

COUNCIL MINUTES

March 3, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 3, 2003 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by President Terry D. Turk, The Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance was led by Kyle Kingston, Boy Scout Troop No. 451.

Mayor's Welcome.

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

1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

(In response to a concern expressed by Councilmember Griswold regarding the February 11, 2003 Council minutes, City Clerk Barbara Jones advised that the minutes will be corrected to reflect the fact that Councilmember Griswold was not in attendance at the meeting.)

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 January 23, February 11, and 24, 2003 City Council Meetings.

3. Conduct a public hearing for the following proposed annexation:

- a. **A03-1** The intersection of Ellsworth Road and University Drive (58.2± acres). Initiated by the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed annexation of case A03-1, the intersection of Ellsworth Road and University Drive (58.2± acres).

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

3.1. Conduct a public hearing on the proposed CDBG/HOME/ESG recommendations for FY 03/04.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Community Block Grant Program (CDBG), Home Investment Partnerships Program (HOME), and Emergency Shelter Grant Program (ESG) recommendations for FY 03/04.

Stephanie Wright, 535 North Orange Street, Co-Chairman of Mesa Grande Community Alliance and a Boardmember of the Neighborhood Economic Development Corporation (NEDCO), reported on Mesa Grande's efforts to publish a strategic plan for economic development in the area. She urged the Council to reject staff's proposed funding recommendations for NEDCO and to approve sufficient monies to enable the Alliance to implement its plan.

Vicki Kringen, 6657 East Indigo, President of the NEDCO Board, addressed the Council relative to this agenda item. She expressed appreciation to the City of Mesa for its past support to NEDCO, as well as its recognition of the importance of neighborhood economic development and community revitalization. Ms. Kringen urged the Council to revise staff's proposed allocation to NEDCO of \$37,400 to the requested amount of \$100,000.

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

4. Consider the following liquor license application:

- *a. HILDA CONSTANZA ARANA, INDIVIDUAL

New Restaurant License application for Peruvian Palace Restaurant, 120 South Alma School Road, C-103. This is an existing building. No previous liquor licenses at this location.

5. Consider the following contracts:

- *a. Printing and distribution of 218,000 Water Quality Brochures as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Onsite Business Service at \$14,097.01. In addition, Council is advised that the costs for Spanish translation and bulk mailing charges will bring the total estimated cost to \$41,847.01.

- b. Sidewalk Ramp Installations at Various Locations (CDBG #8321). City of Mesa Project No. 02-48.

This project proposes to install 65 sidewalk ramps and 130 feet of sidewalk in three neighborhoods. This is a Community Development Block Grant Funded Project.

Recommend award to low bidder, Down to Earth Contracting, Inc., in the amount of \$62,550.55 plus an additional \$6,255.06 (10% allowance for change orders) for a total award of \$68,805.61.

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 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.

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

6. Consider the following resolutions:

- *a. Approving the Assessment Diagram Map for the East McDowell Road Scalloped Street Assessment Project No. 99-54 – Resolution No. 7970.

This project installed street improvements along East McDowell Road from Lehi Road to Greenfield Road. A portion of the improvement costs are being assessed to the adjacent property owners under the Scalloped Street Assessment Laws.

- *b. Fixing April 7, 2003 as the Public Hearing date on the proposed final assessments for the East McDowell Road Scalloped Street Assessment Project No. 99-54 – Resolution No. 7971.

- *c. Approving the Assessment Diagram Map for the East Hermosa Vista Drive Scalloped Street Assessment Project No. 00-105 – Resolution No. 7972.

This project installed street improvements along portions of East Hermosa Vista Drive from Harris Drive to the east 1,307 feet plus or minus.

A portion of the improvement costs are being assessed to the adjacent property owners under the Scalloped Street Assessment Laws.

- *d. Fixing April 7, 2003 as the Public Hearing date on the proposed final assessments for the East Hermosa Vista Drive Scalloped Street Assessment Project No. 00-105 – Resolution No. 7973.

- *e. Extinguishing a portion of a Public Utilities and Facilities Easement at 1610 South Stapley Drive – Resolution No. 7974.

This easement is no longer needed and conflicts with the approved development plans for the site.

7. Consider the following ordinances:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4044:

- Prohibiting parking on Hermosa Vista Drive from Gilbert Road to Kachina.
- Prohibiting parking between the hours of 8:00 a.m. to 4:00 p.m. on school days at the following locations:

On the west side of 26th Street from a point 110 feet north of Hale Street to a point 275 feet south of Hope Street.

On the east side of 26th Street from Highland Street to a point 290 feet north of Highland Street.

On the east side of 26th Street from a point 330 feet south of Hope Street to a point 290 feet north of Hope Street.

On the north side of Hale Street from 26th Street to a point 35 feet west of 25th Street.

