



COUNCIL MINUTES

June 3, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 3, 2002 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

NEWLY-ELECTED COUNCIL

Rex Griswold
Kyle Jones
Janie Thom

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

COUNCIL ABSENT

None

Invocation by Reverend Steve Westin, St. Mark's Episcopal Church.

Tori Walters, the daughter of Councilmember Claudia Walters, led the Pledge of Allegiance.

Mayor Hawker welcomed everyone to the meeting.

1. Remarks by outgoing Vice Mayor and Councilmembers:

Vice Mayor Jim Davidson:

Vice Mayor Davidson said he began his term of office with boundless energy and truly was excited to have the opportunity to serve the City of Mesa. He stated that four years later that enthusiasm has not abated. He said that serving this City has been the most rewarding experience in his life, short of raising three children with his wife, Jane. He introduced members of his family present in the audience and thanked them for coming.

Vice Mayor Davidson said that he believes the following three issues will continue to be very important as the City continues to grow: (1) The General Plan (Vision 2025) will be brought to the voters this November. He commented on the extensive time, work and effort that has gone into the development of this document, which will become the City's "blueprint" for the next 20 to 25 years and has successfully incorporated transportation, economic development, parks and recreation into an effective land use plan. He stated that the plan is a good one and the citizens

can and should support it; (2) Mesa will not remain the “shining City on the hill” without maintaining safe, high-quality, affordable housing that meets the needs of all our City. Housing stabilizes and sustains strong communities and the City of Mesa is currently working on a Housing Master Plan, the product of extensive citizen involvement, and he encouraged the pursuit of this important program; and (3) No city in this country will be able to attract businesses and sustain their population without providing without providing choice in transportation needs and he stressed the importance of not only serving the single occupant vehicle but also those populations requiring and those populations choosing public transportation. He added that the City must start building the necessary public transit infrastructure to accommodate infill development and to connect the City to other cities in this region.

Vice Mayor Davidson expressed his appreciation to staff and to the network of citizen advisory groups. He also thanked his employer, Salt River Project, for their generosity and support in allowing him to serve the City of Mesa. The Vice Mayor encouraged citizens to “get involved” and thanked them for the opportunity to serve them and the great City of Mesa.

Councilmember Bill Jaffa:

Councilmember Jaffa said that this is a moment of remembrance for him and a moment of thanks for the citizens’ trust in allowing him to serve them over the past four years. He added this is also a reaffirmation of his dedication and continued commitment the great City of Mesa. He stated that he has had the opportunity to work with great individuals who have nothing but the best of intentions to make the City better. He stated that he has had the opportunity to participate in the rebirth of the downtown area as new businesses locate there and to stabilize west Mesa through the adoption of ordinances that limit the number of group homes, through the adoption of the Neighborhood Services Department, that is bringing resources to further help in stabilizing this unique area, and with the adoption of “opportunity zones” that are bringing a re-commitment from existing businesses and homeowners.

Councilmember Jaffa stressed the importance of not losing site of the Long Bow facility and protecting the integrity of Williams Gateway Airport. He said that any residential development that is part of a mixed use category of development should be the subject of phased in development or residential development will encroach on the airport and limit or destroy job development opportunities. He thanked staff for their hard work and dedication and said that the City of Mesa has some of the finest employees anywhere in the country.

Councilmember Jaffa presented the members of the Council token gifts and said that it has been a pleasure and honor to serve with them.

Councilmember Pat Pomeroy:

Councilmember Pomeroy introduced the members of his family present at the meeting and said that he has had the opportunity to work with extremely caring, capable and professional Councilmembers and staff during his term of office. He thanked Staff for their hard work and support and discussed his family history which dates back to the early pioneer days in Mesa. He wished the new Council the best of luck in their endeavors and encouraged them to continue to pursue the goals and objectives that have been identified by the Council. Councilmember

Pomeroy also thanked the citizens of Mesa for providing him the honor and opportunity to serve them.

2. Swearing in and seating of three Councilmembers:

Kyle Jones was sworn in by Maurice Jones.

Rex Griswold was sworn in by The Honorable Walter Switzer.

