



COUNCIL MINUTES

July 6, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 6, 2004 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Councilmember Whalen.

The Pledge of Allegiance was led by Boy Scouts Kyle Millett and Josh Polfey.

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

Carried unanimously.

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

Minutes from the June 21, 2004 Council meetings.

3. Conduct a public hearing for the following annexations:

- a. **A04-04 (District 6)** The east side of Power Road between Ray and Williams Field Roads. (67.7± ac.) Initiated by Grubb & Ellis.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of the east side of Power Road between Ray and Williams Field Roads.

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

- b. **A04-05 (District 5)** The areas east of the northeast corner of Apache Trail and Ellsworth Road (1.5± ac.) Initiated by the property owner, W. M. Grace Development.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of the areas east of the northeast corner of Apache Trail and Ellsworth Road.

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

4. Conduct a public hearing and consider an amendment to the land use map for the following Minor General Plan Amendment and possible adoption of the corresponding resolution:

- a. **GPMInor04-03 (District 6)** The 7300 to 7500 block of East Southern Avenue (south side). Parcel 2 and a portion of Tract C at Superstition Springs Business Park. Located south of East Southern Avenue and west of South Sossaman Road (14.33± ac.). Proposed change to the General Plan Land Use Map from Business Park (BP) to High Density Residential (HDR 15+) 15+ dwelling units per acre. Superstition Springs Investors Limited Partnership, owner; Shelly McTee, Esq., applicant – Resolution No. 8282 (**COMPANION CASE – Z04-45**).

Mayor Hawker announced that this is the time and place for a public hearing regarding an amendment to the land use map for the above-referenced Minor General Plan Amendment and possible adoption of the corresponding resolution.

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

It was moved by Vice Mayor Walters, seconded by Councilmember Thom, that Minor General Plan Amendment **GPMInor04-03** be approved and Resolution No. 8282 adopted.

Carried unanimously.

5. Consider the following liquor license application:

*a. NICOLE LYN ANCHIE, EXTERNAL VICE-PRESIDENT

Special Event License application for Nicole Lyn Anchie, External Vice-President, Mesa Jaycees, a one-day charitable event to be held Saturday, July 17, 2004 from 3:00 p.m. to 1:00 a.m. at 640 North Center Street. District #4.

6. Consider the following contracts:

*a. One-year renewal of the supply contract for large type books as requested by the Mesa Public Library.

The Purchasing Division recommends exercising the one-year renewal with the original primary contract to Gale Groups for annual purchases estimated at \$40,000. Also, renewing the original secondary contract to Baker & Taylor for annual purchases estimated at \$5,000. The combined award is then \$45,000 based on estimated annual purchases.

b. Three-year contract for non-emergency towing as requested by Fleet Support Services and the Police Department.

The Purchasing Division recommends award to the low bidder, Diversified Towing, Inc., dba Cactus Towing, for \$54,600 based on estimated annual service requirements.

Chad Gammage, 458 W. 3rd Avenue, addressed the Council and stated that he would also be the spokesman for Daryl Raab, the owner of Daryl's Towing. He expressed a series of concerns regarding the chronology of the original bid and the subsequent re-bid process. Mr. Gammage questioned the addition of a daily storage fee item in the re-bid contract and noted that this particular cost element was never included in previous non-emergency towing contracts. He also stated the opinion that the matter was handled inappropriately by Deputy City Attorney Joe Padilla and inquired how Mr. Padilla is empowered to undermine the Council's authority in this regard. Mr. Gammage urged the Council to reject the re-bid and to award the contract to United Road Service, the low bidder on the original bid, and added that it may be appropriate for the City to change its towing contract from a single vendor and operate on a rotational vendor basis.

David Udall, 30 W. 1st Street, an attorney representing Diversified Towing, dba Cactus Towing, commented that the original bids were rejected upon the advice of the City Attorney's Office and the contract subsequently re-bid. He emphasized the fact that Diversified Towing was the low bidder by \$38,000 on the second series of bids, and speculated that a representative of United Road Service is not present this evening to protest this agenda item because the company did not have the necessary storage in order to comply with the contract. Mr. Udall added that City staff did not include the daily storage fee component as a part of the bid evaluation process.

