

COUNCIL MINUTES

June 4, 2001

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on June 4, 2001, at 5:45 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
Neal Beets
Barbara Jones

Invocation by Dr. Brant D. Baker, First Presbyterian Church.

Pledge of Allegiance was led by Brice Kartchner, Boy Scout Troop No. 851.

Presentation of plaques to citizens ending their service on the City's citizen advisory boards and committees.

Mayor Hawker, assisted by Vice Mayor Davidson, presented plaques to the various members of the City's citizen advisory boards and committees and thanked them for their willingness to serve the City of Mesa.

Presentation to City Attorney Neal Beets.

Mayor Hawker also announced that this would be the last meeting that City Attorney Neal Beets would be attending in his official capacity and said that he has accepted the position of City Manager with the City of Roseville, Minnesota. He thanked Mr. Beets for his hard work, dedication, professionalism and humor during his long tenure with the City and wished him good luck with his new career. He presented him with a plaque in appreciation of his contributions to the City of Mesa.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the minutes of the April 16, and 26, 2001, and May 17, 18 and 21, 2001 City Council meetings be approved.

Carried unanimously.

2. 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 in these minutes 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.

3. Conduct a public hearing for the following proposed annexation:

- a. A01-2 Areas East of North Crismon Road to North 92nd Street and areas South of East McKellips Road to east McLellan Road. (202± acres). Initiated by the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding proposed annexation A01-2 Areas East of North Crismon Road to North 92nd Street and areas South of East McKellips Road to East McLellan Road.

Carol Owens, a resident of Mesa, pointed out an error in the agenda and advised that the item should read west of North Crismon Road, rather than east. She encouraged all builders and developers to protect this area and thanked Mr. Beets for all of his hard work over the years on behalf of the City of Mesa. She spoke in favor of the proposed annexation.

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

4. Conduct a public hearing on the proposed Fiscal Year 2001-02 Budget (see item no. 5).

Mayor Hawker announced that this is the time and place for a public hearing regarding proposed Fiscal Year 2001-02 Budget.

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

5. Consider tentative adoption of the proposed Fiscal Year 2001-02 Budget.

Senior Budget Analyst Candace Cannistraro provided a brief overview of the proposed budget.

Mayor Hawker said that this agenda item is for the tentative adoption of the budget and said that the final adoption will occur on June 25th.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the tentative adoption of the proposed Fiscal Year 2001-02 Budget be approved.

Council commented on the hard work that was expended staff during the budget process and expressed appreciation to staff and particularly City Manager Mike Hutchinson.

Carried unanimously.

6. Consider the following liquor license applications:

*a. RAYMOND A. MARQUARDT, DEAN

Special Event License application for Raymond A. Marquardt, Dean, Morrison School of Agribusiness, a one-day event to be held on Saturday, July 14, 2001 from 6:00 p.m. to 11:00 p.m. at 7001 E. Williams Field Rd.

*b. COLEEN RENEE NIEMAN, DIRECTOR OF MARKETING

Special Event License application of Coleen Renee Nieman, Director of Marketing, Mesa United Way, a one-day event to be held on, Monday June 11, 2001 from 5:00 p.m. to 9:00 p.m. at 53 N. MacDonald St.

*c. ROBERT A. SEBOLT, AGENT

New Beer & Wine Store License for AM/PM Mini Market, 25 W. McKellips Rd. This is an existing business. The Beer & Wine Store License previously held at this location by Sam Gabriel Salem, Agent, Salem Markets, Inc., will revert back to the State.

*d. PAUL BEER, AGENT

New Beer & Wine Store License for 7-Eleven #22664J, 1155 S. Country Club Dr. This is an existing business. The Beer & Wine Store License previously held at this location by Ghassan Adib Halabym Individual, 7-Eleven Store #1171-22664D, will revert back to the State.

7. Consider the following contracts:

*a. Copier paper as requested by the Materials & Supply Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Unisource Corp. at \$44,549.50 based on estimated requirements for four months until this contract is renewed or rebid by the State.

*b. Document Management System for the Police Department's Public Safety Training Academy (PSTA) as requested by Information Services.

