

COUNCIL MINUTES

June 2, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 2, 2003 at 5:50 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 Gerald Gettis, Calvary Free Lutheran Church.

Pledge of Allegiance was led by Councilmember Claudia Walters.

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.

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 Thom, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the May 19 and May 22, 2003 City Council Meetings.

3. Conduct a public hearing on the proposed Fiscal Year 2003-04 Budget Plan.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Fiscal Year 2003-04 Budget Plan.

In response to a request from Mayor Hawker, Budget Director Jamie Warner provided a brief overview of the proposed Fiscal Year 2003-04 budget for the benefit of the viewing audience and citizens present in the audience.

Bob Hisserich, 1834 South Los Alamos, a spokesperson for a group of citizens (Paula Hisserich, Don Baker and Kirk Adams), addressed the Council relative to this agenda item. He explained that he served on a committee, formed by various Legislative district leaders, whose objective was to propose a series of recommendations to achieve a balanced budget for the City of Mesa. Mr. Hisserich briefly outlined the committee's recommendations including the sale of one-third of Mesa's real estate holdings; the sale of the City's electric utilities; the elimination of the Redevelopment Office and the Office of Economic Development, and the suspension of stability pay.

The following speakers voiced a series of concerns regarding the potential loss of various City services as a result of the FY 2003/04 Budget Plan:

Manny Cortez	2837 East Emelita
Sheila Mitton	1615 West Pueblo
Mary Hartle-Smith	220 North 22 nd Place
Mike Smith	220 North 22 nd Place
Charles Powell	3027 North Gilbert Road

Mayor Hawker advised that he received speaker cards from the following citizens who expressed opposition to the FY 2003-04 Budget Plan, but did not wish to address the Council:

Steve Mitton	1615 West Pueblo
Connie Ryan	56 North Extension Road

Mr. Warner responded to a series of concerns expressed by the speakers.

Councilmember Thom thanked everyone for attending tonight's meeting and stated that she hoped the Council would consider some of the suggestions offered by the speakers. She also noted that in her opinion, staff has not made a concerted effort to reduce spending relative to the proposed Budget Plan and added that raising utility rates annually indicates poor planning on the part of the City.

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

4. Consider tentative adoption of the proposed Fiscal Year 2003-04 Budget Plan.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the tentative adoption of the proposed Fiscal Year 2003-04 Budget Plan be approved.

Vice Mayor Kavanaugh commented that City staff and the Council have worked diligently over the past 18 months to achieve a balanced budget as a result of service level reductions throughout the organization, a selective hiring freeze of 229 full-time positions, and the imposition of new fees and charges for various City services. He assured Mesa residents, however, that sufficient funding has been secured for essential Police and Fire services.

Councilmember Walters thanked the speakers for their input and recommendations relative to the Budget Plan. She noted that with regard to the sale of City land, it is essential that staff continue to identify which parcels would be appropriate to sell and which should be retained. Councilmember Walters added that this Council did not enact stability pay and to terminate the program at this time could potentially result in lawsuits against the City.

Mayor Hawker concurred with the comments of Councilmember Walters relative to the stability pay program. He stressed that Police, Fire and the court system continue to be the top priorities for the Council. Mayor Hawker also commended the Financial Services Division for their efforts and hard work to refinance the City's long-term bond debt.

Councilmembers Griswold, Jones and Whalen expressed support for the motion and concurred with the comments of the other Councilmembers.

Councilmember Thom voiced opposition to the motion and noted that it is the mission of the Council to provide Mesa residents with a variety of services, i.e., water, sewer, streets and libraries. She stressed that street improvements must be a major priority for the City, and added that the proposed utility rate increases do not take into consideration low income and fixed income citizens who cannot afford to pay the higher rates.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote.

5. Consider the following liquor license applications:

*a. JANICE MARTIN, AGENT

Person & Location transfer Liquor Store License for Safeway Food & Drug #2676, 9101 East Baseline Road. This is a new business currently under construction. This transfer is from Randy Allen Guse, Agent, Walgreen Arizona Drug Co., 34402 North Scottsdale Road, Scottsdale. This license will transfer to the applicant.

*b. JANICE MARTIN, AGENT

Person & Location transfer Liquor Store License for Safeway Food & Drug #2644, 1855 North Power Road. This is a new business currently under construction. This transfer is from George K. Sim, Food Star Market, 10943 West Buckeye, Avondale. This license will transfer to the applicant.

