

COUNCIL MINUTES

September 10, 2001

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 September 10, 2001, at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

(Agenda items were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

Invocation by Pastor Tony Frazee, Gateway Bible Church.

Pledge of Allegiance was led by David Hamblin, Boy Scout Troop 155, Ishikawa Elementary School.

Mayor Hawker welcomed everyone to the meeting.

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 in these minutes with an asterisk (*) were approved with one Council action.

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

Carried unanimously.

2. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the minutes of the July 10, 2001 Joint Dinner Meeting with Banner Health and August 27, 2001 Council meetings be approved.

Carried unanimously.

3. Consider the following liquor license applications:

*a. JOSEPH SPADARO, PROGRAM DIRECTOR

Special Event License application of Joseph Spadaro, Program Director, St. Bridget's Knights of Columbus, a one-day fraternal event to be held Sunday, October 21, 2001 from 4:00 p.m. to 8:00 p.m., at 2213 N. Lindsay Road, St. Bridget's Catholic Church.

*b. PATRICIA NORRIS, AGENT

New Beer and Wine Store License for 7-Eleven #29077H, 1960 N. Power Road. This is a new business, currently a vacant lot. No previous liquor licenses at this location.

*c. JOHN BARTON, AGENT

New Restaurant License for Peter Piper Pizza, 1833 N. Power Road. This is a new business, currently a vacant lot. No previous liquor licenses at this location.

*d. BERND GLAESER, AGENT

New Restaurant License for Streets of New York, 1939 S. Val Vista Drive. This is a new business, which is currently under construction. No previous liquor licenses at this location.

*e. BERND GLAESER, AGENT

New Restaurant License for Streets of New York, 6638 E. Superstition Springs Blvd. This is a new business, which is currently under construction. No previous liquor licenses at this location.

4. Consider the following Bingo application:

- *a. Apache Wells Homeowners Association Inc.- CLASS A
Dora I. Rich, Manager
2247 North 56th Street
Mesa, AZ 85215

5. Consider the following contracts:

- *a. Additional expenditure authority for the existing supply contract for portable (hand held) radios as requested by the Communications Division.

The Purchasing Division recommends authorizing additional purchases totaling \$73,732.45 with Motorola Inc. **(CONTINUED FROM THE AUGUST 27, 2001 COUNCIL MEETING)**

6. Introduction of the following ordinances and setting September 24, 2001 as the date of public hearing on these ordinances:

- *a. **Z01-52** 6841 E. Main Street. Council Use Permit for a school in C-2. This case involves locating a charter school in tenant space of an existing retail center.
- *b. Establishing an Historic Preservation Overlay District for the Expanded West Second Historic District (HP01-002TC).

7. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the Flood Control District of Maricopa County and the City of Mesa for the Hawes Road Channel Improvements – Resolution No. 7726.
- b. Granting an Irrigation Easement to Salt River Project along McKellips Road – Resolution No. 7732.

This easement is for irrigation utilities relocated for the McKellips Road Improvement Project.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen, that Resolution No. 7732 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7732 adopted.

- *c. Extinguishing a Public Utilities Easement at 6800-6900 East Main Street – Resolution No. 7727.

The easement is not needed for the private sewer line at this location.

- *d. Authorizing the City Manager to enter into an Intergovernmental agreement between the City of Mesa and Mesa Unified School District No. 4 for the funding of the Juvenile Accountability Incentive Block Grant Plan – Resolution No. 7728.

- *e. Approving the appointment of Crystal Pearl as Building Official – Resolution No. 7729.
- *f. Approving and authorizing the City Manager to execute an agreement between the Central Arizona Water Conservation District (CAWCD) and the City of Mesa – Resolution No. 7730.
- *g. Approving and authorizing the City Manager to execute the Project Management Plan and Feasibility Cost Sharing Agreement for the Va Shly'ay Akimel Salt River Restoration Project – Resolution No. 7731.

8. Consider the following ordinances:

- *a. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in Zoning Case HP01-001TC, adopting an official supplementary zoning map to establish a Local Historic Preservation Overlay District for the Robson Historic District – Ordinance No. 3923.
- b. Amending various sections of the Mesa City Code relating to the downtown sign ordinance as recommended by the Downtown Development Committee and the General Development Committee. **(Continued from the August 27, 2001 City Council Meeting.)**

Mayor Hawker, Councilmember Jaffa and Councilmember Pomeroy declared potential conflicts of interest and refrained from discussion/participation in this agenda item.