The Purchasing Division recommends accepting the only bids for document management software from Western Office Systems for \$55,263.60 and SJ Technologies for \$12,160.13 (sole sources). In addition, the Purchasing Division recommends authorizing purchase of document management hardware from the State of Arizona contract with Transource Computers for a total of \$84,682.50, including applicable sales tax. The combined total award is \$152,105.78.

- *c. DS1 microwave protection equipment as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by Walker & Associates, Inc. at \$53,932.20 including applicable use tax.
- *d. FireView software as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from The Omega Group, Inc. for software totaling \$15,676.50 (sole source).
- *e. Internet Access Server Software as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ASAP Software Express, Inc. for a total of \$24,904.59, including applicable use tax.
- *f. Forty-nine Mesa heritage wall historical plaques for the City Plaza building.

The Purchasing Division recommends accepting the low bid meeting specification by Diversified Foundry Services at \$26,577.60 including installation and applicable sales tax.
- *g. Two-year renewal of the supply contract for perennial ryegrass seed as requested by the Parks & Recreation Division.

The Purchasing Division recommends exercising the two-year renewal option by Simplot Partners (formerly Turf partners) at \$74,830.21 including applicable sales tax based on estimated annual requirements.
- *h. Two-year supply contract for water treatment chemicals used by the CAP Water Treatment Plant, the three Water Reclamation Plants and the three Booster Stations, as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bids meeting specification as follows:

Item 1 to Chalum, Inc. at \$65,500.00; Item 2 to Norit Americas Inc. at \$136,000.00; Item 3A to Basic Chemical Solutions at \$19,803.00; Item 3B, 6, & 7 to Thatcher Company of Arizona at \$27,340.00; Item 4 to D.P.C. Enterprises at 62,330.00; Item 5 to Pencco, Inc. at \$39,130.00; and Item 8 to Sabre Oxidation at \$106,700.00. The combined award is then \$456,803.00 based on estimated requirements.
- i. Printing of budget books and annual reports for the Marketing & Communications Division.

The Purchasing Division recommends accepting the low bid by Commercial Graphics at \$35,155.54 including applicable sales tax.

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

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Davidson, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

The Mayor declared the motion carried unanimously by those voting.

- *j. Quest Database Development Software Tools as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with IKON Technology Solutions for a total of \$22,851.28, including applicable sales tax.

- *k. One replacement self-propelled lift as requested by the Community Center.

The Purchasing Division recommends accepting the low bid by Ross Aerial Equipment at \$18,550.20 including applicable sales tax.

- *l. One new sludge thickener pump to be used by the CAP Treatment Plant as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the bid by Goble Sampson Associates at \$12,633.52 including applicable sales tax.

*m. Replacement of the Static Uninterruptible Power Supply (UPS) device at the Communications building. CONTINUED FROM THE MAY 21, 2001 COUNCIL MEETING.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal by B.V.T. Battery, LLC at \$142,676.90.

- *n. Two replacement utility vehicles as requested by the Parks and Recreation Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Simpson Norton Corporation at \$11,610.06 including applicable sales tax.

- *o. Nineteen VRLA 48-Volt Battery Systems to provide emergency backup power for the 800 MHz system as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by C & D Technologies at \$193,750.73 including applicable sales tax.

- *p. Contract for repair and maintenance of general (non-public safety) vehicles as requested by Fleet Support Services.

The Purchasing Division endorses the recommendation of the Evaluation Team to accept the proposal by Hub's Auto Clinic for a three-year contract with a two-year renewal option, and estimated annual expenditures of \$75,000.00.

- *q. Carriage Lane Park Improvements. City of Mesa Project No. 99-84.

This project will improve the park through the construction of a new playground, lighting, a ramada and ADA accessibility improvements.

Recommend award to low bidder, W. L. Emshoff, in the amount of \$115,450.00 plus an additional \$11,545.00 (10% allowance for change orders) for a total award of \$126,995.00.

- r. Baseline Road Widening, Horne to 24th Street. City of Mesa Project No. 98-41.

