

COUNCIL MINUTES

July 10, 2000

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 July 10, 2000 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
Joe Padilla (Acting)
Cindy Barris (Acting)

The Invocation was given by John Cormack, The Salvation Army.

The Pledge of Allegiance was led by Zackary Smith of Boy Scout Troop 996.

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 May 18 and 25, 2000 and June 15, 22 and 26, 2000 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 General Plan Amendment.

- a. GP00-1 The southwest corner of Ellsworth Road and Guadalupe Road. Change from High Density Residential (15+ du/ac) to Medium High Density Residential (5 to 15 du/ac) 161± acres. James Nesbitt, owner; Sean Lake, applicant. **(See item no. 8f for information.)**

Mayor Hawker stated that this is the time and place to conduct a public hearing for the General Plan Amendment, GP00-1, the southwest corner of Ellsworth Road and Guadalupe Road.

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

4. Consider the following liquor license applications.

*a. DONALD STRAUCH, PRESIDENT

Special Event License application of Donald Strauch, President, Sister City Association of Mesa, a three-day charitable event to be held Friday, November 3, 2000, from 5:00 p.m. to 10:00 p.m., Saturday, November 4, 2000, from 10:00 a.m. to 10:00 p.m., and Sunday, November 5, 2000, from 10:00 a.m. to 7:00 p.m. at Center Street (between Main Street and University Drive).

*b. JERRY WECKSTEIN, AGENT

New Wholesale License for Frank-lin Beverage Group of Arizona, 2452 W. Birchwood Avenue, Suite 110. This is an existing building, no current liquor license at this location.

*c. KIMBERLY ANN BUTLER, AGENT

Person and location transfer Bar License for The Duchess, 3929 E. Main Street, Suite 2. This is an existing business. This transfer is from Karen S. Wood-Nackard, Agent, Bridle Path Steakhouse, 8525 N. Central Avenue, Phoenix.

5. Consider the following contracts.

*a. 32 Chairs for the new East District Offices located in the East Mesa Service Center as requested by Community Services.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Walsh Bros. at \$13,559.68 plus 7.5% sales tax of \$1,016.98 for a total of \$14,576.66.

*b. Election Printing as requested by the City Clerk's Office.

The Purchasing Division recommends accepting the low bid by Fidelity Press West for estimated purchases not to exceed \$10,500.00.

*c. Electronic baseball scoreboards to be installed at Fitch Park baseball fields on all four main fields as requested by the Parks, Recreation and Cultural Division.

The Purchasing Division recommends accepting the low bid by Nevco Scoreboard Company at \$36,544.00 (alternate bid) plus 5% use tax on materials of \$627.20 for a total of \$37,171.20.

*d. One new equipment trailer as requested by Development Services.

The Purchasing Division recommends accepting the low bid by Evaco Enterprises, Inc. at \$15,082.00 plus 5.0% use tax of \$754.10 for a total of \$15,836.10.

- *e. One-year renewal of the supply contract for tires for Materials & Supply Division Warehouse inventory as requested by Fleet Support Services.

The Purchasing Division recommends exercising the second and final one-year renewal option from the State of Arizona contracts with Goodyear Tire & Rubber Company and Continental General Tire for annual expenditures estimated at \$375,000.00 based on estimated requirements.

- *f. Two-year supply contract for traffic signal equipment and cabinet assemblies for Materials & Supply Division Warehouse inventory as requested by Development Services.

The Purchasing Division recommends accepting the low bids as follows:

Group A - Item 1 to U.S. Traffic Corporation at \$20,454.90 plus 5% use tax of \$1,022.75 for a total of \$21,477.65;

Group A - Item 2 to Econolite Control Products Inc. at \$25,500.00 plus 5% use tax of \$1,275.00 for a total of \$26,775.00; and

Group B - Item 1 to Phoenix Highway Products at \$74,500.00 plus 7.50% sales tax of \$5,587.50 for a total of \$80,087.50. The combined award is then \$128,340.15.