Mayor Hawker advised that Jeanne Klotz, 1334 W. 7th Street, submitted a speaker card indicating her opposition to the contract, but did not wish to address the Council.

In response to a question from Mayor Hawker, Deputy City Attorney Joe Padilla provided the Council with a brief overview of the chronology of the two series of bids for the non-emergency towing contract.

Discussion ensued relative to the fact that the City of Mesa has an agreement in place with the current non-emergency towing contractor, Diversified Towing, that the company would continue to provide service at its current rate until such time as a new contract is approved; that as part of the current contract, the bidders must have a lawful place to store the towed vehicles; that in the original bid, United Road Service chose a parcel that had appropriate zoning for that purpose, but did not obtain the prerequisite Council Use Permit; that in the re-bid process, staff felt that it would be appropriate for United Road Service, if it chose to re-bid the contract, to proceed through the process and, at a minimum, apply for the permit; and that it was brought to the attention of the Purchasing Department that the City had not considered storage costs in the previous non-emergency towing contract, but that it was an important cost element that should be considered in the bid.

Councilmember Rawles commented that he was unsure how to proceed with the matter, but stated that he would prefer that the contract be awarded to United Road Service, the low bidder in the original bid, and that the company be provided sufficient time to obtain a Council Use Permit. He suggested that in the meantime, the current contractor, Diversified Towing, continue to provide the City with non-emergency towing service per its agreement.

In response to Councilmember Rawles' suggestion, City Attorney Debbie Spinner clarified that if the Council rejected the re-bid and elected to go back to the original bid, the City would have to implement a process whereby the bidders in the original bid would have an opportunity to protest the fact that staff had rejected the first bid based on their interpretation that there were cost elements inadvertently omitted from the bid. She also commented that another option would be to discard both bids and start the entire process all over again.

Further discussion ensued among the Councilmembers regarding their concerns and possible options to resolve the issue; the fact that neither one of the companies in the re-bid were the previous low bidder and that the previous low bidder is not present to argue in his own behalf; a comparison of a single vendor and vendor rotational towing services; that the bidding process was flawed; and that the storage component of the re-bid was never included as a cost element of the original contract.

In response to a question from Councilmember Rawles, Ms. Spinner suggested that it might be appropriate to postpone Council action on this item until the July 12th Regular Council Meeting.

It was moved by Councilmember Rawles, seconded by Councilmember Griswold, that agenda item 6b be continued to the July 12, 2004 Regular Council Meeting.

Additional discussion ensued relative to the fact that the City currently has separate contracts for emergency and non-emergency towing services; that staff has always utilized a Request for Proposals (RFP) for the emergency towing service in order to obtain a scored analysis, but that a basic bid has traditionally been implemented for the non-emergency towing service.

Councilmember Whalen stated that he would prefer that this matter be referred to the Police Committee for consideration regarding the implementation of an RFP for the non-emergency towing service.

Materials Management Director Sharon Seekins suggested that if it was the direction of Council, staff could consider the inclusion of the non-emergency towing service as a separate component of the emergency towing service contract.

Carried unanimously.

- *c. Two-year renewal of the supply contract for traffic signal controller units for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal with the original bid by Econolite Control Products, Inc., at \$62,207.64 based on estimated annual requirements.

- *d. One replacement ¾ ton truck as requested by the Fleet Support Services Division.

The Purchasing Division recommends authorizing purchase from State of Arizona contract from Midway Chevrolet for a total of \$18,098.45.

- *e. One replacement 4-wheel turf vehicle as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the low bid by Simpson Norton Corp. at \$15,424.00 including applicable use tax.

- f. 20-inch Water Line; Power Road, Northridge to Thomas Road, City of Mesa Project No. 01-590-001.

This project will install approximately 5,400 feet of 20-inch water line as well as pavement replacement required for the water line installation. In addition, the project will install approximately 350 feet of 18-inch sewer line in Power Road to correct a maintenance problem.

