



COUNCIL MINUTES

January 7, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 7, 2002 at 5:50 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner

The Invocation was given by Reverend Howard Diamond, New Life Foursquare Church.

The Pledge of Allegiance was led by Boy Scout Michael Smith.

Mayor Hawker welcomed everyone to the meeting and acknowledged the presence of his parents, Earl and Janelle Hawker, his wife, Mary Jo Vecchiarelli, and State Senator Jay Blanchard.

State of the City Message by Mayor Keno Hawker.

In 1978 during the first City Council meeting of the new year, Mayor Wayne Pomeroy, who happens to be the brother of Councilmember Pat Pomeroy, delivered the first State of the City Address. It is my pleasure to uphold that tradition and welcome you to the 2002 State of the City Address.

2001 was a difficult year for our nation and for the City of Mesa. 2001 will forever be remembered for the unprovoked terrorist attacks on the United States. We could never have anticipated the events of September 11th. Nevertheless, in response to the attacks, the demonstration of patriotism, solidarity and generosity within our community and the nation has been tremendous. Our Fire Department sold t-shirts and collected over \$55,000. Our Mesa school children had car washes and fund raisers and contributed generously. In fact, thousands of individuals contributed over \$300,000 to the Mesa United Way Victims Assistance Fund that went to those who lost family members in the bombings in New York City and the Pentagon. I would very much like to thank them for their contributions, and I really appreciate the outpouring of support nationwide after the attacks of September 11th.

On a local level, we were shocked by the attacks on New York City and the Pentagon as well. Our shock turned to horror four days after the terrorist attacks as we lost one of Mesa's own citizens in a senseless act of violence. I would again like to express my sorrow for our loss of Balbir Singh Sodhi.

Our public safety personnel, under the direction of Fire Chief Dennis Compton and Police Chief Jan Strauss, deserve recognition on the high level of disaster preparedness training that they have implemented over the past three years. I am very pleased by the actions of our public safety personnel of the City of Mesa including the efforts of Cliff Puckett, Director of our Emergency Operations Center. The advanced training of our Police, Fire and Utility Departments was called upon in a very difficult time. I am very proud of their performance to the City of Mesa.

The events of September 11th, the California energy crisis and the economic downturn all had an effect on Mesa. As the 43rd largest city in the United States with over 420,000 residents, Mesa is now part of the national economy and is no longer exempt from national economic downturns. In Mesa, as soon as it was recognized that municipal revenues were coming in below forecasts, the Mesa City Council unanimously voted to adjust the budget by over \$18 million through the elimination of expenditures and postponing construction projects.

The professionalism and competency of the Mesa City staff is to be complimented, and their performance, coupled with the leadership provided by the Mesa City Council, has resulted in many accomplishments for the City of Mesa in the year 2001.

I would like to take this opportunity to thank the members of the Mesa City Council for their contributions to our City. I have often made the statement that it takes four votes. New ideas and policies will not be implemented by the Mayor or a Councilmember without the concurrence of three other elected members of the City Council. I would like to recognize your elected representatives and make a brief statement acknowledging some of their contributions to our City.

Jim Davidson is an outstanding Vice Mayor. His support of this City is unwavering, and I appreciate his performance as our Vice Mayor. He cares deeply about the issues and is committed to creating a vision for the City of Mesa. Jim is leading the Vision 2025 process while working to establish many worthwhile programs. One example is the Friends of the Tonto National Forest, which is working to preserve our pristine desert. Another example is Jim's focus on "New Urbanism" to promote better development that will encourage interaction and preserve sustainable, family-oriented neighborhoods. Jim chairs the Transportation Committee and lends his expertise through service on the National League of Cities and Towns Committee on Energy and Renewable Resources. In every situation, Jim represents Mesa as a conscientious community member, and I am fortunate to have him as Vice Mayor.

Bill Jaffa, a C.P.A., continues to be the financial resource for our Council. Bill serves as Chairman of the Finance Committee and has become a strong advocate for the economic development of Williams Gateway Economic Region. He also provides outspoken support for the Friends of the Tonto National Forest and is working in conjunction with Vice Mayor Davidson and our neighboring communities and County to preserve and develop the Santan Regional Park. Councilmember Jaffa promotes regional interaction, and I appreciate his ability to build these alliances.

Dennis Kavanaugh, who represents District 3, has a passion for the arts, public safety and responsiveness in municipal operations. His leadership has been instrumental in establishing Electronic-streets within our City and distinguishing Mesa as a premiere destination for industry seeking

advanced electronic transaction capabilities through fiber optic wiring. Dennis' expertise has led him to the distinguished honor of serving as Vice Chair of the Information Technology and Communication Committee of the National League of Cities where he is a great advocate of e-commerce. Councilmember Kavanaugh also serves on the National Task Force for Interoperability where he deals with issues related to public safety communications. Locally, Dennis chairs the Police Committee and is also a champion of neighborhood outreach. Dennis is a great asset to the City of Mesa.

Pat Pomeroy serves our City as the Chair of the Fire Committee and is an articulate supporter of the continued beautification of Mesa. Pat's involvement with gang intervention programming is one small component of a larger cooperative partnership that he has fostered with our City and our school system including sharing facilities, programming and resources. He has also been instrumental in establishing innovative financing for our golf courses and has been a leader in our Sculptures in the Streets programming, which promotes our Town Center by creating an attraction for residents and visitors. Pat can always be counted on to provide an unsurpassed knowledge of Mesa's rich history. I commend him for his efforts in honoring our history and shaping our future through the youth of Mesa.

Claudia Walters from District 1 is a remarkable advocate for our great City. She offers her services as Chair of the General Development Committee, as well as working to better our community through the establishment of the first Opportunity Zone in her district. Claudia has also been a champion for the Mesa Aquatics Center, and I appreciate her support of the General Plan Update, Mesa 2025: A Shared Vision. Councilmember Walters advocates regional endeavors and has done a fantastic job working with the Maricopa Association of Governments to compile a study on Elderly Mobility. Claudia provides great insight to this Council and I always appreciate our philosophical conversations. We sometimes differ on the "where" aspect of locating projects, such as the Mesa Aquatics Facility, but we usually agree upon the larger concepts of what is in the best interest of the City. I am honored to serve with Claudia Walters.

