

COUNCIL MINUTES

May 3, 1999

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on May 3, 1999 at 5:48 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Glen Gorke.

The Pledge of Allegiance was led by Adam Norberg, Boy Scout Troop #357.

Presentation by Vic Linoff, Chairman of the Historic Preservation Committee, of the 1999 Historic Preservation Awards.

Victor Linoff, Chairman of the Historic Preservation Committee, provided brief background information relative to the Historic Preservation Awards. Mr. Linoff stated that 1999 is the second year that the City of Mesa has recognized the outstanding achievements of Mesa citizens who are involved in preserving the City's past. Mr. Linoff explained that the Committee, with input from the community, evaluates individuals and groups involved in historic preservation in several different categories or applications. Mayor Brown assisted Mr. Linoff and presented the five following recipients with their awards: Alice Sliger and her late husband Ted for their contributions to Mesa history in preserving the Buckhorn Baths; Jan Paderewski for her adaptive reuse of the Eli C. Openshaw House "Coffee Talk;" Mona Rogers for her work as Chair of the Mesa Historical Society Guild; Betty Welton for her work in organizing the Evergreen Historic District and Ron Peters for his survey work, activism, historical data preparation and archival work in general historic preservation.

Mayor Brown thanked the recipients for their outstanding efforts and expressed appreciation to Mr. Linoff for organizing the awards presentation.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of April 5, 8, 15, 19, 22 and 29, 1999 be approved.

Carried unanimously.

2. Consider all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and considered as a separate item.

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

Carried unanimously.

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

- a. **A99-1** 8800 through 9000 block of Broadway Road north and south.

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed annexation.

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

3.1. Hear and consider a report on Senate Bill 1201.

This Bill repeals the authority for future transit elections.

Councilmember Kavanaugh provided the audience with a brief synopsis of this agenda item and stated that in the mid-1980's, Maricopa County passed a sales tax for both freeway construction and mass transit projects. Councilmember Kavanaugh said that the Regional Public Transportation Authority (RPTA) has been the mass transportation managing entity in the Valley working with the various communities. Councilmember Kavanaugh advised that Senate Bill 1201 was introduced during the current legislative session and noted that the bill was originally designed to increase the speed of construction on Valley freeways. Councilmember Kavanaugh reported that several weeks ago, Senator Jerry Overton, from Litchfield Park, placed an amendment on this legislation which would basically eliminate the sales tax authority for the RPTA in the year 2005. Councilmember Kavanaugh informed the audience that this amendment would remove all funding sources for regional transportation planning or any mechanism to expand the current sales tax. Councilmember Kavanaugh discussed on-going transit/freeway issues and stressed the importance of regional planning, cooperation and funding.

Councilmember Kavanaugh stated that although the Council supports the portion of Senate Bill 1201 that relates to an earlier completion date for freeway construction, he is strongly opposed to the amendment, which would result in the removal of regional transportation planning and funding. Councilmember Kavanaugh recommended that the Council adopt Resolution No. 7358, requesting that this error be rectified.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Resolution No. 7358 be adopted.

Members of the Council expressed their support for the adoption of this resolution.

Carried unanimously.

Councilmember Kavanaugh recommended that staff obtain a voting record on this legislation to enable the Council to determine whether East Valley legislators supported or opposed Senate Bill 1201.

4. Consider the following liquor license applications:

*a. AMANDA PLACE, VICE PRESIDENT

Special Event License application of Amanda Place, Vice President, The Centers for Habilitation, a one day charitable event to be held Wednesday, May 5, 1999, from 11:00 a.m. to 11:59 p.m. at 1710 S. Power Road, On The Border Restaurant.

*b. ANTHONY M. ROBERTO, AGENT

Person transfer Beer and Wine Bar License for Apache Wells Restaurant, 5601 E. Hermosa Vista. This transfer is from Vasilios Roussis, Agent, MSR Restaurants, Inc.

