

# COUNCIL MINUTES

August 5, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 5, 2002 at 5:45 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by Pastor Jerry Boyd, Holy Temple Church of God in Christ.

Pledge of Allegiance was led by Nick Vonwiegen, Boy Scout Troop 570.

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.

Mayor Hawker stated that item 6a (Ordinance introduction of Zoning Case HL-TC. Historic Landmark Overlay for the Mount Calvary Baptist Church, 430 North Lewis Street) would be removed from the consent agenda due to requests to address the Council concerning this item.

It was moved by Councilmember Griswold, seconded by Vice Mayor Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the June 6, 20 and 24, 2002 and July 1, 11 and 15, 2002 Council meetings.

3. Consider the following liquor license applications:

\*a. REV. CHRIS CARPENTER

Special Event License application of Rev. Chris Carpenter, Pastor, Christ The King Catholic Church, a one-day event to be held Saturday, October 26, 2002, from 5:00 p.m. to 10:00 p.m., at 1551 East Dana Avenue.

\*b. RICK NHU TRUONG

New Beer & Wine Store License application of Rick Nhu Truong, Agent, for Goody Good, 559 North Country Club Drive. The Beer & Wine Store License previously held at this location by Kim Kwiatkowski, Agent, Circle K Store #00064, will revert back to the state.

4. Consider the following Bingo License Application – Class A:

- \*a. Las Palmas Grand Two  
Nancy Frey-Markell  
2550 South Ellsworth Road  
Mesa, AZ 85212

5. Consider the following contracts:

- \*a. Two-year supply contract for automotive fasteners, related hardware and electrical supplies as requested by Fleet Support Services.

The Purchasing Division recommends accepting the lowest overall bid by Southwestern Supply Company, Inc. for annual purchases estimated at \$65,000.00.

- \*b. One replacement copier for the Central Patrol Substation as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Ikon at \$15,634.29 including applicable sales tax.

- \*c. One-year renewal of contract for custodial services at various City buildings as requested by the Development Services Department.

The Purchasing Division recommends authorizing the first of three one-year renewals with Bonded Cleaning Contractors for \$711,969.03 based on estimated annual expenditures.

- \*d. Two-year supply contract for landscape sprinkler parts & supplies for the Parks and Recreation, Building Facilities and Street Maintenance Divisions.

The Purchasing Division recommends accepting the low bids for each section, as follows:

Groups I, II, III, VII, VIII, XIII to Sprinkler World, for orders to be picked up by City crews, for annual expenditures estimated at \$60,000.00;

Groups IV, V, VI, IX, X, XI, XII, XIV to Horizon, for orders to be picked up by City crews, for annual expenditures estimated at \$60,000.00; and

Groups I, II, III, IV, V, VI, IX, X, XII, XIII to United Green Mark, for orders where delivery is required, for annual expenditures estimated at \$30,000.00. The combined award is then \$150,000.00.

In order to ensure continuity of supply, a secondary contract is recommended to Horizon for Groups I, II, III, VII, VIII, XIII and to Sprinkler World for Groups IV, V, VI, IX, X, XI, and XII.

- \*e. Two-year supply contracts for library books, CDs, and Video/DVDs, as requested by the Mesa Public Library.

The Purchasing Division concurs with the Evaluation Team's recommendation to award primary and secondary contracts in each of the five sections of this Request for Proposal (RFP), as follows:

Baker and Taylor, Inc. – Primary supplier for all five sections, for annual purchases estimated at \$927,300

Ingram Library Services – Secondary supplier for sections I, IV and V, for annual purchases estimated at \$33,000

AEC One-Stop Group – Secondary supplier for sections III and V, for annual purchases estimated at \$7,700

Follett AV Resources – Secondary supplier for section III, for annual purchases estimated at \$6,600

Recorded Books – Secondary supplier for section IV, for annual purchases estimated at \$33,000

The combined award is then \$1,007,600 based on estimated annual purchases.