Recommend award to low bidder, Fusion Engineering, LLC, in the amount of \$778,350.00 plus an additional \$77,835.00 (10% allowance for change orders) for a total award of \$856,185.00.

Mayor Hawker declared potential conflicts of interest on agenda items 6f and 6g and said he would refrain from discussion/participation in these items. He yielded the gavel to Vice Mayor Walters for action on these agenda items.

It was moved by Councilmember Rawles, seconded by Councilmember Griswold, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- g. Range Rider Reservoir No. 3 & Range Rider Booster Pump No. 2, City of Mesa Project No. 01-580-001.

This project will construct a new 500,000-gallon concrete in-ground reservoir in the vicinity of Hawes Road, north of Thomas Road. In addition, this project will install water booster pumps at the existing reservoir on Scarlet Road, east of Hawes Road. Both parts of the project follow the water master plan and will enhance water delivery capacity and reliability in the northeast portion of Mesa.

Recommend award to low bidder, SDB, Inc., in the amount of \$1,336,470.00 plus an additional \$133,647.00 (10% allowance for change orders) for a total award of \$1,470,117.00.

It was moved by Councilmember Griswold, seconded by Councilmember Thom, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

7. Introduction of the following ordinance and setting July 12, 2004 as the date of public hearing on this ordinance:

- *a. Pertaining to the Subdivision Regulation of the Mesa City Code; Amending Title 9, Chapter 6, Section 1 and Section 5 regarding various amendments to the Desert Uplands Development Standards and providing penalties for the violation thereof.
- *b. Amending Title 4, Chapter 9, Section 1 of the Mesa City Code, to provide the City Manager or his designee the authority to provide a percentage fee refund or credit against total permit charges if the City's Plan Review Performance Goals are not achieved.
- *c. Amending Title 4, Chapter 9, Section 2 of the Mesa City Code, to provide the City Manager or his designee the authority to waive or reduce fees in certain circumstances that are set forth in the schedule of fees and charges.

- *d. Amending Title 5, Chapter 17, of the Mesa City Code, relating to development impact fees.
- *e. Amending Title 5, Chapter 17, Table 1, of the Mesa City Code, relating to water development impact fees.
- *f. Amending Title 5, Chapter 17, Table 2, of the Mesa City Code, relating to wastewater development impact fees.
- *g. Amending Title 5, Chapter 17, Table 3, of the Mesa City Code, relating to park development impact fees.
- *h. Amending Title 5, Chapter 17, Table 5, of the Mesa City Code, relating to library development impact fees.
- *i. Amending Title 5, Chapter 17, of the Mesa City Code, relating to general government facilities development impact fees.
- *j. Amending Title 5, Chapter 17, of the Mesa City Code, relating to stormwater drainage systems development impact fees.

8. Consider the following resolutions:

- *a. Section IV-L of the Mesa Commercial Communication Tower Guidelines (Resolution 7042) is proposed to be amended to allow alternative design wireless communications facilities to be placed within public parks and recreation centers. This section would be replaced by a new policy, entitled "Wireless Communications Design and Placement Guidelines for Parks and Recreation Facilities" – Resolution No. 8280.
- b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Mesa Unified School District #4 to support operational costs of Mesa Youth Placement Services (MYPS) – Resolution No. 8283.

Vice Mayor Walters declared a potential conflict of interest and said she would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Whalen, that Resolution No. 8283 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Whalen
NAYS - None
ABSTAIN - Walters

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 8283 adopted.

- *c. Authorizing the City Manager to renew an Intergovernmental Agreement with the Superior Court of Arizona, Maricopa County, concerning jurors in Mesa City Court – Resolution No. 8281.
- d. Adopting the City of Mesa Housing Master Plan – Resolution No. 8284.

Teresa Brice-Heames, 606 N. Robson, a member of the Community Housing Task Force, commented that the City of Mesa Housing Master Plan represents the culmination of almost five years of work by a diverse cross-section of the community. She noted that housing plays a key role in the community not only to provide shelter, but also as a tool to encourage economic development. Ms. Brice-Heames added that the Community Housing Task Force considered a variety of issues in the preparation of the document and added that the resulting Plan represents the group's best efforts to present a balanced framework with which to guide the City into the future.