Mike Whalen from District 2 is the Chair of our Utility Committee and brings with him an impressive career in public safety to our City Council. Mike did a tremendous job in facilitating the deregulation of our electric utilities and he is a great resource to us. Anything that has to do with power lines sighting, Mike is the expert. He has been involved in the research for development of a Day Labor Center and dedicates a great deal of his time to the East Valley Addiction Center. Councilmember Whalen is also a regional player and serves on the Maricopa Association of Governments' Committee on Homelessness. I appreciate the time Mike spends traveling the State as part of the Line Sighting Committee. Mike continues to reach out to the citizens of Mesa to promote public safety and to represent his district.

Each of the City Councilmembers is a distinct individual, yet working together we create a synergy that has allowed us to pursue goals much more significant than anything that we could have accomplished individually. As you can see, our Council is involved with local, regional and national issues. I thank each and every one of them for their time, dedication and careful deliberation of the issues.

Our City Council is committed to our community and we created a Council Work Plan to clearly define and prioritize our goals and objectives for the coming year. I'd like to take a moment to illustrate and comment on five key components of this plan.

One of the most publicized goals has been to attract additional activity to downtown Mesa. In furtherance of this, we are building two world-class facilities: the Mesa Aquatics Center, used by our community and capable of hosting regional and national indoor aquatics events, and the Mesa Arts

Center, a showcase center for local and national performing and visual arts. I am hopeful that the increased pedestrian activity generated because of these public investments will act as a catalyst to attract private redevelopment within the Town Center area.

On Memorial Day 2001, it was my pleasure to welcome our first official passenger to Williams Gateway Airport. Our first passenger, George W. Bush, was the first president to visit Mesa since Teddy Roosevelt arrived in 1911 to dedicate Roosevelt Dam. I hope President Bush and airport development at Williams Gateway are as successful as President Roosevelt was to the construction of dams in Arizona.

The arrival of President Bush and Air Force One leads nicely into our second goal, the establishment of Williams Gateway Airport as an economic hub for the entire East Valley. ASU-East and other educational institutions at the Williams Campus have partnered to create a strong educational core that will supply and continually renew the State's labor market. The Williams Gateway Airport Regional Economic Activity Area, in conjunction with the redevelopment of the GM property, is positioned to be the premier employment, educational and technology center for not only the Mesa-Phoenix region, but also the entire southwestern United States.

As a Council, we have had many successes in 2001. One of the accomplishments that I am most proud of is our movement from an annual budget to a two-year budget process. This achievement is part of a greater goal to develop a 20-year budget forecast to coincide with Mesa's long-term debt service. We continue to make policy decisions based upon fiscal responsibility. An example of this is the cuts we made in November. We eliminated over \$18 million of expenditures from our 2001/2002 Fiscal Year budget. Responsible financial practices are critical to the well being of Mesa, and we will continue to make cuts in 2002 if our revenues do not keep pace with projections.

Another major accomplishment during 2001 was the successful lobbying of the Federal Aviation Administration, known as the FAA, with regard to the Northwest 2000 study. Thanks to the valuable input provided by our citizens during public workshops, we were able to make significant impact on the flight paths above our City. The FAA's adoption of this plan will shift the flight paths further to the north, permit unrestricted climbs on departure, and allow quieter flight idle descents for arrivals. Northwest 2000 was a cooperative effort between elected leaders of Mesa, the Salt River Pima-Maricopa Indian Community, Scottsdale and Fountain Hills, as well as support that we received from our Congressional delegation, Senator John McCain and Representative J. D. Hayworth. This endeavor has many positive outcomes not only in the decision itself, but also because it represents the start of a cooperative effort between the FAA and local communities. Citizens are encouraged to be involved in the forums provided to discuss the use of our airspace.

We are also requesting citizen input in the update of our General Plan, Mesa 2025: A Shared Vision. This is the title of the updated version that is available for viewing on our website at www.mesa2025.org. I hope you will take the opportunity to read through the elements of our General Plan. This update is the result of the dedication of the Joint Master Planning Committee, a group of concerned citizens who have been actively engaged in developing this vision for Mesa over the last year and a half. Their task continues throughout the next six months, at which time this plan will be put on the November 2002 ballot for voter approval.

In response to a 1996 citizen referendum, electing Council representatives has changed from a Citywide at-large representation to a district system.

On March 12th, the citizens of Mesa will have an opportunity to elect representatives from Districts 4, 5 and 6. This election will complete the implementation of a full district system. Our entire City was re-districted due to the tremendous growth identified by the 2000 Census. The Council District Commission, a five-member citizen board, guided this re-districting process.

The candidates for Mesa City Council in District 4 are Jack Hannon and Kyle Jones. In District 5, the candidates are Barbara Carpenter, Rex Griswold and Bill Jaffa. They're all running for the City Council seat. The slide of District 6 will show Janie Thom who is the unopposed candidate in District 6.

I urge the citizens in Districts 4, 5 and 6 to find out about the candidates. Contact the candidates directly, check out their websites, watch the debates which will be aired on Mesa Channel 11 on February 6th, and stay informed through media coverage of the issues. I encourage you to cast an educated vote.

One of the most significant changes from my experience as a City Councilmember to Mayor has been the opportunity, with the assistance and support of the Mesa City Council, to form collaborative partnerships with other political jurisdictions. I would like to briefly comment on five partnerships that highlight the importance of regional cooperation: Va Shly'ay Akimel, the Desert Uplands County Flood Control Project, the Santan Regional Park, the Southeast Maricopa County Regional Transportation Study, and the Gilbert Road widening project.

Va Shly'ay Akimel is a project that involves a partnership with the Salt River Pima-Maricopa Indian Community, the Corps of Engineers and Mesa. The Va Shly'ay Akimel is the Salt River and the Pima-Maricopa Indian language translation of Salt River. That's why we adopted those words. The Va Shly'ay Akimel project develops a master plan to reestablish the Salt River bed for habitat restoration and potential recreational uses. Through our partnership, we have secured \$400,000 in Federal funding and will continue to seek funding during the planning, design and construction phases. Cooperatively with the Salt River Pima-Maricopa Indian Community, we have the opportunity to turn an 18-mile section of an ugly, scarred river bottom into a positive habitat and recreational resource.