Janie Thom was sworn in by The Honorable Tom Freestone.

Mayor Hawker and the continuing members of the Council congratulated the above listed individuals on their appointment to the Council.

3. Remarks and introductions by Kyle Jones, Rex Griswold, and Janie Thom.

Councilmember Kyle Jones expressed his appreciation to all those who had the confidence in him in District 4 to elect him to this position and said that he not only will represent District 4, he will represent the entire City of Mesa. He said he is very appreciative of all those who have served before him in this fine community that he was born and raised in and introduced the members of his family present in the audience, including his father, Maurice Jones, who served on the committee that wrote the City Charter for the City of Mesa.

Councilmember Jones said that he will do his best to make the correct choices so the City can continue to grow and plan properly and gain a proper balance between work and living ratios. He stated that he is grateful for this challenge and is looking forward to what is going to be a very interesting ride. He reiterated his appreciation.

Councilmember Griswold said he is both honored and humbled to be part of this dynamic team of public servants and added that it is an awesome responsibility to make decisions affecting Mesa citizens' finances and lives. He expressed his appreciation to the voters of District 5 for election him to office and introduced members of his family present in the audience. Councilmember Griswold also thanked his many supporters and friends and said that he looks forward to serving with the other members of the Council and achieving great things for the City of Mesa.

Councilmember Thom said that she feels very honored to have been chosen to represent the voters in District 6 and added that she hopes that she can live up to the confidence they have placed in her. She said that the Constitution is very important to her and she plans to uphold it. She introduced the members of her family present in the audience and also introduced supporters and elected officials who were in attendance to witness her swearing in. Councilmember Thom reiterated her appreciation to everyone who assisted her throughout her campaign and her commitment to serving the citizens of Mesa.

4. Election of Vice Mayor.

It was moved by Councilmember Walters that Councilmember Dennis Kavanaugh be appointed to the position of Vice Mayor of the City of Mesa. Councilmember Walters commented on

Councilmember Kavanaugh's extensive service to the City of Mesa and added that he is very deserving of this appointment.

Councilmember Whalen seconded the motion. MOTION CARRIED UNANIMOUSLY.

Mayor Hawker congratulated Vice Mayor Kavanaugh on his election to the position of Vice Mayor and briefly commented on his extensive accomplishments and service to the City. He said that he looks forward to working with Dennis in the future in his new capacity.

4.1. Consider appointments to City Council committees and a variety of Citywide and regional boards.

See Attachment.

5. 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.

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

7. Conduct a public hearing for the Mesa 2025 General Plan.

Mayor Hawker announced that this is the time and place for a public hearing regarding the Mesa 2025 General Plan.

Planning Director Frank Mizner provided a brief overview of the Mea 2025 General Plan for the benefit of the viewing audience and citizens present at the meeting.

The following citizens spoke in support of the General Plan:

Ron Langdon	3900 East Camelback Rd. Suite 400, Phoenix
Bob Saemisch	162 North Macdonald, Mesa

The following citizens spoke in opposition to the General Plan:

Kirby Allan	2043 East Hackamore, Mesa
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In addition, David K. Udall, 30 West 1st Street, representing the owners of a 34-acre parcel, requested that a change be made to the General Plan and that the parcel be rezoned residential in the upcoming plan. He presented a variety of reasons for his request and asked for Council consideration.

Janet Smith, 254 North Hall, representing The Resort RV Park, also requested residential rather than industrial zoning on the 34-acre parcel at The Resort.

Harold Hansen, 1101 South Ellsworth, said that he manages The Resort and concurred with the comments of the above two listed speakers.

There being no other citizens wishing to speak on this item, the Mayor declared the public hearing closed and thanked the speakers for their comments.

8. Conduct a public hearing on the proposed Fiscal Year 2002-03 Budget Plan.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Fiscal Year 2002-03 Budget Plan.

In response to a request from Mayor Hawker, Budget Director Jamie Warner provided a brief overview of the proposed Fiscal Year 2002-03 budget for the benefit of the viewing audience and citizens present in the audience.

