



COUNCIL MINUTES

August 11, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 11, 2003 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Dennis Kavanaugh
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Pastor Rick L. Fowler, Power Road Baptist Church.

Pledge of Allegiance was led by Kevin Call, Russell Cluff, Morgan Gunnell and Stephen Phelps of Boy Scout Troop No. 457.

Mayor's Welcome.

Mayor Hawker welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Presentation from representatives of the National Weather Service concerning designating Mesa as a "Storm Ready" community.

Mesa Fire Chief Harry Beck addressed the members of the Council relative to this agenda item and stated that the City's Emergency Management Division is always looking for ways to enhance preparedness as a community in any type of disaster. He added that Assistant Fire Chief Cliff Puckett serves as the City's Emergency Manager. He introduced representatives from the National Weather Service who were present to congratulate the City of Mesa on its recent designation as a "Storm Ready" community. The Chief advised that the City became aware of a national program that the Weather service was working with where the City of Mesa could begin to educate its community in regard to how to act during an emergency. He introduced two representatives from the National Weather Service, Tony Hoffer and David Lemon, who commended the City for its efforts in this important regard.

Mr. Hoffer presented a brief overview of the National Weather Service's NOAH Weather Radio and commented on the benefits of enhancing communication. He said that the City of Mesa's staff has

done a wonderful job partnering with them to try to make the communications channel as efficient as possible, not only between the Weather Service and the City of Mesa, but also within the various departments, entities and agencies within the City. Plaques commemorating this event were presented. Mr. Hoffer thanked the City for their hard work to provide the citizens of Mesa with the best technology and highest level of protection and public safety possible.

Prior to the reading of the Consent Agenda, Mayor Hawker announced, for the convenience of citizens in attendance, that on Agenda Item 10d. (Z03-28), the applicant has asked that his request for a Council Use Permit for this item be withdrawn. In response to a request from the Mayor, City Attorney Debbie Spinner explained the withdrawal process and confirmed that in order to bring this item forward again in the future, the applicant would have to go through the entire process once again.

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 Kavanaugh, seconded by Councilmember Walters, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the June 19, July 3, 7, 10, 14, and August 7, 2003 City Council Meetings.

3. Consider the following liquor license applications:

*a. KIM KWIATKOWSKI, AGENT

Location transfer Liquor Store License for Circle K Store #5401, 417 S. Dobson Road. This is an existing business currently holding a Beer and Wine Store License. This transfer is from Kwik Mart, 606 W. Broadway Road, Tempe. This license will transfer to the applicant.

*b. JASWINDER SINGH, AGENT

New Beer and Wine Store License for Circle Seven Mart, 415 E. McKellips Road. This is an existing business. The Beer and Wine Store License previously held at this location by Sami F. Salameh, Individual, Turtle Stop 1, never renewed their 2001 liquor license.

*c. RAVINDER SHANDIL, AGENT

New Beer and Wine Store License for Mesa Dollar Mart Plus, 526 W. Broadway Road, Suite 1. This is an existing business. The Beer and Wine Store License previously held at this location by Salim S. Noorani, Individual, Mesa Dollar Mart Plus, will revert back to the State.

d. SAMI YOUAIL BATO, AGENT

New Beer and Wine Store License for Mi Pueblo Market, 330 E. Brown Road. This is an existing building. The Beer and Wine Store License previously held at this location by Carol Lynne Poor, Agent, Walgreen Drug Store #2285, never renewed their 2002 liquor license.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, that the applicant's request for the issuance of a new Restaurant License for Mi Pueblo Market be denied as recommended by staff.

Councilmember Walters stated that the motion for denial is being made because the applicant has failed to pay the necessary and appropriate fees associated with this license.

Carried unanimously.

*e. JAVIER MURRIETA GAMEZ, INDIVIDUAL

New Beer and Wine Store License for Murrietas Carniceria #2, 1911 W. Broadway Road. This is an existing building. No previous liquor licenses at this location.