- \*f. Two-year supply contracts for children's prebound books and mass market paperback books, as requested by the Mesa Public Library.

The Purchasing Division concurs with the Evaluation Team's recommendation to award contracts as follows:

Book Wholesalers, Inc. – a primary contract for annual purchases estimated at \$44,000

Permabound – a secondary contract for annual purchases estimated at \$27,500

Econolad Books – a secondary contract for annual purchases estimated at \$5,500

The combined award is then \$77,000 based on estimated annual purchases.

- \*g. Two-year supply contracts for library reference books, as requested by the Mesa Public Library.

The Purchasing Division concurs with the Evaluation Team's recommendation to award a primary contract to Ingram Library Services for annual purchases estimated at \$50,000. A secondary contract to Gale Groups for annual purchases estimated at \$7,700 is also recommended. The combined award is then \$58,300 based on estimated annual purchases.

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

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ASAP Software for a cost of \$126,661.84, including applicable sales tax.

- \*i. One reflective ultra-violet fingerprint imaging system as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from our previous RFB #2002114 with the low bidder meeting specification, Sirchie Finger Print Laboratories, Inc. at \$13,992.00.

- j. Desert Wells Zone 24" Waterline Thomas Road, East of Thomas/Recker Intersection to Power Road. City of Mesa Project No. 02-25.1.

This project will extend a 24-inch transmission line approximately 6 miles from Desert Wells Reservoir #1 westward along Thomas Road to Recker Road, then south on Recker Road to Adobe, then east to Power Road to tie into an existing 30-inch line coming out of the Treatment Plant.

Recommend award to low bidder, Archon, Inc., in the amount of \$534,998.72 plus an additional \$53,499.87 (10% allowance for change orders) for a total award of \$588,498.59.

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

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

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

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

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

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

- k. Gas Line Replacement Paradise Palms Trailer Resort (1608 East Main Street). City of Mesa Project No. 02-39.

This project will install 2990 lineal feet of 2-inch polyethylene pipe and 3780 lineal feet of ½-inch gas service piping to replace 68 existing services within a trailer park.

Recommend award to low bidder, KR Swerdfeger, in the amount of \$169,163.00 plus an additional \$16,916.30 (10% allowance for change orders) for a total award of \$186,079.30.

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

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

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

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

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

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

6. Introduction of the following ordinances and setting August 26, 2002 as the date of public hearing on these ordinances:

- a. **Zoning Case HL-TC.** Historic Landmark Overlay for the Mount Calvary Baptist Church, 430 North Lewis Street.

This case involves an Historic Landmark Overlay for the first African-American Church in Mesa.

Carl Johnson, 2021 E. Marilyn Avenue, addressed the Council and voiced appreciation to the City and particularly Redevelopment Planner Tony Felice for efforts relative to this case. He voiced the opinion that implementing a Historic Landmark Overlay for the Mount Calvary Baptist Church is important for the City as a whole as well as Mesa's black community.

John Goody, 1535 N. Horne, #124, addressed the Council and commented on the volume of Mesa residents Mount Calvary Baptist Church has served over the years and the historical significance of the Church, including the fact that the Church is the subject of an exhibit at the Mesa Historical Museum. He voiced the opinion that honoring the Church with a Historic Landmark Overlay is fitting and appropriate. He also discussed the historical significance of the

neighborhood surrounding the Church and urged the Council to consider designating this neighborhood as an historical district.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that Zoning Case HL-TC be introduced and that the public hearing concerning this case be conducted on August 26, 2002.

Vice Mayor Kavanaugh voiced approval of this case and stated that this action is an example of the value of the Historic Preservation Ordinance. He voiced the opinion that the Mount Calvary Baptist Church is historically significant for the City and the entire region.

Councilmember Walters stated appreciation to staff, the Historic Preservation Committee and everyone else involved in this important matter.

Carried unanimously.

- \*b. **A01-4** The southeast corner of Broadway Road and the RWCD Canal (11.7+/- acres). Initiated by the property owner.