The following speakers spoke in support of the proposed Budget Plan:

None

The following speakers spoke in opposition to the proposed Budget Plan:

Sheila Mitton, 1615 West Pueblo Avenue, Mesa

In addition, Manuel Medina, 111 South Lazona, addressed the Council and spoke in support of maintaining funding in the budget for the Gang Intervention Program. He said that he and many others have benefited from the great services provided by this program and urged the Council to continue to fund this worthwhile program for the benefit of the City's youths.

Cynthia Molina, 830 South Dobson, #43, also spoke in support of funding the Gang Intervention Program and discussed the positive benefits she, Manuel Medina and many others have received as a result of the program.

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

9. Consider tentative adoption of the proposed Fiscal Year 2002-03 Budget Plan.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the tentative adoption of the proposed Fiscal Year 2002-03 Budget Plan be approved.

In response to a request from Councilmember Thom, Mr. Warner provided a brief overview of increases in fees/taxes included in the proposed Budget Plan.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

10. Consider the following liquor license applications:

*a. HIROSHI MIZUTANI, AGENT

Person transfer Beer & Wine Bar License for Community Family Restaurant, 535 N. Country Club Drive. This is an existing business. This transfer is from Irene Canelos, Etal, Community Family Restaurant.

*b. PATRICIA A. NORRIS AGENT

New Beer & Wine Store License for 7-Eleven Store #33298H, 1353 S. Crismon Road. This is a new building currently under construction. No previous liquor license at this location.

*c. RANDY D. NATIONS, AGENT

New Beer & Wine Store License for Mobil On The Run, 1153 S. Signal Butte Road. This is a new building currently under construction. No previous liquor license at this location.

11. Consider the following contracts:

*a. Two-year renewal of the supply contract for 18GHz microwave equipment as requested by the Communications Division.

The Purchasing Division recommends exercising the two-year renewal option with Harris Microwave Communications for annual purchases estimated at \$105,000.00. Harris Microwave Communications originally offered the lowest prices and has agreed to renew at the same prices, terms and conditions from two years ago.

*b. Installation of electronic card readers on entrance doors at nine radio transmission sites, as requested by the Communications Division.

The Purchasing Division recommends accepting the low overall bid by Nelson Holland, Inc. for a total of \$54,548.32.

*c. One replacement copier as requested by the Centennial Center.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Ikon at \$16,458.23 including applicable sales tax.

*d. Additional purchase authorization and two-year renewal of the supply contract for ferrous chloride as requested by the Utilities Department.

The Purchasing Division requests authorization for additional expenditures of \$30,000 on the existing supply contract for ferrous chloride, and to also exercise the two-year renewal option with the low bidder, Kemiron North America Corp. The total award is then \$30,000.00 for the current contract, plus \$374,848.85 based on estimated annual requirements for the new contract, for a total of \$404,848.85.

- *e. Galvanizing streetlight poles for warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Cem-Tec Corp. at \$12,408.00.

- *f. Library shelving as requested by the Library.

The Purchasing Division recommends accepting the overall low bid by School Craft, Inc. at \$16,270.54 including applicable sales tax.

- *g. Two-year renewal of the supply contract for portable radio batteries as requested by the Communications Division.

The Purchasing Division recommends exercising the two-year renewal option with the original low bidder, Battery Zone, Inc. at \$45,880.17 based on estimated requirements.

- *h. One ½ ton pickup for the Parks & Recreation Division. This pickup is an addition to the fleet.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford for a total of \$20,791.10.

- *i. Symantec Norton Anti-Virus Software, as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ASAP Software Express, Inc. for a total of \$37,721.56, including applicable use tax.

- *j. Two-year renewal of the supply contract for traffic signal equipment and cabinet assemblies for warehouse inventory as requested by the Development Services Department.

The Purchasing Division recommends exercising the two-year renewal option as follows:

Group A – Item 1 to the original low bidder, U.S. Traffic Corporation, at \$21,600.37 including applicable use tax; and

Group A - Item 2 and Group B – Item 1 to Phoenix Highway Products at \$115,126.50 including applicable sales tax. The combined award is then \$136,726.87.