Paul Ludwick, 1850 S. Westwood, #46, explained that although he is supportive of the Council's adoption of the City of Mesa Housing Master Plan, he is opposed to the "Message from the Mayor" included in the document. He stated the opinion that the letter is not merely a reflection of Mayor Hawker's personal opinion, but more a public policy statement, especially with reference to the development of additional high-income housing or executive housing options. Mr. Ludwick requested that the letter be removed from the text of the Housing Master Plan so that it does not become a part of public policy for the City of Mesa.

Vice Mayor Walters commented that the Housing Master Plan represents a series of realistic and achievable housing goals for the City of Mesa. She also stated that Mayor Hawker's letter simply outlines his concerns for the community and, in her opinion, the inclusion of the letter with the Plan is appropriate.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that the City of Mesa Housing Master Plan, including the letter authored by Mayor Hawker, be approved and Resolution No. 8284 be adopted.

Mayor Hawker remarked that despite the fact he appointed the members of the Community Housing Task Force, with Council concurrence, he has taken exception to some of the group's housing goals for Mesa as identified in the Housing Master Plan. He referred to his letter and highlighted his responses to the following goals: 1.) To increase housing production to meet projected growth for all income groups; 2.) Encourage low-income housing opportunities that meet or exceed housing options in Maricopa County; and 3.) Reducing the number of housing units in substandard or deteriorated condition by at least 50%. He commented that he would support the motion only if his introductory letter remains as a component of the Housing Master Plan.

Councilmember Rawles explained that although he is appreciative of the efforts and hard work of the Task Force members during this arduous process, he is opposed to the adoption of the Housing Master Plan for a variety of reasons. He stated, among other things, that he disagrees with the Plan's premise that Mesa needs growth because of its fiscal and economic needs; that he is opposed to the concept of master planning; and that it is not the role of government to educate citizens regarding the responsibilities of home ownership. Councilmember Rawles further indicated that it is also not government's job to ensure or provide housing for its citizens,

to utilize taxpayer funds to subsidize housing, or to advise citizens what they can or cannot do relative to their property. He added that he does not see any emphasis in the Plan on upper level homes and stated the opinion that the document is geared toward low-income government subsidized housing.

Councilmember Thom voiced opposition to the motion and commented that the current Housing Master Plan is not much different from the document presented to the Council several months ago except for the deletion of the reference to "mobile homes" from the text. She noted that the third goal in the Plan addresses the need "to reduce the number of housing units in substandard or deteriorated condition by at least 50%," which prompted a large public outcry in the past. Councilmember Thom further stated that it is presumptuous of the Council to endorse a document that proposes to plan for housing for specific income groups and added that it is not government's responsibility to tell citizens how and where they should live.

Vice Mayor Walters commented that in her review of the Housing Master Plan, she has found nothing to indicate that the City of Mesa intends to tell residents where they can live and, in fact, the language was modified from the previous draft to ensure that there would be no misconceptions regarding that matter. She noted that the Plan does address issues such as aging neighborhoods and the importance of implementing Opportunity Zones, whereby residents can assist in maintaining their neighborhoods.

Councilmember Griswold commented that although he is a private property advocate, he also considers zoning an important tool to ensure that, for instance, a factory is not built behind a residential neighborhood. He stated that the Housing Master Plan is an inventory of Mesa's current housing and noted that as the community continues to grow, it is imperative that there is sufficient housing available to accommodate its new residents. Councilmember Griswold expressed support for the motion and voiced appreciation to the Task Force for their effort and hard work throughout the process.

Councilmember Jones thanked Community Housing Task Force Chairman Joe Udall and the entire group for their contributions during this laborious process. He stated that when the Council was first presented the Plan for consideration, a number of mobile home residents in the community were led to believe, as a result of innuendoes and misinformation, that the Plan would allow the City to take their property or dictate what could or could not be done with the property, which, in fact, was never the case. Councilmember Jones emphasized that the primary purpose of the Housing Master Plan is to provide housing guidelines for the City and also to offer options to residents regarding ways in which their property can be improved.

