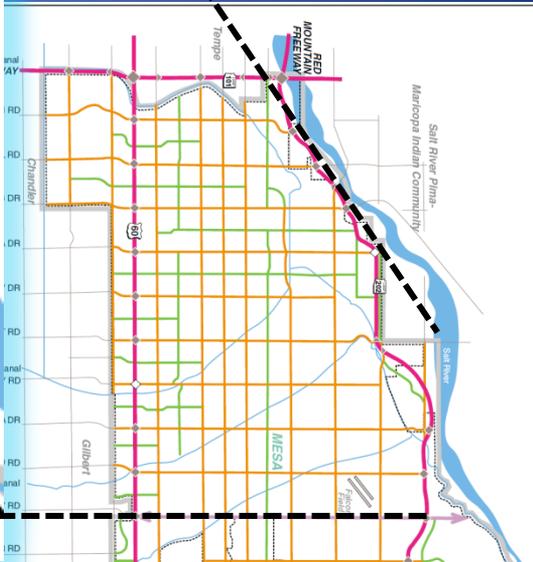
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VAL VISTA DRIVE



-  Freeway
-  Parkway
-  Arterial
-  Major Collector
-  Interchange
-  Future Interchange
-  Major Arterial Roadway
-  Canals and Waterways

GENERAL PLAN

Functional Classification
 Figure 3-1

-  Freeway
-  Parkway
-  Arterial
-  Major Collector
-  Interchange
-  Future Interchange
-  Major Arterial Roadway
-  Canals and Waterways



CONCLUSIONS

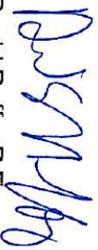
From the above, the following could be concluded.

- **Thomas Road** is primarily a two-lane arterial within the vicinity of the site. However, the future geometric configuration of Thomas Road will be a four (4) lane roadway with exclusive right and left-turn lanes at the development. Ultimately in accordance with the Mesa Transportation Plan, 2025, Thomas Road will cross over the freeway and connect to Gilbert Road. The design capacity of Thomas Road, when full arterial improvements are installed, could be up to 40,000 vpd. Therefore, the additional vehicles from this property, whether as General Industrial or multi-family will be a small fraction of that capacity. The existing daily traffic volume just west of Val Vista Drive is 1,041 vehicles per day (vpd). The developer will be responsible for the ultimate half street improvements adjacent to the site.
- **Val Vista Drive** is a four-lane arterial within the vicinity of the site. Val Vista Drive is a four-lane section north of Thomas Road and dead ends just north of its interchange with the Loop 202. Val Vista Drive merges into a two-lane roadway approximately 300 feet south of Thomas Road. The existing daily traffic volume on Val Vista Drive is 6,176 vehicles per day (vpd).
- According to Table 4-6 of the City of Mesa's Transportation Plan, a two-lane roadway segment can accommodate a daily traffic volume of 11,100 to maintain a LOS "D". Therefore, the existing two and four lane roadway segments within the study area are adequate for accommodating the projected 2020 daily traffic volumes of 2,124 vpd on Thomas Road and 8,003 vpd on Val Vista Drive.
- The proposed apartment project will generate approximately 1,622 weekday daily trips with 114 occurring during the morning peak hour and 143 occurring during the evening peak hour.
- The trips generated based on the proposed apartment community are less than several of the allowed commercial uses under the City of Mesa's 'General Industrial' zoning.
- The intersection of Val Vista Drive and Thomas Road operates at an overall level-of-service (LOS) "A" with existing conditions and will continue to operate at LOS "A" with the site traffic from the proposed development.

In closing, this traffic statement has been prepared to document the potential traffic impacts of the proposed development. Should you wish to discuss this information further, please contact me at (480) 659-4250.