*c. RONALD DUANE LORENZO, AGENT

Person and location transfer Liquor Store License for Albertson Store #989, 2727 N. Power Road. This transfer is from John Berry, Agent, Smitty's Super Valu, Inc., 1951 N. Alma School Road, Chandler.

*d. SAMI F. SALAMEH, INDIVIDUAL

New Beer and Wine Store License for Turtle Stop I, 415 E. McKellips Road. This is a new business, no previous liquor licenses at this location.

*e. JOHN K. PAK, INDIVIDUAL

New Restaurant License for Ah-so Japanese Restaurant, 1919 S. Gilbert Road. The Restaurant License previously held at this location by Hye Na Kim, Individual, Ah So Japanese Restaurant III will revert back to the State.

*f. ANTHONY M. ROBERTO, AGENT

New Restaurant License for Apache Wells Restaurant, 5601 E. Hermosa Vista. The Restaurant License previously held at this location by Vasilios Roussis, Agent, MSR Restaurants, Inc will revert back to the State.

*g. YOKCHAT SRITONGSOOK, AGENT

New Restaurant License for Royal Thai Grill, 321 W. McKellips Road, Ste 103. The Restaurant License previously held at this location by Siri Ishmail, Etal, Royal Thai Grill will revert back to the State.

5. Consider the following contracts:

- *a. One-year renewal of the supply contract for 15kV aluminum electrical cable for the Materials & Supply Division inventory to be used by the Electric Utility Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid meeting specification by Brown Wholesale Electric Company for items 1, 2 & 3A at \$153,621.00 plus 7.0% sales tax of \$10,753.47 for a total of \$164,374.47 based on estimated requirements.

- *b. One-year renewal of the supply contract for pad mounted switchgear for the Materials and Supply Division inventory. These switches will be used by the Electric Utility Division for the Lewis substation expansion project and other system improvements.

The Purchasing Division recommends exercising the first of two one-year renewal options by the original low bidder, Border States Electric, at \$43,770.00 plus 7.0% sales tax of \$3,063.90 for a total of \$46,833.90.

- *c. One-year renewal of the supply contract for ¾" water meters for the Materials & Supply Division inventory to be used by the Utility Service Division.

The Purchasing Division recommends exercising the first of three one-year renewal options with the original low bidder, Aqua-Metric Sales Company, at \$209,720.00 plus 5% use tax of \$10,486.00 for a total of \$220,206.00 based on estimated requirements.

- *d. One commercial washer for cleaning and decontamination of firefighter turnout gear as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Laundry & Cleaners Equipment Company at \$9,816.20 plus 7.0% sales tax of \$687.13 for a total of \$10,503.33.

- *e. One-year renewal of the annual supply contract for prepackaged magnesium anodes for warehouse inventory to be used by the Utility Construction Division. These anti-corrosive devices are attached to natural gas lines.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid by Farwest Corrosion Control Company at \$26,334.30 plus 5% use tax of \$1,316.72 for a total award of \$27,651.02 based on estimated requirements.

- *f. Fifty-five VHF Portable radios for the Police Department as requested by the Communications Division. These radios will be assigned to the July 1999 Police Academy class recruits.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Motorola Comm. & Electronics, Inc. at \$43,256.63 including accessories, sales tax and two-year express service maintenance/repair plan.

- *g. 69kV power circuit breakers and switchers as requested by the Utilities Department. This equipment is required as part of the expansion of the Fraser & Robson electric substations.

The Purchasing Division recommends accepting the low bids as follows:

69kV power circuit breakers by Siemens Power Transmission & Distr. at \$65,000.00 plus 7.10% sales tax of \$4,615.00 and \$1,300.00 for a three year extended warranty for a total of \$70,915.00; and

69kV circuit switchers by Alstom USA, Inc. at \$59,970.00 plus 5% use tax of \$2,998.50 and \$320.00 for a three year extended warranty for a total of \$63,288.50. The combined award is then \$134,203.50.