Councilmember Whalen voiced support for the motion and commended the Task Force and City staff for their efforts and hard work. He noted that there are approximately 30,000 residents in his district that live in manufactured housing, and in his opinion, it is Mesa's most affordable housing. Councilmember Whalen stated that he would like to bring more Federal funds into the community to assist those residents who truly need the assistance. He added that as a boardmember of several local non-profit agencies, he is more concerned about the individuals in the community who do not have a place to live as opposed to those who wish to build a million dollar home.

Councilmember Rawles reiterated his previous comments and stated that he does not think that government is the proper vehicle by which to implement the various elements contained in the Housing Master Plan.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8284 adopted.

9. Consider the following ordinances:

- *a. Relating to City purchase of tangible personal property; adding a new Chapter 21 to Title 1 of the Mesa City Code – Ordinance No. 4215.
- *b. Amending Title 2, Chapter 21 of the Mesa City Code modifying the creation, membership and duties of the Economic Development Advisory Board – Ordinance No. 4216.

9.1 Consider the following items concerning the conversion of alley solid waste collection service to curbside service:

- a. Approving staff's proposal to continue the conversion of alley solid waste collection service to curbside service and that staff be directed to conduct outreach to multi-family locations in order to determine the most efficient and effective method of solid waste collection.

The following citizens addressed the Council and voiced opposition to the conversion of alley solid waste collection service to curbside service:

Lee Tobey	1063 E. 3 rd Street
Billy G. Wood	1133 E. 3 rd Street
Arlene Lewis	2308 E. Hale Street

Mayor Hawker stated that Debra Penny and Dave Tedder, both of 1007 E. 2nd Place, submitted speaker cards expressing their opposition to the above-referenced issue, but did not wish to address the Council.

Vice Mayor Walters noted that although there are a number of alleys in the community that are unsafe for the continuation of solid waste collection service, in her opinion there may be other alleys where that is not necessarily the case. She suggested, as an alternative to staff's recommendation, that it might be appropriate, for example, to allow residents to use single black barrels in those alleys where it would not create a safety hazard and where the alleys do not spill out onto a busy street (i.e., Gilbert Road).

Councilmember Jones commented that with regard to this item, "one size does not fit all" and that there are circumstances where it might be appropriate for solid waste collection service to remain in alleys. He stated that such circumstances are largely determined by the participation

of residents in particular neighborhoods. Councilmember Jones voiced opposition to staff's proposal because, in his opinion, every neighborhood is unique and there should be flexibility for those residents who can justify and show reasonable cause why they should not be forced to convert from alley solid waste collection service to curbside service.

Councilmember Whalen expressed concerns relative to Councilmember Jones' suggestion, especially considering the fact that the City is nearing the completion of the conversion of alley solid waste collection service to curbside service.

It was moved by Councilmember Whalen, seconded by Mayor Hawker, to approve staff's proposal to continue the conversion of alley solid waste collection service to curbside service, and that staff be directed to conduct outreach to multi-family locations in order to determine the most efficient and effective method of solid waste collection as recommended by the Utility Committee.

Mayor Hawker commented that having served on a number of landfill siting committees, he is aware of the difficulty in educating citizens regarding the cost incurred by a municipality to dispose of its solid waste. He explained that he envisions the day when residents would be charged on a "pay as you throw" basis, especially considering the fact that Mesa is currently dependent on the Salt River Pima-Maricopa Indian Community for its major landfill. He also stated that the City's ongoing conversion of alley solid waste collection service to curbside collection service has been a positive benefit for the environment in that residents are encouraged to use their green and blue barrels for the disposal of other types of waste materials that formerly would have been placed in the black barrels. Mayor Hawker concluded his remarks by stating that while he understands the convenience of alley pickup, he would hate to see one neighborhood continue with alley collection, while the surrounding areas convert to curbside service which, in his opinion, would be inefficient and less cost effective for the City.

Discussion ensued relative to the kind of trucks utilized for solid waste collection; and the fact that the blue barrel and green barrel programs (which is collected curbside) are available for residents who currently have alley collection.