Sincerely,

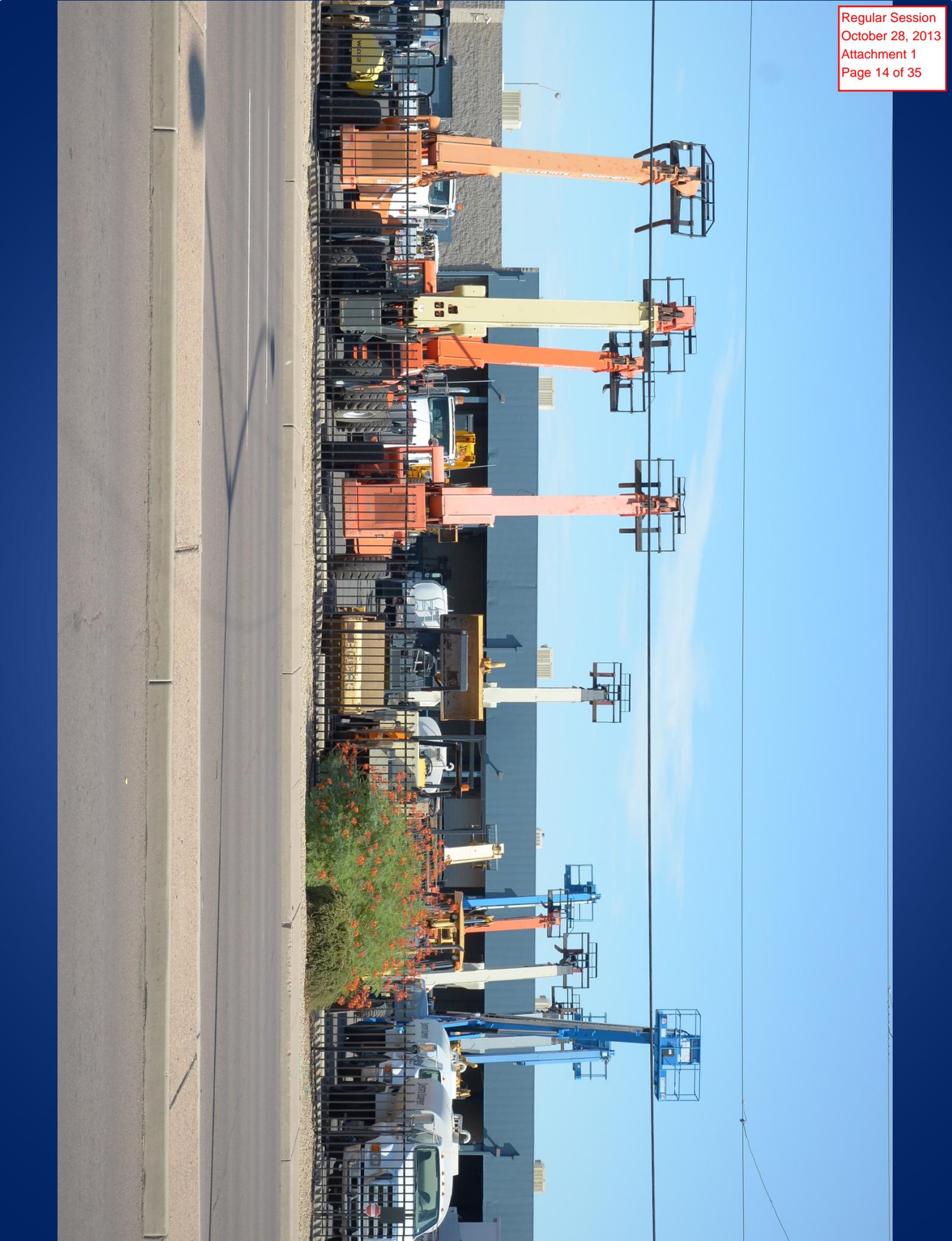
CivTech



David Duffy, P.E.
Project Manager



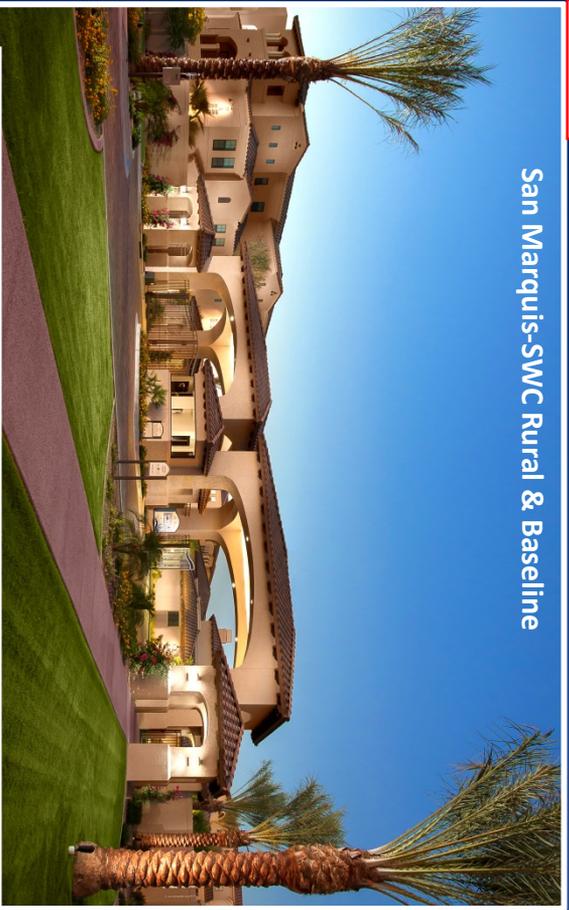




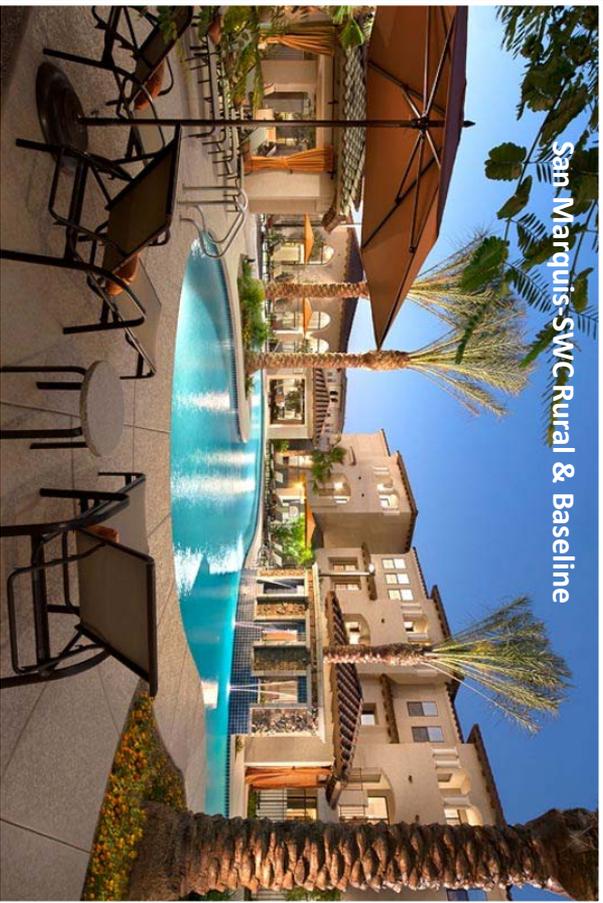