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

Councilmember Walters stated opposition to adoption of this ordinance as written based upon information provided by Interim City Attorney Joe Padilla that the ordinance would create a condition which would provide sign owners with a vested right to continue using A-frame signs in the pedestrian overlay area regardless of further Council action prohibiting this use. Councilmember Walters added that she was advised by staff that this condition was not staff's intent with this ordinance.

It was moved by Councilmember Walters, seconded by Councilmember Whalen that the recommendations of staff, the Downtown Development Committee and the General Development Committee to amend various sections of the Mesa City Code relating to the downtown sign ordinance be denied and that staff be directed to introduce an ordinance with language amendments that allow for the temporary use of "A" frame signs in the Pedestrian Overlay Area without providing sign owners with a vested right to continue using "A" frame signs in the absence of Council approval.

Councilmember Whalen stated support for a sign ordinance that will enable the Council to impose time limits in connection with permits to use "A" frame signs in the Pedestrian Overlay Area.

Councilmembers Kavanaugh and Davidson stated support for the motion.

Upon tabulation of votes, it showed:

AYES - Davidson-Kavanaugh-Walters-Whalen
NAYS - None
ABSTAIN - Hawker-Jaffa-Pomeroy

Vice Mayor Davidson stated that the motion carried unanimously by those voting.

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

8.1 Consider Addendum #2 to the Disposition and Development Agreement for Palm Court Investments, LLC, (Mesa Discount), Site 24.

Bill Laurie, 1462 W. University, addressed the Council and stated opposition to the use of eminent domain in connection with Site 24 (northwest corner of Country Club Drive and Main Street). He stated the opinion that municipalities may only use eminent domain to acquire property when there is a compelling public need and that the proposed development at Site 24 does not represent a compelling public need.

Manny Cortez, 2837 E. Emelita, addressed the Council and voiced concerns regarding Mesa's use of eminent domain to acquire property. Mr. Cortez referred to a recent newspaper article regarding this matter and stated the opinion that private property owners should not be forced to give up their property for the benefit of other private property owners. He added the opinion that a compelling need does not exist to acquire properties at Site 24 through eminent domain.

Redevelopment Director Greg Marek addressed the Council and explained that this agenda item represents correction of an error in the definition of "Land" in Section 3.1 of the Disposition and Development Agreement (DDA) for Palm Court Investments, LLC. (Mesa Discount), Site 24. Mr. Marek explained that although the three parcels described in the proposed Second Amendment to Disposition and Development Agreement Between the City of Mesa and Palm Court Investments (Second Amendment/Addendum #2) were inadvertently left out of the DDA, they were included in staff's initial cost/benefit analysis regarding the project.

Mr. Marek reported that the three residential properties identified in the Second Amendment/Addendum #2 have been acquired voluntarily from the owners without use of eminent domain.

In response to questions from Councilmember Pomeroy, Mr. Marek confirmed that the purpose of the item before the Council is to amend language in the DDA and does not represent additional expenditure on the part of the City that was not previously approved by the Council.

Councilmember Jaffa voiced concerns regarding the costs the City will incur for displacement of the existing businesses on Site 24 and the possibility that costs incurred by the City in connection with this project will exceed what was previously projected by staff and approved by the Council. Councilmember Jaffa stressed the importance of staff adequately projecting City costs in connection with redevelopment projects.

In response to a question from Councilmember Jaffa regarding staff's current assessment of the City's costs relative to this project, Mr. Marek advised that the actual costs associated with the seven properties acquired to date by the City have been in line with projections. He noted that staff is currently negotiating with a number of owners/businesses and that the final project costs will not be known until the last escrow closes. Mr. Marek noted that staff's objectives in dealing with redevelopment projects are to ensure that property owners and businesses are adequately compensated and that the citizens of Mesa do not pay more than what is fair and equitable.

Mr. Marek reported that pursuant to the agreements with Mesa Discount and Redstone Investment LLC (Lenhart's Ace Hardware) regarding Site 24, the City is responsible for assembling and acquiring the properties from the existing owners, paying relocation expenses to the existing owners and businesses, and demolishing existing structures; and that Mesa Discount and Lenhart's Ace Hardware would then pay the City for the bare land, which in the Mesa Discount case is \$6.62 per sq. ft. Mr. Marek added that the cost/benefit analysis previously prepared by staff also included projections of revenue generated to the City from the proposed developments over a period of time.

In response to a question from Councilmember Jaffa regarding costs the City must pay in connection with displacement of a business, Mr. Padilla advised that the City is responsible to pay relocation and business reestablishment costs.