This project will improve Baseline Road to 3 lanes in each direction with raised, landscaped medians, from Horne to Stapley, and from 1/4 mile east of Stapley to 24th Street.

Recommend award to low bidder, Pulice Construction, Inc., in the amount of \$5,781,899.90 plus an additional \$578,189.99 (10% allowance for change orders) for a total award of \$6,360,089.89. CONTINUED FROM THE MAY 21, 2001 COUNCIL MEETING.

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

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

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

Upon tabulation of votes, it showed:

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

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

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

8. Introduction of the following ordinances and setting June 25, 2001 as the date of public hearing on these ordinances:

- *a. Amending Chapter 13 of the Mesa City Code regarding the imposition of the residential development tax.
- *b. Prohibiting parking between 8:00 a.m. and 4:00 p.m. on school days on Huber Street from Lindsay Road to Roca, on the east side of Roca from Huber Street to a point 160 feet north of Glencove Street, and on the west side of Roca from Huber Street to a point 130 feet north of Gary Street; prohibiting parking on Eighth Street from a point 105 feet west of Mesa Drive to a point 255 feet west of Mesa Drive; and reducing the speed limit from 50 mph to 45 mph on Baseline Road from Power Road to the east City limits, as recommended by the Transportation Advisory Board.

9. Consider the following resolution:

- a. Authorizing the use of eminent domain to acquire land and land rights needed to widen Baseline Road from Horne to 24th Street – Resolution No. 7668.

Eminent domain is necessary to acquire the remaining parcels needed to begin construction in June 2001.

Marilynn Wennerstrom, 1112 North Center, asked questions of staff regarding this agenda item. Real Estate Director Doug Tessororf answered the questions to Ms. Wennerstrom's satisfaction and provided additional information relative to this issue.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that Resolution No. 7668 be adopted.

Carried unanimously.

10. Consider the following ordinance:

- *a. Prohibiting parking between 8:00 a.m. and 4:00 p.m. on school days on the north side of Glencove Street from Gaylord Circle to a point 155 feet east of Gaylord Circle, on the south side of Glencove Street from 24th Street to Gaylord, on Gaylord from Brown Road to Glencove Street, on the north side of Fountain Street from Lindsay Road to 26th Street, on the south side of Fountain Street from 26th Street to a point 100 feet east of 26th Street, on the south side of Fountain Street from Lindsay Road to a point 185 feet east of 26th Street, on the east side of 26th Street from Fox Street to Fairfield Street, on the west side of 26th Street from Fox Street to Fountain Street, and on the west side of 26th Street from Fairfield Street to a point 120 feet north of Fairfield Street, as recommended by the Transportation Advisory Board – Ordinance No. 3890.

*11. Write-off of utility and miscellaneous accounts in the amount of \$238,311.00.

12. Consider the following recommendation from the Police Committee:

- a. Recommend staff be directed to restructure and amend the current Photo-Safety Services Contract with Lockheed Martin IMS.

Councilmember Kavanaugh, who serves as Chairman of the Police Committee, provided a brief overview of this agenda item and spoke in support of approving the recommendations of the Police Committee.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that the recommendations of the Police Committee be approved.

Carried unanimously.

13. Consider resolutions and ordinances modifying rate schedules for the following utility services.

- a. Gas utility service.

Councilmember Whalen, who serves as Chairman of the Utility Committee, provided a brief overview of this agenda item and spoke in support of approving the proposed resolutions and ordinances.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that Resolution No. 7669 and Ordinance No. 3897 be adopted.

Carried unanimously.

- b. Solid Waste utility service.

Councilmember Walters encouraged citizens to use their green barrels and enhance their recycling efforts in an effort to postpone the need for another landfill.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that Resolution No. 7670 and Ordinance No. 3898 be adopted.

Carried unanimously.

13.1 Consider the sale of 2.49 acres of City owned property at the northeast corner of Quent Drive and the Police/Fire Training Facility, to Land Star Polymer Recovery, Inc.

Staff responded to a number of questions posed by Marilyn Wennerstrom relative to this agenda item.