- *k. File Server to run AntiVirus Security Software against Internet Mail, as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with CompuCom Systems for a total of \$13,326.87, including applicable sales tax.

- *l. Training and duty ammunition for the Police Department.

The Purchasing Division recommends exercising an additional purchase option from RFB #2001214 with the low bidder meeting specification, San Diego Police Equipment at \$84,159.17.

- *m. One replacement cargo van for the Facilities Maintenance Division

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet for \$23,085.16, including applicable sales tax.

- n. Hermosa Vista Drive Improvements, North Harris to North Forest Street. City of Mesa Project No. 00-105.

This project will modify Hermosa Vista Drive between Harris and Forest to achieve an overall 34-foot wide two-lane roadway with bike lanes; new curb, gutter and sidewalk; new street lighting and new landscaping where there currently is none. Additionally a landscaped median island will be constructed at Hermosa Vista Drive and Gilbert Road, and sidewalk and landscaping will be added along Harris Drive north and south of Lockwood Street to complete a missing section.

Recommend award to low bidder, J. Banicki Construction Inc, in the amount of \$159,446.50 plus an additional \$15,944.65 (10% allowance for change orders) for a total award of \$175,391.15.

(MAYOR HAWKER SAID THAT AGENDA ITEMS 11N, Q AND R ARE ALL ITEMS THAT HE HAS A PERSONAL CONFLICT OF INTEREST ON AND SAID THAT HE WOULD REFRAIN FROM PARTICIPATING/VOTING ON THESE ITEMS. HE YIELDED THE GAVEL TO VICE MAYOR KAVANAUGH FOR ACTION ON THESE ITEMS.)

It was moved by Councilmember Jones, seconded by Councilmember Walters, that this item be approved as recommended by staff. MOTION CARRIED UNANIMOUSLY by those voting with Mayor Hawker abstaining.

- *o. Retention Basin No. 213 Irrigation System Improvements. City of Mesa Project No. 01-42.

This project will improve the irrigation system, and correspondingly the condition of the basin located at Harris Drive north of Hermosa Vista Drive

Recommend award to low bidder, W. L. Emshoff, in the amount of \$72,889.50, plus an additional \$7,288.90 (10% allowance for change orders) for a total award of \$80,177.90.

- *p. Mesa Jr. High Pool Lighting Renovations. City of Mesa Project No.02-61.

This project will replace the existing site lighting by replacing the existing poles with new installations that will not experience the same corrosion impact, and will upgrade the electrical and sound systems to be compatible with and support the new lighting system.

Recommend award to low bidder, AJP Electric Inc., in the amount of \$55,750.00 plus an additional \$5575.00 (10% allowance for change orders) for a total award of \$61,325.00.

- q. South Center Complex Parking Lot Improvements. City of Mesa Project No. 00-51.4.
Continued from the May 20, 2002 Council Meeting

In this project a parking lot will be constructed, including lighting and landscaping, where buildings have been demolished under previous contracts. In addition, this project will remove and replace concrete sidewalk near the Human Resources Building to alleviate a drainage problem.

Recommend award to low bidder, Nickle Contracting LLC, in the amount of \$332,322.00 plus an additional \$33,232.20 (10% allowance for change orders) for a total award of \$365,554.20.

(MAYOR HAWKER DECLARED CONFLICT, SEE ITEM N ABOVE.)

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the recommendations of staff be approved. MOTION CARRIED UNANIMOUSLY by those voting (6 to 1) with Mayor Hawker abstaining.

- r. McDowell Road Paving Improvements, Higley to Power and Recker Road, McDowell to Preston. City of Mesa Project No. 01-05.

(MAYOR HAWKER DECLARED A CONFLICT, SEE ITEM N ABOVE.)

In response to a question from Councilmember Thom, Assistant City Engineer Peter Knudson advised that the proposed improvements are scheduled to occur in phases. He said that the contract is a set one and therefore the phasing of the project will not result in any additional costs to the City.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that staff's recommendation be approved. MOTION CARRIED UNANIMOUSLY (6 TO 0) with Mayor Hawker abstaining.

12. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between Maricopa County and the City of Mesa for operating expenses that support the operation of the Maricopa County's Special Transportation Services (STS) program – Resolution No. 7841.
- *b. Authorizing the City Manager to execute an agreement between Mesa Senior Services, Inc. and the City of Mesa for operating expenses that support the operation of the City's Enabling Transportation (ET) program – Resolution No. 7842.
- *c. Authorizing the City Manager to execute an Intergovernmental Agreement with the Cities of Mesa, Chandler, Glendale, Peoria, Goodyear and Scottsdale that will allow

continuation of joint legal representation in the Gila River Indian Community water rights settlement negotiations – Resolution No. 7843.

- *d. Authorizing the City Manager to execute a Telecommunications System License issued to TCG Phoenix (a wholly owned subsidiary of AT&T Corp.) – Resolution No. 7844.
- *e. Authorizing the sale of a remnant parcel of land at the southwest corner of Baseline and Crismon Roads – Resolution No. 7845.

This is a remnant parcel of land that is no longer required by the City.

- *f. Authorizing the City Manager to execute two Intergovernmental Agreements for Federal and Southwest Gas Funds for Weatherization Services with the State Department of Commerce for FY 2002-2003 – Resolution No. 7846 and Resolution No. 7847. (Two Resolutions)
- *g. Authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority and the City of Mesa for East Valley Dial-A-Ride service – Resolution No. 7848.
- h. Approving the use of Scalloped Street Assessment Laws on a City project that is proposing to install street improvements along portions of the north and south side of East Thomas Road from North 56th Street to Recker Road and along the west half of North Recker Road from Thomas Road to the south 3,219 feet plus or minus (City of Mesa Project No. 00-86) – Resolution No. 7853. **Continued from the May 20, 2002 Council Meeting**

Councilmember Thom stated that she had requested that this item be removed from the Consent Agenda and requested additional information from staff regarding this item. She asked whether the questions that were posed by a property owner have been answered and clarified to the person's satisfaction.

Chief Engineering Technician Ron Lisonbee responded to Councilmember's Thom's request and comments regarding this agenda item and said that nine parcels will be assessed all together. He confirmed that the property owner did received clarification and answers to his questions and is now supportive. He added that this is a typical assessment.

Councilmember Walters provided further clarification regarding this item.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the recommendations of staff be approved. MOTION CARRIED UNANIMOUSLY.

- *i. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Spring of Life Christian Church and the City of Mesa for the development of 1330 South Crismon Road – Resolution No. 7849.

- *j. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Glenwood Development Company and the City of Mesa for the development of 1253 North Greenfield Road – Resolution No. 7850.
- *k. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Exxon Mobil and the City of Mesa for the development of 1153 South Signal Butte Road – Resolution No. 7851.
- *l. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between K. B. Homes, Inc. and the City of Mesa for the development of Marabella which is located on the southeast corner of Baseline and Hawes Road – Resolution No. 7852.

*13. Consider approving proposed changes to the fees and charges for Mesa Centennial Center and the Mesa Amphitheatre with a July 1, 2002 effective date.

*14. Write-off of utility and miscellaneous accounts in the amount of \$300,155.00.

* 14.1. Consider adopting a Notice of Intention to adopt new stormwater and general government impact fees, update the existing park impact fees, and setting September 9, 2002 as the date for the public hearing.

This item was withdrawn and will be reintroduced at a future meeting.

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

- a. **Z02-02 6500 to 6600 block of E. Baseline Road (north side).** Modification of the Superstition Springs Development Master Plan, deletion of the Bonus Intensity Zone and deletion of the Council Use Permit; rezone to C-2-PAD-DMP and Site Plan Modification (5.7 acres). This case involves development of office condominiums. U.P. Mesa, Inc., owner/applicant; represented by: William Oliver.

P&Z Recommendation: Denial (Vote: Passed 6-0).

Mayor Hawker commented that there is no ordinance attached to this agenda item because it was denied by the Planning and Zoning Board. He added that the Council can affirm the Planning and Zoning Board's denial or vote to introduce a zoning case with an ordinance attached at the June 24th meeting with action at the July 1st meeting.