*c. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6361, 2760 East Baseline Road. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*d. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6346, 1810 South Country Club Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*e. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6461, 2808 South Dobson Road. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*f. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6287, 4425 East Main Street. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*g. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6356, 1203 East Southern Avenue. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*h. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6357, 1850 South Stapley Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*i. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6459, 1557 South Val Vista Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*j. RUSSELL OWENS, AGENT

New Restaurant License for Pei Wei Asian Diner, 3426 East Baseline Rd., #121. This is a vacant lot. No previous liquor licenses at this location.

6. Consider the following contracts:

*a. Airport and aircraft liability insurance as requested by the City Attorney's Office.

The Purchasing Division recommends accepting the proposal by Arthur J. Gallagher for aircraft hull and aircraft liability insurance at an initial annual premium of \$172,124 and airport liability insurance at an initial annual premium of \$35,852. The total award is then \$207,976.

In addition, the Purchasing Division recommends appointing Arthur J. Gallagher as the broker to market the City's aircraft and airport liability insurance for the 2004 and 2005 renewal periods.

*b. Replacement network hardware for City buildings, as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ames Business and Learning Environments, Inc. for purchases totaling \$139,411.27.

*c. Computer Aided Dispatch (CAD) I/Dispatcher Software License for Police Municipal Security, as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from Intergraph Public Safety (IPS) for the software totaling \$15,840.00. **(Sole Source)**

*d. Digital camera equipment as requested by the Police Department.

The Purchasing Division recommends accepting the low overall bid by B & H Photo Video Pro-Audio at \$100,968.54 including applicable use tax.

*e. Noritsu digital printer and film processor as requested by the Police Department.

The Purchasing Division recommends accepting the bid by Noritsu America Corporation at \$199,558.66. **(Sole Source)**

*f. Self-contained breathing equipment as requested by the Fire Department for police personnel assigned to the Weapons of Mass Destruction First Responder's Team.

The Purchasing Division recommends authorizing an additional purchase option from RFB #2002191 with the low bids meeting specification as follows:

Group 1, Items 1-1 and 1-3, to First In, Inc. at \$17,381.53;

Group 3, Items 3-1 and 3-4, to Universal Police Supply Company at \$54,739.68.

The combined award is then \$72,121.21. (The Fire Department received a \$350,000 grant from the Department of Justice to cover the cost of similar supplies previously purchased, as well as these supplies.)

- *g. Six replacement truck scales as requested by the Police Department for use by the Commercial Vehicle Inspection Unit.

The Purchasing Division recommends accepting the bid by Loadometer Corporation at \$21,859.20 including applicable use tax. (This purchase is 100% grant funded by the Arizona Department of Public Safety.) **(Sole Source)**.

- *h. Five-year tax-exempt lease for 800 MHz subscriber equipment to be purchased during FY 2003-04, as requested by Communications. The equipment includes portable and mobile radios, control stations and related items.

The Purchasing Division recommends authorizing purchases from the City of Phoenix contracts with Motorola, EF Johnson and Kenwood. Currently, staff is requesting approval to establish a five-year tax-exempt lease not to exceed \$6,535,000 to pay for the equipment needed in FY 2003-04.

- *i. Re-Roof Various City Buildings. City of Mesa Project No. 02-902-001.

This project proposes to remove and replace the modified bitumen roofing on seven different buildings, including the Riverview Golf Course Clubhouse and Maintenance Building, Centennial Hall North Wing, Centennial Garage, Fire Station 215, the East Mesa Service Center Utilities Building, and Buildings 1 and 2 at the South Center Complex.

Recommend award to low bidder, Contract West Roofing, Inc., in the amount of \$703,600.00 plus an additional \$70,360.00 (10% allowance for change orders) for a total award of \$773,960.00.

- *j. Rehabilitation of Baseline Road Sewer Metering Station. City of Mesa Project No. 01-688-001.

This project proposes to rehabilitate the Baseline Road Station at Price that has deteriorated to below acceptable condition. Work includes replacing grating, repairing damaged concrete walls and slabs, and applying corrosion resistant surface coatings.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$32,300.00 plus an additional \$3,230.00 (10% allowance for change orders) for a total award of \$35,530.00.

- k. **THIS ITEM WAS DELETED FROM THE CONSENT AGENDA.**

7. Introduction of the following ordinances and setting June 30, 2003 as the date of public hearing on these ordinances:

a. Modifying rate schedules for the following utility services:

1. Electric
2. Natural Gas
3. Wastewater
4. Water

Mayor Hawker advised that this item was removed from the consent agenda at the request of Councilmember Thom.