Councilmember Kavanaugh voiced approval of this agenda item and commented on the long history associated with this project; the fact that the project was unanimously approved by the Council after many public hearings, significant public input and minimal public opposition; and the fact that the northwest corner of Country Club and Main Street was identified in the 1999 Concept Plan by hundreds of citizens who participated in the survey as an important corner that demanded special attention by the City. Councilmember Kavanaugh stated that the Council has historically directed staff to use eminent domain as a last resort and that it is rarely used in most redevelopment cases.

Vice Mayor Davidson concurred with Councilmember Kavanaugh's comments and stated support for this agenda item. He also voiced appreciation to Mr. Cortez and Mr. Laurie for their input in this matter.

Councilmember Pomeroy stated that the purpose of the agenda item is to amend language only and does not represent additional expenditure by the City or the use of eminent domain.

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen, that the proposed Second Amendment to Disposition and Development Agreement Between the City of Mesa and Palm Court Investments, LLC (Mesa Discount) be approved.

Councilmember Whalen stated support for the project and added that he does not generally favor the use of eminent domain. He noted that although there has been some recent sensationalism associated with this case, the prior public input was minimal.

In response to a question from Councilmember Whalen regarding the project investment ratio between the developers and the City, Mr. Marek confirmed that the approximate, projected investment ratio is 6-1, that the developers are investing \$6.00 for every dollar invested by the City.

Councilmember Whalen voiced the opinion that the investment ratio is appropriate for a redevelopment project.

In response to questions from Mayor Hawker, Mr. Marek advised that the total cost for the three residential properties identified in the Second Amendment/Addendum #2 is \$321,000, which includes relocation and moving expenses, and that all three properties were acquired without the use of eminent domain.

Mayor Hawker stated that the redevelopment process occurs in steps and that there are numerous opportunities for Council input and opposition throughout the process. Mayor Hawker provided a chronology of the redevelopment process in general and specifically associated with this case. He noted that he voted in opposition to expansion of the Town Center Redevelopment Area to include ¼ mile on all sides of the original square mile, inclusive of Site 24. Mayor Hawker said that he supports the motion due to the fact that the costs associated with acquiring the three subject properties were included in staff's initial cost/benefit analysis and Council's initial evaluation of the project.

In response to a question from Mayor Hawker regarding the use of eminent domain in the overall project, Mr. Marek reported that the only use of eminent domain occurred during the initial analysis phase in connection with obtaining access to one of the properties to conduct environmental testing.

Mayor Hawker stated that although he is generally opposed to the condemnation of one business for the benefit of another business, at this point in this case he is opposed to rescinding the existing agreements. He noted that all property owners involved in this site had the opportunity to propose a redevelopment project on the site. He also noted that at various stages throughout the process, the Council voted to move forward with the project.

Councilmember Whalen voiced the opinion that the City and its residents will benefit from this project through increased revenues and the aesthetic enhancement it will provide to the downtown area.

Councilmember Jaffa voiced concerns regarding the magnitude of redevelopment issues the City will face in the future and the importance of incorporating redevelopment issues in the new General Plan. He stated that based on his concerns that the costs associated with adequately compensating the existing businesses within Site 24 may significantly exceed the costs projected by staff, he will not vote in support of this agenda item.

Councilmember Walters commented on the need for redevelopment in some areas of the City and the difficult issues associated with redevelopment projects.

Mr. Marek discussed the criteria and process associated with the City's designation of a redevelopment area; the fact that there are several areas that residents have requested be considered for redevelopment; the fact that when eminent domain is approved to be used in a redevelopment area, there are potential tax benefits to property owners within the area, and the fact that the businesses relocated by the City in redevelopment cases have remained in business and generally report that they were treated fairly by the City. Mr. Marek reported that there has been only one eminent domain case that went to court within the last five years, and

that was due to excessive demands on the part of the property owner. He stated that the residential properties within Site 24 have all been settled and that negotiations with the businesses located at the site are ongoing and represent the biggest investment by the City.

Discussion ensued regarding the redevelopment process in general, the process of undesignating a redevelopment area, the process of designating a site within a redevelopment area, the opportunity for public input throughout the redevelopment process, the opportunities available to all property owners and businesses located within redevelopment areas and sites, and the personal contacts made by staff to all property owners and businesses within a proposed redevelopment site prior to Council's designation of the site.

Councilmember Kavanaugh reiterated that the action before the Council did not represent anything new concerning the project, that the Council was previously apprised regarding all of the parcels and businesses affected, and that there has been substantial documentation provided to the Council and opportunities for public input throughout the process.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Jaffa

Mayor Hawker declared the motion carried by majority vote.

