

## COUNCIL MINUTES

February 7, 2005

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 7, 2005 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  
Barbara Jones  
Debbie Spinner

Invocation by Father Leonard Walker, Queen of Peace Church.

Pledge of Allegiance was led by Maeser Allen, Boy Scout Troop No. 995.

Mayor's Welcome.

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

Presentation of Spirit of Mesa Neighborhood Awards.

Neighborhood Services Manager Lisha Garcia stated that she is pleased to recognize six Mesa residents for their outstanding neighborhood achievement and also to showcase the great work being accomplished in Mesa's neighborhoods. She commented that this year, the City received 22 nominations for the Spirit of Mesa Neighborhood Awards and noted that the efforts outlined in the applications were phenomenal. Ms. Garcia expressed appreciation to all of the applicants and also acknowledged the community leaders who served as judges in the selection of tonight's winners.

Ms. Garcia presented awards to the following individuals:

- Neighborhood Public Safety Award – Residents In Action Neighborhood. Carla Gonzales accepted the award on behalf on the neighborhood.
- Neighborhood Events/Community Building Award – Robson Street Villas. Alan Hatch accepted the award on behalf of the neighborhood.
- Honorable Mention, Events/Community Building Award – Menlo and 25<sup>th</sup> Connection and Hermosa Vista Estates. Kristine Ouzts accepted the award on behalf of the neighborhood.

- Neighborhood Beautification Award – Park Place Association. Greg McInturff accepted the award on behalf of the neighborhood.
- Virginia M. Lamb Award for Outstanding Neighborhood Leadership – Suzanne Johnson, Park Place Association.
- Honorable Mention, Neighborhood Leadership – Bev Klink, Fiesta Village Mobile Home Park.

Ms. Garcia invited the Council to attend a reception this evening at the Southwest Museum to honor the above-referenced recipients.

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 Councilmember Jones, 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 October 4 and December 6, 2004 and January 18 and 24, 2005 Council meetings.

3. Consider the following liquor license applications:

a. RANDY D. NATIONS, AGENT

Person & Location Transfer Bar License for Famous Sam's #44, 2860 E. Main Street, Suite #111-114. This is an existing business. Current Restaurant License exists at this location. This is a person and location transfer from Randy D. Nations, Agent, Cat Eye Lounge, Inc., at 7164 E. Stetson Drive, Scottsdale. This license will transfer to the applicant. District #2.

Councilmember Griswold declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item.

Deputy City Attorney Joe Padilla reported that the applicant has requested that he be allowed to transfer a Series 6 License into the Famous Sam's location, which would permit him to operate a bar in a C-2 zoning district. He explained that the Zoning Code limits the location of bars utilizing a Series 6 License to C-3, M-1 and M-2 zoning only. Mr. Padilla stated that in November of last year, a liquor license application came before the Council wherein the applicant, R.T. O'Sullivan, requested a Series 6 License. He commented that in that case, the request was not for the purpose of operating a bar in C-2, but rather to utilize the license as part of Mr. O'Sullivan's catering business. Mr. Padilla added that Mr. O'Sullivan entered into an agreement with the City whereby the City could audit his records to determine whether he was operating a restaurant.

Randy Nations, Administrative Agent for the applicant, Salvatore Palazzola, advised that Mr. Padilla's explanation is not entirely accurate in that the applicant wishes to continue the operation of his restaurant as it currently exists. He provided a brief historical overview of the case and stated, among other things, the applicant was audited by the State to determine if he was in compliance with the 40% rule (40% of gross revenue is derived from the sale of food) and that the audit was close to, but did not meet that percentage; that rather than risk losing an appeal to the State Liquor Board and his business being closed immediately, the applicant opted to research the necessary requirements to obtain a Series 6 License to continue his operation as is; that the State, as well as various City employees, informed him that he would need C-2 zoning for the license; and that relying on such information, Mr. Palazzola purchased a Series 6 License for \$100,000 and subsequently submitted the application for approval to the City.

Mr. Nations concluded his remarks by commenting that the applicant is aware of the R.T. O'Sullivan case and is merely requesting that the Council give him the same consideration and leeway they gave to Mr. O'Sullivan. He assured the Council that the applicant intends to maintain his current operation and would not operate his establishment as a bar. Mr. Nations added that for the past three years, the applicant has been a good neighbor at his current location, has zero liquor violations, and is located directly across the street from C-3 zoning.