Councilmember Thom expressed opposition to the proposed rate increases for City of Mesa utility services. She also encouraged Mesa residents to contact the Councilmembers and staff with any concerns they may have regarding this issue.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, that agenda item 7a, as read into the record by Mayor Hawker, be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen

NAYS - Thom

Mayor Hawker declared the motion carried by majority vote.

b. Modifying rate schedules for Solid Waste Utility Service.

Mayor Hawker advised that this item was removed from the consent agenda at the request of Councilmember Thom.

Councilmember Thom stated that she was unaware of the fact she had requested this item be removed from the consent agenda.

It was moved by Councilmember Thom, seconded by Vice Mayor Kavanaugh, that item 7b, as read into the record by Mayor Hawker, be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen

NAYS - Thom

Mayor Hawker declared the motion carried by majority vote.

*c. Authorizing a fee increase for Abandonment Fees charged for extinguishing public easements, and Vacating Public Rights-of-Way.

- d. Amending Section 1-27-2 of the Zoning Ordinance of the Mesa City Code regarding civil code violations; amending Sections 8-2-9, 8-2-14, 8-6-3, 8-6-7, 8-6-8, and 8-6-9 regarding responsible parties, proper service, and sanctions; amending Sections 11-1-5 and 11-19-4 regarding enforcement and sanctions.

Mayor Hawker advised that this item was removed from the consent agenda at the request of Councilmember Thom.

Councilmember Thom expressed the opinion that some of the language contained in the proposed Zoning Ordinance regarding the length of time within which an individual would be allowed to respond to a civil code citation was ambiguous.

Code Compliance Director Bill Petrie addressed the Council and provided a brief overview of this item.

(Mayor Hawker excused Councilmember Walters from the Council Chambers.)

It was moved by Councilmember Whalen, seconded by Vice Mayor Kavanaugh, that agenda item 7d, as read into the record by Mayor Hawker, be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Thom-Whalen
NAYS - None
ABSENT - Walters

Mayor Hawker declared the motion carried unanimously by those present.

(Councilmember Walters returned to the Council Chambers.)

- e. Amending Sections 11-1-6 and 11-13-2 of the Zoning Ordinance of the Mesa City Code pertaining to the regulation of portable storage containers.

Mayor Hawker advised that this item was removed from the consent agenda at the request of Councilmember Thom.

Councilmember Thom again encouraged Mesa residents to contact the Council or staff relative to any concerns they may have regarding this issue.

It was moved by Councilmember Jones, seconded by Vice Mayor Kavanaugh, that agenda item 7e, as read into the record by Mayor Hawker, be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote.

- *f. Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance of the Mesa City Code pertaining to freeway landmark monument signs.
- *g. Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance of the Mesa City Code pertaining to electronic message display signs.
- *h. Amending Section 11-15-4 of the Zoning Ordinance of the Mesa City Code pertaining to screening requirements for outdoor vehicle display.
- *i. Amending Sections 11-18-6, 11-18-8, and 11-18-10 of the Zoning Ordinance of the Mesa City Code pertaining to fees for planning services; amending Sections 9-6-2 and 9-6-6 regarding adjustments to the required fees for subdivision plats and land splits.
- *j. **Z03-24** (District 6) –The 3200-3300 blocks of South Sossaman Road (east side) (26.42+ acres) Rezone from R1-43 to M-1. This rezone will facilitate conformance with the Mesa 2025 General Plan. Peter Martens, owner; City of Mesa, applicant.

8. Consider the following resolutions:

- *a. Authorizing the fee increase for a “Letter of Clearance” from \$5.00 to \$10.00 – Resolution No. 8028.
- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the Cities of Chandler, Glendale, Goodyear, Mesa, Peoria and Scottsdale to allow continuation of joint legal representation in the Gila River Indian Community water rights settlement negotiations – Resolution No. 8029.
- *c. Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Economic Security (DES) for the purpose of receiving financial reimbursement for support of the upcoming Summer Day Camp program session – Resolution No. 8030.
- *d. Approving and authorizing the City Manager or designee to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa for \$69,444.00 which will allow the Mesa Community Action Network to provide weatherization services for low income households in the Mesa service area. (State funding pass through.) – Resolution No. 8031.
- *e. Approving and authorizing the City Manager or designee to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa for \$4,750.00 which will allow the Mesa Community Action Network to provide weatherization services for low-income households in the Mesa service area. (State funding pass through.) – Resolution No. 8032.
- *f. Approving and authorizing the City Manager or his designated representative to execute an amendment to an Intergovernmental Agreement with the State of Arizona through the Department of Economic Security and the City of Mesa for \$652,382.00 which will support a portion of the operating costs for Mesa Community Action Network including the case management program, the work assistance program, the asset development

program, and the utility assistance program. (State funding pass through.) – Resolution No. 8033.