4. Consider the following contracts:

*a. Two circuit switchers as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Alstom T & D Inc. at \$66,458.40.

*b. One replacement copier as requested by the Financial Services Division.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Minolta Corp. c/o Business Imaging System at \$11,851.03.

*c. Two-year renewal of the supply contract for fiber optic cable as requested by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal option with Graybar Electric at \$82,314.91 including applicable sales tax based on estimated annual purchases.

*d. Additional Software Licenses for Microsoft Products as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ASAP Software for a cost of \$105,726.51, including applicable sales tax.

*e. Three-year supply contract for Network Cabling Supplies as requested by the Information Services Division (ISD).

The Purchasing Division recommends awarding contracts to the following original low bidders meeting specification:

Anixter as primary supplier for Groups 2, 6, 8-10, and 16-17, and Communications Supply Corporation as primary supplier for Groups 11-15, and Global Systems Headquarters as primary supplier for Groups 3, 7, 21 and 22, and Graybar Electric as primary supplier for Groups 1, 4, 5, and 18-20. The combined total award is \$515,000.00, based on estimated annual requirements. Staff projects that 24% (\$123,600.00) of the total expenditures will be with Anixter, 10% (\$51,500.00) with Communications Supply Corporation, 12% (\$61,800.00) with Global Systems Headquarters, and 54% (\$278,100.00) with Graybar Electric.

In order to assure continuity of supply, the Purchasing Division also recommends awarding secondary supply contracts to Anixter for Groups 1, 11, 13, and 18-19, Communications Supply Corporation for Groups 2-4, 6, 9-10, and 21, Global Systems Headquarters for Groups 5 and 14, and Graybar Electric for Groups 7-8, and 15-17. The secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements.

- *f. Three-year supply contract for powdered activated carbon used by the CAP Water Treatment Plant, as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid meeting specification by Norit Americas, Inc. at \$111,650.00 based on estimated annual purchases

- *g. Supplies to construct 35 remote terminal units as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bids as follows:

Items 1-14, 25, 27-30, and 42 to Summit Electric Supply at \$160,825.03; Items 39-41 and 43 to Transcat at \$10,710.43; Items 35-38 to Piping Alloys at \$4,033.21; Item 24 to Fluid Conditioning at \$34,051.50; Items 15-17, 26, 31-34, and 44 to Border States Electric at \$4,040.24; and Items 18-23 to Talley Communications at \$8,171.50. The combined award is then \$221,831.91 including applicable sales/use tax.

- *h. One year supply contract for thermoplastic striping material for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends authorizing purchase from the ADOT contract with Susannah Dobbs Company, LC dba Dobco at \$38,101.07 including applicable sales tax.

- *i. Fire Station No. 202 Site Improvements, City of Mesa Project No. 02-214-001.

This project is going to make three minor changes to remedy small problems that became evident during the use of the new facility that needed to be modified. The items to be included by this project includes a gate to prevent cut-through traffic from Stapley and 8th Ave, 75 feet of landscape curbing to contain the decomposed granite and three

light fixtures along the north side of the building site to brighten a dark area along the driveway.

Recommend award to low bidder, RJC Contracting, Inc., in the amount of \$33,100.00 plus an additional \$3,310.00 (10% allowance for change orders) for a total award of \$36,410.00.

- *j. University Drive Right-of-Way Fence, Game and Fish Office to Sossaman Rd, City of Mesa Project No. 02-907-001.

This project will install approximately 2,500 feet of barbed wire fence and two gates to fence off a section of vacant BLM property adjacent to University Drive in order to reduce trespassing, property destruction, and dust generated by off-road vehicles.

Recommend award to low bidder, FST Consulting, in the amount of \$15,983.00 plus an additional \$1,598.30 (10% allowance for change orders) for a total award of \$17,581.30.

- k. City Well #10 Equipment and Piping, Electrical Upgrades at Desert Well #7, City of Mesa Project Nos. 02-41 and 02-30.