7. Consider the following resolutions:

- \*a. Approving the application for Arizona Transportation Enhancement Grant funds to help fund the development of the Eureka Canal Multi-Use Path (MUP) between 8<sup>th</sup> Street and Mountain View Drive – Resolution No. 7880.
- b. Authorizing and directing the City Manager to execute necessary documents to acquire certain real properties located at 560 South Robson and 223 West Vine – Resolution No. 7889.

Jack Hannon, 736 S. Macdonald, addressed the Council concerning this item and stated support for the City's plans to acquire and redevelop these properties into new infill housing. He added that the Nuestro Neighborhood supports low-density residential uses for these properties.

Councilmember Thom stated opposition to this item and commented on the fact that although this project will be funded by Community Development Block Grant funds, these funds are derived from federal taxes. She discussed the fact that County property taxes and School District taxes are not collected for these properties while they are owned by the City. She discussed the fact that these properties are located in close proximity to the Boys and Girls Club and noted that staff has described these properties as "blighted." She suggested that the City's Code Compliance Division enforce the City's codes to gain improvement in the appearance of these properties.

It was moved by Councilmember Thom that this proposed Resolution be denied.

Mayor Hawker stated that the Motion died for lack of a second.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that Resolution No. 7889 be adopted.

Councilmember Walters discussed the City's partnership history with various housing organizations in the community, including Housing for Mesa and Habitat for Humanity, and voiced the opinion that these properties will not remain off the County tax rolls for an extended period. She stated the opinion that this project represents an appropriate use of CDBG funds that will benefit the surrounding neighborhood and the City.

Mayor Hawker stated support concerning this item and concurred that this project is an appropriate use of CDBG funds. He noted that an additional parcel in this area ("Watkins parcel") was previously acquired by the City and stressed the importance of investing in a housing project in this neighborhood to help revitalize the area, which is also home to the Boys and Girls Club.

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. 7889 adopted.

- \*c. Extinguishing a portion of a Public Utilities and Facilities Easement at 659 North Overland Street – Resolution No. 7881.

This portion of the easement is no longer needed.

- \*d. Extinguishing a Drainage Easement at 6020 East Arbor Avenue – Resolution No. 7882.

A new drainage easement has been approved making this easement no longer necessary.

- \*e. Extinguishing three Public Utility Easements and a Temporary Drainage Easement in the 3100 block of East Baseline Road – Resolution No. 7883.

New easements have been granted, making these easements no longer necessary.

- \*f. Vacating right-of-way in the 600 and 700 blocks of East Third Street – Resolution No. 7884.

This right-of-way is no longer needed and conflicts with the approved development plans for the property.

- \*g. Authorizing the City Manager to execute an agreement between the City of Mesa Police Department and the Arizona Automobile Theft Authority for the purpose of reducing vehicle theft by utilization of the GPS "Bait Car" Tracking System – Resolution No. 7885.

- \*h. Authorizing the City Manager to enter into an amendment to the Intergovernmental Agreement with the Flood Control District of Maricopa County and Maricopa County Department of Transportation – Resolution No. 7886.

This amendment is to better define the construction management responsibilities for the Ellsworth Road Channel Project and to add the construction of the Powerline Floodway.

- \*i. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety for the funding of personnel and employee related expenses for the City Prosecutor's Office – Resolution No. 7887.
- \*j. Authorizing the City Manager to execute an agreement between the City of Mesa Police Department and the Arizona Criminal Justice Commission for the purpose of providing enhanced forensic crime laboratory services – Resolution No. 7888.