- *g. One replacement underground cable puller as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Commercial Body Corp. at \$42,138.00 plus 5% use tax of \$2,106.90 for a total of \$44,244.90.

- *h. 112 chairs to be used at the Police/Fire training facility as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Sitmatic at \$21,924.00 plus 5% use tax of \$1,096.20 for a total of \$23,020.20.

- *i. One new copier for the new Parks & Recreation East District Office as requested by the Community Services Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Advanced Imaging System at \$12,909.00 plus 7.4% sales tax of \$955.27 for a total of \$13,864.27.

- *j. Three crew trucks for the Utilities Department. Two vehicles are replacements and one is an addition to the fleet.

The Purchasing Division recommends accepting the low bid by I-10 International (base bid) at \$186,367.35 including sales tax and extended warranties. **(CONTINUED FROM THE JUNE 26, 2000 COUNCIL MEETING.)**

- k. Sossaman Road Sewer Line and McDowell Road Sewer and Gas Line. City of Mesa Project No. 00-67.

This project will install a new sewer line on Sossaman Road from Hermosa Vista Drive to McDowell Road and along McDowell Road from Sossaman Road to 80th Street.

Recommend award to low bidder, S.J.L. Construction, of Arizona, in the amount of \$526,327.80.

Mayor Hawker and Councilmember Jaffa indicated that they had potential conflicts of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting, and because of such conflicts of interest, they would refrain from voting upon or otherwise participating in any manner in connection with same.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

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

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.

6. Introduction of the following ordinances and setting July 24, 2000 as the date of public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing).

- *a. Deleted.
- *b. Deleted.
- *c. Deleted.
- *d. Deleted.
- *e. Deleted.

- *f. CZ00-002TC Rezoning of property for a BIZ overlay district on vacant parcels currently zoned TCB-1 and R-2 for a four-unit town house project located at 420 N. Drew Street.
- *g. Amending Title 9 of the Mesa City Code, by repealing Chapter 12, relating to the "Customer Responsibilities in the Mesa Public Library."

6.1. Introduction of the following ordinances and setting August 1, 2000 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- *a. Z00-47 The northeast corner of Baseline Road and Sossaman Road. Rezone from R1-6 to C-2 and Site Plan Review (3.5± acres). This case involves the development of an office/retail building and future redevelopment of an existing convenience store.
- *b. Z00-48 The 7300 block of East Southern Avenue – south side. Rezone from P.E.P. and M-1 with a DMP overlay to P.E.P. and M-1 with a PAD-DMP overlay and Site Plan Modification (6.4± acres). This case involves the development an office complex.
- *c. Z00-49 The southwest corner of Baseline Road and Meridian Road. Rezone from R1-6-DMP (conceptual R-2) to R-2-PAD-DMP (13.3 ± acres). This case involves the development of retirement condominiums.
- *d. Z00-50 The northwest corner of Recker Road and Baseline Road. Rezone from AG and M-1 to P.E.P. – PAD and Site Plan Modification (80± acres). This case involves the development of a post graduate medical school with future ancillary uses.
- e. Z00-51 The northeast corner of Ellsworth Road and Germann Road. Rezone from R1-43 to P.E.P. and M-1 (152± acres). This case involves the establishment of industrial zoning to be consistent with the General Plan.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

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.

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

- *a. Water and irrigation utility service - Resolution No. 7528 and Ordinance No. 3783.
- b. Wastewater utility service - Resolution No. 7537 and Ordinance No. 3796.
- c. Gas utility service - Resolution No. 7538 and Ordinance No. 3797.
- d. Solid Waste utility service - Resolution No. 7539 and Ordinance No. 3798.

Lillian Harwood, 29 West Southern Avenue, addressed the Council relative to this agenda item. Ms. Harwood expressed concerns with regard to the regulation of utility rates which are assessed to mobile home communities through a common meter and then passed on to the park residents via privately installed meters. Ms. Harwood stated that while the rate increases should be fair to the owners of the facilities, they should also avoid creating hardships for the residents.