Discussion ensued relative to the operation of the applicant's Famous Sam's restaurant; that the applicant would be willing to enter into an agreement with the City to maintain the facility as a restaurant as long as he remains the owner; and that if he sold the restaurant, he would take the Series 6 license with him.

In response to a question from Councilmember Whalen, Mr. Padilla clarified that his office would be agreeable to enter into a consent agreement with Mr. Palazzola (similar to R.T. O'Sullivan's) that would allow the City to audit his records to demonstrate compliance with the 40% rule. He explained that if the restaurant, for example, did not meet the food requirement, sold more alcohol to stay in business, and was ultimately found in violation by the auditors, the City would only be able to issue the owner a civil Zoning Code violation and would not have the ability to revoke his license for noncompliance. Mr. Padilla added that as was the case with R.T. O'Sullivan, a provision could be included in the agreement that if the applicant were to sell the restaurant, he would agree not to transfer the license to that same location for someone to come in and operate a bar.

It was moved by Councilmember Whalen, seconded by Councilmember Rawles, that the liquor license application be approved with the following conditions: the applicant be requested to enter into a consent agreement with the City that he would be audited to determine compliance with the 40% rule; that the applicant would be subject to a Zoning Code violation if he is not in compliance; and that if the owner sold the restaurant, the license would go with the owner and not be retained at the current location.

Mayor Hawker commented that he would not support Mr. Palazzola's application and said that in his opinion, allowing a Series 6 Bar License in C-2 is not appropriate, especially since that zoning district is generally in closer proximity to residential areas and has greater restrictions. He stated that if the owner wanted to move his establishment across the street or build a bar in C-3 zoning, he would have his full concurrence. Mayor Hawker added that he is not opposed to allowing bars in Mesa, only in C-2 zoning districts.

In response to a question from Vice Mayor Walters, Mr. Padilla clarified that in order for someone to request the issuance of a Council Use Permit to regulate the establishment of a bar in C-2 zoning districts, it would be necessary to amend the Zoning Code.

Vice Mayor Walters commented that she personally has nothing against Mr. Palazzola's business, but for consistency sake, would vote in opposition to his liquor license application as she did with R.T. O'Sullivan's application. She stated that she does not think it is appropriate to address items such as these one by one and added that she would be supportive of amending the Zoning Code to permit the issuance of a Council Use Permit to allow a bar in C-2 zoning.

Councilmember Jones questioned why, if Mr. Palazzola's establishment did not quite meet the 40% requirement during its audit with the State, he is not requesting the Series 6 License. He stated that although he understands that Mr. Palazzola is trying to maintain his business, he would be opposed to the Council setting a precedent of allowing more applicants to request the issuance of a Series 6 license in C-2.

Councilmember Rawles expressed support for the motion and stated that he does not object to a bar being located in the C-2 zoning district. He also noted that the applicant has relied to some extent on statements and assurances from City employees and has chosen an expensive option by which to maintain his business at its current location.

Further discussion ensued regarding the possibility of delaying action on this item to the February 22, 2005 Council Meeting.

Councilmember Whalen and Councilmember Rawles stated that they would withdraw their motion and second to the motion.

It was moved by Councilmember Whalen, seconded by Councilmember Rawles, that this item be continued to the February 22, 2005 Regular Council Meeting.

Assistant Financial Services Manager Jenny Sheppard advised that the City is required to respond to the State Liquor Board regarding liquor license applications within 60 days. She stated that with regard to this request, if the City does not respond by February 11, 2005, the State would assume the Council has recommended denial and the case would be forwarded to a Liquor Board hearing.

In response to a question from Mayor Hawker, Mr. Palazzola advised that in conferring with City staff regarding this issue, he was told that if he obtained a Series 6 License, he would be able to operate a bar in a C-2 zoning district and would not be required to obtain Council approval.

Mayor Hawker stated that he is very uncomfortable with the fact that City staff provided Mr. Palazzola with incorrect information upon which he based a series of decisions. He also voiced concerns that the Council is now required to make a decision based on those circumstances. Mayor Hawker suggested that Council action on this matter be delayed until such time as the statements made by staff members can be verified.