It was moved by Vice Mayor Davidson, seconded by Councilmember Walters, that the sale of 2.49 acres of City owned property at the northeast corner of Quent Drive and the Police/Fire Training Facility, to Land Star Polymer Recovery, Inc. be approved.

Carried unanimously.

*13.2. Discuss and consider increasing the salary of the Presiding City Magistrate to \$124,895.00, effective July 1, 2001.

14. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *a. Z01-03 The southeast corner of Val Vista and Enid. Rezone from C-2 to R2-PAD (11± acres). This case involves development of a residential subdivision. R&B Sarhangian Family Trust owner/applicant; represented by: Ted Sarhangian. CONTINUED FROM THE MARCH 5, 2001, APRIL 2, 2001 AND MAY 7, 2001 MEETINGS – Ordinance No. 3891.

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

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 unit yield) except as noted below.
2. Compliance with the Residential Development Guidelines regarding elevation design and landscape setback at the public streets.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Secondary access as proposed on South 37th Street shall be relocated northwestward along Enid Street, subject to review and approval of revised site plan and preliminary plat during the subdivision review process.

- b. Z01-16 730 East Brown Road. Council Use Permit for a tattoo parlor. Cole Real Estate Services, Inc.; owner, represented by: Robert J. Singer, CPM; Richard Durrenberger, applicant, represented by: Richard Groves – Ordinance No. 3899.

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

1. Compliance with the basic development as described in the project narrative 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.).

Councilmember Walters commented that the applicant has been extremely cooperative and his business has earned an excellent reputation for refusing to tattoo children without prior parental permission.

Vice Mayor Davidson said that he voted against a similar use in a strip mall in the past for a business that was getting a liquor license and was located in an area in transition and said he would probably have voted against this case too but he visited the site and was impressed by the cleanliness of the facility and the excellent manner in which the business is operated. He said in this case he will vote in support of the applicant's request.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that Ordinance No. 3899 be adopted.

Carried unanimously.

- *c Z01-17 6550 East Superstition Springs Blvd. Site Plan Review (1.06 ac.). This case involves development of a Credit Union building and facility. Voit Development Company, owner, represented by: Barry Kirshner; Poliquin Kellogg Design Group, applicant, represented by: Brian Poliquin – Ordinance No. 3892.

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

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 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. 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. Compliance with all requirements of the Design Review Board.

- d. Z01-18 The southeast corner of Baseline and Hawes Roads. Rezone from AG to R1-6-PAD (30+ ac.). This case involves development of a cluster home development. United Land Investors, Inc., owner; Jackson Properties, Inc., applicant, represented by: Bruce Jackson – Ordinance No. 3900.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, and elevations submitted except as noted.
2. Compliance with the Residential Development Guidelines including view fences adjacent to open space, retention and recreation areas plus access to adjacent sites.

3. Compliance with all City development codes and regulations. Fire access lane shall be built in compliance with minimum standards (decomposed granite with curbing).
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, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. If the project is built in phases, all public street improvements and perimeter landscaping shall be installed with the first phase of construction.
7. Lot owner shall provide a buffer of at least one 24" box tree per lot along the rear of lots with two story units on the north and south perimeters of the development.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Owner granting an Avigation Easement and Release to the City, pertaining to the Williams Gateway Airport which will be prepared and recorded by the City (concurrent with the recording of the final subdivision map, prior to issuance of a building permit).
10. Written notice shall be provided to future residents, and acknowledgment received, that the project is adjacent to the Red Mountain Freeway 202 Corridor.
11. Retention basins shall be a maximum of 6:1 slopes adjacent to pedestrian pathways.
12. A noise impact study shall be required for all development applications within 500 feet of an existing or planned freeway right of way. The study shall be completed in accordance with the Arizona Department of Transportation's (ADOT) Noise Abatement Policy. Any measures to mitigate noise levels, as identified by the study and prescribed by ADOT's Noise Abatement Policy, shall be the developer's responsibility.
13. Noise attenuation measures to be incorporated in the design and construction of the homes to achieve a noise level reduction of 25 db.
14. Written notice shall be provided to future residents, and acknowledgment received, that the project is within 4 miles of Williams Gateway Airport.