Jim Whittington, 3330 East Main Street, # 509, concurred with the remarks of the previous speaker and urged the Council to reconsider the proposed rate increases.

Mayor Hawker thanked the speakers for their input.

In response to a question from Vice Mayor Davidson relative to enforcement of the Landlord/Tenant Act, Assistant City Attorney Joe Padilla clarified the provisions of both the Residential Landlord/Tenant Act and the Mobile Home Residential Landlord/Tenant Act. Mr. Padilla commented that with regard to the Mobile Home Residential Act, a landlord is allowed to assess a tenant the same fee that the City would charge a resident of a conventional home. Mr. Padilla added that there is an arbitration provision in the statutes that allows the residents of a mobile home park to file a complaint and present it to a state agency to determine the appropriateness of the charge. Mr. Padilla said that the City referred it back to the residents to allow them an opportunity to explore that avenue and added that a hearing officer in the arbitration procedure will make the final decision on the matter.

Councilmember Jaffa requested that staff provide additional information relative to impact fees.

It was moved by Vice Mayor Davidson, seconded by Councilmember Walters, that Resolution Nos. 7537, 7538, 7539 and Ordinance Nos. 3796, 3797, and 3798 be adopted.

Councilmember Walters expressed the opinion that there are currently defects in the law which permit mobile home park owners the ability to arbitrarily overcharge their residents for utility services. Councilmember Walters encouraged staff and Mesa's citizens to confer with members of the State legislature in an effort to resolve this matter, which seriously impacts countless mobile home park residents.

Councilmember Kavanaugh spoke in support of the agenda item and concurred with staff's recommendation. Councilmember Kavanaugh commented that many mobile home park owners are creatively interpreting the law in a manner which was not the intent of the State legislature when the law was initially written. Councilmember Kavanaugh added that although this is a legislative issue, the City could exercise leverage with the mobile home parks. Councilmember Kavanaugh recommended that the City ask all mobile home park owners who come before staff to define their policies relative to utility charges.

Councilmember Jaffa concurred with the comments of Councilmember Kavanaugh and expressed the opinion that it is unconscionable that many mobile home park owners charge their tenants exorbitant utility rates. Councilmember Jaffa also stressed the importance of the City maintaining its competitive edge with other Valley cities relative to the utility rates which are assessed to its citizens.

Vice Mayor Davidson stated that although the 3% rate increase ensures safe, abundant and reliable delivery of vital utility services, it does not include an increase in the electric utility rate. Vice Mayor Davidson also commended staff for their efforts to implement a modest rate increase.

Mayor Hawker spoke in support of an annual increase in utility rates, which would coincide with the cost of living increase. Mayor Hawker stated he is in agreement with the opinions of Councilmember Kavanaugh and supports full disclosure by the mobile home park owners to potential residents relative to anticipated utility rates.

Carried unanimously.

8. Consider the following resolutions.

- *a. Authorizing the City Manager to enter into an Intergovernmental Agreement for \$23,870.00 with the Mesa Unified School District to support a portion of the staffing costs for training and employment services for youth participating in the Mesa Youth Placement Service - Resolution No. 7529.
- *b. Authorizing the City Manager to enter into two Intergovernmental Agreements with the Arizona Department of Commerce to provide weatherization services to low-income households in the Mesa service area through the Mesa Community Action Network (Mesa CAN) - Resolution Nos. 7530 and 7531.
- *c. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Superior Court of Arizona to provide jurors for the Mesa Municipal Court. The total cost is approximately \$30,000.00 - Resolution No. 7532.
- *d. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for landscaping the rights-of-way adjacent to the Red Mountain Freeway and the SR 101L Traffic Interchange - Resolution No. 7533.
- *e. Acquiring the title to certain real property necessary for improving McLellan Road, east of Val Vista Drive, Project No. 99-111, through the power of eminent domain - Resolution No. 7534.
- f. GP00-1 The southwest corner of Ellsworth Road and Guadalupe Road. Change from High Density Residential (15+ du/ac) to Medium High Density Residential (5 to 15 du/ac) 161± acres. James Nesbitt, owner; Sean Lake, applicant - Resolution No. 7540.