This project will install piping, pump, motor, chlorine facility, mechanical and electrical equipment to connect City Well #10 to the City's water system, as well as installing a new perimeter wall and landscaping. Additionally, the project will replace the electrical service and motor control center, upgrade the pump control and flow metering, and replace wiring and other electrical appurtenances at Desert Well No. 7 to improve operational efficiency and reliability.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$517,617.20 plus an additional \$51,761.71 (10% allowance for change orders) for a total award of \$569,378.81.

Mayor Hawker indicated that he had a potential conflict of interest in connection with this agenda item and therefore would refrain from participating in any discussion/action regarding this matter.

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

It was moved by Councilmember Whalen, seconded by Councilmember Griswold, that staff's recommendation be approved. MOTION CARRIED UNANIMOUSLY BY THOSE VOTING (6-0, with Mayor Hawker abstaining from the vote).

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

- *l. Country Life Subdivision Water Line Replacement and Pavement Reconstruction, City of Mesa Project No. 02-06, increase the contract amount.

The increase to the contract amount is needed to cover the additional costs that were incurred after it was discovered that the existing subgrade base to the roadway was

saturated with moisture and was unsuitable for reuse for the reconstruction of the roadway.

Recommend Council ratify the increase to the contract amount by \$17,751.23.

5. Introduction of the following ordinance and setting August 25, 2003 as the date of public hearing on these ordinances:

- *a. **A02-8** Annexation ordinance repealing Ordinance No. 4089 and extending and increasing the corporate limits of the City of Mesa, north of Main Street and west of Power Road. (2.58± acres). Initiated by the property owners. Council District No. 5.
- *b. **A03-7** Annexing the northwest corner of East Florian Avenue and South Ellsworth Road Council District No. 6.
- *c. **CZ03-003TC** The property at and adjacent to 231 S. Sirrine Street (.53 ac.). Rezone from TCR-2 to TCB-2. This case involves the expansion of two existing businesses. owner; KRAG Properties LLC. Council District No. 4.
- *d. **CZ03-005TC** The property at the northwest corner of Country Club and Main Street. Rezone from R-1-6 and TCR-1 to TCB-1. This case is associated with Redevelopment Project Site 24. owner; City of Mesa. Council District No. 4
- *e. **CZ03-006TC** The property 506 N. Center Street (.54 ac). Rezone from R-2 to C-2. This case involves the development of office and studio space. owner; William Barnhart. Council District No. 4.
- *f. Amending various sections of the Mesa City Code regarding the following traffic modifications:

No Parking: 10-3-24 (D) (Full Time No Parking)

On Holmes Avenue from Greenfield Road to a point 325 feet east of Greenfield Road.
On Longbow Parkway from Higley Road to Recker Road.

Speed Limits: 10-4-3 (45 mph), 10-4-4 (40mph), and 10-4-5 (35 mph)

Establishing a speed limit of 35 mph on Longbow Parkway from Higley Road to Recker Road. Increasing the speed limit from 40 mph to 45 mph on Thomas Road from Higley Road to Recker Road.

- *g. Amending Section 5-3-2 of the Mesa City Code pertaining to licenses required and repealing Section 5-3-8 of the Mesa City Code pertaining to privilege license reports and collection of taxes.

6. Consider the following resolutions:

- *a. Authorizing the City Manager to acquire a 10-acre land parcel located on the south side of Redberry Street between 81st and 82nd Streets for a proposed future development of a neighborhood park – Resolution No. 8076.

- *b. Approving the Assessment Diagram Map for the Baseline Rd Scalloped Street Assessment Project #98-41 – Resolution No. 8077.

This project installed street improvements along Baseline Rd from Horne to 24th Street. A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *c. Fixing September 8, 2003 as the Public Hearing for the proposed final assessments for the Baseline Rd Scalloped Street Assessment Project #98-41 – Resolution No. 8078.