The Desert Uplands Flood Control Project is examining flood control mitigation measures while preserving the unique nature of the Upper Sonoran Desert. With the assistance of citizen representatives from the Desert Uplands Area, Mesa and the Maricopa County Flood Control District are examining alternative flood control options. Our focus is to preserve the natural desert habitat, while also implementing flood control efforts and maintaining the distinctive character of this area.

The third cooperative effort I'd like to mention is the Santan Regional Park. Mesa has a distinct opportunity to cooperatively protect the Tonto National Forest and Usery Mountain Park on our northern boundary while also preserving the open space of the Santan Regional Park on our southern boundary. The Santan project is being undertaken with funding from Maricopa County, Chandler, Gilbert, Queen Creek and Mesa. A 2002 master plan will be cooperatively developed to preserve the beauty of this park while allowing recreational opportunities for our citizens.

The Southeast Regional Transportation Study is a cooperative effort between MAG, the Maricopa Association of Governments, CAAG, Central Arizona Association of Governments, and ADOT, the Arizona Department of Transportation, as well as Mesa, Apache Junction, Queen Creek, Florence and Casa Grande. If you understand the magnitude of this, with 100,000 new residents projected to move into Pinal County by 2040, it is important that we understand the transportation aspects and act responsibly. The purpose of this study is to identify the impact of additional housing units on existing

and future freeway infrastructure. We are confident that this study will promote increased communication and interaction amongst the cooperative counties as well as neighboring cities.

The Gilbert Road widening project north of the 202 Freeway represents a cooperative effort between the City of Mesa, Maricopa County, ADOT and the Salt River Pima-Maricopa Indian Community. We are all contributing resources to provide benefit to the residents of Mesa and improve the transportation infrastructure within the County.

In addition to the projects I have already mentioned, 2002 is the year in which we will be addressing the disposition of vacant City-owned redevelopment projects, the Day Labor Center and the site selection for a proposed Cardinals' Football Stadium.

Redevelopment: Both the Bank One building in our Town Center and the 30 acres of land on the southwest corner of University and Mesa Drive were purchased with taxpayer dollars. Citizens now own these parcels, and we as a Council need to act to create a benefit to the City of Mesa.

Day Labor Center: The Day Labor Center Task Force report has not been forgotten, but following the events of September 11th and the heightened Federal interest in border security, I hope that the Federal government will refocus on this issue.

The Cardinals' Football Stadium: I support the continued assessment of the cost-benefit aspect of hosting the Cardinals' Football Stadium, but the cost to be selected as a host city by the TSA must not exceed the revenue received by the City.

At this time, I would like to invite you to a party! It's my honor to say we are finishing a section of our freeway in Mesa. From 9:00 a.m. until noon on January 12th, this coming Saturday, we celebrate the opening of the Red Mountain Freeway to Gilbert Road. We welcome citizens to attend this event that is being co-sponsored by the City of Mesa and the Arizona Department of Transportation. The name of the event is "Rockin on the Red Mountain" and everyone is invited. This is your opportunity to bring any type of non-motorized vehicle, bicycles, skateboards, roller blades, wagons, scooters onto the freeway. You can drive your car to the event and vehicle access will be granted at Gilbert Road and extend to Country Club Drive. There will be food booths, live music and an awards presentation to recognize transportation leaders from the East Valley, Roc Arnett, Bob Evans and Lela Steffey. There is a 5K skate beginning at 9 a.m. and a 5K run and walk. I encourage you to race against the Vice Mayor starting at 9:15 a.m. For more information, please check out the link on the City of Mesa website at www.ci.mesa.az.us.

In closing, 2001 was a year full of challenges and achievements for the City of Mesa. As a Council, we worked to set policy that is responsive to the needs of our community. Our goals for 2002 are ambitious, and the dedication and spirit of our Council will help us to meet these goals. We appreciate the support of City staff under the direction of our City Manager, Mike Hutchinson, as they implement the policies that we create.

I look forward to 2002 as we all strive to make Mesa an even better place in which to live, learn, work and play. Thank you for the honor of allowing me the opportunity to serve you as Mayor of Mesa. Thank you very much.

1. Consider all consent agenda items.

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

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

Carried unanimously.

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

Minutes from the November 29 and December 13 and 17, 2001 Council meetings.

3. Consider the following liquor license applications:

*a. BRIAN D. REFSHAW, INDIVIDUAL

New Restaurant License for Café Minnesota, 4850 E. Main Street. This is an existing business. No previous liquor licenses at this location.

4. Consider the following Bingo application:

*a. Sunrise Mobile Home – CLASS A
Victoria Mercola, Park Manager
5402 E. McKellips Road
Mesa, AZ 85212

5. Consider the following contracts:

*a. Eleven vehicles for the Fire Department; ten are replacements and one is an addition to the fleet.

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts: Courtesy Chevrolet for items A, and B at \$45,068.87; Five Star Ford for items C, D and E at \$100,832.92; and Midway Chevrolet for item F at \$63,476.40. The combined award is then \$209,378.19.

*b. Two-year renewal of the supply contract for leather work gloves for the Materials & Supply Division warehouse inventory.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid, for Group B, by Fisher Safety at \$21,670.97 based on estimated annual requirements.

c. Ballistic/riot helmets as requested by the Police Department.

The Purchasing Division recommends accepting the overall low bid meeting specification by Universal Police Supply Company at \$100,802.39 including applicable sales tax.

Kirby Allan, 2043 East Hackamore, addressed the Council and voiced concerns regarding the City's management policy.

It was moved by Councilmember Whalen, seconded by Councilmember Jaffa, that the recommendations of staff be approved.

Carried unanimously.

*d. Desert Wells Pump Station No. 1. City of Mesa Project No. 00-75.