8. Consider the following ordinances:

- \*a. Prohibiting parking from 10:00 p.m. to 4:00 a.m. on the west side of Morris Circle from a point 647 feet north of 8<sup>th</sup> Avenue to a point 820 feet north of 8<sup>th</sup> Avenue, and on the east side of Morris Circle from a point 500 feet north of 8<sup>th</sup> Avenue to a point 735 feet north of 8<sup>th</sup> Avenue; prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the east side of 26<sup>th</sup> Street from Fairfield Street to a point 140 feet south of Fairfield Street, on Fairfield Street from 26<sup>th</sup> Street to York, on Fairfield Circle from York to a point 405 feet east of York, and on York from Elmwood Street to Fountain Street; prohibiting parking on the west side of Los Alamos from Southern Avenue to a point 1,067 feet north of Southern Avenue, on the east side of 40<sup>th</sup> Street from Quenton Drive to a point 210 feet south of Quenton Drive, on the west side of 40<sup>th</sup> Street from Quenton Drive to a point 180 feet south of Quenton Drive, on the north side of Quenton Drive from 40<sup>th</sup> Street to a point 60 feet east of 40<sup>th</sup> Street, on Cheshire from Southern Avenue to Hampton Avenue, and on Hampton Avenue from a point 1,326 feet west of Crismon Road to Cheshire; establishing a speed limit of 30 mph on Hampton Avenue from Crismon Road to Cheshire; reducing the speed limit from 45 mph to 40 mph on Gilbert Road from McDowell Road to the west leg of Lockwood Street; reducing the speed limit from 50 mph to 45 mph on McDowell Road from 26<sup>th</sup> Street to Greenfield Road and on McDowell Road from Higley Road to Power Road; and prohibiting left turns from driveways on the southside of University Drive from Longmore to a point 130 feet west of Longmore as recommended by the Transportation Advisory Board – Ordinance No. 4004.
- \*b. Amending Sections 11-1-6, 11-13-2, 11-18-4, and 11-8-6 of the Zoning Ordinance; creating a definition of "Infill Property"; establishing a Development Incentive Permit (DIP) process; authorizing the Zoning Administrator to hear and decide requests for DIP's; and setting a fee for such requests – Ordinance No. 4005.
- \*c. Amending Sections 11-1-3, 11-1-6, 11-13-2, 11-18-4 and 11-18-6 of the Zoning Ordinance regarding expansion of nonconforming uses, buildings, structures, and sites; establishing a Substantial Conformance Improvement Permit (SCIP) process; authorizing the Zoning Administrator to hear and decide requests for SCIP's; and setting a fee for such requests – Ordinance No. 4006.
- \*d. Amending Section 11-4-3 of the Zoning Ordinance to permit the keeping of livestock in numbers exceeding the number permitted, and on parcels less than one acre, subject to a special use permit; and amending Section 6-4-20 of the Police Regulations to allow the

keeping of livestock on properties less than one acre as a result of the acquisition of public right of way – Ordinance No. 4007.

\*9. Discuss and consider approving the Parks and Recreation 2025 Strategic Master Plan.

At the request of Mayor Hawker, Councilmember Walters outlined three minor modifications to the Parks and Recreation 2025 Strategic Master Plan that were recently approved by the Joint Master Planning Committee (JMPC), including: 1) parkland and open space inventories should reflect HOA's and private recreation areas in the City; 2) a reference is needed in the Plan as to why the dividing line for the Plan is Power Road, which is best reported in Table A as a text box addition; 3) the proposed site for the Indoor Aquatic Center should be identified on the Master Plan map.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, that the proposed Parks and Recreation 2025 Strategic Master Plan, as amended, be approved.

Carried unanimously.

9.1. Consider the following recommendations from the General Development Committee:

- a. Proceeding with the City's Request for Qualifications and the draft Request for Proposals for Site 21 (formerly the Bank One Building) located at One North Macdonald Street.

Vice Mayor Kavanaugh, as Chairman of the General Development Committee, provided a brief overview concerning this agenda item and stated that the General Development Committee unanimously recommends proceeding with the Request for Proposals process concerning Site 21. He stated that the Request for Qualifications process revealed significant interest from the development community concerning this property. He noted that as a result of previous redevelopment plans for this property that did not come to fruition, a design for redevelopment of the site was previously approved by the Downtown Development Committee and the Design Review Board.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the recommendations from the General Development Committee to proceed with the Request for Proposals process for Site 21 (the Request for Qualifications process having been previously conducted and results reported to the General Development Committee), be approved.