Terry Galloway of the Galloway Group of Newport Beach, representing the applicant Jackson Properties, addressed the Council relative to this case and provided a brief overview of the issues surround the proposal. He stated the opinion that the proposed project will positively rather than negatively impact the neighborhood.

Mayor Hawker discussed concerns relative to the manner in which the project will interfere with the Santan Freeway and discussed the ramp at Baseline that will go up to the elevated freeway. Mr. Galloway discussed the applicant's intention to build a 6-foot block wall along the edge and develop only single store homes along the very edge.

Discussion ensued relative to density levels, the fact that staff and the members of the Planning and Zoning Board support the proposal, the importance of adequate buffering, and landscaping.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that Ordinance No. 3900 be adopted.

Carried unanimously.

- *e. Z01-19 West of the southwest corner of McKellips and Country Club. Rezone from R-3 to C-2 and Site Plan Review (1.27 ac). This case involves development of a fast food restaurant. Anthony Chiappetta, owner; Looker & Hunt Architects, applicant; represented by: Jeff Looker – Ordinance No. 3893.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted except as noted. The screen wall shall extend around the elbow of the drive-thru, and bushes and trees must be added to landscaping on the west.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
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, Fire, etc.).
5. Dedication of right-of-way on both streets is required under the Mesa City Code at the time of application for a building permit, at the time of recordation of a subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirements of the Design Review Board.
7. Retention basins to be 6:1 slopes maximum.

- *f. Z01-20 2158 North Gilbert Road. Rezone from R-2 to O-S (3.12 ac.). This case involves development of offices. Steven L. Steele, owner; Partch & Associates, applicant; represented by: Leslie L. Partch – Ordinance No. 3894.

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

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 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. Dedication of right-of-way is 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 must be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board.

- *g. Z01-22 The northwest corner of Broadway Road and 70th Street. Site Plan Modification (1.91 ac.). This case involves development of an office and shell building. Paul Kempton, applicant; Dave J. Mason, applicant – Ordinance No. 3895.

Staff Recommendation: Approval with conditions. (Vote 7-0)

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 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. 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. Compliance with all requirements of the Design Review Board.

- h. Z01-23 The northwest corner of University and Extension. Site Plan Modification (3+ ac.). This case involves development of a convenience store with fuel pumps. Harry L. Smits, owner; represented by: Hook Engineering; Architekton, represented by E. J. Sandoval – Ordinance No. 3901.

P&Z Recommendation: Approval with conditions. (Vote 6-1 Parker nay)

1. Compliance with the basic development and improvements as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Addition of 6' wrought iron fencing around retention area plus surveillance cameras.
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, at the time of recordation of the

- subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirements of the Design Review Board including providing new elevations.
 7. Review and approval of a Special Use Permit by the Board of Adjustment for an automobile service station and a comprehensive sign plan.
 8. Retention basins shall be no more than 6:1 slope adjacent to pedestrian pathways.

Darren Sender, representing the applicant Phillips Corporation, addressed the Council regarding this agenda item and provided an overview of this case. He said that the project involves a corporate convenience store located at the northwest corner of Extension and University and said that it will be a long-term community planned project.

Discussion ensued regarding meetings that have been held with School District representatives, principals of those school and the fact that the applicant believes their concerns have been addressed and they support the proposal, notices to residents that were mailed, neighborhood meetings, support that has been received from the adjacent neighbors, petitions that have been signed in support of the project, and surveys that were undertaken to gauge neighborhood support/opposition.

Joe Salvatore, representing Architekton, discussed safety enhancements that have been included in the project.

Mayor Hawker encouraged citizens to present their comments at this time.