- *h. Twenty-nine ½-ton pickups for various City departments. These trucks are budgeted in the fiscal year 1999-2000 budget. Early purchase is recommended due to the six-month delivery time. 15 trucks are replacements; 13 are additions to the fleet.

The Purchasing Division recommends authorizing purchase of twenty-nine bi-fuel pickups from the State of Arizona contract with Wondries Chevrolet at \$587,540.00, including applicable tax.

- *i. Modular office work stations and chairs for the Police Department. These work stations will be used by Police staff and dispatchers in the Communications Building.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$43,252.20 including materials, design services, delivery, installation and applicable sales tax.

- *j. Westwood High School Ballfield and Athletic Field Lighting and Carson Junior High School Ballfield Lighting. City of Mesa Projects 99-15.1 and 99-23.

This project consists of installing outdoor lighting at various fields at Westwood High School and Carson Junior High School.

Recommend award to low bidder, Trombley Electrical Contractors, Inc., in the amount of \$216,000.00.

- k. 1998/1999 Residential Rubber Overlays. City of Mesa Project No. 99-55.

This project involves overlaying and reconstructing the existing asphalt pavement on residential streets.

Recommend award to low bidder, Hunter Contracting Company in the amount of \$1,203,333.85.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

- *l. Software for Citywide Geographic Information System (GIS) as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:

Environmental Systems Research Institute for a total of \$152,433.77; and

Oracle Corporation for a total of \$19,822.08. The combined award is then \$172,255.85.

- m. Alma School and Guadalupe Road Intersection Improvements and Roadway pavement overlay on Alma School Road from the Western Canal to Guadalupe Road and on Guadalupe Road from Price Road to Country Club Drive. City of Mesa Projects 96-02 and 96-02.1.

This project consists of widening the intersection of Alma School Road and Guadalupe Road and installing an asphalt overlay on portions of Alma School and Guadalupe Roads.

Recommend award to low bidder, Achen-Gardner, Inc., in the amount of \$2,361,500.00.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

6. Introduction of the following ordinances and setting May 17, 1999 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- *a. Prohibiting northbound left turns from the driveway on the south side of University Drive with centerline 250 feet west of Lindsay Road; designating the driveway on the south side of University Drive with centerline 250 feet west of Lindsay Road as an exit driveway only; prohibiting parking between 8:00 a.m. and 4:00 p.m. on school days on the north side of Pampa Avenue from Longmore to Pecos Avenue, and on the south side of Pampa Avenue from Longmore to a point 890 feet west of Longmore; removing the parking prohibition on Adobe Street from Val Vista Drive to a point 160 feet west of 48th Street; prohibiting parking on the north side of Adobe Street from Val Vista Drive to a point 265 feet east of Nassau, on the south side of Adobe Street from Val Vista Drive to a point 170 feet east of Nassau, on the north side of Adobe Street from a point 150 feet west of Orlando Circle to a point 20 feet east of Portland, on the south side from a point 125 feet west of Orlando Circle to a point 20 feet east of Portland, on the north side of Adobe Street from Higley Road to a point 70 feet west of Balboa, and on the south side of Adobe Street from Higley Road to a point 20 feet west of Balboa; all as recommended by the Transportation Advisory Board.

7. Consider the following resolutions:

- a. Deleted.
- *b. Authorizing the City Attorney to use eminent domain to acquire land and land rights necessary to construct the Baseline Road and Dobson Road intersection improvements Resolution No. 7351.
- *c. Extinguishing an easement for public utilities within the Sierra Heights subdivision Resolution No. 7352.

The developer has relocated the utilities and the easement is no longer necessary.
- *d. Extinguishing an easement for water line and ingress and egress in the 1800 block of South Power Road.