Carried unanimously.

- \*b. Proceeding with a Request for Proposals for the Mitten house located at 238 West 2<sup>nd</sup> Street and the Pomeroy house located at 217 North Morris Street.
- \*c. Proceeding with a Request for Proposal for 146 West Main Street (formerly the warehouse for Crismon's Baby Boutique).
- \*d. Proceeding with developing an agreement between the City and Arizona Bronze.

9.2. Consider the following recommendation from the Utility Committee:

- \*a. Approving a proposed change in the collection process regarding collection of delinquent utility bills prior to turn-off.

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

- a. **Z02-13** The southeast corner of Val Vista Road and McKellips Road. Rezone from R1-35 to O-S (1.15 ac). This case involves the development of an office building – **A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE.**

P & Z Recommendation: Approval with conditions (Vote: Passed 5-1)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit 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. Compliance with all requirements of the Design Review Board.
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 prior to the issuance for a building permit.
7. Noise attenuation measures be incorporated into the design and construction of the office to achieve a noise level reduction of 25 db.
8. Noise attenuation measures be incorporated into the design and construction of the office to achieve a noise level reduction of 25 db.
9. Compliance with the following terms of the letter from Gregory L. Hitchens to Ryan Heiland dated February 12, 2002; this letter is incorporated into the ordinance by reference:
  - a. No medical or dental uses will be allowed to operate in this office.

Greg Hitchens, applicant, 2135 E. University, addressed the Council concerning this rezoning case and advised that he is the project architect for this proposed office development. He provided a brief historical overview of this case and described numerous modifications made to the original design in response to objections and concerns raised by staff and citizens during the public comment process. He reported that the modifications include reducing the proposed office complex from two buildings to one, reducing the proposed two-story building to one and one-half stories above ground, reducing the proposed parking from 57 spaces to 30, increasing the proposed setbacks from Val Vista and McKellips from 16 feet to 40 and 45 feet respectively, and adding two rows of staggered citrus trees plus a decorative fence between the citrus trees

and the building to provide buffers along McKellips and Val Vista. He stated that despite implementing these changes, residents continued to oppose the project. He voiced the opinion that a significant number of residents opposed to this case reside north of this intersection and see this matter as a test case with respect to future development of the Val Vista Drive/McDowell Road intersection.

Mr. Hitchens commented on the fact that staff now recommends approval and that the Planning and Zoning (P & Z) Board voted 5-1 in support of this case. He also discussed numerous reasons provided by P & Z Board members concerning their support.

Mr. Hitchens stated that the proposed office project is an allowed use under O-S zoning, which is intended to serve as a transition from residential uses to major arterial streets. He further stated that the proposed estate-theme design of the office building and the citrus screens have been designed to provide a quiet and compatible use with the neighboring residential area. He voiced the opinion that in the event this case is not approved, it is unlikely that this corner will be redeveloped residentially in the future because of significant development costs associated with the corner and the fact that the parcel is relatively small.

The following individuals spoke in opposition to this proposed rezoning case:

Lew Lenz	3717 E. Pomegranate Street
(Representing the Northeast Mesa Homeowners Association)	
John Morehouse	2205 N. Val Vista Drive
Christina Fetchick	P.O. Box 41570
Chuck Mitchell	3636 E. Indigo Circle
Julie Brady	3044 N. Val Vista Drive

The foregoing individuals voiced opposition to this case and stated the following:

- This property is located within the citrus area, which the new General Plan identifies as one of seven major sub areas of Mesa that have particular features or land uses that are important to the future development of the City, and the General Plan states that the rural setting and citrus character of this area should be maintained;
- The purpose of R1-35 zoning is to provide and preserve low-density suburban, estate type residential uses in areas having unique characteristics;
- Area residents do not feel that the cost of improvements, the noise or the location of this property are valid reasons to change the existing zoning;
- This property is suitable for development of a new residence - there is a new residence on the corner lot across the street in the Arboleda development;
- If this rezoning is approved, it would be the first commercial zoning in the citrus area except for a small business on McKellips east of Val Vista that existed when this area was annexed - existing businesses on McKellips west of Val Vista are outside the defined citrus area;
- Business use is not compatible with the low-density rural residential character of this area;
- If R1-35 zoning in the citrus area is left unchanged, the area will continue to develop into one of the finest residential areas in Mesa;
- Once zoning in this area has been changed, other rezoning requests for businesses in this area will follow;

- Mesa does not need additional office space – there is a significant amount of office space that is vacant;
- The citrus trees in Mesa represent a precious commodity and should be preserved;
- Residents have relied on the existing zoning and General Plan residential land use designations in this area and have invested a significant amount of money in the area;
- There is no justifiable reason to develop an office building at this location.

The following individuals indicated opposition to this case although they did not wish to address the Council:

Cora Lenz	3717 E. Pomegranate Street
Erik Kofod	2710 N. Val Vista Drive
Anne Kofod	2710 N. Val Vista Drive
Marilyn Sikora	1859 N. Val Vista Drive
Thomas Sikora	1859 N. Val Vista Drive
Linda Miritello	2575 N. Val Vista Drive
Scott Miritello	2575 N. Val Vista Drive
Viviana Skinner	3617 E. Pomegranate Street
Barbara Henderson	3640 E. Pomegranate Street
Donna Hunt	3639 E. Pomegranate Street
Pat Richards	3618 E. Pomegranate Street
Bill Jaffa	1314 N. Abner
Helen Williams	3051 N. Redrock Drive
Matthew Saulner	3352 E. June Circle
Mary Lou Ryan	3352 E. June Circle

Mr. Hitchens responded to citizen comments and stated that the existing residences on the property consist of three, sixty-year old apartments; that the proposed development precludes medical and dental office uses, and that the owner proposes to remove the existing dead citrus trees on the property and replace them with new trees.

Planning Director Frank Mizner reiterated the fact that staff and the P & Z Board recommend approval of this case. He commented that O-S zoning is often used throughout the City along major arterials as a buffer land use between residential development, and is intended to provide an environment for professional offices. He explained that because a legal protest is attached to this case, a  $\frac{3}{4}$  vote of approval by the Council is required.

Mr. Mizner outlined the reasons behind staff's recommendation for approval, including the fact that the applicant has been very cooperative in amending his original proposal to respond to concerns from staff and neighbors and he reiterated the numerous changes previously outlined by Mr. Hitchens. He added that if the Council approves this rezoning case, the proposed project must then be approved by the Design Review Board. He stated that staff recognizes that the proposed location is a sensitive, high-quality area of Mesa and that the Council has historically voted to ensure that the unique nature of this area be maintained. He further stated that this property is located at a major arterial intersection and is relatively small, rendering it difficult to develop. He added that it is staff's opinion that it is unlikely that this property will be redeveloped residentially because of these issues. He advised that in staff's opinion the proposed development would not impact residential home values or the quality of life of nearby residents.

Discussion ensued regarding the fact that developing a smaller “garden” type office building on this site would still require an O-S zoning change; and the fact that if this case is denied by the Council, the applicant could resubmit a rezoning and site plan proposal for a smaller office project.

Councilmember Griswold voiced opposition to the proposed rezoning request and reported that while he served on the Joint Master Planning Committee, the members considered this area and concurred that it should remain residential in its entirety.

Councilmember Thom discussed the importance of maintaining the citrus area in Mesa and stated opposition to the proposed rezoning request.

It was moved by Councilmember Thom, seconded by Councilmember Griswold, that the proposed rezoning case be denied.

Councilmember Walters stated support for the motion and said that although she respects the work of the Planning and Zoning Board and generally supports their decisions, rezoning this site to allow office uses is contrary to the General Plan and she is concerned about establishing a precedence in this area.

Councilmember Jones voiced support for the motion and stressed the importance of adhering to the City’s General Plan.