The following citizens, in order of appearance, spoke in opposition of the project:

John Schaumburg	142 North Date
Bob Parker	534 West 1 st Street
Suzette Buffins	905 W. Main, #204
Flor Bejarano	644 West Main Street, #14
Ana Valenzuela	644 West Main Street, #2
Carmen Guerrero	551 North Alma School Road
Lupe Barraza	46 West 2 nd Street
Alma Pesqueira	634 North Date
Sergio Pesqueira	634 North Date
Stephanie Wright	535 North Orange
Adrian Barraza	46 West 2 nd Street
Norman Johnson	635 West Camino Circle
Lois Cullipher	935 North Mountain Road

The following citizens, in order of appearance, spoke in support of the project:

Philip Bramsen, Jr.	2033 West University
Monty Palmer	643 West 6 th Street
Doice Shults	536 North Country Club Drive, #1
Joan Clement	421 North Clement
Kenneth Bond	433 West 3rd Street

John Clement	506 North Extension
Lisa Martin	840 West University, #7
Gerald Martin	840 West University, #7
Jeff Arnett	714 West 1 st Street
Jo Dee Dillard	311 North Hosick Street
Keith Redford	675 West 2 nd Street
Stuart Quist	451 North Cherry Street

The following citizens submitted cards indicating their support or opposition to the project but did not wish to speak:

CITIZENS IN OPPOSITION:

Brent Leavitt	607 West Camino Circle
Linda Lloyd	1137 North Cherry
Dennis Lloyd	1137 North Cherry
Imelda Barker	712 North Date
Margie Frost	907 West Inglewood
Larry Young	1712 North Old Colony

CITIZENS IN SUPPORT:

Laurel Leavitt	550 North Cherry
Jeff Wade	535 North Cherry
Michael Wade	535 North Cherry
David Wade	535 North Cherry
Wayne Clement	1526 West Posada
David Clement	439 North Clement
Dorothy Hesse	755 West st Street
Alan Parker	636 West Caballero Circle
Donald Clement	421 North Clement
Heber Clement	828 West University
Kathleen Papa	807 West 4 th Place
Donald Papa	807 West 4 th Place
Keith Thornton	657 West University
Dorothy Anderson	850 West 4 th Place
Pearl Nichols	813 West 4 th Place
Eric Clevenger	137 S. Sahuaro Dr. Gilbert
Chet Arnett	525 North Cherry
Jaime Wade	535 North Cherry
Suzanne Clevenger	137 S. Sahuaro Dr. Gilbert
Patricia Clement	439 North Clement
Shanan Nicoll	731 West 4 th Place
Andrew Dillard	311 North Hoick
Gary Nicoll	731 West 4 th Place
Margaret True	1026 West Pontiac
Asa Tiffany	740 West First Place
Jesele Moffat	1131 West 9 th Place
Tracy Hanley	421 North Clement

Jamey Keck
Blaine Nelson

2100 West Western
865 West 10th Place

Mayor Hawker thanked the speakers for their comments.

Planning Director Frank Mizner said that the meeting illustrates the intent of the public participation process but noted that it doesn't necessarily mean that people will be in support of the proposal. He stated the opinion that the applicant has done an excellent job meeting with people and added that the issue is a passionate one.

Mr. Mizner stated that staff has recommended denial and the Planning and Zoning Board voted 6 to 1 in favor of this case so the Council has a split recommendation before them at this time. He commented on the fact that the applicant has agreed to the addition of many possible upgrades and addressed a variety of technical issues raised by staff. He said that the property is older and does not meet today's standards and Phillips 66 has the ability of improving the land.

Councilmember Walters said that this dialogue illustrates perfectly why the area was chosen as the City's first "opportunity zone" and said she hopes that the Council's vote will not divide the neighborhood. She referred to comments from the speakers and said that a community center has not been proposed for this site although that would be the preference of many of the neighbors. She said that when the applicant first presented his proposal, she did not believe she could support the project based on her over-riding concern for the safety of children. She said that she discovered that the School District had already addressed the issue of walking paths and stated the opinion that because the area is a commercial one, safety issues do and will exist but, in her opinion, the applicant has gone above and beyond to address issues of concern and said that she will support the project.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that Ordinance No. 3901 be adopted.