EXAMPLES OF KITCHELL APARTMENT PROJECTS LUXURY LEVEL ARCHITECTURE & AMENITIES

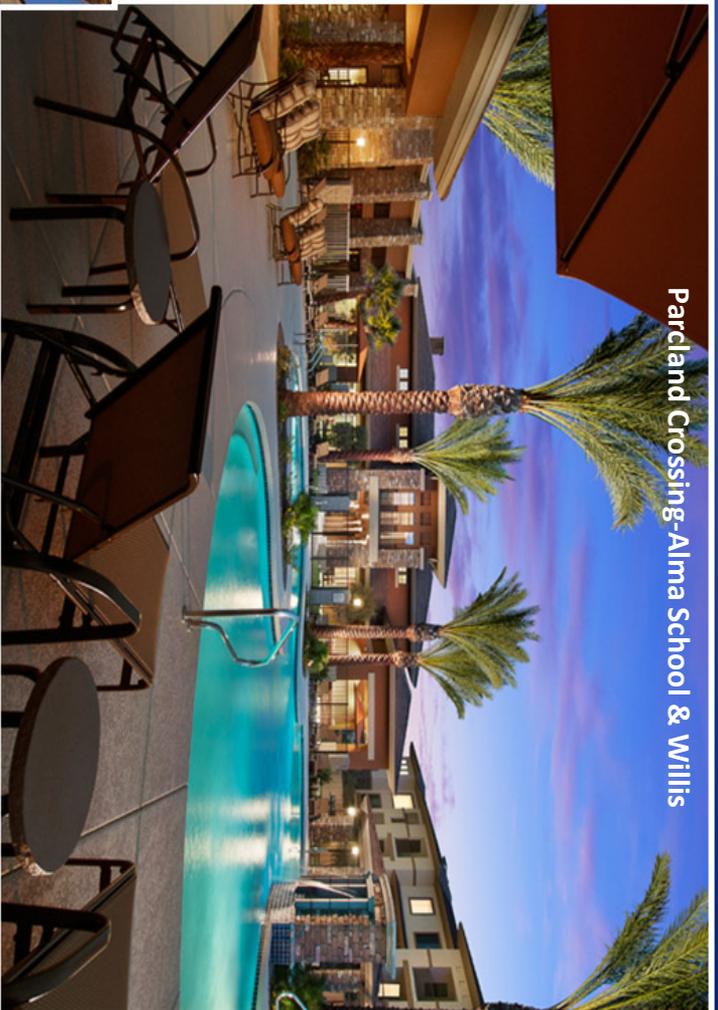
San Marquis-SWC Rural & Baseline



San Marquis-SWC Rural & Baseline



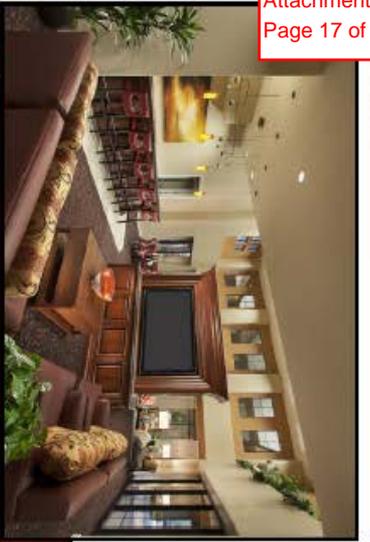