- *e. The former Triangle Well site has been abandoned and the easement is no longer necessary. Extinguishing an easement for road purposes for the old alignment of Crismon Road, between the Superstition Freeway and Baseline Road – Resolution No. 7354.
- Crismon Road has been realigned to the west, making this easement no longer necessary.
- *f. Vacating a portion of alley right-of-way adjacent to 13 W. 10th Avenue – Resolution No. 7355.
- This portion of the alley is not open for public access and is not needed as part of the alley system.
- g. To work cooperatively with Maricopa County to support Rule 310 dealing with particulate pollution - Resolution No. 7359.

Carol Owens, a resident of Apache Junction, commented on the harmful affects of particulate pollution on the environment and spoke in strong opposition to any efforts to preempt the City's control in this area.

Beverly Selvage, 2627 S. Hibiscus, stated the opinion that Maricopa County has not expended sufficient effort to monitor and control particulate pollution and stressed the importance of addressing this matter.

In response to a request from Mayor Brown, Assistant City Manager Jeff Martin and Environmental Programs Director Christine Zielonka provided a brief overview of this issue and the City's efforts to work cooperatively with Maricopa County to support Rule 310 dealing with particulate pollution. Ms. Zielonka emphasized that the City of Mesa will continue to receive and refer complaints to inspectors who will work with our citizens. Ms. Zielonka added that complaint information will be forwarded to the County for action. Ms. Zielonka expressed the opinion that the cooperative efforts will enhance air quality and benefit the citizens of Mesa.

Ms. Zielonka announced the hot line telephone number for environmental concerns and encouraged the citizens to contact her should they encounter any violations or require additional information.

Councilmember Davidson commended Ms. Zielonka and Mr. Martin on their efforts to arrive at an acceptable compromise with the County regarding this matter. Councilmember Davidson stressed the importance of not pre-empting local control and stated the opinion that the Council should not compromise on this issue.

Mayor Brown commented that a majority of the Council concurs with Mr. Davidson's opinion but noted that consequences may arise should the Council not agree to the compromise proposal.

Councilmember Kavanaugh commented that a Council vote to approve the compromise is both practical and reasonable and stated the opinion that a majority of the Council will vote in support. Councilmember Kavanaugh indicated his intention to cast a 'symbolic' vote in opposition to this issue but emphasized that his vote should not detract from the work that has been expended by Ms. Zielonka and Mr. Martin. Councilmember Kavanaugh added the opinion that open discussion

should occur between Mesa's legislators and Council whenever questions and/or concerns arise regarding issues like this and stressed the importance of input and public forums.

Discussion ensued among the members of the Council regarding this agenda item and Ms. Zielonka and Mr. Martin recommended that the Council adopt the resolution.

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa that Resolution No. 7359 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Jaffa-Pomeroy
NAYS - Davidson-Kavanaugh

Mayor Brown declared the motion carried by majority vote and Resolution No. 7359 adopted.

- h. To implement measures in the MAG Serious Area particulate Plan for PM-10 for the Maricopa County area which provides for proceeding with a good faith effort to implement the Best Available Control Measures to control particulate matter - Resolution No. 7360.

(Discussion of Item g above pertains to this agenda item as well.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa that that Resolution No. 7360 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Jaffa-Pomeroy
NAYS - Davidson-Kavanaugh

Mayor Brown declared the motion carried by majority vote and Resolution No. 7360 adopted.

8. Consider the following resolution and ordinance:

- *a. Establishing a rate schedule for outside the City wastewater utility service for governmental entities - Ordinance No. 3615 and Resolution No. 7356.

9. Consider the following ordinances:

- a. Relating to an ordinance for Rezoning Case No. CZ99-001TC from TCR-2 and TCB-1 to TCB-2 for an area generally bounded by South Morris, West Third Avenue, South Lebaron, and West Second Avenue - Ordinance No. 3620.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh that Ordinance No. 3620 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting and Ordinance No. 3620 adopted.

- *b. Amending Sections 11-18-8, 11-18-9, and 11-18-12 of the Mesa City Code to allow the charging of a fee for administrative review of minor changes to approved plans - Ordinance No. 3616.
- *c. Creating a Human Relations Advisory Board; amending Title 2, of the Mesa City Code, by adding a new Chapter 12 - Ordinance No. 3617.