It was moved by Councilmember Jaffa, seconded by Councilmember Whalen, that Resolution No. 7540 be adopted.

Carried unanimously.

- g. Vacating a portion of an alley in the 2000 block of East Alder Circle - Resolution No. 7541.

The neighborhood is requesting that this portion of the alley be closed.

Vice Mayor Davidson indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that Resolution No. 7541 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. 7541 adopted.

- *h. Authorizing the City Manager to enter into an agreement with the State of Arizona Attorney General's Office to obtain funds to provide 95% of the salaries and benefits for two victim notification clerks with the Victims' Rights Program - Resolution No. 7535.
- *i. Approving and authorizing the City Manager to execute the fifth Intergovernmental Agreement among the cities of Chandler, Glendale, Goodyear, Mesa, Peoria and Scottsdale for joint legal representation in settlement efforts relating to Central Arizona Water Conservation District v. United States of America, et al. ("CAP Litigation") - Resolution No. 7536.
- j. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Town Center Corporation for assessment participation and public space management services - Resolution No. 7542.

Mayor Hawker and Councilmembers Pomeroy and Jaffa indicated that they had potential conflicts of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting, and because of such conflicts of interest, they would refrain from voting upon or otherwise participating in any manner in connection with same.

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

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that Resolution No. 7542 be adopted.

Upon tabulation of votes, it showed:

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

Vice Mayor Davidson declared the motion carried unanimously by those voting and Resolution No. 7542 adopted.

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

9. Consider the following ordinances.

- *a. Amending Section 10-3-15 of the Mesa City Code regulating left turns from driveways within the City limits of Mesa; amending Section 10-3-17 of the Mesa City Code designating certain streets as through streets; amending Section 10-3-24 of the Mesa City Code regulating parking on certain streets within the city limits of Mesa; amending sections 10-4-3 and 10-4-11 of the Mesa City Code pertaining to speed limits within the city limits of Mesa; and providing civil sanctions for the violation thereof - Ordinance No. 3784.
- b. Amending Sections 11-13-2 and 11-18-9 specifying mandatory review of churches by the Design Review Board. **(CONTINUED FROM THE JUNE 5, 2000 COUNCIL MEETING.)**

Councilmember Kavanaugh provided a brief synopsis of this agenda item and noted that this proposal was initiated by a member of the Citizen Design Review Board who questioned why churches in Mesa were not required to meet specific design review guidelines. Councilmember Kavanaugh related that staff conducted research and determined Mesa was unique among other Valley communities in that it did not subject churches to the Design Review Board process.

Councilmember Kavanaugh expressed the opinion that he does not believe that the mandatory review of churches by the Design Review Board would have a significant effect on new churches in the community and stressed that the design review process would afford a public forum for residents to provide staff with valuable input. Councilmember Kavanaugh added that the design review process has resulted in many improvements in terms of the design structure and landscaping.

Councilmember Kavanaugh stated that in the event the proposed ordinance is not approved, the Council should continue to explore the issue of soliciting public participation in design review processes for churches.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that the amendment to Sections 11-3-2 and 11-18-9 specifying mandatory review of churches by the Design Review Board be approved.

Councilmember Jaffa concurred with the opinions expressed by Councilmember Kavanaugh. Councilmember Jaffa also spoke regarding the proliferation of "mega churches" that are being constructed in Mesa and supported directing staff to obtain more public input relative to protecting neighborhoods where such structures would be incompatible with the surrounding area.

Raymond Gurnee, 1159 North Miramar, addressed the Council relative to this agenda item. Mr. Gurnee commented that the public should be given the opportunity to provide input with regard to the design of neighborhood churches. Mr. Gurnee also encouraged the Council to allow the Design Review Board the opportunity to review all proposed structures.

Mayor Hawker thanked Mr. Gurnee for his presentation.

Councilmember Pomeroy stated that he is supportive of the recommendation for denial and will vote in opposition to the motion.