Additional discussion ensued relative to continuing the matter to a February 10, 2005 Special Council Meeting, which would allow staff to verify the accuracy of the information provided to Mr. Palazzola; and that even if the applicant received Council approval of the current liquor

license application, he would be willing to come back through the process, even though not legally required to do so, and request the issuance of a Council Use Permit to ensure that he is in conformance with the amended Zoning ordinance.

Councilmember Whalen and Councilmember Rawles withdrew their motion and second to the motion.

It was moved by Councilmember Whalen, seconded by Councilmember Rawles, that this matter be continued to the February 10, 2005 Special Council Meeting.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

\*b. ROBERT THOMAS VIVIAN, AGENT

New Restaurant License for PF Chang's China Bistro, 6610 E. Superstition Springs Blvd. This is new construction. No previous liquor licenses at this location. District #6.

4. Consider the following contracts:

- \*a. Three-year supply contract for Class 250 Gas Meters for warehouse inventory as requested by the Utility Service Division.

The Purchasing Division recommends accepting the low bid meeting specification by Measurement Control Systems at \$262,310.40 based on estimated annual requirements.

- \*b. Three-year supply contract for Dead Animal Collection Services as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Arizona Pet Mortuary at \$56,934.20 based on estimated annual requirements.

- \*c. Gas Meter Prover/Tester as requested by the Utility Service Division.

The Purchasing Division recommends accepting the bid by The American Meter Company at \$47,250.72. (Sole Source)

- \*d. HazMat Material Shelter Replacement Parts as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Lee Bays Supply at \$28,627.87 including applicable sales tax. (Sole Source)

- \*e. Nineteen Hand-Held Lidar Speed Enforcement Guns as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the Department of Public Safety Statewide contract with Kustom Signals, Inc. at \$57,924.77. (Grant Funded).

- f. Musician's Chairs, Music Stands, Stage Platforms (choral risers) and Related Equipment for the Mesa Arts Center

The Purchasing Division recommends authorizing purchase from the Maricopa County Community College District (MCCCD) contract with Wenger Corporation at \$117,658.53.

It was moved by Vice Mayor Walters, seconded by Mayor Hawker, that the recommendations of staff be approved.

Councilmember Rawles commented that he has come to the conclusion that he is opposed to the construction, operation and maintenance of the Mesa Arts Center and stated that in good conscience, he can no longer vote in support of any items associated with the facility. He stated that this item, as well as 4h and 7l, are examples of the government exceeding its boundaries and also indicative of a utilitarian or collectivist approach, which he cannot support. Councilmember Rawles noted that he believes in the sanctity of the individual and that "when society allows the government to do something for us, it is beyond its legitimate role and a little bit of freedom dies in this country." He said that he would continue to vote in opposition to items that do not fall within the category of an essential function of government and added that the Council needs to start distinguishing between their wants and needs.

Councilmember Thom expressed the opinion that Mesa voters never had the opportunity to vote for the Mesa Arts Center by itself and noted that it was a project that was approved by a prior Council after the Quality of Life Sales Tax was passed by the voters. She also indicated that the equipment listed in the above-referenced contract could just as easily be funded through private donations and not by the City.

Vice Mayor Walters stated that although she appreciates Councilmember Rawles' philosophical viewpoint, she simply does not share it. She stated that in her opinion, there are things the City does better collectively than on an individual basis, such as the development of libraries and parks, which Mesa residents have come to expect. Vice Mayor Walters added that whatever one's position may be regarding the Mesa Arts Center, it was not the intent of the City that it would be built so that it would fail and said that it is important that Mesa provide the necessary equipment in order to ensure its success.

Mayor Hawker expressed support for the motion and stated that over \$500,000 was earmarked in the Mesa Arts Center's budget to purchase equipment and supplies such as that contained in the above-referenced contract.

Councilmember Whalen voiced support for the motion and commented that he would prefer not to enter into a philosophical discussion regarding whether the City should have built the Mesa Arts Center. He noted, however, that because it is now nearing completion, that certain

members of the community should just “get over it” and allow the City to proceed forward in its efforts to operate the facility.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

- \*g. Three-year supply contract for Polymer Modified Asphaltic Emulsion as requested by the Development Services Division.