9.1. Consider the following recommendation from the Transportation Committee:

- *a. Extending the transit service operations contract from June 30, 1999 through August 15, 1999 and to approve the mileage rate requested by Laidlaw Transit Services, Inc. for the proposed extension - Resolution No. 7357.

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

- a. **Z99-19** The 500 through 700 blocks of South Lindsay Road (west side). Site Plan Modification (23± acres). This case involves the development of a single residence subdivision. Soterios Hadjimi, owner; Maracay Homes, applicant. Represented by: Todd Weber - Ordinance No. 3621.

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 landscape plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with the Residential Development Guidelines (including transition of architectural details on all elevations).
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Provide Code required guest parking through on-street parking.

7. No two story homes backing up to the commercial development.
8. Rear yard setbacks to the patio overhang to be 5' minimum.
9. Compliance with letter dated March 18, 1999 from Maricopa County Flood Control concerning flood zones.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Ordinance No. 3621 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting and Ordinance No. 3621 adopted.

- b. **Z99-20** The southwest corner of Country Club Drive and Juanita Avenue. Site Plan Modification (8.2 acres). This case involves the development of industrial, commercial, retail, office, and restaurant uses. Ken Roth, owner; Kurt D. Reed Associates, Inc., applicant. **ADOPTION OF REINTRODUCED ORDINANCE** - Ordinance No. 3622.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Ordinance No. 3622 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - Davidson-Hawker

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3622 adopted.

- c. **Z99-22** The 3000 block of South Hawes Road (east side). Rezone from R1-43 to C-2 (4.5 acres). This case involves the development of a mini-storage facility. Mike Sattari, owner; Fred Woods, applicant.

P & Z Recommendation: Denial (Vote: Passed 4-2; Petrie/Brock nay)

Fred Woods, the applicant in this case, addressed the Council relative to this agenda item and discussed efforts that were expended to work with staff to develop a proposal that would be acceptable to everyone concerned. Mr. Woods stated the opinion that the proposed mini-storage project is appropriate for the area and will serve the needs of residents in that area. Mr. Woods urged the Council to support the proposal and approve the case.

In response to a request from Mayor Brown, Community Development Manager Wayne Balmer provided a brief overview of this case and noted that the parcel is one of three five-acre parcels and is located in the center of the property. Mr. Balmer discussed staff's concerns that the development of a mini-storage in the center of this parcel will set precedent and negate the opportunity to assemble and develop one larger project in the future.

Mike Sattari, the owner of the property, informed the Council that the northern corner of the parcel has been dedicated as a future church site. Mr. Sattari stated the opinion that he should not be penalized because his parcel is located in the middle of the site and urged the Council to approve his request.

Jon Falk, 1544 East Jarvis, advised that he was involved in the original acquisition of the property approximately ten years ago and expressed the opinion that the proposal is appropriate and necessary in the area. Mr. Falk stated the opinion that denying the request will negatively impact the owner who has paid taxes on the parcel for ten years and urged Council approval of the project.

Councilmember Jaffa indicated support for staff's recommendation for denial.

It was moved by Councilmember Jaffa, seconded by Vice Mayor Giles, that Zoning Case Z99-22 be denied.

Vice Mayor Giles commented that although he sympathizes with the applicant, real estate speculation is often a risk.

Mayor Brown noted that Planning and Zoning Boardmember Brock, who is an architect, voted in support of the project and said that he will vote against the motion to deny this case.

Upon tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Jaffa-Kavanaugh-Pomeroy
NAYS - Brown

Mayor Brown declared the motion carried by majority vote and Zoning Case Z99-22 denied.

- d. **Z99-25** The 1200 and 1300 blocks of North Ellsworth Road (east side). Rezone from R1-7 and R1-43 to R1-9-PAD (9± acres). This case involves the development of a single residence subdivision. Owner/applicant, Patrick Hendley - Ordinance No. 3623.