Councilmember Walters commented that it is the desire of the City to encourage individuals of all faiths to worship in our community and also to be good neighbors. Councilmember Walters added that while she will not support the motion, she would endorse an open dialogue between church leaders and citizens in an effort to derive mutual solutions to these problems.

Vice Mayor Davidson concurred with the opinions of Councilmember Walters.

In response to a question from Councilmember Whalen, Mr. Padilla clarified that municipalities have the legal authority to require churches to appear before a Design Review Board. Mr. Padilla noted that the City is permitted to regulate the design of churches just like any other building with regard to the bulk, height of the structure, open space, parking, drainage, greenbelt, buffer zones, aesthetics and off-street parking, but emphasized that the City cannot restrict the location of churches.

Councilmember Whalen concurred with the compromise solution offered by Councilmember Walters and stressed the necessity of citizen participation in all neighborhood-zoning issues.

Councilmember Jaffa spoke in opposition to the ordinance and requested that staff provide the Council with recommendations relative to the review of bulk and height regulations of "mega churches."

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion failed by majority vote.

- *c. A00-5 Annexing the southeast corner of University Drive and Sossaman Road - Ordinance No. 3785.
- d. A00-3 Annexing the areas west of Meridian Road to the Mountain Road Alignment and North of Adobe Road to Brown Road - Ordinance No. 3799. **(CONTINUED FROM THE JUNE 26, 2000 COUNCIL MEETING.)**

David Johnson, 160 North Pasadena, an attorney representing the applicant, addressed the Council relative to this agenda item. Mr. Johnson stated that based on the fact that comparable zoning cases have been previously approved by the Council, he is requesting that the Council approve annexation of this project and proposed zoning as recommended by staff.

Carol Owens, P.O. Box 1017, Apache Junction, expressed concerns relative to the preservation of the wildlife and the native vegetation located at this site.

Mayor Hawker thanked the speakers for their presentations.

In response to a question from Councilmember Jaffa, Mr. Johnson assured the Council that the developer would: 1.) protect the existing washes; 2) clean up the garbage in the area, and 3.) work in concert with the neighbors in an effort to protect the wild life and the foliage.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that Ordinance No. 3799 be adopted.

Mayor Hawker expressed the opinion that the comparable zoning is well blended from the south and said that he appreciates the five-acre parcels that the applicant has assembled. Mayor Hawker also expressed appreciation to the applicant for proceeding with the annexation.

Councilmember Walters stated that she would support this agenda item and also acknowledged the developer's efforts to preserve the Desert Uplands.

Councilmember Kavanaugh concurred with the opinions of Councilmember Walters. Councilmember Kavanaugh also thanked the applicant for his commitment to the environment and adhering to the Native Plant Protection Ordinance.

Carried unanimously.

10. Discuss and consider the following recommendations from the Finance Committee.

- a. Recommend staff's proposal that would increase cemetery fees to approximately 10% below the Valley's market average. Alternatively, consider a proposal to increase cemetery fees to approximately 5% below the Valley's market average. Alternatively, consider other proposals to adjust cemetery fees. **(CONTINUED FROM THE JUNE 26, 2000 COUNCIL MEETING.)**

Councilmember Jaffa, who serves as Chairman of the Finance Committee, presented a brief overview of the above-agenda item. Councilmember Jaffa noted that after much discussion, it was the recommendation of the Finance Committee that the City Council approve the proposal to increase cemetery fees to approximately 10% below the Valley's market average.

It was moved by Councilmember Jaffa, seconded by Councilmember Walters, that the recommendations of the Finance Committee be approved.

Councilmember Walters stated that despite the proposed fee increase, the City will continue to subsidize the cemetery and commented on the fact that the increase will benefit those individuals who purchase lots at the cemetery. Councilmember Walters also spoke of potential expansion of lot sites if the lease on the surrounding radio tower is not renewed.

Councilmember Pomeroy noted that although an increase in fees is justified to enable the cemetery to be self-sustaining, in his opinion the increase should be accomplished in a two-step process and for that reason he will not support the recommendation of the Finance Committee.