This project will replace an existing low capacity pump with a new high capacity pump, will replace and upgrade piping associated with the pump, and will upgrade electrical equipment at the pump station to improve operational efficiency and reliability.

Recommend award to low bidder, Hunter Contracting Co., in the amount of \$365,870.00 plus an additional \$36,587.00 (10% allowance for change orders) for a total award of \$402,257.00.

6. Introduction of the following ordinances and setting January 28, 2002 as the date of public hearing on these ordinances.

- *a. Prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the south side of Fairbrook Street from Gaylord to the west property line of 2521 E. Fairbrook Street, on the north side and east side of Fairbrook Street from Gaylord to the north property line of 2560 E. Fairbrook Street; as recommended by the Transportation Advisory Board.
- b. Modification to the Zoning Ordinance Chapters 14 and 15 to change the Design Guidelines, Landscaping and Screening regulations. **(THIS MATTER IS CONTINUED UNTIL THE JANUARY 28, 2002 REGULAR COUNCIL MEETING.)**

7. Consider the following resolutions.

- a. Authorizing the City Manager to enter into an Intergovernmental Agreement between Signal Butte Manor III Street Lighting Improvement District and the City of Mesa for the operation and maintenance of street lighting facilities – Resolution No. 7764.

Vice Mayor Davidson declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that Resolution No. 7764 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7764 adopted.

- b. Authorizing the City Manager to enter into an Intergovernmental Agreement between McGavin Ranch Street Lighting Improvement District and the City of Mesa for the operation and maintenance of street lighting facilities – Resolution No. 7765.

Vice Mayor Davidson declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, that Resolution No. 7765 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7765 adopted.

- c. Adopting Addendum No. 4 to the Vision 2025 Coordination and Public Involvement Plan – Resolution No. 7766.

Planning Director Frank Mizner provided the Council with a brief narrative relative to the proposed updated General Plan. He explained that in an effort to provide Mesa's residents with the opportunity to provide meaningful input on all elements of the General Plan during its development process, it is staff's recommendation that Addendum No. 4 to the Vision 2025 Coordination and Public Involvement Plan be approved. Mr. Mizner stated that the Addendum will provide for at least six additional public open house/workshops to be held throughout the City prior to the commencement of the 60-day public review period required by Arizona's Growing Smarter legislation.

Vice Mayor Davidson commended staff, the Joint Master Planning Committee and the City's consultants for their effort and hard work during this arduous undertaking. He assured Mesa citizens that the updated General Plan, which will be presented to the voters for their approval, will represent a thoughtful vision for Mesa's future. Vice Mayor Davidson informed the Council that although most of the proposed dates on the Revised Schedule are firm, revisions may be necessary with regard to public comment periods and staff rewrites.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that Resolution No. 7766 be adopted.

Councilmember Jaffa expressed concerns relative to the location of flight paths and their relationship to the development of the area surrounding Williams Gateway Airport.

Vice Mayor Davidson advised that a draft of the General Plan will be available at the City of Mesa Public Library for public review. He also commented that a bilingual version of the Executive Summary will be published and that bilingual staff will be present to assist citizens during the scheduled public hearings.

Mayor Hawker stated that the public can also access the Draft General Plan on the Mesa 2025 website at (www.mesa2025.org.)

Carried unanimously.

- *d. Authorizing the City Manager to execute an agreement between the City of Mesa and the Driving Under the Influence Abatement Council to accept funding for the purchase of equipment for the new DUI van – Resolution No. 7762.
- e. Authorizing the City Attorney to proceed with using eminent domain to acquire properties necessary for improving Power Road from McKellips Road to McDowell Road – Resolution No. 7767.

The use of eminent domain is necessary to meet the project schedule.

(Kirby Alan reiterated his comments regarding the City's current form of government.)

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7767 be adopted.

Carried unanimously.

f. Deleted.

- *g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Mesa, Chandler, Glendale and Scottsdale for joint legal representation in the Gila River General Stream Adjudication – Resolution No. 7763.

8. Consider the following ordinances:

- *a. Prohibiting parking on the west side of Harris Drive from McKellips Road to a point 370 feet north of McKellips Road, on the east side of Harris Drive from McKellips Road to Kramer Street, on Hermosa Vista Drive from Gilbert Road to a point 180 feet west of Gilbert Road, and on Old Gilbert Road from Gilbert Road to Hermosa Vista Drive; prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the west and on the south sides of Fairbrook Street to Fox Street to the west property line of 2521 E. Fairbrook Street, on the east side of Fairbrook Street from Fox Street to the north property line of 2560 E. Fairbrook Street, on the north side of Fox Street from 26th Street to a point 100 feet west of Fairbrook Street, and on the south side of Fox Street from 26th Street to a point 100 feet west of 26th Street; prohibiting parking from 7:00 a.m. to 4:00 p.m. on school days on 24th Street from Hermosa Vista Drive to a point 280 feet north of Minton Street; as recommended by the Transportation Advisory Board – Ordinance No. 3957.

- *b. Amending Title 4, Chapter 9, Section 1 of the Mesa City Code relating to the payment of plan review fees as recommended by the Finance Committee – Ordinance No. 3958.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- *a. **Z01-57** Northeast corner of Southern Avenue and Gilbert Road. Site Plan Modification (.792 acres). This case involves development of a fast food restaurant. Santa Fe Square L.P. owner; represented by: Robert J. Singer, Cole Real Estate Services, Inc. – Ordinance No. 3959.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscaping plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. The pad building to be architecturally compatible with the center.
6. Compliance with all requirements of the Design Review Board.
7. Recordation of cross-access easements.
8. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way, pedestrian areas and/or sidewalks.

- b. **Z01-62** The northwest corner of Southern Avenue and Stapley Drive. Site Plan Modification (16.79 acres). This case involves the development of a Super Kmart and pad buildings. Kmart Corporation, owner; Pew & Lake, PLC, applicant; represented by: Ralph Pew – Ordinance No. 3963.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.