Councilmember Thom expressed support for the motion and stated that the City is providing a service for its residents at a reasonable price. She also assured Mesa residents that staff will continue to conduct outreach to multi-family locations to assess the most efficient and effective method of solid waste collection. Councilmember Thom expressed appreciation to all of the citizens who participated in this process and also commended staff for their efforts and hard work.

Vice Mayor Walters stated that she did not want her previous comments to be construed that she is not supportive of the "pay as you throw" concept and noted that is why she had suggested utilizing single black barrels in the alleys. She also concurred with Mayor Hawker's comments regarding the importance of educating citizens regarding landfill capacities.

Councilmember Griswold concurred with Vice Mayor Walters' comments and stated that he would be more comfortable with a blended motion regarding items a and b. He commented that with regard to item a, he would suggest that residents be allowed to use smaller barrels which could still be collected in the alleys as opposed to moving them to curbside. Councilmember Griswold added that relative to item b, he would suggest that neighborhoods be permitted to

vote on the conversion issue, and if more than 90% of the residents voted against the conversion process, the City would not proceed in that area. He stressed that he would like to see greater neighborhood participation in the process.

Councilmember Rawles voiced support for the motion and commented that staff has identified a significant cost savings regarding the conversion of alley solid waste collection service to curbside service.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

b. Continuing curbside collection in those areas previously converted from alley collection.

It was moved by Councilmember Whalen, seconded by Councilmember Thom, to continue curbside collection in those areas previously converted from alley collection.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

*9.2 Write-off of utility and miscellaneous accounts in the amount of \$392,639.00.

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

- a. **Z04-45 (District 6)** The 7300 to 7500 block of East Southern Avenue (south side). Parcel 2 and a portion of Tract C at Superstition Springs Business Park. Located south of East Southern Avenue and west of South Sossaman Road (14.33± ac.). Rezone from M-1-PAD-DMP & PEP-PAD-DMP to C-2-CUP-BIZ-DMP and R-4 DMP, site plan review, and modification to the Superstitions Springs DMP. This request is to allow for a mixed-use residential/commercial development. Superstition Springs Investors Limited Partnership, owner, Shelly McTee, Esq., applicant – Ordinance No. 4230. **COMPANION CASE – GPMINOR04-03. A LEGAL PROTEST FILED. ¾ VOTE REQUIRED.**

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).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of 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. 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.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.

It was moved by Councilmember Griswold, seconded by Councilmember Thom, that Ordinance No. 4230 be adopted.

In response to a question from Councilmember Rawles, City Attorney Debbie Spinner clarified that whenever staff brings forward an ordinance for Council adoption, language is included in the document that outlines potential sanctions for violating the law.

Councilmember Rawles commented that although he is supportive of the motion, it is his belief that "we criminalize just about enough in this country" and expressed concerns regarding the inclusion of such provisions in zoning cases.

Carried unanimously.

- *b. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant. **CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, AND JUNE 7, 2004 CITY COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE AUGUST 16, 2004 CITY COUNCIL MEETING.**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
3. 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.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Design Review Board.
6. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
7. Transmit oriented development is encouraged for the 3.67 acre lot.

- *c **Z04-32 (District 6)** Northwest corner of Baseline Road and East Valley Auto Drive. Located north and west of Baseline Road and Greenfield Road (4.04± ac). Rezone from

AG to M-1 and M-1 PAD. This case involves the development of an office building. Michael Reidy, owner and applicant – Ordinance No. 4217.

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

1. Compliance with the basic development described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *d. **Z04-35 (District 1)** 2158 North Gilbert Road. Located north of Gilbert Road and west of McKellips Road (3.13± ac.). Rezone from O-S to O-S PAD and site plan review. This request is for the development of office condominiums. Ron Buchholz, owner; Jason Allen, applicant – Ordinance No. 4218.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-2 (Saemisch and Esparza, nay)).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *e. **Z04-36 (District 2)** The 4200 and 4300 block of East University Drive (north side) and the 400 block of North Greenfield Road (east side). Located on the northwest corner of University Drive and Greenfield Road (6.06+ ac.). Site Plan Modification. This request

is for the development of medical office buildings and a self-storage facility. Kambiz Zonorroch, owner; Dave Lindquist, applicant – Ordinance No. 4219.

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 yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc).
4. Compliance with all Subdivision Regulations.
5. All street improvements and landscaping to be installed in the first phase of construction.
6. 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, prior to the issuance of a building permit).
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *f. **Z04-37 (District 5)** Parcel 39 at Las Sendas. Located south of Thomas Road and east of Power Road (10.10± ac.). Rezone from R1-90 DMP (Conceptual R-2 PAD) to R1-7 PAD DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Robert N. Proehl, Sonoran Desert Holdings LLC, owner and applicant – Ordinance No. 4220.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0-1, Carpenter abstaining).

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).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. The southern tier of lots (Lots 1-5) are to be one story housing product only.
10. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.

11. Written notice to be given to future residents that this subdivision will be in close proximity to the future Loop 202 Red Mountain Freeway.
12. Compliance with Native Plant Preservation Ordinance No. 3693 requiring submittal of a Native Plant Preservation Plan.
13. Compliance with Ordinance No. 3694 requiring a grading permit.

*g. **Z04-38 (District 5)** Parcel 20 and 21 at Las Sendas. Located north of Thomas Road and east of Hawes Road (71.71± ac.). Rezone from R1-90 DMP to R1-90 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC, applicant – Ordinance No. 4221.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0-1, Carpenter abstaining).

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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with Native Plant Preservation Ordinance No. 3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance No. 3694 requiring a grading permit.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. Written notice be provided to future residents and acknowledgment received that the project is within three (3) miles of Falcon Field Airport.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*h. **Z04-39 (District 5)** Parcel 41 at Las Sendas. Located south of Thomas Road and east of Power Road (12.70± ac.). Rezone from R-2 PAD DMP to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Robert N. Proehl, Sonoran Desert Holdings LLC, owner and applicant – Ordinance No. 4222.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0-1, Carpenter abstaining).

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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. Written notice be provided to future residents and acknowledgment received that the project is within two (2) miles of Falcon Field Airport.
10. Written notice to be given to future residents that this subdivision will be in close proximity to the future Loop 202 Red Mountain Freeway.
11. Compliance with Native Plant Preservation Ordinance No. 3693 requiring submittal of a Native Plant Preservation Plan.
12. Compliance with Ordinance No. 3694 requiring a grading permit.

- *i. **Z04-40 (District 5)** Parcels 24 and 25 at Las Sendas. Located east of Power Road and north of Thomas Road. (9.24± ac.). Rezone from R1-90 DMP (conceptual C-1 and R-3) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant – Ordinance No. 4223.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0-1, Carpenter abstaining).

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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Any new product designed for this subdivision or modifications to the elevations as shown must be submitted for administrative review and approval by the Planning Director.
4. Compliance with Native Plant Preservation Ordinance No. 3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance No. 3694 requiring a grading permit.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Written notice be provided to future residents and acknowledgment received that the project is within one (1) mile of the Red Mountain (Loop 202) Freeway.
11. Written notice be provided to future residents and acknowledgment received that the project is within four (4) miles of Falcon Field Airport.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*j. **Z04-41 (District 5)** Parcel 23 at Las Sendas. Located east of Power Road and north of Thomas Road. (14.8± ac.). Rezone from R1-90 DMP (conceptual R-2 PAD) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant – Ordinance No. 4224.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0-1, Carpenter abstaining).

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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Any new product designed for this subdivision or modifications to the elevations as shown must be submitted for administrative review and approval by the Planning Director.
4. Compliance with Native Plant Preservation Ordinance No. 3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance No. 3694 requiring a grading permit.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Written notice be provided to future residents and acknowledgment received that the project is within one (1) mile of the Red Mountain (Loop 202) Freeway.

11. Written notice be provided to future residents and acknowledgment received that the project is within three (3) miles of Falcon Field Airport.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *k. **Z04-42 (District 5)** Parcel 22 at Las Sendas. Located east of Power Road and north of Thomas Road (12.6± ac.). Rezone from R1-90 DMP (Conceptual R-2 PAD) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant – Ordinance No. 4225.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0-1, Carpenter abstaining).