This project installed street improvements along Baseline Rd from Horne to 24th Street. A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *d. Authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Northgate, and the City of Mesa for the reimbursement of regional offsite improvements that are being required by Mesa in conjunction with the proposed development of a Gateway Norte located at 4303 South Power Road – Resolution No. 8079.

- *e. Authorizing the City Manager to execute a Changed Condition Request to an existing Development Agreement for City Share Reimbursement between Evergreen-Santa Anna, Limited Partnership, and the City of Mesa for the reimbursement of regional offsite improvements that are being required by Mesa in conjunction with the proposed development of a Walgreen's located at 2024 West Main Street – Resolution No. 8080.

- *f. Extinguishing a Temporary Easement for Drainage on "Lot 5, Shops at Sossaman" in the 7700 block of East Guadalupe Road – Resolution No. 8081.

A permanent drainage solution has been approved marking this easement no longer required.

- *g. Extinguishing a portion of a Public Utility Easement at 1011 South Sinova Circle – Resolution No. 8082.

This portion of the easement is no longer required.

- *h. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Game and Fish Department for the purpose of continuing the Urban Fishing Program at Riverview and Red Mountain Parks – Resolution No. 8083.

- *i. Supporting the recommendation that City staff conduct a review of the 2003 International Building Codes (IBC) to identify and develop building code amendments that ensure safe buildings are constructed within the City of Mesa as recommended by the General Development Committee – Resolution No. 8084.

- j. Authorizing the City Manager to execute an Intergovernmental Agreement on behalf of the City of Mesa with Mesa Unified School District No. 4 for cooperative planning services – Resolution No. 8085.

Councilmember Walters indicated that she had a potential conflict of interest in connection with this agenda item and therefore would refrain from participating in any discussion/action regarding this matter.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, to authorize the City Manager to execute an Intergovernmental Agreement on behalf of the City of Mesa with Mesa Unified School District No. 4 for cooperative planning services. MOTION CARRIED UNANIMOUSLY BY THOSE VOTING (6-0, with Councilmember Walters abstaining from the vote).

7. Consider the following ordinance:

- *a. Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance of the Mesa City Code pertaining to electronic message display signs.

This item was **CONTINUED** because an error was discovered in the draft copy of the ordinance as presented. The ordinance will be reintroduced most likely at the August 25, 2003 Regular Council Meeting. Check agenda of that meeting to verify.

8. Consider the following recommendations from the Transportation Committee:

- *a. Continuing to replace existing fences and walls along the right-of-way with new barrier walls when the arterial street is physically moved closer to the residences, that staff continue to engage in a public outreach process prior to the installation of new barrier walls, and that the Transportation Advisory Board be used as a forum whereby residents can address issues subsequent to the completion of a new barrier wall.
- *b. Placing a resolution on a future Council meeting agenda in support of the Southeast Maricopa/Northern Pinal County Area Transportation Study and that ADOT initiate corridor studies for the Williams Gateway Freeway and the Apache Junction/Coolidge Corridor.

*9. Consider write-off of utility and miscellaneous accounts in the amount of \$330,861.00.

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

- *a. **Z03-17** (District 6) The southwest corner of Pueblo Avenue and Crismon Road (33 acres±). Rezone from R1-43 to R1-6-PAD. This case involves the development of a 184-lot single residential subdivision. D. R. Horton, owner; Sean Lake, applicant – Ordinance No. 4092.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0).

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 the Residential Development Guidelines including: on the arterial street, one-story product only; along the collector street, no more than 40% of the product to be two-story or provide thirty foot aggregate total landscaping within the right-of-way or tract.
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Traffic calming devices to be approved by City staff prior to or concurrent with approval of the plat by the Subdivision Technical Review Committee.
9. Product is limited to one-story along the western property line except where immediately adjacent to the existing City of Mesa well site.
10. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*b. **Z03-25** (District 4) 300 West Southern Avenue (4.46 acres±) Rezone from C-2 and C-3 to M-1. This case involves the development of a distribution warehouse facility for an existing Maytag appliance store. Russ Johnson, owner; William H. Hunse, Architectural Team Three, applicant – Ordinance No. 4093.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0).