William Oliver, 8977 East Ludlow, Scottsdale, representing the developers of Superstition Lakes Community, addressed the Council on this item. He provided a brief overview of the project and provided justification for Council approval.

In response to concerns expressed by Dan Reeb, 122 North Macdonald, Planning Director Frank Mizner provided an overview of this case from staff's perspective. He said that staff recommends denial because they still feel that this is a good place for a hotel in the Superstition Springs area and they also have concerns regarding future land uses.

Mr. Oliver responded to questions and comments from members of the Council regarding this case.

In response to a request from Councilmember Walters, Robert Brinton, Executive Director of the Mesa Convention & Visitors Bureau, stated that his organization believes this would be a perfect site for a hotel but realistically they also know that this will not occur unless considerable concessions are given.

Mr. Brinton responded to additional questions from the Council.

Additional discussion ensued relative to this item and the possibility of preparing an ordinance that strikes the word "retail" and limits uses to office space (keeping C-2 as the underlying zoning).

City Attorney Debbie Spinner said that if the Council wants the underlying C-2 zoning to be changed to O-S, the case will have to go back through the process for the rezoning. Mayor Hawker said that this would be appropriate and is what he believes should occur.

Councilmember Walters emphasized that the Council is not the Planning and Zoning Board and should not short circuit the process. She said she is concerned that a bad precedent would be set and the wrong message would be sent to P&Z. She added that the other option would be to uphold the decision of the Planning and Zoning Board.

It was moved by Mayor Hawker, seconded by Vice Mayor Kavanaugh, that Zoning Case Z02-02 be denied. MOTION CARRIED BY MAJORITY VOTE (6 –1 with Councilmember Thom voting nay.)

- b. **Z02-11** 4707 E. McKellips Road. Site Plan Review (2.1 ac). This case involves the development of a pub/restaurant. City of Mesa, owner; John C. Manross, applicant – Ordinance No. 3991.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all 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.
6. Recordation of vehicular cross-access and reciprocal parking easements between the subject lease property and the property located immediately to the north of the subject property.

7. Compliance with all requirements of the Design Review Board.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance outlined in the staff report.
9. Submittal of a parking study with the formal submittal to the Board of Adjustment for the request of a variance for off-site parking.
10. Compliance with a memorandum dated March 25, 2002 from Mark Meyers to Frank Mizner, which is included in the zoning case file.
11. Noise attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 db.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Councilmember Griswold indicated that he had a potential conflict of interest in connection with this case and would refrain from discussion/participation.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that Zoning Case Z02-11 be approved and Ordinance No. 3991 be adopted. MOTION CARRIED UNANIMOUSLY by those voting, with Councilmember Griswold abstaining from the vote.

- *c **Z02-12** The 10200 block of E. University Drive (south side). Rezone from R1-43 to R1-7 PAD (11.4 ac). This case involves the development of a residential subdivision. Edward Soliz, owner/applicant – Ordinance No. 3988.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield) except as noted below.
2. Compliance with the Residential Development Guidelines including view fences adjacent to open spaces, recreation areas and retention.
3. Any production homes proposed in this subdivision must be submitted for administrative review and approval from the Planning Director. This includes product that will fit on lots 17-38 without the need for any additional variances.
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Technical Review Committee.

9. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
10. Compliance with the letter dated October 24, 2001 from Darren V. Gerard, AICP to David J. Buchli regarding an Affidavit of Correction for Mesquite Trails, which is included in the zoning case file.
11. Compliance with the letter dated April 3, 2002 from Edward R. Soliz to Frank Mizner, which is included in the zoning case file.
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.
14. Extinguishment of the Highway Easement prior to issuance of a building permit.