- g. Authorizing the City Manager to execute an amended and restated Disposition and Development Agreement for Palm Court Investments, LLC, (Mesa Discount), Site 24 Redevelopment Project – Resolution No. 8036.

Redevelopment Director Greg Marek addressed the Council relative to this agenda item. He displayed a site plan in the Council Chambers and provided a brief overview of the amended and restated Disposition and Development Agreement (DDA) for Palm Court Investments (Mesa Discount) which would allow the company to proceed with the construction of the Phase One portion of the Site 24 redevelopment project.

In response to a question from Mayor Hawker, Assistant City Attorney Monica Michelizzi clarified that it is the recommendation of the City Attorney's Office that the DDA be amended to modify Mesa's obligation to assemble Parcel B (Phase Two) to a "commercially reasonable" standard as opposed to the "best efforts" standard outlined in the current DDA. She explained that the "commercially reasonable" standard requires the City to do what a business person would consider reasonable to assemble the property; that the parties have agreed that paying acquisition and relocation costs of \$800,000 or less would be commercially reasonable, and that for costs in excess of \$800,000, the parties have agreed to negotiate an equitable division of costs to ensure that Mesa pays only an amount that would be "commercially reasonable."

Vice Mayor Kavanaugh clarified that Parcel A, which is the subject of the discussion, does not include Bailey Brake Service or other properties that are currently the subject of litigation relative to their property values. He added that the sales price for the parcel is based upon a contractual obligation entered into by the City several years ago.

Discussion ensued relative to the status of the Bailey Brake Service and MAACO lawsuits; that the total City investment to date in the subject parcel is \$1,361,493, including the two parcels that the City has already sold; that the reimbursement cost to the City would be \$621,751; that the City would recoup the remaining \$739,742 in approximately eight years through one-time revenue from the payment of impact fees for the project and sales tax revenue from the construction of Phase One, as well as increased sales tax and utility revenues once the new facilities come on line; that there was minimal sales tax revenue generated from a commercial establishment previously located on Parcel A, and that the City is legally not permitted to disclose the amount of sales tax generated from an individual enterprise or business.

Douglas Walton, 456 West Pepper Place, a resident living across the street from the Site 24 redevelopment project, expressed a series of concerns regarding this item. He commented that the homeowners who reside in close proximity to the project should be afforded some consideration by the City. Mr. Walton stated that the developer had indicated a willingness to construct a screen wall and landscape area along Pepper Place to create a buffer between the neighborhood and the development project. He requested that the proposed improvements be extended the entire length of the property for the benefit of the adjacent residents.

Mayor Hawker advised that he received speaker cards from the following citizens who expressed opposition to this agenda item, but did not wish to address the Council:

Susan Lopez	448 West Pepper Place
Julie Walton	456 West Pepper Place
Rick Coggins	160 East Broadway Road

Martha Wiechert, 440 West Pepper Place, concurred with the comments of the previous speaker. She expressed displeasure with the manner in which the City acquired and removed the homes across the street from her residence before it had completed the proper acquisition of the entire land parcel needed for the Site 24 redevelopment project. Ms. Wiechert added that promises were made to the residents by the City, including the installation of speed humps, which have yet to materialize.

Councilmember Walters commented that the residents' requests for buffer zones and speed humps are legitimate complaints which must be addressed and resolved by the City.

City Manager Mike Hutchinson stated that he understands the concerns of the residents relative to the need for a screen wall, a buffer zone and speed humps in the neighborhood as well. He assured the Council that staff will review these matters further and bring back the issue for consideration by the Council at a future time.

Councilmember Thom expressed opposition to this agenda item. She stated that the project is not cost effective, has caused extreme hardship to the surrounding residents, created unfair competition for business owners who own businesses similar to Mesa Discount, and has brought disrepute to the City of Mesa.

Councilmember Jones concurred with Councilmember Walters' comments. He also noted that because the City has entered into contractual obligations which were approved by a previous Council, in his opinion, the current Council has no choice but to honor those commitments.