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

- a. **Z01-35** South of the southwest corner of Baseline Road and Vineyard Avenue. Rezone from M-1 to M-1-PAD and Site Plan Modification (9± acres). This case involves the development of an office park. Vanderbilt Farms, LLC, owner; Represented by: Bruce Dunn; Lyons Real Estate and Development, owner; represented by: B. Fred Lyons – Ordinance No. 3932.

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, landscape plan, preliminary plat and exterior 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.) including but not limited to the requirement of a four-foot meandering sidewalk, and location and angle of trash enclosures.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board, including but not limited to the designated employee areas.

7. Recordation of cross-access and reciprocal parking easements for the overall continuous office park.
8. Medical office use only permitted after review and approval of the parking calculations by the Planning staff.
9. Covered parking shall be provided as per City Code. Retention basins to be 6:1 slopes maximum.

Councilmember Whalen declared a potential conflict of interest and refrained from discussion/participation in this item.

Councilmember Kavanaugh commented on a prior zoning case associated with this parcel for development of a car dealership, which generated significant neighborhood opposition and denial by the City Council. Councilmember Kavanaugh voiced approval of this zoning application and stated the opinion that the proposed office development will be a quality addition to the City.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that Ordinance No. 3932 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Jaffa-Kavanaugh-Pomeroy-Walters
NAYS - None
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 3932 adopted.

- *b. **Z01-36** The northeast corner of Greenfield Road and Hobart. Rezone from R-3 to OS and Site Plan Modification (.58± acres). This case involves the development of an office building. Michael E. Saager, owner; Brock, Craig and Thacker Architects, Ltd., applicant; represented by: Boyd Thacker – Ordinance No. 3924.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2 (Brock, Petrie abstain).

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. Compliance with all requirements of the Design Review Board.
7. Medical office or clinic uses shall not be allowed.
8. Completion of the vacation of the 20-foot highway easement along the north perimeter of the subject property prior to issuance of any building permits.
9. Provide a six-foot high masonry fence along the east property line.
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.
11. Retention basins have 6:1 slopes adjacent to Greenfield Road and Hobart; 4:1 slopes and enhanced landscape features will be provided in the interior of the basin.

- *c. **Z01-37** The southeast corner of Val Vista Drive and Huber Street. Rezone from AG to R1-35 (9.5± acres). This case involves the development of three custom home sites. Craig Willett, owner/applicant – Ordinance No. 3925.

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 submitted.
2. Substantial compliance with the building envelope concept including retention of citrus around the perimeter of each lot.
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. Compliance with all requirements of the Subdivision Technical Review Committee and Land Split Regulations.
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 lot split, or at the time of the City's request for dedication, whichever comes first.
7. Compliance with all requirements related to fire access and safety at the time of the issuance of a building permit.
8. All street improvements to be installed in the first phase of construction.
9. Further split of parcel no. 2 is not allowed. Written notice to be provided to future buyers, and their written acknowledgment received that the project is within one mile of Falcon Field Airport.
10. An avigation easement be recorded prior to issuance of any building permits.
11. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels.

- *d. **Z01-38** 1818 East Baseline Road. Rezone from AG to C-1 and Site Plan Review (0.5± acres). This case involves the expansion of an existing retail/office development. Morris Properties, owner/applicant; Represented by: Kemp Morris – Ordinance No. 3926.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2 (Brock, Petrie abstain)).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variances outlined in the staff report.
4. All driveway improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board.
6. Compliance with the current City Code requirements for fence heights and materials in commercial districts.
7. Location and orientation of the trash receptacles to be approved by Solid Waste prior to issuance of any building permits.
8. No outside storage allowed on site.
9. All parking areas to be paved.
10. Covered parking to be provided as per City Code.

- *e. **Z01-39** The 100 to 200 block of South Power Road (east side). Site Plan Review (2± acres). This case involves the development of a restaurant. ALC- Power Road, LLC, owner; Represented by: M. Jamil Akhtar, M.D., Manager; Sun Pacific Management, LLC, applicant; represented by: Jerry D. Zwingelberg – Ordinance No. 3927.

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 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. Compliance with all requirements of the Design Review Board.
7. Retention basins to be 6:1 slopes maximum.

- *f. **Z01-40** 35 West Brown Road. Rezoning from R-4 to R-4 PAD (6.2 acres). This project involves conversion of existing apartments to condominiums. Mesa,

RET, owner; Represented by: Robert J. Gregg; Pew & Lake LLC, applicant; represented by: Sean Lake – Ordinance No. 3928.