Vice Mayor Davidson stated he will not support the motion, but indicated that the 5% below the Valley's market average is a more appropriate alternative than the options that were previously discussed. Vice Mayor Davidson added that the cemetery is a point of pride for the City, and said that the sooner the cemetery is self sustaining, the better the benefits to the City of Mesa.

Councilmembers Whalen and Kavanaugh both spoke in support of the motion.

Mayor Hawker stated that he is in not in support of the proposed 10% increase, but noted that the 5% increase was a more appropriate alternative in an effort to fund a self-sustaining cemetery.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

*11. Authorizing the City Manager to enter into a contract with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.

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

*a. Z00-20 1104 South Extension. Rezone from C-2 to C-2-BIZ and Site Plan Modification (1.5 acres). This case involves the development of a three-story storage building. CA-YES LLC, owner; Herman Menze, applicant - Ordinance No. 3786.

Staff Recommendation: Approval with conditions.

1. Compliance with the basic development as described in the project narrative and as shown on the site plan with no guarantee of building size, and elevations submitted, 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).
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. Slopes at retention basins to be 6:1 maximum.
6. Compliance with all requirements of the Design Review Board, with specific attention to retention/landscape design and building design.

*b. Z00-22 The 8000-9100 blocks of East McKellips (both sides – between Hermosa Vista Drive and McLellan Roads). Rezone from R1-35-DMP (conceptual residential, office and commercial) to R1-35 (760± acres). This case involves the modification to conceptual approval of residential densities and land uses. State of Arizona, owner; represented by: Arizona State Land Department; City of Mesa, applicant. **(CONTINUED FROM THE MAY 1, 2000 CITY COUNCIL MEETING. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE SEPTEMBER 11, 2000 COUNCIL MEETING.)**

P&Z Recommendation: Approval with conditions (vote: 6-0-1, Boardmember Parker left the meeting prior to this case being heard).

1. Review and approval by the Planning and Zoning Board and City Council of all future development plans.
 2. Compliance with all City development codes and regulations.
- c. Z00-27 5520 East Baseline Road. Rezone from M-1 to AG (2.5± acres). This case involves consideration of a time limit condition and reversion of the current zoning designation. RockMart Landscaping Materials, owner; Kemp Morris, applicant - Ordinance No. 3800. **(CONTINUED FROM THE JUNE 5, 2000 COUNCIL MEETING.)**

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

1. Compliance with all AG district zoning regulations.
2. Future review and approval of any development proposal by the Planning and Zoning Board and the City Council.
3. Removal of existing business and operations at effective date of the Ordinance.

Stephen C. Rich, 3110 South Rural Road, #102, Tempe, an attorney representing the applicant, provided a brief overview of this agenda item. Mr. Rich stated that when the applicant initially entered into a lease agreement with the City, a five-year lease with a five-year renewal option was agreed upon. Mr. Rich noted that in recent years the business has grown, a wholesale lot was opened in Chandler, the subject property has been converted to a retail location and extensive, costly improvements have been made. Mr. Rich added that although staff has indicated that they would not support the continuation of the lease due to proposed residential zoning in the area, he has requested that the business be allowed to remain in operation for an additional three years subject to certain conditions, including retail authority, limited delivery hours, and adherence to EPA requirements.

Dan Reeb, 122 North Macdonald, a representative of Langley Properties, spoke in support of the reversion of the current zoning designation. Mr. Reeb commented that the applicant has failed to perform certain prerequisites which were required in conjunction with the special use permit.

Mayor Hawker expressed appreciation to the speakers for their input.

In response to a question from Mayor Hawker relative to the applicant's performance, Planning Director Frank Mizner advised that the applicant has not met the initial Conditions of Approval and noted commercial and residential development is imminent in the area. Mr. Mizner added that it is the opinion of staff and the Planning and Zoning Board that the applicant is no longer a compatible neighbor for that area and should be held to their original five-year time limit.