5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board for building, landscape, parking lot design, and retention basin design.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan for the entire site.
9. Review and approval of a Special Use Permit by the Board of Adjustment for accessory outdoor display and sales for the Super Kmart.
10. Review and approval of a Special Use Permit by the Board of Adjustment for an automobile service station for the convenience store gas pumps.
11. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way, pedestrian areas, and sidewalks.
12. No outdoor storage or display except where noted on site plan as 'Covered Pedestrian Canopy & Seasonal Sales', with the exception of those sales allowed with a Special Event License.
13. Garden Center storage and display to be restricted to the height of the wrought iron fencing and within the Garden Center only.
14. Compliance with letter from Carl Pitt, Regional Development Manager, Kmart Corporation, dated November 2, 2001 listing the street improvements that Kmart is committed to making in conjunction with the development of the northwest corner of Southern Avenue and Stapley Drive.

Ralph Pew, 10 West Main Street, an attorney representing the applicant, addressed the Council and provided background information relative to this case. Mr. Pew explained that the proposed request seeks to modify an approved site at the northwest corner of Stapley Drive and Southern Avenue from a commercial retail strip center to a development with a major tenant (Kmart) on the western portion of the site, and three pad buildings and a convenience store/gas station on the eastern portion of the site.

Mr. Pew noted that the proposal represents a reduction of approximately 42,000 square feet in retail space from the approved plan; contains enhanced landscaping buffers, fewer pad buildings and no access onto Solomon Street; exceeds the current City Code requirements for landscaping and buffer separations; generally meets the new Design Guidelines, with the exception of the areas along Southern Avenue, and provides for a variety of street improvements, including street widening and turn lanes, in conjunction with the property's development. Mr. Pew commented that the applicant conducted a series of neighborhood meetings to address the residents' concerns and has also worked closely with the City's Traffic Engineering and Planning Divisions. He added that traffic studies indicated that the proposal would generate approximately 40% less traffic than the approved site plan.

Lynne Newman, 741 East Gable Avenue, addressed the Council and expressed concerns regarding the proliferation of discount stores in her neighborhood, increased traffic, noise and pollution. She noted that the proposed Kmart would simply add to the already congested area

and stated that she was never apprised of the neighborhood meetings hosted by the applicant regarding this issue.

Michele L. Twentier, 749 East Gable, agreed with the comments of the previous speaker. She stated the opinion that the applicant's proposed street improvements will not alleviate the current traffic congestion in the neighborhood.

Planning Director Frank Mizner concurred with the comments of Mr. Pew and stated that staff is recommending approval of this case.

In response to a question from Councilmember Whalen relative to the City's big box ordinance, Mr. Mizner clarified that the proposal would not be in conformance with several of the ordinance's criteria, including the one-mile distance to an existing Wal-Mart Super Store, as well as the project's close proximity to a residential neighborhood.

In response to the comments of the previous speakers, Mr. Pew clarified that the applicant conducted three neighborhood meetings in an attempt to solicit the residents' input and concerns regarding this issue.

It was moved by Councilmember Kavanaugh that Ordinance No. 3963 be adopted.

Councilmember Kavanaugh acknowledged the concerns expressed by the previous speakers, but stated that the proposal is a site plan modification and not a rezoning case. He explained that the Council must rely on the permitted use which was originally approved in 1986 for commercial development. Councilmember Kavanaugh commended the applicant on his efforts to mitigate the impact on the neighborhood by including a variety of site modifications such as improved traffic flow, landscaping, screening and lighting.

Councilmember Pomeroy seconded the motion.

Vice Mayor Davidson thanked Ms. Newman and Ms. Twentier for their attendance this evening and stated the opinion that it is unfortunate that residential areas exist adjacent to commercially zoned property near the freeway. He expressed support for the motion and stated that it is appropriate to have a retail development along the Stapley Road corridor because it is a permitted use.

Councilmember Walters concurred with the comments of Councilmember Kavanaugh. She added that even if the case is approved and a Super Kmart is never constructed, the site plan modifications will be in place for any future development.

Deputy City Attorney Joe Padilla outlined various criteria relative to the City's proposed big box ordinance.

Councilmember Jaffa expressed support for the motion and stated that although he shares the concerns expressed by the area residents, the applicant's proposal is a vast improvement over the approved site plan. He noted that the proposal would include a third gas station at this intersection, and he urged staff to look beyond an application that is presented to them and to consider what uses are most compatible with the surrounding area.

In response to a question from Councilmember Whalen, Mr. Mizner clarified that the development would be a two-phase process, commencing with the construction of the anchor tenant and concluding with the remaining pads in the second phase.

Councilmember Whalen commended the applicant for working with the surrounding neighborhoods to transform the site into a development which will benefit the area.

Carried unanimously.

- c. **Z01-63** The southeast corner of University Drive and Power Road. Site Plan Modification (2.13 acres). This case involves the development of a convenience store with gas pumps and a pad building. University Corner, L.L.C., owner; William Sommerfield, L.E.A.D.S., Applicant – Ordinance No. 3964.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for Parcel 2.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Recordation of cross-access for Parcels 1 and 2.
8. Compliance with all requirements of the Design Review Board.
9. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and comprehensive sign plan.
10. Retention basins to be 6:1 slope maximum.
11. Document agreement with the City of Mesa allowing retention in the right-of-way along University Drive.

Jason Morris, 3101 North Central Avenue, Phoenix, an attorney representing the applicant, addressed the Council and provided background information relative to this case. He explained that this request seeks approval to modify a portion of the approved site plan for a regional shopping center which was originally granted in 1975. Mr. Morris advised that the proposed development would include a convenience store with gas pumps and a small office/retail building. He noted that the initial application was submitted in April 2001 and that the applicant has responded to a series of concerns expressed by staff in an effort to develop an acceptable site plan. He added that the adjacent landowners were notified of the applicant's request. Mr. Morris reported that there is a 100-foot arterial buffer along University Drive as a result of a strip

of Bureau of Land Management (BLM) land which is situated between the proposed site and the actual arterial. He noted that the City has the right to use the property and the applicant will be responsible for landscaping and maintenance.

Mr. Morris assured the Council that with approximately 50,000 vehicles traveling through this intersection on a daily basis, the proposed use for this site is appropriate.