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

1. Compliance with the existing development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, Fire etc.) including the dedication of a 20-foot public utilities and facilities easement upon recordation of the final subdivision plat.
3. Compliance with all requirements of the Subdivision Technical Review Committee.
4. Recordation of cross-access and reciprocal parking easements with the east campus.
5. Compliance with letter dated June 14, 2001, from Pew & Lake to Dorothy Chimel, which is included in the zoning case file.

- *g. **Z01-41** 2640 East Southern Road. Rezoning from R1-43 to O-S and Site Plan Review (0.94 acres). This project involves conversion of a single residence to a wedding reception center. Chris Smith, owner; Pew & Lake, applicant; Represented by: Ralph Pew – Ordinance No. 3929.

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 submitted except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, Fire, Building, etc.) including an encroachment permit, solid waste barrels and screens, on-site retention, and building and fire code provisions for the change of occupancy.
3. Review and approval by the Board of Adjustment of a Special Use Permit for caretaker's residence in the O-S district plus variances noted in the staff report.
4. No outside activities or liquor license shall be permitted as agreed upon by the owner.

- *h. **Z01-44** 652 North Country Club Drive. Rezone from OS-PAD to C-2 (1.3 acres). This case involves the development of an office/retail complex. Steven Mastroni, owner/applicant – Ordinance No. 3930.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2 (Brock, Petrie abstain)).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, except as noted below.

2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board case DR01-20.
7. Retention basins to be 6:1 maximum slope where adjacent to public rights-of-way, pedestrian areas, and sidewalks.

- *i. **Z01-45** The northwest corner of Meridian Road and Pecos Road. Rezoning from AG to M-2 with AF overlay (103.86 acres). This case involves development of an industrial park. Walker Nord Investments, owner; Represented by: R. B. Walker; Kauri Land, LLC, applicant; represented by: Dan and Mark Reeb – Ordinance No. 3931.

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

1. Compliance with the basic development as shown on the site plan and preliminary plat submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the document from the applicant, entitled "Meridian Industrial Park Z01-45 Proposed Zoning Stipulations" and dated as revised July 25, 2001.
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 related street improvements (including pavement, curb, gutter, sidewalk and streetlights) to be completely installed in each phase of development.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Recordation of pertinent cross-access agreements.
9. Compliance with all requirements of the Design Review Board for all lots immediately adjacent to, siding onto, or backing up to any arterial road and for any project with buildings equal to or greater than 20,000 square feet of gross floor area.
10. 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. Written notice be provided to future owners, and acknowledgment received that the project is within three miles of Williams Gateway Airport.
12. Noise attenuation measures be incorporated into the design and construction of all occupied office building areas to achieve a noise level reduction of 20 db.
13. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way.
14. Compliance with letter from Dan Reeb dated July 25, 2001.
15. Compliance with letter from Mark Reeb dated August 1, 2001.

10. Consider the following subdivision plat:

- a. "VINEYARD PLAZA", – (Council District 3) – The 2100 block of South Vineyard (west side) 9 M1-PAD office lots (7.22 ac.) Vanderbilt Farms, L.L.C., developer; Clouse Engineering, Inc., engineer.

Councilmember Whalen declared a potential conflict of interest and refrained from discussion/participation in this item.

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

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Jaffa-Kavanaugh-Pomeroy-Walters
NAYS - None
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

- *b. "GREENFIELD SUPER K-MART CENTER" – (Council District 6) – The 1900 block of South Greenfield Road (west side) 3 C-2 commercial lots (14.53 ac.) Southwest Regional Properties-Mesa, L.L.C., developer; Brady Aulerich & Associates, Inc. engineer.

11. Items from citizens present.

Jian Wu, 900 N. Country Club Drive, #228, addressed the Council and alleged that she has been harassed by the Mesa Police Department on several occasions and alleged that the harassment has prevented her from securing employment in Mesa. Ms. Wu alleged that police watch her every minute in her home and in her car. Ms. Wu stated that there have been many instances of police harassment and referred to a 10-page typewritten speech that was provided to Councilmembers.

Mayor Hawker thanked Ms. Wu for her comments.

Henry Miller, a representative of 99 Cents Only Stores, addressed the Council and stated that the grand opening of the first 99 Cents Only store in Mesa, located at the intersection of Southern Avenue and Country Club Drive, will take place on September 13, 2001 at 8:30 a.m. He commented on the history of the company, the pricing policy and philosophy of the company, the types of products sold in the stores, the amount of sales tax revenue generated by the stores, the number of people employed in each store and the grand opening specials.

Mayor Hawker thanked Mr. Miller for his comments.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:00 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 10th day of September 2001. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pjt