Councilmember Whalen stated support for the motion but urged the applicant to resubmit an office project proposal that is on a smaller scale. He voiced the opinion that it is unlikely that this site can be redeveloped residentially.

Mayor Hawker voiced support for the motion and said that he is opposed to changing the residential zoning in this area. He added that he is also concerned that allowing a rezoning of this property would establish a precedence that future Councils would rely upon when considering future rezoning cases for this area.

Carried unanimously.

11. Consider the following subdivision plats:

- \*a. “BASELINE COMMERCE CENTER”, - (Council District 2) – 1921 South Lindsay Road (west side) 3 C-2 commercial lots (6.56 ac) Baseline Commerce, L.L.C., owner; JMA Engineering Corporation, engineer.
- \*b. “FAIRWAY VISTAS”, - (Council District 6) – 7909 East Broadway Road (south side) 24 R-2 PAD townhome lots (3.25 ac) Homestead Communities, L.L.C., owner; PDC Engineers, Inc., engineer.
- \*c. “MYSTIC HEIGHTS”, - (Council District 5) – 545 North 88<sup>th</sup> Street (east side) 22 R1-6 PAD single residence lots (5.16 ac) ADDAX, L.L.C., owner; GeoDimensions, Inc., engineer.

- \*d. "VILLAGES OF EASTRIDGE UNIT 3", - (Council District 6) – 10400 to 10500 block of East Baseline Road (south side) 96 R1-7 PAD DMP single residence lots (17.65 ac) Crismon & Baseline, L.L.C., owner; CMX Group, Inc., engineer.
- \*e. "VILLAGES OF EASTRIDGE UNIT 4" – (Council District 6) – 10500 to 10700 block of East Baseline Road (south side) 82 R1-7 PAD DMP single residence lots (22.44 ac) Crismon & Baseline, L.L.C., owner; CMX Group, Inc., engineer.
- \*f. "VILLAGES OF EASTRIDGE UNIT 5", - (Council District 6) – 10500 to 10600 block of South Vegas (east side) 75 R1-7 PAD DMP single residence lots (26.56 ac) Crismon & Baseline, L.L.C., owner; CMX Group, Inc., engineer.

12. Election items.

City Clerk Barbara Jones addressed the Council and provided an update concerning the referendum issue relative to the Multipurpose Facility project and the fact that this issue (Proposition 404) will be on the September 10, 2002 Maricopa County Primary Election ballot. She referred to a sample ballot on display in the Council Chambers and noted that Proposition 404 is on the back page of the ballot. She also outlined timeframes relative to early voting.

Ms. Jones also commented on the fact that the General Plan issue (Proposition 405) will be on the November 5, 2002 Maricopa County General Election ballot and reported that the deadline for submitting pro and con arguments for the publicity pamphlet is August 7, 2002.

Discussion ensued regarding timeframes associated with early voting in the Primary Election; the fact that Maricopa County will not begin mailing early ballots until August 18, 2002; and the fact that in addition to requesting early ballots from Maricopa County by telephone, early ballots can also be requested via the County's web site.

13. Items from citizens present.

Carol Meyers, 5210 E. Hampton Avenue, addressed the Council and spoke in support of the Multipurpose Facility project. She discussed the benefits associated with citizens being employed within the City limits and the importance of facilitating employment in the City. She also commented on the fact that the Multipurpose Facility would be used as an entertainment venue in addition to a sports venue, and significantly contribute to local hospitality industries and City sales tax revenues.

Ms. Meyers discussed the importance of good building design and preserving the natural beauty of Mesa while facilitating commercial growth. She commented on the architectural philosophy of Frank Lloyd Wright and urged the Council to consider the value associated with seeking quality, professional assistance in conjunction with design review in the City.

14. Adjournment.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Thom, that the Regular Council Meeting adjourn at 7:25 p.m.

Carried unanimously.

\_\_\_\_\_  
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 5<sup>th</sup> day of August 2002. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

pjt