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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Any new product designed for this subdivision or modifications to the elevations as shown must be submitted for administrative review and approval by the Planning Director.
4. Compliance with Native Plant Preservation Ordinance No. 3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance No. 3694 requiring a grading permit.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
9. Written notice be provided to future residents and acknowledgment received that the project is within one (1) mile of the Red Mountain (Loop 202) Freeway.
10. Written notice be provided to future residents and acknowledgment received that the project is within three (3) miles of Falcon Field Airport.
11. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *l. **Z04-44 (District 3)** Northeast corner of Alma School Road and Guadalupe Road (1.55 ± ac.). Site Plan Modification. This request involves the development of a Walgreen's. Hugh Bancroft III, owner; Kristjan Sigurdson, K&I Architects, applicant – Ordinance No. 4226.

P&Z Recommendations: 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.
2. Compliance with all current Code requirements, unless modified through appropriate review and approval of a Substantial Conformance Improvement Permit (SCIP), as outlined above in this staff report.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all City of Mesa requirements for combining parcels and boundary line adjustments, as necessary, to create the proposed configuration. Provide documentation of recordation of new parcels with application for building permit.
5. Recordation of an ingress/egress easement from the driveway on Alma School Road to the driveway on Guadalupe Road to allow City of Mesa representatives to have access to the north and east exterior of the City sewer lift station facility. Provide documentation of recorded easement with application for building permits.
6. Recordation of cross-access easement between the new parcel to be created for the drugstore and abutting parcels within the existing commercial center to the north, currently indicated as APN's 302-87-812, 302-87-817A, and 302-04-002E.
7. Compliance with all requirements of the Design Review Board.
8. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.

- *m. **Z04-46 (District 5)** Located south and east of Signal Butte and Main Street (67.2+ ac.). Rezone from Maricopa County C-2, C-3, C-3 P.D. R-2 R.U.P.D., and R-5 to City of Mesa C-2, C-3, R1-6 P.A.D. and R-4. This request involves the establishment of City zoning on recently annexed property. Various owners (See attached list); City of Mesa, applicant – Ordinance No. 4227.

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

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.

- *n. **Z04-47 (District 6)** 1955 South Val Vista Drive. Located north and east of East Baseline Road and South Val Vista Drive (7.4± ac.). Rezone from C-2 to C-2-PAD. This request is to allow individual sale of office suites. Christopher W. Warren, SB&W Development-Mesa LLC, owner; Brian Moore, BCMA Architecture, applicant – Ordinance No. 4228.

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 and previously approved, Z03-10.
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. Compliance with all requirements of the Design Review Board.

*o. **Z04-48 (District 6)** The 3900 and 3800 block of South Power Road (east side). Located south and east of Elliot and Power Roads (13.8± ac.). Rezone from M-1 to PEP PAD, M-1 PAD and M-1 and Site Plan Review. This request involves the development of a commercial, office and light industrial development. Franklin D. Richards Jr., owner; Dean Sulzer, applicant – Ordinance No. 4229.

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 preliminary plat submitted except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.)
4. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for Phase Three.
5. All future developments for Phase Three must provide screened outdoor storage along the west property line adjacent to Phase Two.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time or recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
8. 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).
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

11. Consider the following subdivision plats:

- *a. "AZ HEALTH & TECH PARK BUILDINGS G, H, & I," – (Council District 6) – 5800 block of East Still Circle (south side) located north and west of Baseline Road and Recker Road. 3 PEP PAD office lots (9.16 ac) Kirksville College of Osteopathic Medicine, a Missouri Non-Profit Corporation, owner; Survey Innovation Group, Inc., engineer.
- *b. "CRISMON CREEK VILLAGE," – (Council District 6) – 1600 block of South Crismon Road (east side) located north and east of Baseline Road and Crismon Road. 275 R-2 PAD patio homes (43.82 ac) K. Hovnanian Great Western Homes, LLC, Scott Smith, President, owner; M2 Group, Inc., engineer.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:35 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 6th day of July 2004. 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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