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 coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
3. Submittal of a photometric study for review by the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all conditions of a Substantial Conformance Improvement Permit.
7. Upon submittal of construction documents to Building Safety, the applicant shall submit a revised site plan and landscape plan to the Planning Division identifying the fire access alternative approved by the Fire Marshall.
8. Documents verifying the parcel combination will be required to be submitted with the construction documents to the Building Safety Division.

- c. **Z03-26** (District 6) North and east of the northeast corner of Crismon Road and Southern Avenue (18.9 acres±) Site Plan Modification. This case involves the development of an apartment complex. Glenn Walling, Coyote Landing Limited Partnership, owner; Denise Burton, Broadbent and Associates, Inc., applicant.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0).

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 coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. 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.

Mayor Hawker explained the process that would be followed regarding this agenda item. He asked whether the applicant wished to speak and learned he was not present. The Mayor said that he would then call upon those citizens who have submitted speaker slips.

Carol Shepherd, 1122 S. Cerise, representing the Crismon Crossings Homeowners' Association, addressed the Council relative to this agenda item. Ms. Shepherd noted that there are 166 homes included in her association and noted the close proximity of two schools. She stated the opinion that the apartments will be too close to the school and will be disturbed by stadium lights and band music, which will make them difficult to rent. She also expressed concerns regarding ingress and egress and said that a similar situation exists with the Post Office on Southern Avenue. She expressed the opinion that allowing this project to go forward will compound the problem. She added the opinion that the property should be developed as commercial rather than residential.

Kenneth Mietzner, 9851 E. Fairview, noted that they are talking about subsidized housing that is already in progress. He stated the opinion that no need exists for additional subsidized housing in the area and said that many complexes are offering incentives to draw renters. He also discussed problems that exist at the Post Office location on Southern from a traffic perspective and said that the situation is already dangerous and should not be compounded. He advised that representatives of the company were unwilling to provide the residents with a clear-cut understanding of what was going to take place and said that some of their answers to questions were not 100% truthful. He requested that the request be denied.

Charles Stock, 10507 E. Diamond Avenue, a member of the Board of Directors of the Parkwood Ranch HOA, advised that there are 1400 homes in his Association. He said he is unhappy because the representatives from the development company were specifically asked whether the proposed housing would be subsidized and they were told it would not. He questioned

whether changes have been made to the plans and said they were told that the units would not be higher than two stories. He asked whether this is still the case and asked the Council not to vote in approval of the request.

Beverly Blackburn, 720 S. Sabrina, Vice President of the Parkwood Ranch HOA, noted that zoning is in place to allow the proposed project and added that at the Association's annual meeting, representatives of the developer came and presented a plan for a 256-unit apartment project. She said the members specifically asked about the low-income housing and were assured that it would not be low income. She added that since that time, the members have learned that the developer has filed an application and been approved for low-income tax credits. She discussed the number of apartment units in the vicinity and stated the opinion that development of the project will result in increased crime and a decrease in property rates. She urged the Council to deny this proposal and instead look for a project that will enhance the area and add to the overall value of the neighborhood.

In response to a request from the Mayor, Acting Planning Manager Dorothy Chimel provided a brief overview of this case.

Mayor Hawker asked if the applicant was aware of the fact that this item was not on the Consent Agenda and Ms. Chimel said he was advised of that as well as the fact that some residents had concerns.

Discussion ensued relative to traffic/driveway access and the fact that the City's Transportation Department has looked at the design and has not recommended any changes and the fact that this case could be concurrently run through the Design Review Board if the Council so wished.

Mayor Hawker indicated that he would like to proceed in that manner.