Vice Mayor Davidson said that this case differs from others because it is located in a residential area, is an "opportunity zone" and the neighbors have presented significant opposition. He stated the opinion that other opportunities should be explored for this site and said he would support delaying action on this until staff has had an opportunity to determine whether there are any other businesses that might be interested in building at this location. He said he would also encourage the delay to allow the residents who are in opposition an opportunity to present their suggestions relative to the site and possible uses.

Councilmember Pomeroy said that he is impressed with the efforts of the applicant to address the concerns of the residents and will vote in support.

Councilmember Whalen commented that in his opinion the project is a good use and he will vote in favor of the applicant's request.

In response to a question from Mayor Hawker, City Attorney Neal Beets stated that he does not believe a liability issues exists relative to the proximity of the proposed station to a school and said that responsibility in most cases is on the drivers of the vehicles.

Councilmember Kavanaugh agreed that this case is a perfect example of citizen participation and said he will also vote in support of the proposal. He also commented on the fact that Phillips 66 is a growing presence in the community and said he expects to see company involvement in the Chamber of Commerce and United Way organizations. He said that participation in such entities is a good way upon which to judge the company's involvement in the community.

Councilmember Jaffa posed a number of questions relative to this issue and said that he will support the project.

Mayor Hawker also said he will vote in support of the proposal and said that the applicant has performed all of the work required and has done an excellent job of trying to address a variety of concerns and issues.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 3901 adopted.

- *i. Z01-24 The southeast corner of Parkcrest and Jensen. Rezone from M-1 to M-1-PAD (2.05 ac.). This case involves the development of a warehouse building. Gemini Construction of Washington, owner; Dave J. Mason, applicant – Ordinance No. 3896.

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

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 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. 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. Compliance with all requirements of the Subdivision Regulations.
6. Compliance with all requirements of the Design Review Board case number DR00-101.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City.

15. Consider the following subdivision plats:

- *a. "MOUNTAINSIDE PLAZA" (Council District 5) The 1200-1400 blocks of North Greenfield Road (east side) 7 C-2 commercial lots (12.76 ac) NEC Brown Greenfield L.L.C., developer; Gervasio & Associates, Inc., engineer.
- b. "SALERNO RANCH" (Council District 5) The 11300 block of East Brown Road (south side) 62 R1-15-PAD and 72 R1-9-PAD single residence lots (74.97 ac) Cornerstone Salerno Ranch L.L.C., developer; Clouse Engineering, Inc., engineer.

Lois Culliper addressed the Council and stated the opinion that the applicant has not adhered to all of the agreed upon setback requirements, particularly on the north side of the property. She said that the setbacks were supposed to be 30 feet but it appears to her that they are 20 feet on this side of the parcel. She asked whether modifications could be made after the final plat is approved if it is determined that the correct setbacks are not being adhered to.

Dave Johnson, representing Cornerstone Homes, responded to Ms. Culliper's comments and stated the opinion that the zoning was approved and the setbacks are the same ones approved at that time.

Discussion ensued relative to this issue and Mr. Mizner stated that from staff's perspective the proposal meets all of the City's needs. He added that there is also a 20 foot tract of land to be used for an equestrian area and said he believes Ms. Culliper is seeking an additional 10 feet.

Mr. Beets stated that the Council could approve the final plat tonight subject to staff's review of the ordinance. If it is determined that an error has been made, the issue will have to be amended and come back before the Council for action.

Vice Mayor Davidson said he was comfortable with moving ahead on this item at this time.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Councilmember Walters commented that Mr. Beets' suggestion would not negatively impact the process and said she would prefer that staff be given an opportunity to research Ms. Culliper's concerns.

Mr. Beets added that the Council could approve the proposal as submitted and staff would then perform research to ensure the accuracy of the setbacks.

Vice Mayor Davidson said he would modify his motion to reflect Mr. Beets' opinion. Councilmember Kavanaugh said he will second the modified motion.

Mayor Hawker said that staff will have fifteen days to verify the accuracy of the setbacks. If they are determined to be in error, the issue will once again come before the Council for their consideration.

Carried unanimously.

17. Adjournment.

Without objection, the Regular Council Meeting adjourned at 10:00 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 4th day of June 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001.

BARBARA JONES, CITY CLERK