The Purchasing Division recommends accepting the bid by Paramount Petroleum Corp. of Arizona at \$57,026.20 based on estimated annual requirements.

- h. 25 each 800 MHz Portable Radios for Mesa Arts Center staff as requested by Communications Division.

The Purchasing Division recommends authorizing purchase from the Phoenix/Mesa contract for 800 MHz radios with Kenwood USA at \$51,067.10.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

- \*i. Three-year supply contract for Sodium Hypochlorite as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by HASA, Inc. at \$192,841.20 based on estimated annual requirements.

- \*j. System Backup Hardware and Software for the Police (PD) Records Management System (RMS) as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with CompuCom, Inc. for a total of \$95,509.31, including applicable sales tax.

- \*k. Three-Year Supply Contract for T-Shirts as requested by the Parks, Recreation and Cultural Division.

The Council is requested to approve the contract accepting the low bid by Lamb Sportswear as the primary supplier for annual purchases estimated at up to \$60,000. To ensure continuity of supply, a secondary contract is recommended to Sports Station Ltd.

- \*l. Three-year supply contract for Ultra Thin Bonded Wearing Course as requested by the Development Services Division.

The Purchasing Division recommends accepting the bid by Rinker Materials at \$683,732.50 based on estimated annual requirements.

- \*m. Replacement Vehicles for the Utilities Gas Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$55,944.87.

- n. Gas Line Replacement in Quarter Section 30B, City of Mesa Project No. 01-891-001.

This project will create a more reliable gas distribution system by replacing gas mains and service lines within Quarter Section 30 bounded by 8<sup>th</sup> Avenue on the north, 10<sup>th</sup> Avenue on the south, Center Street on the east and Grand Avenue on the west. Construction of this project will ensure reliability of the natural gas pipeline system.

Recommend award to low bidder, K.R. Swerdfeger Construction Inc., in the amount of \$742,880.44 plus an additional \$74,288.00 (10% allowance for change orders) for a total award of \$817,168.44.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this case.

It was moved by Councilmember Griswold, seconded by Councilmember Rawles, 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.

- 5. Discuss and consider a recommendation to install angle parking on 1<sup>st</sup> Street between Country Club Drive and Mesa Drive.

It was moved by Councilmember Griswold, seconded by Councilmember Whalen, that staff be directed to install angle parking on 1<sup>st</sup> Street between Country Club Drive and Mesa Drive.

Carried unanimously.

6. Introduction of the following ordinances and setting February 22, 2005, as the date of public hearing on these ordinances:

- \*a. Providing a monthly communications allowance of up to \$80.00 for the Mayor and City Councilmembers.
- \*b. **A04-04 (District 6)** Annexing the east side of Power Road between Ray and Williams Field Road. (67.7± acres). Initiated by the property owners (List of property owners attached).
- c. Amending the Mesa City Code regarding the following traffic modification:

Speed Limits: 10-4-5 (35 mph) and 10-4-06 (30 mph)

Reducing the speed limit from 35 mph to 30 mph on 1<sup>st</sup> Street from Country Club Drive to Mesa Drive. (Town Center Area, Council District 4).

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that an ordinance amending the Mesa City Code relative to reducing the speed limit from 35 mph to 30 mph on 1<sup>st</sup> Street from Country Club Drive to Mesa Drive be introduced and setting February 22, 2005 as the date of public hearing.

Carried unanimously.

7. Consider the following resolutions:

- \*a. Approving the use of the Scalloped Street Assessment Laws to assess a portion of the costs for East McLellan Road from Val Vista Drive to the east 1,265 feet +/-, Project # 04-004-001 – Resolution No. 8408.  
  
This project will install street improvements along the north and south side of East McLellan Road from North Val Vista Drive to the east.
- \*b. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement for the reimbursement of regional offsite street improvements that are being required by Mesa in conjunction with the proposed commercial development of The Groves Towne Center located at 1130 West Grove Avenue – Resolution No. 8409.
- \*c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation and the City of Mesa for the design and construction of dual left turn lanes and one additional through lane in each direction at the traffic interchange at the Superstition Freeway (US 60) and Mesa Drive – Resolution No. 8410.
- \*d. Vacating the right-of-way located at South Diego Circle in the Banner Baywood Medical Center Campus, at 6644 East Baywood Avenue – Resolution No. 8411.