Councilmember Thom advised that she asked that the item be removed from the Consent Agenda because she had been contacted by residents. She said that some people are concerned about the design and others have concerns regarding traffic. She added that the project would result in a higher density level than what currently exists and asked whether the City was prepared to handle this from a traffic point of view.

Ms. Chimel noted that the Transportation Department reviews all of the plans that come before the Planning and Zoning Board and City Council. She reiterated that the Planning Department did not receive any negative input regarding the appropriateness of the proposal.

Councilmember Thom agreed that the case should be brought back for additional Council consideration after the Design Review Board has had the opportunity to review it and provide input on the matter.

In response to a question from the Mayor, Ms. Chimel stated that she does not know why the applicant wasn't in attendance and could only surmise that it was an oversight.

It was moved by Councilmember Thom, seconded by Councilmember Griswold, that this item be continued to the Council's September 8, 2002 Regular Council meeting to allow the Design Review Board an opportunity to review the case and provide their input.

Vice Mayor Kavanaugh asked whether the corner was zoned commercial and Ms. Chimel advised that it has an existing C-2 designation.

Vice Mayor Kavanaugh stated that he would support the motion.

Mayor Hawker asked Ms. Chimel to make sure that everyone who has shown an interest in this case is notified of what will transpire at this meeting. He asked that the citizens be kept informed of upcoming meeting dates, both Council and Design Review Board.

Carried unanimously.

- d. **Z03-28** (District 3) 310 North Dobson Road, Suites 1 and 2 (0.79 acres). Council Use Permit. This case involves the development of a body-piercing salon. Kenneth Louie, owner; Kelsey Yamashita, applicant. **THE APPLICANT HAS WITHDRAWN HIS REQUEST.**

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0).

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.).
4. Perimeter landscaping to be installed along the street frontages at a minimum of one (1) tree and three (3) bushes per every 25 linear feet.
5. Council Use Permit is for a body-piercing studio only.
6. The Council Use Permit granted hereby shall apply only to Units 1 and 2 at 310 North Dobson Road and a business entity in which Glen Bevell, Kelsey Yamashita or Shane Ocell individually or collectively own a majority/controlling interest. In accordance with Mesa City Code Section 11-18-8(R), the Council Use Permit granted herein may be suspended, revoked or modified, upon a finding at a public hearing, that any condition, stipulation or term of the approval of said Council Use Permit has been violated including a change in ownership in which Kelsey Yamashita, Glen Bevell or Shane Ocell collectively or individually do not own a majority/controlling interest.

Mayor Hawker noted that the applicant has requested that the application be withdrawn and no action is required by the Council on this matter.

11. Consider the following subdivision plats:

- *a. "CVS PHARMACY STORE NO. 5779", (Council District 2) 360 North Val Vista Drive (west side) 1 C-2 commercial lot (1.69 ac) University Val Vista CVS, L.L.C., owner; Carter Burgess, engineer.
- b. "LEGACY", (Council District 1) 3200 block of East McLellan Road (south side) 44 R1-35 PAD single residence lots (44.61 ac) JM Land Development, LLC, owner; Allen Consulting Engineers, Inc., engineer.

Councilmember Whalen indicated that he had a potential conflict of interest in connection with this agenda item and therefore would refrain from participating in any discussion/action regarding this matter.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that the recommendation of staff be approved. MOTION CARRIED UNANIMOUSLY BY THOSE VOTING (6-0), with Councilmember Whalen abstaining from the vote.

- *c. "THE VILLAGE AT LAS SENDAS", (Council District 5) 2800 block of North Power Road (east side) 2 C-2 BIZ DMP commercial lots (11.28 ac) Power & McDowell Associates, L.L.C., owner; DRW Engineering, Inc., engineer.

12. Items from citizens present.

Willie Willis addressed the Council relative to the need that exists for increased bus service in the City of Mesa. He also requested that the Council and City staff continue to pursue the reinstatement of bus service to Fiesta Mall.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:48 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 11th day of August 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

lgc