Parcland Crossing-Alma School & Willis



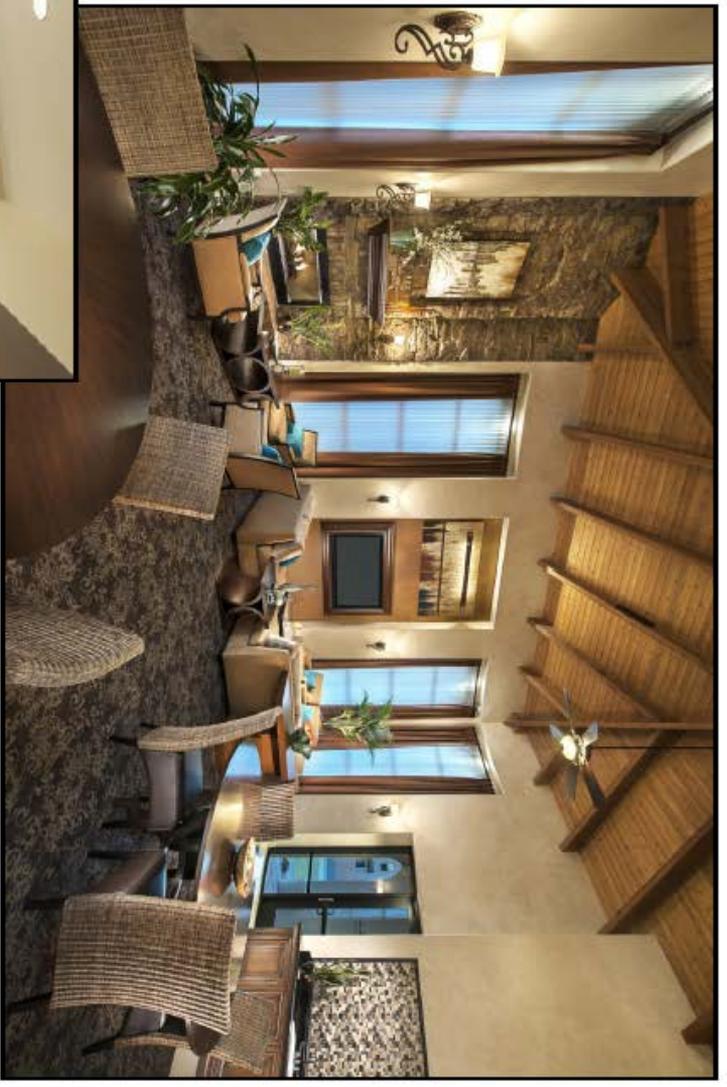
Parcland Crossing-Alma School & Willis



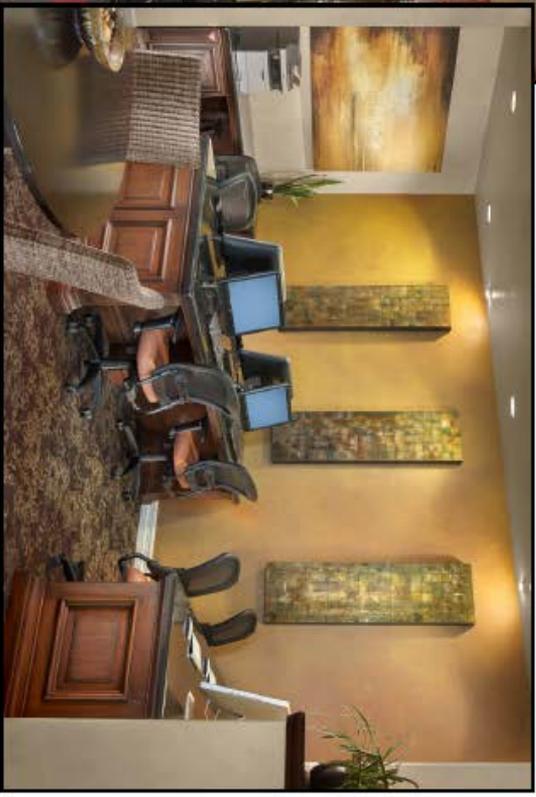
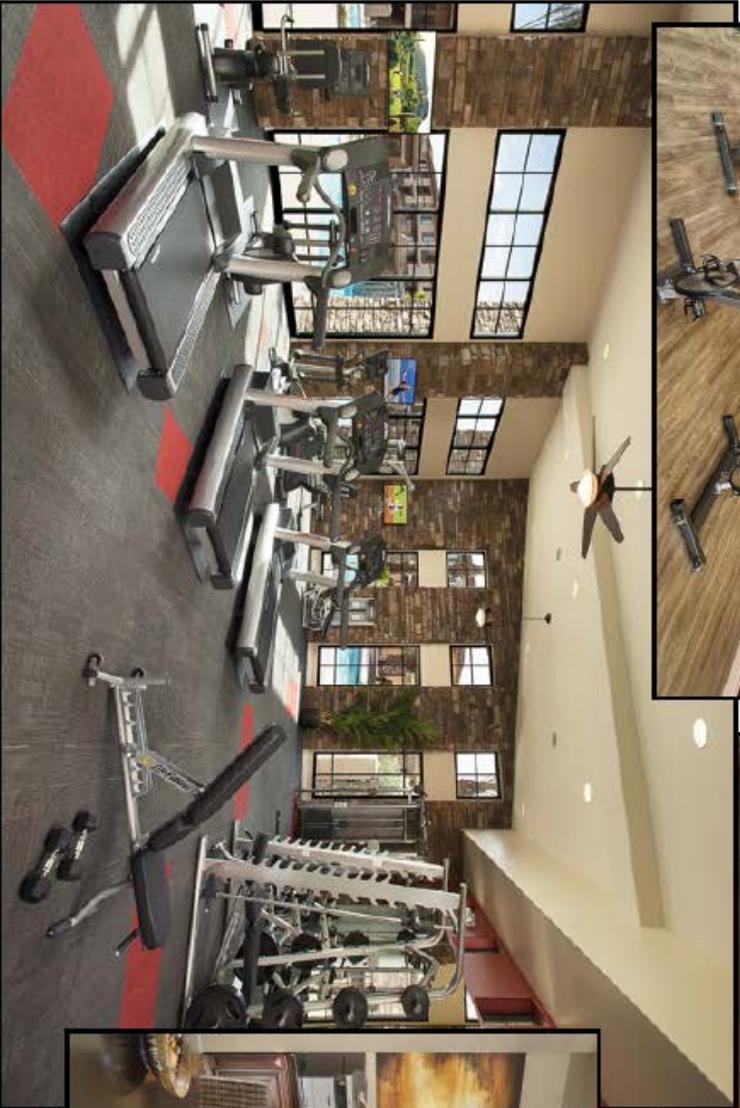
theatre



CLUBHOUSE & FITNESS CENTER



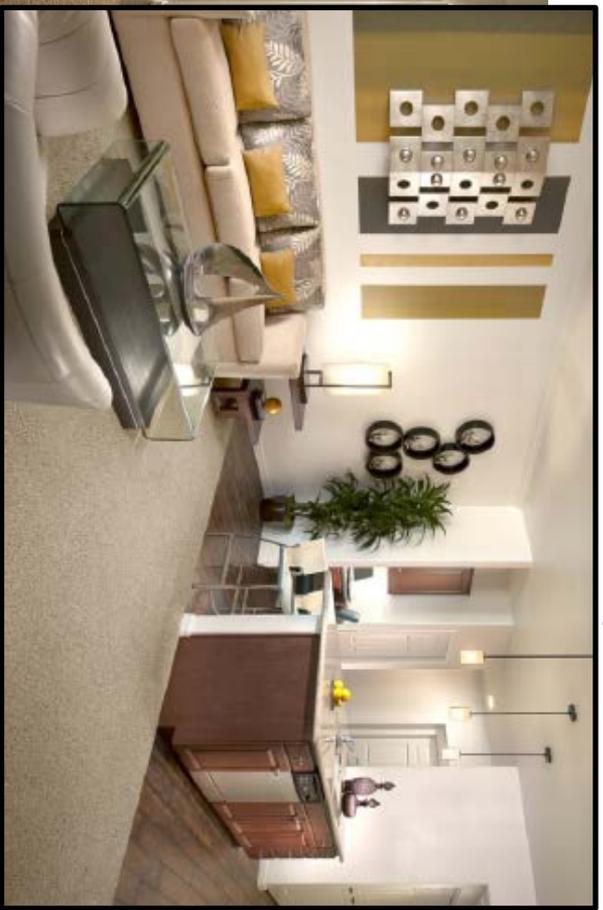
Clubhouse



Computer/Business Center

State of Art Fitness Facility

FINELY APPOINTED INTERIORS

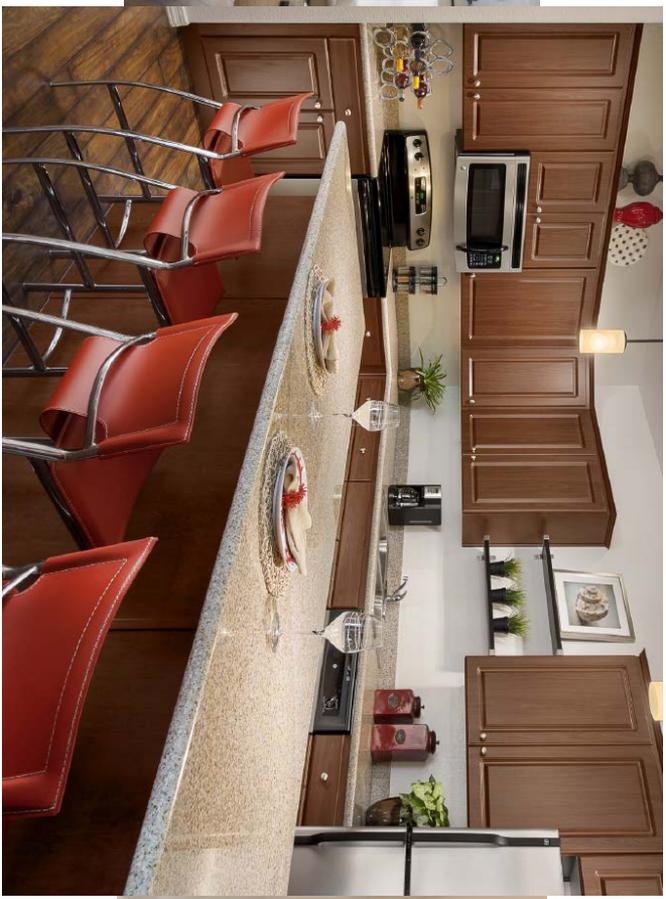


Open Floor Plans



Upgraded materials

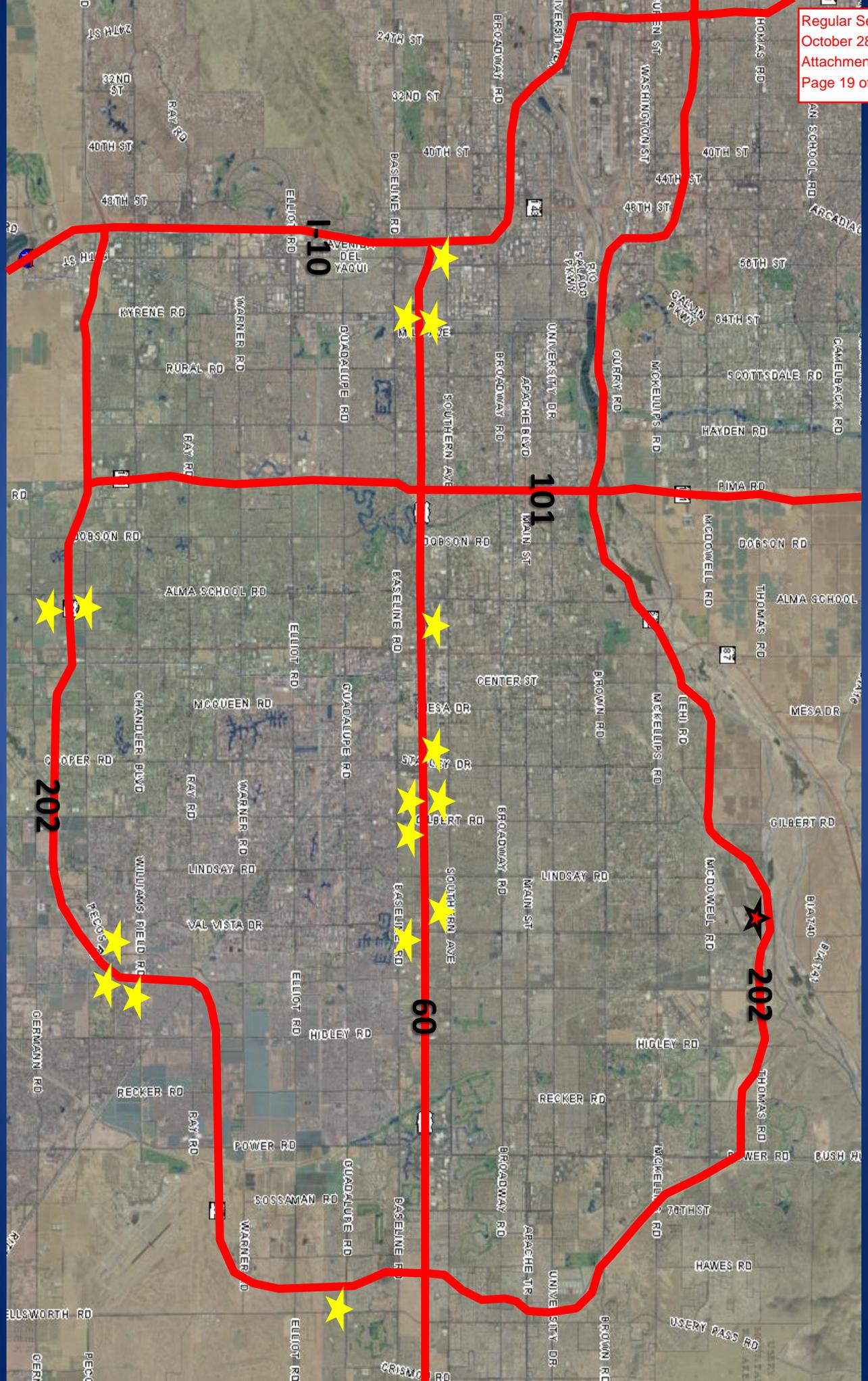
- Granite countertops
- Stainless Steel Appliances
- Upgraded Cabinets
- Wood Floors



Large Bedroom

- Dishwasher
- Washer/Dryer in each unit





Multi-Family Residential adjacent to Freeways



SEC Superstition Fwy & Val Vista



SEC Superstition Fwy & Val Vista



SEC Loop 202 and Williams Field



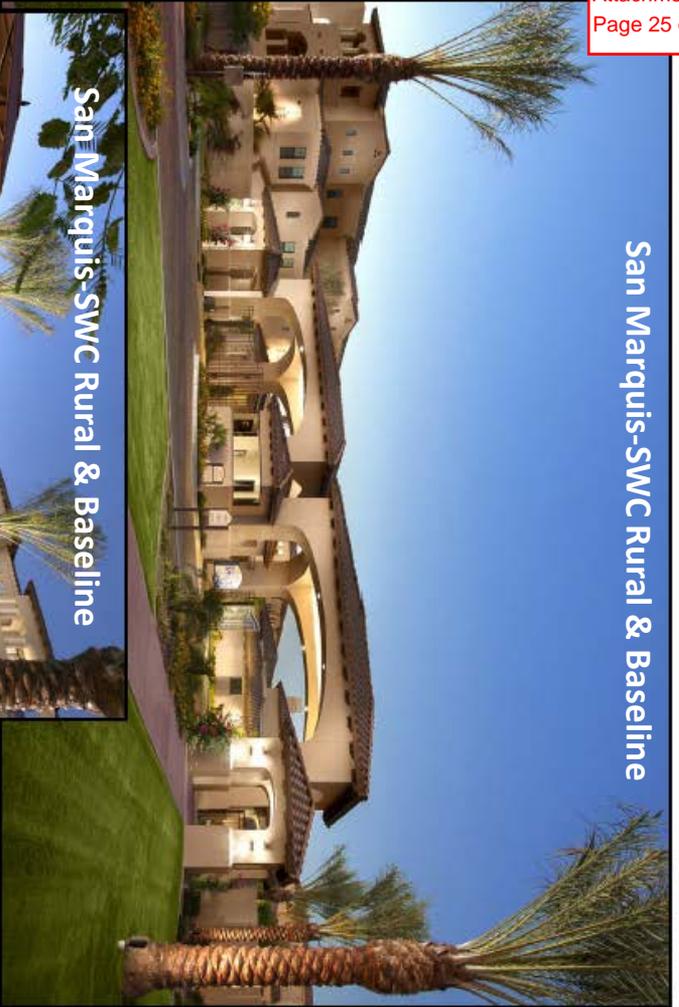
NEC Loop 202 and Greenfield Road



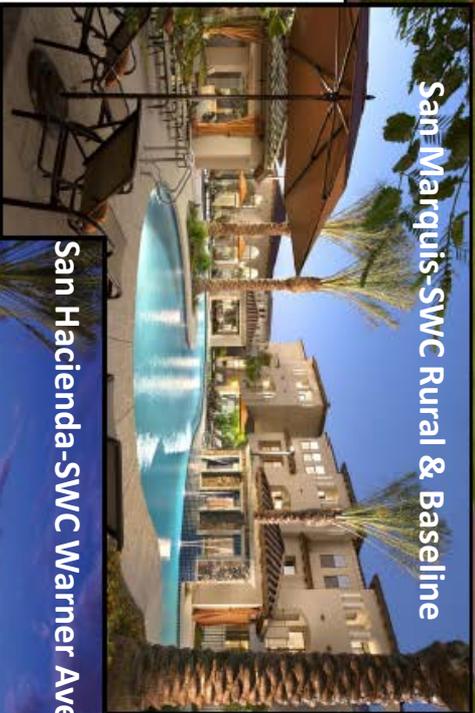
San Marquis - Baseline Rd and Rural Road, Tempe