- *d. **Z02-14** The northeast corner of Greenfield Road and Inverness Avenue. Site Plan Modification (6.9 ac). This case involves the development of two shops and one pad site in a retail center. Dan Reeb, Owner; Tim Dollander, applicant – Ordinance No. 3989.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Compliance with all requirements of the Design Review Board.
9. All pad buildings to be architecturally compatible with the center.
10. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
11. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *e. **Z02-15** The southwest corner of Southern Avenue and Greenfield Road. Rezone from AG to C-2 (5.3 ac). This case involves the development of a pharmacy. Gustine Company, owner; Jason Morris, applicant – Ordinance No. 3990.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Compliance with all requirements of the Design Review Board.
10. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- f. **Z02-17** The 3000 to 3100 block of S. Hawes Road (east side). Rezone from R1-43 to R-2 PAD (11.2 ac). This case involves the development of a residential subdivision. Marlene Reiswig and Hossein Sattari, owner; Ross Farnsworth Jr., applicant; represented by: Gary Stapley. $\frac{3}{4}$ **VOTE REQUIRED.**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines except as modified herewith.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Full compliance with all current Code requirements except as outlined in the staff report.
9. Lots 12-24 abutting Eastridge subdivision lots shall have one-story building product.
10. Compliance with letter dated April 9, 2002 from Gary Stapley to Frank Mizner, which is included in the zoning case file.
11. Compliance with letter dated April 2, 2002 from Casey Denny to Jo Ferguson, which is included in the zoning case file.
12. 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).
13. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of future San Tan Freeway right-of-way.
14. Written notice be provided to future residents, and acknowledgment received that the project is within three miles of Williams Gateway Airport.
15. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
16. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
17. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Tom Heileck addressed the Council regarding this item and congratulated the new members on their election. He said that the case is different and stated the opinion that many changes need to be made. He added that the Planning and Zoning Board recommended that they provide additional parking. He said that one of his many concerns has to do with changing the width of the lot from 60 feet to 40 feet. In addition, on street parking spaces are limited and setbacks need to be closely reviewed. He also asked what the City's procedure is on abandoning roadways and noted that the property is right under the flight path from Williams Gateway Airport.

Christina Malnen, 3016 South Jocelyn, spoke in opposition to this case and said that she and her neighbors have concerns regarding overcrowding in schools, traffic, increased noise, a decrease in property values, and overall negative impacts on the area if the project is allowed to go forward.

Elaine Morris said that she too lives in the area and she and her neighbors are concerned that the safety of children in the area will be endangered. She asked the Council to vote to deny this case and protect the rural atmosphere of the area.

Mayor Hawker said that Woodrow and Tanya Speckles submitted a card indicating opposition to the case but do not wish to speak.

Mayor Hawker said that it is highly unusual to have a case requiring a $\frac{3}{4}$ vote of the Council due to a protest and no applicant in attendance to respond to questions and present their remarks.

Mr. Mizner said that the applicant was informed that the case would be heard tonight and said he has no idea why no one is present to speak on this item.

Discussion ensued relative to continuing this case to the July 15th Council meeting and the importance of notifying the applicant that he should be in attendance at that time to present remarks and respond to questions and concerns.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, that Zoning Case Z02-17 be continued to the June 17, 2002 Council Meeting.

Trinidad Ruiz, said that he moved into the area because of its rural atmosphere and high quality development. He requested that the Council deny this case and protect the value and the atmosphere of the neighborhood.

MOTION CARRIED UNANIMOUSLY.

16. Consider the following subdivision plats:

- a. "TOWNES EAST @ BASELINE", - (Council District 6) - 1900 block of South 80th Street (east side) 6 R-2 PAD townhome lots (0.59 ac) Ron Bailly, Tamra Bailly, Mark S. Gunning and Kathy Gunning, owners; Allen Consulting Engineers, Inc., engineer.

Councilmember Whalen declared a potential conflict of interest regarding this agenda item and said that he would refrain from discussing/participating in this agenda item.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that staff's recommendation be approved. MOTION CARRIED UNANIMOUSLY BY THOSE VOTING (6 to 1, with Councilmember Griswold abstaining.)

- *b. "PINWOOD PLACE", - (Council District 1) - 35 West Brown Road (south side) 160 R-4 PAD condominium units (6.2 ac) PAPRC, L.L.C., a Washington Limited Liability Company, owner; Atherton Engineering, Inc., engineer.

17. Items from citizens present.

There were no items from citizens present.

18. Adjournment.

Without objection, the meeting adjourned at 9:02 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 3rd day of June 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

Attachment
lgc