Councilmember Griswold advised that he would support staff's recommendations to approve the amended and restated DDA for Palm Court Investments if the residents' concerns are addressed and resolved in a satisfactory manner.

Further discussion ensued relative to possible modifications to the site plan to accommodate the residents' requests to extend the screen wall and landscape area along Pepper Place.

It was moved by Councilmember Jones, seconded by Councilmember Walters, that Resolution No. 8036 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8036 adopted.

- h. Approving and authorizing the City Manager to execute a Letter Agreement between the City of Phoenix Public Transit Department and the City of Mesa which will provide for an advance of Federal funds from the City of Phoenix of \$4.5 million for a portion of Mesa's pro rata share of light rail transit expenses in FY 2002-03 and FY 2003-04 – Resolution No. 8037.

Richard Tracy, Sr., 2238 South Cottonwood Street, voiced a series of concerns relative to the Light Rail Transit System (LRT) and posed questions regarding the terms that would govern Mesa's repayment of the \$4.5 million advance to the City of Phoenix.

Mayor Hawker provided a brief overview of the terms of the agreement between Phoenix and Mesa relative to this issue. He explained that Phoenix has agreed to give Mesa a \$4.5 million advance in Federal monies to assist Mesa with its projected LRT expenditures for FY 2002/03 and 2003/04. Mayor Hawker stressed that the City would not have to repay the advance if the Central Phoenix/East Valley LRT Project does not receive a full funding grant agreement from the Federal Transit Administration (FTA), which provides for the FTA to fund 50 percent of the project's cost.

Councilmember Griswold voiced opposition to this item and stated that he would prefer an elevated rail system as opposed to the LRT.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, that Resolution No. 8037 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Kavanaugh-Walters-Whalen
NAYS - Griswold-Thom

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8037 adopted.

- *i. Authorizing the City Manager to execute an agreement between the City of Mesa and the Driving Under the Influence Abatement Council for additional funds to pay overtime for extra DUI enforcement on Sunday, Monday and Tuesday nights – Resolution No. 8034.
- *j. Authorizing the sale of City property to the Arizona Department of Transportation for the Santan Freeway in the amount of \$767,400.00 – Resolution No. 8035.

The City owns property at the northeast corner of Baseline and Hawes Roads. ADOT needs this property for the Santan Freeway as it continues south from the US 60 & Santan Interchange.

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

- *a. **Z03-15** (District 5) – 6063 East Arbor (1.12± acres) Rezone from C-2 to R-4. This case involves the expansion of an existing assisted living facility on an adjacent parcel. Arbor Rose LLC, owner; Ron Genenbacher, Arbor Rose LLC, applicant – Ordinance No. 4070.

P&Z Recommendation: Approval with conditions (Vote: Passed 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 coverage) except as noted below.
 2. Compliance with the landscape palette by the Design Review planner.
 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.).
- b. **Z03-16** (District 6) – The southwest corner of Hawes Road and Guadalupe Road. (15.84± acres) Site Plan Review – Ordinance No. 4073.

This case involves the development of a Wal-Mart Neighborhood Market. Hawes and Guadalupe Limited Partnership, owner; Enda Melvin, Kimley-Horn and Associates, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE.**

P&Z Recommendation: Approval with conditions (Vote: Passed 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 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. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
8. Review and approval of a Special Use Permit by the Board of Adjustment for the gas kiosk.
9. One row of trees along the west property line and at the southwest corner of the property in the first phase of development to be reviewed and approved by the Design Review Board.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Jones, that Zoning Case Z03-16 be approved and Ordinance No. 4073 adopted.

Carried unanimously.

- *c. **Z03-18** (District 5) –The 200 block of South 63rd Street, west side through to Arbor Avenue, (2.4± acres). Rezone from AG to C-1 PAD. This case involves the development of office buildings. Michael Hamberlin, owner; Sherman Cawley, applicant – Ordinance No. 4071.

P&Z Recommendation: Approval with conditions (Vote: Passed 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*d. **Z03-19** (District 6) –The 5400 to 5600 block of East Inverness Avenue, north side (17± acres). Site Plan Modification. This case involves the development of a UPS distribution facility. Michael F. Diessner, owner; Chanel Garner UPS, applicant – Ordinance No. 4072.

P&Z Recommendation: Approval with conditions (Vote: Passed 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. 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, 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 to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Compliance with all requirements of the Design Review Board.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

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

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 2nd day of June 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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