This right-of-way is no longer required.

- \*e. Authorizing the sale of City property to Virgin Properties and NewMark Merrill – Resolution No. 8412.

This is excess City-owned property located at the northwest corner of Red Mountain Freeway Loop 202 and Recker Road.

- \*f. Authorizing the City Manager to execute an Agreement between the City of Mesa and the Maricopa County Sheriff's Office for the salary reimbursement of one officer assigned to the Meth Lab Task Force – Resolution No. 8413.

- \*g. Extinguishing a Public Utility Easement located at 2735 East Main Street – Resolution No. 8414.

This easement is no longer required.

- \*h. Extinguishing Easements for Highway Purposes for North 38<sup>th</sup> Street and East Boston Street – Resolution No. 8415.

These easements are no longer required.

- \*i. Vacating Right-of-Way at East Sunland Circle and Extinguishing a Public Utility Easement at 924 South Crismon – Resolution No. 8416.

The right-of-way and easement are no longer required.

- \*j. Vacating a portion of a Right-of-Way in the 4200 block of East Valley Auto Drive – Resolution No. 8417.

This portion of right-of-way is no longer required.

- \*k. Extinguishing portions of a Sidewalk Easement, Landscape Easement, Sign Easement, Temporary Drainage Easement, Controlled Vehicular Access Easement and Public Utilities and Facilities Easement in the 4200 block of East Valley Auto Drive – Resolution No. 8418.

These portions of easements are no longer required.

- l. Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the design and construction of a Downtown Pedestrian Pathway from Main Street north along the Lewis Street Alignment to 1<sup>st</sup> Street – Resolution No. 8419.

In response to a question from Mayor Hawker, City Manager Mike Hutchinson clarified that this item is to authorize the execution of an Intergovernmental Agreement (IGA) for the design and construction of the Downtown Pedestrian Pathway and that the construction award would be brought back to the Council at a later time.

Mayor Hawker commented that he would vote on this agenda item, but refrain from voting on the contract if he has the potential of being a subcontractor on the project.

Councilmember Rawles stated that the City intends to spend approximately \$520,000 in order to build a 300 foot long Pedestrian Pathway from Main Street to Pepper Street along Lewis. He commented that even if this was an appropriate function of government, which, in his opinion, it is not, he could not support the item under any circumstances, especially because of the cost.

In response to a question from Councilmember Whalen, City Engineer Keith Nath clarified that the cost of the project is estimated at \$521,908, of which \$481,503 would be funded by a State grant and \$40,405 by the City.

Vice Mayor Walters voiced support for the item and said that the primary objective of the project is to create pathways that would connect the existing sidewalks in the downtown area. She noted that this would allow citizens to walk, for example, from the Main Library, to the Mesa Arts Center and the Mesa Convention Center.

Councilmember Thom said that although the majority of the project would be funded with grant money, in her opinion, that is still not a good enough reason for the City to pursue the project, especially since it cannot independently afford to fund the pathway. She also stated that she would have no objection to enhancing the appearance of Lewis Street with more landscaping and various decorative features. Councilmember Thom expressed concerns that the downtown area would not have sufficient onsite street level parking to accommodate events at the Mesa Arts Center.

It was moved by Councilmember Whalen, seconded by Mayor Hawker, that Resolution No. 8419 be adopted.

Councilmember Griswold expressed support for the motion and commented that if Mesa Community College expands its presence into the downtown area, the wider sidewalks would accommodate the students moving throughout the Town Center area.

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. 8419 adopted.

\*8. Consider and approve the City of Mesa Development Corp. (MDC) authorization to sign a City of Coolidge Annexation Petition (Airport Annexation – Phase I Revised).

9. Consider the following the ordinances:

\*a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4340:

Prohibiting Left Turns from Driveways: 10-3-15(B)

The north side of McKellips Road from driveway with centerline approximately 152 feet east of June Street (McKellips Road west of Recker Road, Council District 5).