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

In response to a question from Councilmember Kavanaugh relative to alternative options available to the Council to resolve this matter, Mr. Mizner stated that despite the applicant's best efforts, the City is left with a visually intrusive business.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

- d. Z00-28 2460 East Main. Rezone from C-2 & C-3 to R-4 (2± acres). This case involves the expansion of an existing mobile home park. Melvin Meister, owner; Greg Allen, applicant - Ordinance No. 3801.

P&Z Recommendation: Approval with conditions (vote 5-1. Whalen voting nay).

1. Compliance with the basic development as shown on the site plan submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering and Traffic Engineering, etc.).
4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Space No. 17 be deleted (reducing the total number of spaces to 19) with the area being incorporated into the adjacent landscape/retention.

Mike Befano, 2460 East Main Street, managing owner of the subject property, addressed the Council relative to this agenda item. Mr. Befano stated that the proposed upgrades include the addition of 19 mobile home spaces, a new section of wall along Main Street and the installation of a new park entrance with electronic gates. Mr. Befano assured the Council there would be no external expansion to the boundaries of the mobile home community.

Jim Whittington readdressed the Council and expressed his support for the above-listed mobile home park improvements.

Mayor Hawker thanked the speakers for their input.

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

Councilmember Walters spoke in support of the motion. Councilmember Walters noted that she would like to see a greater diversity of housing stock in Mesa and would not be supportive of expanding the number of mobile home communities; however, upgrading existing parks is an asset to the community.

Councilmember Jaffa concurred with the opinions of Councilmember Walters. Councilmember Jaffa also commented on the fact that Mesa has more mobile home parks than other Valley cities and expressed the opinion that perhaps other cities do not permit the same degree of diversity in housing stock that Mesa allows.

Carried unanimously.

- *e. Z00-30 The northeast corner of Power and Warner Roads. Rezone from M-1-PAD-AF to C-2- PAD-AF and a Council Use Permit (52± acres). This case involves development of commercial and industrial uses. North Gate LLC, owner; Trudy Licano, applicant - Ordinance No. 3787.

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

1. Compliance with the basic development concept as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of all uses in the project with the exception of the area previously approved by Maricopa County under zoning case Z98-95.
3. Compliance with all requirements of the Development Services Department (Engineering and Traffic Engineering, 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. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
7. Compliance with all requirements of the Design Review Board for the phase of development previously approved by the County.
8. Compliance with the Phase I: Paving, Landscaping, Retention Exhibit (dated April 14, 2000) provided by the applicant. This will involve both on-site and off-site improvements that must be installed with the first phase of construction of any portion of the project.

- *f. Z00-32 The northwest corner of Baseline Road and 48th Street. Rezone from AG and C-2 to PEP-PAD (10 ± acres). This case involves development of an office warehouse. Lance Richards, owner; Sherman Cowley, applicant - Ordinance No. 3788.

P&Z Recommendation: Approval with conditions (vote 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, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering and Traffic Engineering, 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. Compliance with all requirements of the Design Review Board with specific attention to:
 - employee seating/open space areas;
 - on-site retention;
 - building coverage as related to necessary vehicular maneuvering (Fire, Solid Waste, etc.)

7. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.

*g. Z00-38 3860 East Main Street. Rezone from C-2 to C-3 (1± acres). This case involves the development of a plant nursery. Robert & Nancy Arnold, owner; Fergus P. Warner, applicant - Ordinance No. 3789.

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

1. Compliance with the basic development as shown on the site plan, and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering and Traffic Engineering, 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.
6. Required landscaping as per Code must be permanently installed.
7. Outdoor display area cannot encroach into the required retention areas.

*h. Z00-39 The southwest corner of Meridian Road and Mesquite Road (1/2 mile north of Warner). Rezone from R1-43 to R1-7 (78.4± acres). This case involves the development of a single residence subdivision. Steffey Family Limited Partnership & Goettl Family Limited Partnership, owner; Metropolitan Land Co., applicant - Ordinance No. 3790.