Discussion ensued regarding the adjoining BLM land.

Councilmember Jaffa voiced opposition to this case due to a proliferation of gas stations at this intersection. He stated that staff should look beyond an application that is presented to them and determine which uses are the most compatible with the surrounding area.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that Ordinance No. 3964 be adopted.

Vice Mayor Davidson said he is concerned more about the proliferation of empty gas stations throughout the City. He added that although he initially felt the applicant's request was not appropriate for this site, he will now support the motion.

Councilmember Kavanaugh commented that he does not agree with the applicant's proposed use for the property; however, because this agenda item is a site plan modification and not a rezoning case, he will support the motion. He also acknowledged the various modifications the applicant has made to enhance the surrounding intersection.

Councilmember Walters voiced support for the motion based on the fact the applicant's request represents an appropriate proposed use. She added that the applicant will comply with the City's current codes and standards, and that the proposed landscaping will be an asset to the intersection.

Mayor Hawker concurred with Councilmember Walters' comments.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Jaffa

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 3964 adopted.

*d. **Z01-65** The northwest corner of Broadway and 63rd Street. Rezone from AG (Conceptual C-2) to O-S (1± acres). This case involves the development of medical offices. Robert J. Scharber, owner; Cawley Architects, applicant; represented by: Paul Devers Jr. – Ordinance No. 3960.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan, and exterior

elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.

2. Compliance with all City development codes and regulations.
3. Compliance with the Zoning code setback requirements.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.)
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board.
7. Covered parking shall be provided as per City Code. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way, pedestrian areas and/or walkways.

- *e. **Z01-66** The 5500 block of East Baseline Road (north side). Site Plan Modification (4.5 acres). This case involves the development of an auto body shop and pad building. LCT Properties, L.L.C., applicant; Pew and Lake, P.L.C., applicant; represented by: W. Ralph Pew – Ordinance No. 3961.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan, and exterior elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board with special attention to the architectural detailing of the buildings.
6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way, pedestrian areas and/or walkways.
8. Parking lot lights shall be designed and shielded to direct light down to the ground to prevent light dispersion off the property.

- f. **Z01-67** 163 North Dobson Road. Site Plan Modification (2.26 acres). This case involves development of a DES building. Michael Reidy, owner; Cawley Architects, applicant – Ordinance No. 3965. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

P&Z Recommendation: Approval with conditions (Vote: 3-2-2 (Bailey, Parker voting nay, Brock, Kathe absent)).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of building count and lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.

Michael Reidy, 1826 North Sundial, the owner of the property, addressed the Council and provided background information relative to this case. He explained that this case, along with Z01-68 which follows, involves the relocation of Department of Economic Security (DES) facilities currently located at 225 East Main Street. Mr. Reidy expressed his willingness to replace 397 feet of the currently existing screen wall on the north side of the property with a City Code compliant screen wall which will serve as a barrier between the DES building and the adjacent residential neighborhood. He added that in addition, at the request of the residents to the north, he is prepared to close the northerly most curb cut as well.

Mr. Reidy requested input from staff relative to his ability to pull the building permit which is very near to being issued for the closure of the north curb cut. He noted if staff does not approve the permit, it will result in a delay in the construction project.

Ralph Pew, an attorney representing the developer of Tri City Pavillions, addressed the Council and explained that to the best of his knowledge, the 1999 original site plan approval required the developer to bring all screen walls into City Code compliance. Judy Kline, a representative of the developer, has stated that it was her understanding that the screen walls pertained to parking areas and not to property line walls. Consequently, when the developer applied for building permits for the Safeway and other projects at Tri City Pavillions, they did not include in the building permit the improvement of the entire back wall of what used to be Tri City Mall. Mr. Pew stated the opinion this was a mutual mistake on the part of both the developer and City staff.

Mr. Pew noted that in an effort to assist Mr. Reidy and the DES project in moving forward, he proposed that the developer of the Tri City Pavillions project agree to build the screen walls to the east (from the point where Mr. Reidy's property will end) to where the property line shifts and moves south at the intersection of the Webster Elementary School site. He added that based on the fact that Ms. Kline is not prepared to make such a commitment this evening, he would request that the Council consider adding a condition to the ordinance requiring the developer to agree to construct the wall when the developer applies for the next building permit for the Tri City Pavillions project.

Mr. Pew said that there is a shell building awaiting tenant improvements and asked the Council to not include that building as part of the tenant improvement building permit. He requested that

a condition be included to allow the developer to improve the rest of the wall when the next building east of that location is built.

Councilmember Kavanaugh expressed concerns that Mr. Pew's request would extend almost indefinitely the completion of the remainder of the screen wall, and stated the opinion that it would be more appropriate to coordinate the construction of the screen wall with the construction of the DES project. He added that it would be less intrusive on the neighborhood to the north.

Discussion ensued relative to the fact that the proposed DES building will administer food stamps and medical health assistance programs; the fact that DES chose this location to accommodate the large caseload from the 85201 Zip Code and to accommodate the residents in the immediate neighborhood; the fact that DES services are utilized by individuals in all socioeconomic levels; the fact that the facility would house approximately 50 employees; the fact that the facility will respond to approximately 100 individuals per day, and the fact that the site would be open 8:00 a.m. to 5:00 p.m. Monday through Friday, with appointments for working clientele before and after those hours.

Councilmember Walters stated the opinion that the proposed use represents minimal impact on the area and posed several questions which Mr. Ken Price, representing DES, responded to.

Mayor Hawker suggested that representatives of the DES make a presentation at a future Council Study Session and detail their services within the community.

In response to a question from Vice Mayor Davidson, Mr. Price stated the opinion that the location of the proposed DES facility is compatible with a nearby elementary school. He added that a transient clientele no longer exists at the facility and noted that security guards will be posted at the facility.

In response to a question from Councilmember Pomeroy, Mr. Price explained that if the Council does not approve this request, DES would still be forced to seek alternative office space within the 85201 Zip Code area due to its enormous caseload in this particular area.

It was moved by Councilmember Whalen, seconded by Vice Mayor Davidson, that Ordinance No. 3965 be adopted.

In response to questions from Councilmember Kavanaugh, Mr. Mizner stated that if it is the desire of the Council to approve the project and close the northern driveway in response to citizens' concerns, staff can meet with the plan reviewers and Mr. Reidy. He said he did not know of any reason why the permit could not be issued and noted that Mr. Reidy can proceed to work on the balance of the project. Mr. Mizner added that prior to the completion of that project, Mr. Reidy can submit an addendum to the building permit and submit new landscaping plans for that area which would be incorporated into the ongoing review of the project.

Discussion ensued relative to problems concerning the wall issue; the fact that the wall was not constructed in the manner the City anticipated and actually represents a zoning violation; Mr. Pew's request to defer construction of the wall pending the issuance of building permits for new construction which would not include the tenant improvements to the empty shops adjacent to the Safeway building and any additional work on the Penney's building itself, and staff's opinion

that the applicant wants to comply with the zoning ordinance but misunderstood his obligations and the associated timing factors.

Mr. Pew suggested that the construction of the wall be part of the timing of the requirements for improvements along the Webster Elementary School boundary. He stated that this solution would offer some assurance to the Council and would also not require the developer to incur the immediate expenditure for such a project.

Councilmember Walters voiced support for Mr. Pew's suggestion and requested that staff incorporate that stipulation into the ordinance.

Councilmember Kavanaugh concurred with Councilmember Walters and noted that it is important that the residents in the area are offered some assurances for the completion of the screen wall.

Mr. Mizner clarified that the agreement Mr. Pew is referring to on the Webster Elementary School boundary is a third party agreement which is affecting this case, and stated that staff will not add or amend a condition to the zoning ordinance. He added that Mr. Pew has made a commitment on behalf of his client that is a matter of record and staff will hold the applicant to that deadline referred to in the School District agreement.

Councilmember Kavanaugh voiced support for the motion and the modifications as stated. He also acknowledged Robert Fletcher, a resident in the area, for his efforts in this regard. Councilmember Kavanaugh also thanked Mr. Reidy and Mr. Pew for their hard work.

Councilmember Walters acknowledged that the Council cannot amend the zoning ordinance this evening, but wanted to make sure that the stipulations which have been made part of the record include closure of the driveway and Mr. Reidy's agreement to construct the screen wall.

Councilmember Walters thanked Mr. Fletcher and the residents in the area for their efforts to ensure that the concerns of the neighborhood are addressed. She also acknowledged that the proposed building, site layout and landscaping are compatible with the existing Safeway building. Councilmember Walters added that the DES building is a State office building and stressed the fact that it is important that State facilities are located in Mesa to serve the City's residents.

In response to Councilmember Walters' concerns, Mr. Mizner assured the Council that tonight's discussion will remain a matter of record in the minutes and that staff will also document such changes for the Building Safety Division.

Carried unanimously.

- g. **Z01-68** The 1600 block of East Main Street (south side). Site Plan Modification (4.4 acres). This case involves the development of a DES building and future retail pad building. Michael Reidy, owner; Cawley Architects, applicant – Ordinance No. 3966.

P&Z Recommendation: Approval with conditions (Vote: Passed 4-1-2 (Bailey voting nay)).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of building count and lot coverage) except as noted below.
2. Review and approval of the development proposal of the future pad site by the Planning and Zoning Board and City Council.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Access to Mahoney to be restricted to emergency vehicles only.

Michael Reidy, the owner of the property, addressed the Council and briefly responded to concerns expressed by Councilmember Whalen regarding his ability to provide landscaping along Main Street. He explained that as of tomorrow, he will obtain a deed to the southern portion of the site and a contract to purchase the northern half of the property as well. Mr. Reidy stated that it is his intention to install the necessary landscaping and irrigation lines to enhance that area of Main Street.

Mr. Reidy voiced concerns with regard to a 16-foot wide piece of property located on the western side of the proposed site which was deeded to the U.S. government in the early 1900's for the purpose of maintaining an open irrigation ditch. He explained that the title remains in the name of the Federal government and is managed by Salt River Project (SRP). Mr. Reidy said that he has obtained a license from SRP to allow him to do the work he wants to do within the 16 feet. He added, however, that he recently learned that a prior site plan was approved by a previous City Council, subject to that particular owner dedicating a cul-de-sac at the end of Mahoney Street, located in the parcel's southwest corner. Mr. Reidy advised that the City ended up with the cul-de-sac and the property he is purchasing excludes the cul-de-sac in the legal description. He explained that the City has asked him to improve the cul-de-sac and said that he is willing to do so.

Mr. Reidy explained that staff does not believe that the City ever received title to that portion of land and has indicated that it is his responsibility, as the developer of the parcel, to pursue this matter. He stated his intention to comply with staff's request but asked the Council to allow him to proceed with construction of the project while he pursues this issue. Mr. Reidy said that he would have no objections to the placement of a stipulation that would tie approval of his Certificate of Occupancy to the successful pursuit and resolution of this issue.

(Councilmember Jaffa briefly left the Council Chambers.)

Mr. Mizner stated that staff is willing to work with Mr. Reidy to resolve this matter and stated that he can see no reason why the building permit could not be issued in order for Mr. Reidy to complete the project.

Councilmember Walters explained that she requested that this agenda item be removed from the consent agenda due to the fact that both this case and Zoning Case 01-67 involve the development of DES buildings. She added that it did not seem appropriate to have this case on the consent agenda and the other one off.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Ordinance No. 3966 be adopted.

Councilmember Whalen thanked Mr. Reidy for his input.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSENT - Jaffa

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 3966 adopted.

(Councilmember Jaffa returned to the Council Chambers.)

- h. **Z01-69** 8700 East University Drive. Modification of an existing R-4-PAD (332 acres). This case involves modifications to the existing View Point Travel Trailer Resort. Fred Ash, owner; Mark Reeb, Reeb Group, applicant – Ordinance No. 3967.

P&Z Recommendation: Approval with conditions (Vote: Passed 4-1(Whalen voting nay).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
2. Provision of a minimum of one and one-half full size parking spaces for each newly constructed residential space within the development. The parking spaces may be placed in either a side-by-side or an end-to-end (tandem) fashion.
3. Expiration of the preliminary plat approval for "View Point R.V. and Golf Resort," as found in case file Z94-50.
4. Compliance with the amenity phasing plan as described in a letter from Fred Ash to Frank Mizner dated March 6, 2000 and modified through a response letter from Frank Mizner to Fred Ash dated March 20, 2000; both letters are found in the file for zoning case Z94-50.
5. Compliance with all City development codes and regulations.

6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

Councilmember Jaffa declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that Ordinance No. 3967 be adopted.

Councilmember Walters noted that although she historically has voted in opposition to the expansion of mobile home uses in the community, because this case is merely modifications to an existing facility, she will support the motion. She also commended Planning and Zoning Boardmember Marty Whalen for his efforts in this regard.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Jaffa

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 3967 adopted.

- *i. **Z01-70** 1400 South Dobson Road. Site Plan Modification (70± acres). This case involves the expansion on the existing Desert Samaritan Hospital campus. Desert Samaritan Medical Center, owner, represented by: Steve Hocking; Orcutt/Winslow Partnership, Architects, applicant; represented by: Scott Sponsler, Bill Sheely – Ordinance No. 3962.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Review and approval by the Planning and Zoning Board, and City Council of future development plans for projects that exceed the total floor area submitted with this request.
3. Review and approval by the Design Review Board for each of the specific projects outlined by the development plan submitted.

4. Orientation of the windows for the fifth five-story hospital tower addition to minimize direct views of the Friendship Village site to the west, to be reviewed and approved by the Design Review Board.
5. Compliance with all requirements of the Design Review Board.
6. Compliance with all City development codes and regulations.
7. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
8. Dedicate the right-of-way required at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first.
9. Participation in future street improvement projects for Southern Avenue and Dobson Road including roadway improvements as outlined in the traffic study, to be phased concurrently with the proposed development.
10. Stormwater shall be retained in retention basins with 6:1 slopes maximum, unless the runoff is approved by the Arizona Department of Transportation (ADOT), to flow directly into adjacent ADOT floodwater channels or suitable underground cisterns are installed.
11. If the new surface parking spaces proposed are not installed, then additional parking spaces shall be provided within parking structures, with a minimum surplus of 400 spaces above required Zoning Ordinance minimum, as outlined in the development proposal provided at the end of phase two.
12. Compliance with street side Zoning Ordinance landscape requirements along Dobson Road for numbers and sizes of plant materials.

- j. **Z01-71** The 900 to 1000 blocks of North Ellsworth Road (west side). Rezone from R1-43 to R1-6-PAD (13± acres). This case involves the development of a residential subdivision. Mark Pugmire, owner/applicant – Ordinance No. 3968.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, (without guarantee of lot yield) except as noted below.
2. The homes constructed in this subdivision must comply with the Residential Development Guidelines and any production homes proposed in this subdivision must be submitted for administrative review and approval from the Planning Director. This includes product that will fit on lots 26 and 27 without the need for any variances.
3. Compliance with the Desert Uplands Guidelines, including the requirement for an additional elevation that reflects the desert character, which is to be approved by the Planning Director.
4. A tot lot and ramada will be provided for this subdivision on lot 15 or 28 unless the Homeowners' Association for Sonoran Village approves locating these amenities within their existing retention area adjacent to Elmwood. A letter is to be provided to the Planning Division from that Association indicating that approval.

5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Written notice be provided to future residents, and acknowledgement received that the project is within 1.5 miles of the Red Mountain Freeway.
10. Compliance with all requirements of the Subdivision Technical Review Committee.
11. Retention basins to be 6:1 slopes maximum, where adjacent to a public right-of-way and any pedestrian activity areas or sidewalks.

Vice Mayor Davidson stated that in keeping with his past voting record, he will not support this case due to the fact it involves the construction of a residential subdivision beneath high power electrical lines.

Councilmember Jaffa advised that although he will vote in favor of the proposal, he stressed the importance of maintaining the character and feel of the Sonoran Desert within the Desert Uplands Area.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that Ordinance No. 3968 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Davidson

Mayor Hawker declared that the motion carried by majority vote and Ordinance No. 3968 adopted.

10. Consider the following subdivision plat:

- *a. "CECINA", – (Council District 5) – 7735 East University Drive (south side) 114 R1-6 PAD single residence lots (25.36 acres) Pulte Home Corporation, developer; Clouse Engineering Inc., engineer.
- *b. "MAP OF DEDICATION FOR N. HAWES ROAD" The 3600 block of North Hawes Road (both sides) Sonoran Desert Holdings, L.L.C., Earl W. and Marrita A. Dumas, Russell E. and Janice M. Staub, Jerome S. and Mary K. Seeman, Rosann Kelly and John A. Funicello, John J. and Ruth McKain, William Michael and Patricia Gibson, owners; Wood Patel & Associates, Inc., engineer.

- *c. "AMBERLY LANE", - (Council District 5) – 335 North Sossaman Road (east side) 101 R-2 PAD single residence Z lots (18.32 acres) Scott Homes, L.L.C., developer; Stantec Consulting Inc., engineer.

11. Presentation on March 12, 2002 Primary Election.

Mayor Hawker informed the audience that at the Study Session earlier today, Council discussed the upcoming March 12, 2002 Primary Election. He explained that it was the consensus of the Council that at the end of the Regular Council Meetings from now until the election, district maps will be displayed with the names of the Council candidates who are running in Districts 4, 5 and 6. Mayor Hawker added that the City Attorney's Office will also request an expedited review from the United States Department of Justice relative to the introduction of various propositions, such as Proposition 300, which will be on the March 12th Primary Election ballot.

City Attorney Debbie Spinner concurred with Mayor Hawker's comments.

Barbara Carpenter, 7130 East Saddleback Street, #6, addressed the Council relative to this agenda item and noted that she is a candidate for City Council in District 5. She expressed her support for the Council's exploration of the issues outlined by Mayor Hawker.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:30 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 7th day of January 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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