On the south side of Hale Street from 26th Street to 25th Street.

On Hale Street along the east side frontage of 2624 East Hope Street, and the frontages of 2619, 2622, 2628, 2634, 2640, 2646, 2715, 2727, 2739, 2751, and 2763 East Hale Street.

On the north side of Hope Street from 26th Street to a point 490 feet east of 26th Street and along the south side frontage of 2763 East Hale Street.

On the south side of Hope Street from 26th Street to a point 655 feet east of 26th Street.

- *b. Amending Chapter 2, Section 4, Title 5 of the Mesa City Code regarding the licensing provisions for group homes for the handicapped – Ordinance No. 4045.
- *c. Pertaining to firearms; amending Ordinance No. 3582; prescribing a disposal policy for firearms seized by the Mesa Police Department. **(THIS ITEM IS CONTINUED TO THE APRIL 7, 2003 REGULAR COUNCIL MEETING.)**

8. Consider the following recommendations from the Utility Committee:

- *a. Approving funding for Phase II expansion design costs for the South Water Reclamation Plant in the amount of \$2.5 million of Wastewater Bonds.
- *b. Approving Alternative 2, which would allow the City to continue to operate and maintain a full-service irrigation system, but would increase irrigation service rates by 16% to all customers to cover direct program expenditures.

8.1. Introduction of the following ordinances and setting March 17, 2003 as the date of public hearing on these ordinances.

- *a. Amending Ordinance 4020, the nonexclusive cable television license of CableAmerica Corporation.
- *b. Amending Ordinance 4021, the nonexclusive cable television license of Cox Cable Phoenix, Inc.

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

- *a. **Z02-41** 542 North Alma School Road (5.25± acres). Rezone from C-2 to R-2 P.A.D. This case involves the development of a patio home development with a Planned Area Development (P.A.D.) overlay district. Diogenese 32, LLC (John Vatisstas, Manager), owner; Duane Von Fang, applicant – Ordinance No. 4046.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the

subdivision plat, or at the time of the City's request for dedication, whichever comes first.

6. 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. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *b. **Z03-01** The southwest corner of McKellips Road and Stapley Drive (1.07± acres) Site Plan Modification. This case involves the development of an Eckerd's pharmacy. Unicorp National, owner; Brandon Lowe, Andrews Design Groups, Inc., applicant – Ordinance No. 4047.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
5. Compliance with all conditions of a Substantial Conformance Improvement Permit.
6. The applicant shall either hire an archaeological contractor prior to construction to test the site and report findings to the Mesa Historic Preservation Officer or to monitor the project when trenches are open. Should any artifacts be uncovered during testing or during construction, all appropriate recovery shall take place, and reported to the Mesa Historic Preservation Officer.

- c. **Z03-03** The 5400 block of East Thomas Road (13.88± acres). Rezone from R1-90 to M-1 PAD. This case involves the development of an industrial business park. Boyle Family Limited Partnership, owner; James M. Passey, applicant – Ordinance No. 4050.

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

1. Compliance with the basic development as described in the project narrative (including installation of landscaping along Thomas Road) and as shown on the preliminary plat 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. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
5. A landscape buffer shall be provided along the eastern and northern property lines and shall be approved by the Design Review Board.
6. The applicant shall landscape that property along Thomas Road currently controlled by ADOT and to be conveyed to the City of Mesa; that landscape design is to be reviewed and approved by the Design Review Board prior to development of any industrial parcels and after conveyance to the City.
7. All outdoor storage in parcels adjacent to the northern and southern boundaries of the development shall not be higher than the perimeter fence line.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive sign plan.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. 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 of a building permit).

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

It was moved by Councilmember Walters, seconded by Councilmember Jones, that Ordinance No. 4050 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4050 adopted.

- *d. **Z03-04** 3829 East Huber Street (2.1± acres). Rezone from AG to R1-35 PAD. This case involves the incorporation of a new lot into the White Dove Estates subdivision. Rich Ganley, owner; Gary Finlinson, applicant – Ordinance No. 4048.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted except as noted below.
2. Compliance with all City development codes and regulations.

3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

- *e. **Z03-05** 159 South Power Road (1.42± acres) Site Plan Modification. This case involves a site plan modification for the development of office buildings. John Perkinson, owner; Randy Carter, applicant – Ordinance No. 4049.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

10. Consider the following subdivision plat:

- *a. “AMENDED CONDOMINIUM PLAT FOR EAST VALLEY HEARING CENTER,” – (Council District 5) – 6262 East Broadway Road (north side) 3 O-S PAD office condominium units (1.0 acre) LGE Corporation, an Arizona Corporation, developer; Brooks, Hersey & Associates, Inc., engineer.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:05 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 3rd day of March 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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