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

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted, except as noted below.
2. Compliance with the Residential Development Guidelines including administrative approval of the product and theme wall.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering and Traffic Engineering, 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 Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents, and acknowledgment received that the project is within three (3) miles of Williams Gateway Airport.
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
10. Written notice be provided to future residents and acknowledgment received that the project is within ½ mile of General Motors Proving Grounds.

- *i. Z00-40 3033 East McKellips Road. Site Plan Modification (3.63 acres). This case involves development of a Sonic Restaurant. Bobby Merritt, owner; Stephanie Rowe, applicant - Ordinance No. 3791.

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

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. 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 Design Review Board with specific attention to the commercial center's site layout, coordinated plant palette and architectural design compatibility with the adjoining center.
6. Slopes at retention basins to be 6:1 maximum.
7. All street improvements and street perimeter landscaping to be installed in the first phase of construction.
8. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map if required, and prior to the issuance of a building permit).
9. Future Site Plan Review of the retail building.
10. Alignment of curbcuts with the private drives along the north side of McKellips Road.

- *j. Z00-42 The southeast corner of Baseline and Roslyn. Site Plan Modification (3.72 acres). This case involves development of a tire store and brake shop. Joseph Cattaneo, owner/applicant. **(THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.)**

P&Z Recommendation: Denial (vote 5-1; Zaharis voting nay).

- *k. Z00-43 The 800 block of East McKellips Road (north side). Rezone from R1-43 (conceptual C-2) to OS-PAD (1.72 acres). This case involves development of three office buildings. Doyle Hatfield, owner; Jeffrey O'Brien, applicant - Ordinance No. 3792.

P&Z Recommendation: Approval with conditions (vote 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, 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.) including recordation of necessary drainage easements.
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.

7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
8. Retention design to include volume within the existing basin, unless otherwise approved by Development Engineering.
9. All street improvements, driveways, and perimeter landscaping to be installed in the first phase of construction.

- *l. Z00-44 736 North Center Street. Rezone from R-3-PAD to R-4 (1± acres). This case involves the development of a Masonic Lodge. Masonic Lodge, owner; represented by: Tom Nesbitt or Harold Hall; Associated Architects, Inc. Johns & Johns, applicant, represented by: Brian Johns - Ordinance No. 3793.

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

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. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering and Traffic Engineering, etc.).
4. Compliance with all requirements of the Design Review Staff.

- *m. Z00-45 The southeast corner of Power Road and Warner Road. Rezone from County ADII and ADIII to AG-AF and M-1-AF (84± acres). This case involves the establishment of City zoning for recently annexed properties. Various owners; City of Mesa, applicant - Ordinance No. 3794.

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

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Design Review Board for DR00-41.
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

- *n. Z00-46 The northwest corner of Elliot Road and Meridian Road. Modification of an approved DMP (160± acres). This case involves variation to standard residential setbacks. Continental Homes, Inc., owner, represented by: David Maguire; Arizona Land Design, applicant, represented by: Christine Taratsas - Ordinance No. 3795.

P&Z Recommendation: Approval with conditions (vote 5-1; Brock voting nay).

1. Compliance with the basic development as described in the project narrative and as shown on the recorded plat as well as the Z98-12 conditions, except as noted below.
2. A front setback of 15' to a side entry garage and staggered front setbacks of 18' - 22' to any other portion of the home with no more than 20% of the homes allowed at 15' and no more 50% of the homes at 18'.
3. Compliance with the Residential Development Guidelines.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department.

6. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 dB.
7. Compliance with the lot coverage limitation per the Zoning Code.
8. Compliance with all requirements to modify the recorded plat for Meridian Point Units 1, 2, 3 and 4.

13. Consider the following subdivision plat:

- *a. "STRATFORD ESTATES" The 11100 - 11600 blocks of East Warner Road (north side) 190 R1-7 single residence lots (79.75 ac.) Providence Development, Inc., owner; Infinity Engineering Services, Ltd., engineer.

14. Items from citizens present.

Mayor Hawker stated that there were no items from citizens present.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:30 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 10th day of July 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK