

## COUNCIL MINUTES

March 23, 2015

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 23, 2015 at 5:16 p.m.

### COUNCIL PRESENT

John Giles  
Alex Finter  
Christopher Glover  
Dennis Kavanaugh  
David Luna  
Dave Richins  
Kevin Thompson

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

### 1. Review items on the agenda for the March 23, 2015 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items deleted from the consent agenda: 4-e

Development and Sustainability Director Christine Zielonka introduced Assistant City Attorney II MaryGrace McNear and Paul Gilbert, an attorney representing the owner of the property associated with agenda items 9-a and 9-b.

Ms. Zielonka reported that 9-a (Resolution approving and authorizing the City Manager to enter into a Development Agreement with VACC, LLC to facilitate development of the property located at 1367 South Country Club Drive) and 9-b ("Villages at Country Club Amended" Final plat for the 130 to 150 block of West Southern Avenue (south side) and the 1300 to 1400 block of South Country Club Drive (east side)) relate to a Development Agreement and a final plat for a property that is located in Councilmember Glover's district. She explained that there have been "some unique circumstances" associated with the pre-plat and the current developer's plans for the site (i.e., 3-plex product, individual ownership).

Ms. Zielonka indicated that the Council was being asked to consider a conditional approval of the plat due to the fact that four of the current property owners have yet to sign the document. She pointed out that Mr. Gilbert and his client are in the process of working with those

individuals to obtain their signatures. She said that the conditional approval is limited to ten days, which means that if the four signatures are not obtained by April 2, 2015 at 5:00 p.m., the Council's action would become null and void and the plat would not be approved.

Ms. Zielonka further commented that the Development Agreement restricts future development of the unplatted tracts to the same quality of development that is currently on the plat. She said that the developer is unsure of what the most successful product blend might be and has asked to retain the right to return to the Council with one more final plat on the empty tracts.

Mayor Giles restated that if the two items remain on the consent agenda, the Council will provide a conditional approval of the plat, subject to the remaining property owners signing the plat within ten days. He added that at a future date, another plat will be brought forward for the Council's approval.

Ms. Zielonka confirmed Mayor Giles' statement.

City Attorney Debbie Spinner clarified that with respect to 9-b, which is the conditional approval of the plat, staff drafted a resolution which clearly states that the Council's approval is, in fact, conditional. She remarked that in general, a resolution would not be included with a plat, but noted that because of the conditional nature of this matter, staff wanted to ensure that what was being approved and the limitations of the Council's approval were clearly reflected on the record.

Mayor Giles remarked that when the consent agenda is read into the record at the Council meeting, 9-b will be the approval of a resolution, which includes all of the terms previously outlined by Ms. Zielonka.

Ms. Spinner concurred with Mayor Giles' comments.

In response to a question from Councilmember Richins, Ms. Spinner indicated that to the best of her knowledge, the developer requires final resolution of this matter by April 2, 2015. She stated that if the Council preferred to delay taking action on these items, a Special Council meeting could be called for Thursday, March 26, 2015. She noted, however, that the developer has requested that the item move forward today with the conditional approval, with the understanding that such approval would expire if the necessary signatures were not obtained by April 2<sup>nd</sup>.

Mayor Giles stated that it was the consensus of the Council that items 9-a and 9-b remain on the consent agenda. He thanked Ms. Zielonka for the presentation.

## 2. Discuss and provide direction on the timeline of the City Attorney recruitment process.

City Manager Christopher Brady stated that the Council has been provided the proposed City Attorney recruitment schedule. He explained that in order to meet certain timelines, it was necessary for the City to begin advertising for the position commencing in April 2015 and receiving applications up to June 1, 2015. He noted that such a process would enable the Council to appoint a City Attorney at one of their Regular Council meetings in July prior to going on summer break. He added that August 3, 2015 would be the start date for the new City Attorney.

Mayor Giles concurred with the proposed schedule and said that it would be necessary for the City to recruit members of the State Bar of Arizona, as opposed to conducting a nationwide search.

3. Acknowledge receipt of minutes of various boards and committees.

3-a. Community and Cultural Development Committee meetings held February 5 and February 19, 2015.

3-b. Public Safety Committee meeting held March 2, 2015.

3-c. Transportation Advisory Board meeting held January 20, 2015.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Glover, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

4. Hear reports on meetings and/or conferences attended.

Councilmember Luna: Expressed appreciation to staff from the Mesa Police, Mesa Fire and Medical, Neighborhood Outreach, Animal Control and Solid Waste Departments for assisting a resident during a Public Safety Community Outreach event.

Vice Mayor Kavanaugh: 4<sup>th</sup> Milestone Event for the Central Mesa Light Rail Extension project.

Mayor Giles: Mayor's Design Institute conference.

Councilmember Thompson: Mesa Police Department's Superstition Station Community meeting; Eastmark Leadership event; Mariposa Park Grand Opening.

Councilmember Richins: Acknowledged the Arts and Culture Department for their efforts and hard work with regard to the Spark! Mesa's Festival of Creativity.

5. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the schedule of meetings and general information is as follows:

Thursday, March 26, 2015, 7:30 a.m. – Study Session

6. Adjournment.

Without objection, the Study Session adjourned at 5:31 p.m.

  
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JOHN GILES, MAYOR

ATTEST:

  
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DEE ANN MICKELSEN, CITY CLERK



I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 23<sup>rd</sup> day of March, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

  
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DEE ANN MICKELSEN, CITY CLERK

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