LUXURY LEVEL ARCHITECTURE & AMENITIES

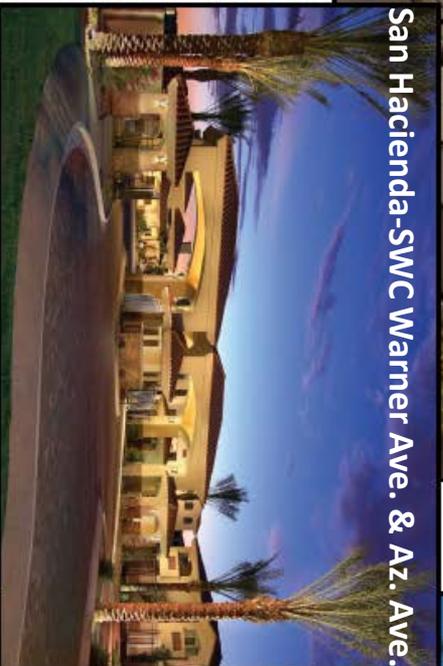
San Marquis-SWC Rural & Baseline



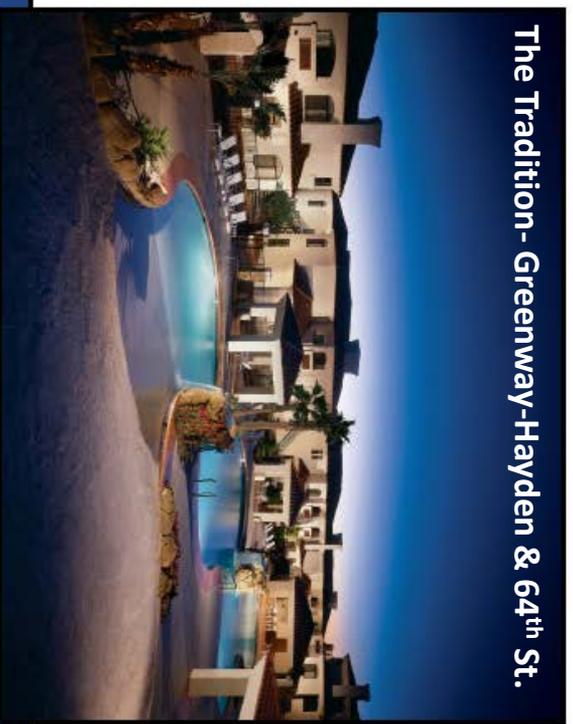
San Marquis-SWC Rural & Baseline



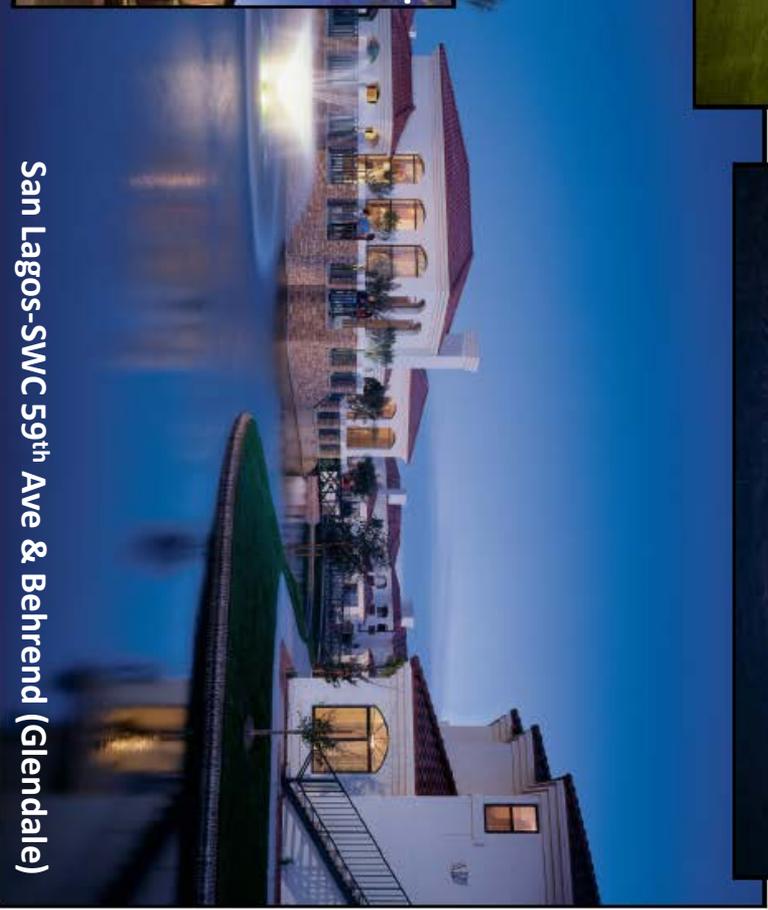
San Hacienda-SWC Warmer Ave. & Az. Ave.



The Tradition- Greenway-Hayden & 64th St.



San Lagos-SWC 59th Ave & Behrend (Glendale)



Thank you



San Marquis - Baseline Rd and Rural Road, Tempe



SEC Loop 202 and Williams Field Road

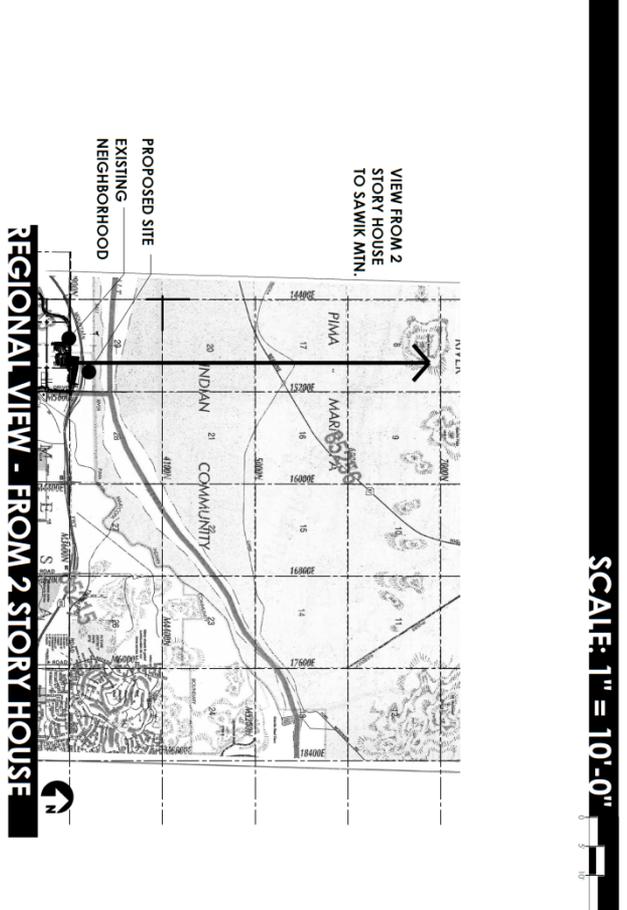
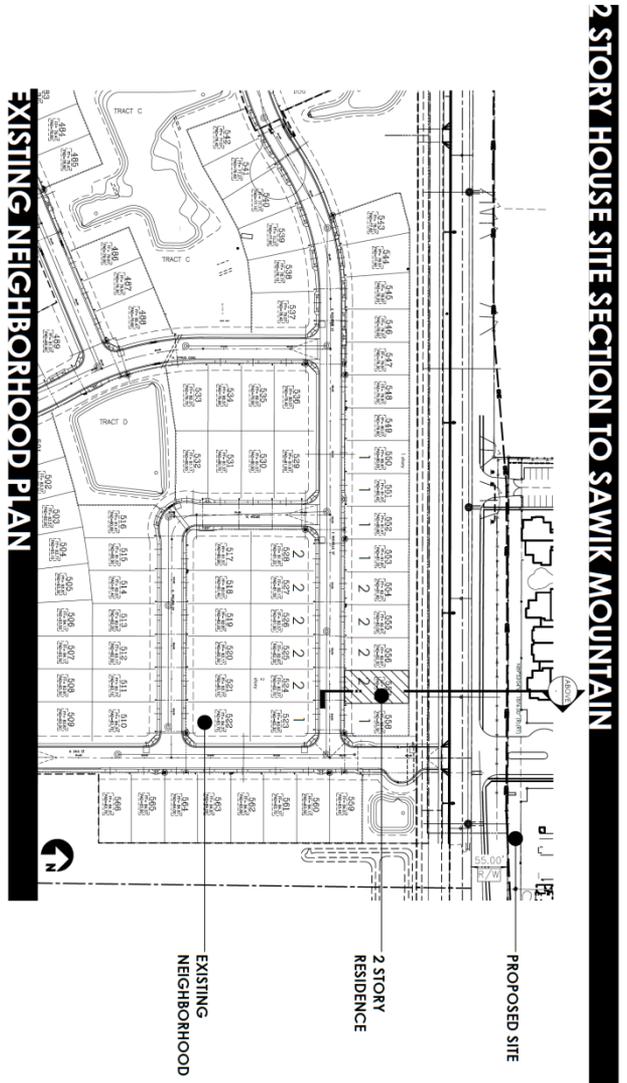
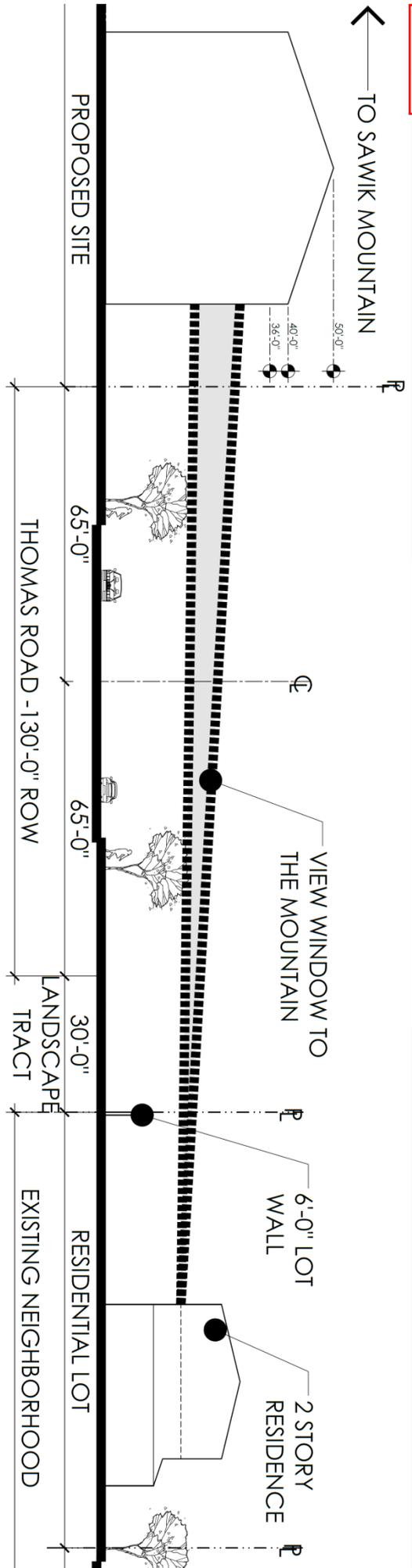


Table 3.1: Types of Roadways

FACILITY TYPE	TRIP LENGTHS	ACCESS	USERS/TRIP TYPE
Freeways	Long trips; regional trips	Access is limited to interchanges	Commuters who work in another city, trucks, through trips
Parkways	Mid-range trips between adjacent communities and across a city	Limited access with raised medians and signalized intersections limited to mile spacing	Commuters who work in an adjacent city, some trucks
Arterials	Mid-range trips – throughout a city and continuing	Signalized and non-signalized intersections and business driveways	Commuters who work within the city, general trips to an adjacent city, delivery trucks, and some local trips
Collectors	Short trips – within and between neighborhoods	Direct property access	Local trips to shopping, elem. School, bicyclists, pedestrians

Table 3.2: Roadway Characteristics

FACILITY TYPE	TRAVEL SPEED (off-peak)	DAILY CAPACITY (vehicles per day)	RIGHT OF WAY (feet)
Freeways	50-60 mph	120,000	300-500
Parkways	45-55 mph	70,000	200-300
Arterials	40-50 mph	54,000	110-130
Collectors	30-40 mph	30,000	60-110