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

On the south side of Baywood from a point 1,015 feet west of Power Road to a point 1,855 feet west of Power Road (north of Broadway Road and west of Power Road, Council District 5).

On the south side of McLellan Road from Power Road to a point 270 feet west of Power Road and on the north side of McLellan Road from Power Road to a point 100 feet west of Power Road (north of Brown Road and west of Power Road, Council District 5).

- \*b. **CUP03-002TC (District 4)** 120 West 1<sup>st</sup> Avenue and 27 South Robson. Located east of Robson Street and north of 1<sup>st</sup> Avenue. Council Use Permit. This is a request to amend Ordinance No. 4062. Freedom Arizona Newspaper Inc., applicant – Ordinance No. 4341.
  
- c. **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, JUNE 7, 2004, JULY 6, 2004, AUGUST 16, 2004, SEPTEMBER 7, 2004, OCTOBER 4, 2004 AND THE DECEMBER 6, 2004 CITY COUNCIL MEETINGS. \*\* CONTINUED TO THE MARCH 7, 2005 REGULAR 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 City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.
7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
8. Transit oriented development is encouraged for the 3.67-acre lot.

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 Whalen, seconded by Mayor Hawker, that Zoning Case **Z03-64** be continued to the March 7, 2005 Regular Council Meeting.

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.

- \*d. **Z04-107 (District 4)** 500 West Southern Avenue, Suite 33. Located west of Country Club Drive and north of Southern Avenue (3.90 ac). Council Use Permit. This request is for a modification to Ordinance No. 4163. Taschner Center Partners, applicant, Larry S. Lazarus, applicant – Ordinance No. 4342.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Administrative review and approval of any tenant space exterior building elevations and site landscaping improvements through Design Review Board Staff.
5. Firearms of any type will not be pawned, bought or sold at this location.
6. Adult materials will not be pawned, bought or sold at this location.

10. Consider the following subdivision plats:

- \*a. "COBBLESTONE AT LAS SENDAS" (**District 5**) – 6900 block of East Eagle Crest Drive (west side) located north and east of Thomas Road and Power Road. 57 R1-7 PAD DMP single residence lots (12.60 ac) Sonoran Desert Holdings, L.L.C., Jeff Blandford, President, owner; Wood/Patel, engineer.
- \*b. "THE BASELINE CENTER OFFICE CONDOMINIUMS" (**District 6**) – 4100 block of East Baseline Road (north side) located north and west of Baseline Road and Greenfield Road. 28 M-1 PAD office condominium units (4.04 ac) Baseline Center L.L.C., Michael T. Reidy, Managing Member, owner; Brooks Engineers & Surveyors Inc., engineer.
- \*c. "STAPLEY CORPORATE CENTER TWO" (**District 4**) –1800-1900 blocks of South Stapley Drive (west side) located north and west of Baseline Road and Stapley Drive. 4 M-1 commercial lots (17.46 ac) DAZ-3 Stapley, LLC, a Missouri Limited Liability Company, Mark J. Schnuck, President, owner; Knudsen-Smith Engineering, Inc., engineer.

- d. "ESTRELLA VISTA" (**District 5**) – 8000-8200 blocks of East Hermosa Vista Drive (south side) located north and west of McKellips Road and Hawes Road. 29 R1-35 PAD single residences lots (38.94 ac) Momentum Construction & Development, LLC, Kelly Shepherd, Managing Member, and Larry Arney and William S. Jaffa, owners; Ace Engineering, Inc., engineer.

Bill Jaffa, 30 West 1<sup>st</sup> Street, addressed the Council and expressed appreciation to Planning staff for their assistance relative to the adoption of the new Desert Uplands Guidelines and also their efforts and hard work with regards to this agenda item. He added that he hopes to build a home in this development that Mesa officials would be proud to showcase to business executives as the City seeks to bring high paying jobs into the community.

It was moved by Vice Mayor Walters, seconded by Councilmember Thom, that the "Estrella Vista" subdivision plat be approved.

Carried unanimously.

11. Items of citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:05 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 7<sup>th</sup> day of February 2005. I further certify that the meeting was duly called and held and that a quorum was present.

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