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 preliminary plat submitted, except as noted below.
2. Compliance with the Residential Development Guidelines (including no two story elevations backing up to Ellsworth Road, and arterial street walls to have vertical and horizontal variation).
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with the letter dated February 19, 1999 from Patrick Hendley.
7. Provide enhanced landscaping along Ellsworth Road, to be reviewed and approved by staff.
8. Provide a 15-foot separation between the rear property line and patio covers and/or second floor decks.
9. Compliance with letter dated March 18, 1999 from Maricopa County Flood Control concerning flood zones.

Patrick Hendley, Vice President of Homes by Judi, Inc., addressed the Council regarding this agenda item. Mr. Hendley provided the Council with a brief overview of the project and stated the opinion that the proposal is compatible with the surrounding area. Mr. Hendley noted that the single family one and two-story homes will contain 2700 to 3300 square feet.

Carol Owens provided input on this case and stated that in response to concerns she voiced at a previous meeting regarding the effects of this project on open space and the use of natural plants and wildlife, the applicant met her on site and has agreed to cooperate on both vegetation and blading issues. Ms. Owens commended the developer on his efforts to address her concerns and protect the area.

Mayor Brown thanked Ms. Owens for her comments.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3623 be adopted.

Councilmember Jaffa voiced support for the project and expressed appreciation to the applicant for his efforts to address neighbors' concerns.

Councilmember Kavanaugh concurred with Councilmember Jaffa's remarks and stressed the importance of pursuing the adoption of a native plant /wildlife protection ordinance.

Community Development Manager Wayne Balmer advised that a proposed draft of the ordinance will be placed on the agenda of the May 20, 1999 Study Session for Council review and discussion.

Councilmember Davidson expressed appreciation to Ms. Owens for her involvement and concern.

Carried unanimously.

- *e. **Z99-26** Part of the 7400 block of East Hampton Avenue (north side). Rezone from AG (conceptual M-1) - DMP to M-1-DMP (4.4± acres). This case involves the development of a newspaper distribution facility. Superstition Springs/Investors Limited Partnership, owner: John Cavness, applicant - Ordinance No. 3618.

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, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Compliance with all requirements of the Design Review Board.
5. 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).

*f. **Z99-27** 1526 West Main Street. Requesting a Council Use Permit. This case involves the conversion of a retail building for use as a pawn shop. Venator Group Retail, Inc., owner; Camco Inc. (dba Super Pawn), applicant. **THE APPLICANT HAS REQUESTED THIS CASE BE REFERRED BACK TO THE PLANNING & ZONING BOARD.**

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

*g. **Z99-30** The southwest corner of Southern Avenue and Ellsworth Road. Rezone from AG (conceptual C-2) to C-2 (1.16 acres). This case involves the development of a convenience store with gas pumps. Robert Turpin, owner; Gregory Lambright, applicant - Ordinance No. 3619.

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

1. Compliance with the basic development as shown on the site plan, and elevations submitted, except as noted below.
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all requirements of the Design Review Board.
5. Review and approval of a Special Use Permit by the Board of Adjustment for (gas pumps, car wash).
6. 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).

11. Consider the following subdivision plats:

*a. "MULBERRY BUSINESS PARK" – The 1500 block of West Broadway Road (north side) 1 M-1 and 4 M-2 industrial lots (14.8 acres) Mulberry Business Park Limited Partnership, developer; Jerlen Enterprises, engineer.

- *b. "MAP OF DEDICATION FOR VALLEY LUTHERAN HOSPITAL" The 6500-6800 blocks of East Baywood Avenue (north side) Lutheran Health Systems, developer; Evans, Kuhn & Associates, Inc., engineer.

12. Items from citizens present. (Maximum of three speakers for three minutes per speaker.)

Mayor Brown advised that there were no items from citizens present.

13. Adjournment.

Without objection, the Council Regular Meeting adjourned at 7:50 p.m.

WAYNE BROWN, 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 May 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK