

COUNCIL MINUTES

December 4, 2000

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 December 4, 2000, at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Pat Pomeroy

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

Mayor Hawker excused Councilmember Pomeroy from the meeting.

Invocation by Pastor W. Randy Visconti, Evangel Assembly of God.

Pledge of Allegiance was led by Dan Leary, Boy Scout Troop # 52.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Jaffa, that the minutes of the November 3, 2000 Fire Briefing Session and the November 20, 2000 Regular Council meeting be approved.

Mayor Hawker declared the motion carried unanimously by those present.

2. 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.

Mayor Hawker declared the motion carried unanimously by those present.

3. Conduct a Public hearing on the proposed final assessments for Scalloped Street Assessment Project #98-80. This project installed street improvements along portions of North Old Gilbert Road and East Hermosa Vista Drive. (See item no. 9a for backup).

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed final assessments for Scalloped Street Assessment Project #98-80.

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

4. Conduct a Public hearing on the proposed final assessments for Scalloped Street Assessment Project #99-07. This project installed street improvements along portions of South Norfolk Avenue. (See item no. 9b for backup).

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed final assessments for Scalloped Street Assessment Project #99-07.

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

5. Consider the following liquor license applications.

*a. STEPHEN M. MCKINNEY, AGENT

Person transfer Liquor Store License for Fry's Marketplace #611, 4440 E. Main Street. This is an existing business and building. This transfer is from John V. Berry, Agent, Smitty's Super Valu, Inc.

*b. STEPHEN M. MCKINNEY, AGENT

Person transfer Liquor Store License for Fry's Marketplace #622, 1935 N. Stapley Drive. This is an existing business and building. This transfer is from John V. Berry, Agent, Smitty's Super Valu, Inc.

*c. HARISH N. PATEL, AGENT

New Beer and Wine Store License for U Stop Convenient Store, 5207 E. Main Street. This is an existing business. The Beer and Wine Store License previously held at this location by Kim K. Kwiatkowski, Agent, Circle K Stores, Inc., will revert back to the State.

*d. STEPHEN M. BERGER, AGENT

New Restaurant License for El Paso Bar-B-Que Company, 1641 S. Stapley Drive, Ste. 105. This is an existing building. The Restaurant License previously held at this location by William E. Prather, Jr., M & B Restaurants, L.C., will revert back to the State.

6. Consider the following Bingo application:

- *a. Mesa Regal RV Resort – CLASS A
Maureen Hindle
4700 E. Main Street
Mesa, AZ 85205

7. Consider the following contracts:

- a. One new aerial platform truck to be used for fire suppression and emergency responses as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Pierce Mfg., Inc. at \$708,287.40 including recommended options and applicable sales tax.

Councilmember Kavanaugh advised that at the request of Councilmember Pomeroy, staff has prepared a brief presentation for the Council regarding this agenda item.

Assistant Fire Chief Paul Wilson referred to graphics displayed in the Council Chambers and discussed the capabilities of the aerial platform truck for the viewing audience.

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

Mayor Hawker declared the motion carried unanimously by those present.

- *b. One replacement ten cubic yard dump truck for the Street Maintenance Division.

The Purchasing Division recommends authorizing an additional purchase option from RFB #2000139 with Freightliner Arizona, LTD at \$80,844.53 including options, sales tax and extended warranties.

- *c. Two-year renewal of the supply contract for industrial grade paint as requested by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal option with Southwest Coating Consultants at \$14,198.67 based on estimated annual requirements.

- *d. Two-year supply contract for liquid chlorine and liquid caustic soda for Materials & Supply Division Warehouse inventory to be used for treating the water in public swimming pools.

The Purchasing Division recommends accepting the low bids as follows:

Items 1 and 3 to Hill Brothers Chemical at \$42,990.60 based on estimated annual requirements; and Item 2 to D.P.C. Enterprises, L.P. at \$45,812.05 based on estimated annual requirements. The combined award is then \$88,802.65.

- *e. One replacement pool filtration system for Taylor swimming pool as requested by the Parks, Recreation and Cultural Division.

The Purchasing Division recommends accepting the low bid by Aquatic Environmental Systems, Inc. at \$35,226.68, including applicable sales tax.
- *f. One new rehab supply vehicle as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Pierce Mfg., Inc. at \$199,274.90 including options and applicable sales tax.
- *g. One replacement forklift material handler as requested by the Falcon Field Airport.

The Purchasing Division recommends accepting the bid by Ingersoll-Rand Equipment & Services at \$64,896.75; including recommended options, extended warranties and applicable sales tax.
- *h. One replacement landscape/grade tractor as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the low bid meeting specification by RDO Equipment Company at \$55,063.67 including extended warranties and applicable sales tax.
- *i. Fire Station 4, 5 and 8 Additions and Renovations. City of Mesa Project Nos. 00-70 and 00-71.

This project will upgrade three stations to include a ventilation system in the apparatus bays to remove diesel exhaust.

Recommend award to low bidder, A. Val Construction Corporation in the amount of \$96,033.00, plus an additional \$9,603.30 (10% allowance for change orders) for a total award amount of \$105,636.30.
- *j. Jefferson Park Improvements. City of Mesa Project No. 00-35.

This project will upgrade and improve playground equipment and construct a new restroom facility in this heavily used park, located on Broadway Road, just east of Power Road.

Recommend award to low bidder, NCCI, Inc., in the amount of \$237,582.00, plus an additional \$23,758.20 (10% allowance for change orders) for a total award amount of \$261,340.20.
- *k. Access Control Bollards and Gates at Drainage Spillways on East Clovis Circle and East Drummer.

This project will allow the City to close two drainage channels that carry storm water runoff between homes from one street to the next in the area south of Broadway Road and west of Sossaman Road. The project will install gates and bollards to restrict vehicle and pedestrian access and still allow storm water to pass.

Recommend award to low bidder, C. B. Contracting, Inc., in the amount of \$13,400.00, plus an additional \$1,340.00 (10% allowance for change orders) for a total award amount of \$14,740.00.

8. Introduction of the following ordinances and setting December 18, 2000 as the date of 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. **A00-4** Annexing the southeast corner of Mountain Road and Warner Road. (229.47± acres). Initiated by the property owners.

9. Consider the following resolutions:

- a. Approving the proposed assessments for Scalloped Street Assessment Project #98-80. This project installed street improvements along portions of North Old Gilbert Road and East Hermosa Vista Drive – Resolution No. 7593.

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

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7593 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Resolution No. 7593 adopted.

- b. Approving the proposed assessments for Scalloped Street Assessment Project #99-07. This project installed street improvements along portions of South Norfolk Avenue – Resolution No. 7594.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7594 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Resolution No. 7594 adopted.

- c. Approving and authorizing issuance of the Industrial Development Authority of the City of Mesa, Arizona Student Housing Revenue Bonds (ASU East/MCCCD Williams Campus Project) Series 2000 in an amount not to exceed \$22,000,000 – Resolution No. 7595.

Terry Isaacson, a representative of Arizona State University-East Campus, addressed the Council relative to this agenda item. Mr. Isaacson advised that the Industrial Development Authority of the City of Mesa recently granted final approval for the issuance of its Student Housing Revenue Bonds (ASU East/MCCCD [Maricopa County Community College District] Williams Campus Project) and that Council approval is also required for the issuance of such bonds. Mr. Isaacson explained that the funds derived from the bonds will be utilized to improve and renovate 620 single-family homes and 8 residence halls. Mr. Isaacson added that additional proposed improvements include painting, heating and air conditioning systems, fire sprinkler systems, appliances, landscaping and road improvements. Mr. Isaacson emphasized that as a result of the improvements, Williams Campus will attract many new

students. Mr. Isaacson noted that construction is slated to commence in January of 2001, with the facilities being ready for occupancy by August of 2001.

Vice Mayor Davidson expressed his enthusiasm for the project and emphasized that the partnership between ASU and MCCCDC illustrates the fact that the development of the Williams Gateway project is an economically sound venture.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7595 be adopted.

Discussion ensued relative to student population projections at the combined ASU-East and MCCCDC campuses.

Councilmember Kavanaugh stated that the placement of educational institutions at Williams Gateway Airport, combined with the airport facility, will offer businesses attractive inducements to relocate to the area. Councilmember Kavanaugh added that with the City's endorsement of the efforts of ASU/MCCCDC, Mesa will reap greater economic development benefits.

Councilmember Walters emphasized the fact that the City of Mesa is not responsible for the payment of the principal or interest on the bonds, the fact that the Bonds do not constitute an indebtedness of the City, and the fact that the bonds will not affect the City's bond rating. Councilmember Walters spoke in support of the proposed improvements and renovations which will create a more aesthetically pleasing environment.

Mayor Hawker stated that despite the fact there is limited availability of Industrial Development Authority bond money, the ASU/MCCCDC renovation and improvement project should be given the highest priority.

Councilmember Jaffa concurred with the Councilmembers' comments and praised ASU and MCCCDC for their collaborative efforts. Councilmember Jaffa also spoke regarding the ability of individuals who are employed at Williams Gateway to live in close proximity to their offices.

In response to a question from Councilmember Jaffa, Mr. Isaacson clarified that various aesthetic improvements, such as new tile roofs and the alternative placement of the AC units, is not currently being addressed in the proposed renovations and improvements; however, when the need arises for such alterations, sufficient funds will be available. Councilmember Jaffa encouraged that such elements will enhance the appearance of the facilities.

Discussion ensued regarding the development of new and innovative academic programs tailored to the current needs of Williams Gateway, projected student population in the residence halls and the configuration of the facilities.

Councilmember Whalen commended Mr. Isaacson for his efforts in this regard.

Mayor Hawker thanked Mr. Isaacson for his presentation.

Mayor Hawker declared the motion carried unanimously by those present and Resolution No. 7595 adopted.

- d. Vacating a portion of public alley right-of-way and reserving an easement for existing public utilities, facilities and ingress and egress at the northeast corner of Mesa Drive and Brown Road – Resolution No. 7596.

It was moved by Vice Mayor Davidson, seconded by Councilmember Whalen, that Resolution No. 7596 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Resolution No. 7596 adopted.

10. Consider the following ordinances:

- a. Amending Section 10-1-15 of the Mesa City Code relating to the use of skateboards and similar devices in pedestrian overlay areas.

Tom Verploegen, Executive Director of the Mesa Town Center Corporation (MTCC), 58 West Main Street, addressed the Council relative to this agenda item. Mr. Verploegen advised that as a result of ongoing complaints from pedestrians regarding accidents and near-accidents caused by skateboarders in the colonnade area of Main Street, the MTCC supports staff's proposed recommendations to amend the current ordinance. Mr. Verploegen advised that the proposed ordinance will prohibit bicycles, skateboards, motorized skateboards, scooters, in-line skates or any form of roller-skates upon a sidewalk within the Pedestrian Overlay Area (POA). Mr. Verploegen stressed the importance of protecting the health, safety and welfare of Mesa's citizens.

In response to a question from Mayor Hawker regarding the use of roller blades, Mr. Verploegen spoke in support of implementing the prohibition on Main Street between Center Street and Morris Street. Mr. Verploegen commented on the blind spots that exist and added that greater visibility exists in other sections of the POA.

Redevelopment Director Greg Marek outlined for the Council the POA boundaries which encompass the east side of Country Club Drive to the west side of Centennial Way, the south side of First Street to the north side of First Avenue. Mr. Marek commented that the term "business district" is not defined in the current City Code, but noted that the Sign Code provides a clear definition of the POA. Mr. Marek added that the POA includes the site of the Performing Arts Center and future redevelopment projects along Main Street, but does not include the Mesa Public Library.

In response to a question from Vice Mayor Davidson, Mr. Marek advised that the current ordinance does not refer to the prohibition of skates and/or skateboards in the POA and said that this omission has hampered enforcement by the Mesa Police Department. Mr. Marek noted that the streetscape design in the Town Center includes sidewalk cafes, benches and trees, and, unlike other communities, the merchants' property lines are on the sidewalk right-of-way.

Vice Mayor Davidson emphasized the fact that Council approval of the proposed ordinance will result in individuals illegally riding their recreational devices in the street. Vice Mayor Davidson commented that although he is sensitive to the concerns of the merchants located in the Town Center, with the inherent design of the sidewalks in the colonnade area, recreational users would be more inclined to slow down and not present a hazard to pedestrians. Vice Mayor Davidson also stated that with the passage of the

ordinance, there will be an erosion of those elements which the City is attempting to nurture in the Town Center.

In response to a question from Councilmember Kavanaugh, Mr. Marek stated that the proposed ordinance was reviewed by the Mesa Town Center Corporation Board, but added that the Downtown Development Committee (DDC) has not provided input regarding this issue.

Councilmember Kavanaugh spoke in support of the proposed ordinance and noted that the Town Center streetscape was designed to create a pedestrian-oriented environment. Councilmember Kavanaugh said that the Council should be cognizant of the fact there are competing uses for those spaces and stated the opinion that the proposed ordinance would reduce the City's potential liability risks.

It was moved by Councilmember Kavanaugh that the recommendations of staff be approved.

Councilmember Walters expressed concerns regarding the broad expanse of the POA, and stated that the proposed ordinance will impact not only the Town Center but residential areas as well. Councilmember Walters commented that although she would consider allowing the use of in-line skates in the colonnade area, her support does not extend to the use of all recreational devices in this area.

Vice Mayor Davidson stressed the importance of the coexistence of residential, retail, commercial and other entities within the Town Center, and said if restrictions are imposed on residential communities, development of such areas in Mesa may prove difficult.

Councilmember Jaffa concurred with the opinions of Vice Mayor Davidson, but also spoke in support of placing a restriction on the use of recreational devices on Main Street between Center Street and Morris Street.

Mayor Hawker declared that the motion died for lack of a second.

Discussion ensued relative to the proposed language to be included in the motion.

Councilmember Whalen expressed concerns regarding the selective enforcement of the ordinance in specific areas of the POA and stated the opinion that court challenges may occur relative to voluntary compliance with such an ordinance. Councilmember Whalen spoke in support of the inclusion of skateboards in the language.

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that staff be directed to revise the language in the proposed ordinance for introduction at the next Regular Council Meeting as follows: "When signs are erected giving notice thereof, no person shall ride a bicycle, skateboard, motorized skateboard or scooter upon a sidewalk within a pedestrian overlay area (POA). The Development Services Manager is authorized to erect signs on any sidewalk within a POA prohibiting the riding of bicycles, skateboards, motorized skateboards or scooters thereon by any person. The boundaries of the POA are the east side of Country Club Drive to the west side of Centennial Way, the south side of First Street to the north side of First Avenue. The centerline of the aforementioned streets shall be construed to be the boundaries."

Mayor Hawker expressed the opinion that the proposed ordinance is inappropriate and unnecessary and advised that he will not support the motion.

Vice Mayor Davidson emphasized that the Council retains the ability to reconsider this issue in the future if it so desires.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote of those present.

Mayor Hawker stated that staff will revise the language and submit a revised ordinance for introduction at the next Regular Council Meeting.

*b. Amending Section 10-5-1 (e 2) of the Mesa City Code relating to the display of parking permits/decals.

11. Consider the following ordinance: (Continued from the November 20, 2000 Council Meeting).

a. Relating to modifications of natural gas rates and regulations:

*1. Deleted.

*2. Amending Chapter 14 of the Mesa City Code regarding natural gas regulations; amending Section 5-14-2 of the Mesa City Code pertaining to definitions and amending Section 5-14-4 pertaining to condition governing extensions of natural gas mains and services – Ordinance No. 3834.

11.1. Consider approving a proposal from Ernst & Young to perform real estate advisory services for the Mountain Road Rezoning Case.

Mayor Hawker stated that this agenda item is the result of the Mountain Road rezoning case and explained that a developer had submitted a proposal to Maricopa County to rezone 560 acres of land, located directly east of the General Motors Proving Grounds (Williams Gateway Airport area), from industrial to residential use. Mayor Hawker referred to the contents of a report that the County commissioned Elliot Pollack, a Scottsdale economist and landowner, to prepare and stated the opinion that the information contained in the report is inaccurate and misleading, particularly Mr. Pollack's conclusion that an overabundance of land zoned for industrial use already exists within Mesa's City limits.

Mayor Hawker noted that the Maricopa County Board of Supervisors has postponed action on the rezoning request for a six-month period of time to allow the City of Mesa additional time to refute inaccurate information contained in the Pollack report and submit to the Board detailed, accurate information relative to current and future industrial land sites and requirements in the area surrounding Williams Gateway Airport. Mayor Hawker discussed the Council's intention to commission the services of Ernst & Young for the purpose of preparing an additional report for submission to the Board of Supervisors and noted that the consultant will review and critique the Pollack report and will estimate commercial and industrial land absorption for the City of Mesa over a 20 to 30-year period of time based

on findings and analysis of population, employment, freeway development and expansion of Williams Gateway Airport.

City Manager Mike Hutchinson concurred with Mayor Hawker's comments and discussed the importance of preserving the area around Williams Gateway Airport as a future employment center. Mr. Hutchinson noted that a number of housing developments have already been approved in the nearby Pinal County vicinity and said that the development will impact Mesa's infrastructure and will enhance the viability of establishing that area as an employment base. Mr. Hutchinson briefly outlined the proposed study and said that the final document will be extremely useful to the City.

Mayor Hawker spoke in support of proceeding with the proposal and agreed with the importance of compiling accurate and thorough information upon which to design a Master Plan of the area to present to the Board of Supervisors. Mayor Hawker added that the study will also be used to assist the City in its future economic development efforts and briefly commented on additional inaccuracies/omissions contained in the Pollack report.

In response to a question from Councilmember Jaffa, Economic Redevelopment Director Dick Mulligan clarified that the 23,000 acres, which is referenced in the Pollack report, represent the total amount of land zoned for industrial use throughout the entire community. Mr. Mulligan commented that from an economic development standpoint, this figure was thought to be excessively high and encouraged Council to allow Ernst & Young to conduct an additional independent analysis.

Discussion ensued relative to Growing Smarter legislation.

It was moved by Councilmember Jaffa, seconded by Vice Mayor Davidson, that Ernst & Young be commissioned to perform real estate advisory services for the City of Mesa.

Councilmember Whalen suggested that staff contact the towns of Gilbert and Queen Creek and request their participation in the study.

In response to a question from Councilmember Whalen, Steve Klett, Senior Manager for Ernst & Young, clarified that the report will give consideration to the entire southeast valley, including Mesa, Gilbert, Chandler, Queen Creek and also Pinal County.

Mayor Hawker stressed that the owner of the 5,000 acre General Motors Proving Grounds is seeking input from the City of Mesa regarding joint planning options and is also anxiously awaiting the results of the Ernst & Young study.

Mayor Hawker declared the motion carried unanimously by those present.

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

- *a. **Z00-41** The southeast corner of Sossaman and Guadalupe Roads. Site Plan Review (8.29 acres). This case involves development of a commercial strip center and Walgreen's. Richard J. Sodja, owner; David M. Cardenas, AIA, applicant – Ordinance No. 3835.

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, landscape plan, grading and drainage plans 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board with specific attention to :
 - (a) Lighting design and intensity especially adjacent to the perimeter of the site.
 - (b) Foundation landscaping at all proposed buildings.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
9. The site plan shall be revised to include elimination or redesign of the parking spaces indicated on the north side of the driveway aisle from the Sossaman Road access driveway.
10. The project shall comply with the Sossaman Square Standards and Guidelines including proposed depicted architecture for all pad buildings within this development.
11. The grading and drainage plan shall be revised along the south and east property lines to delete the use of basins in these areas site. A cross-section of these areas shall be provided to ensure that trees proposed are not planted at the bottom of the basin.
12. Retention basins to be 6:1 slopes maximum adjacent to all walkways and pedestrian areas.
13. Written notice be provided to future tenants, and acknowledgment received that the project is within three miles of Williams Gateway Airport.

- *b. **Z00-63** 4861 – 4863 East Brown Road. Rezone R1-9 (Conceptual O-S) and O-S PAD to R1-9 (5± acres). This case involves the expansion of a parking lot for an existing church. First Baptist Church of Mesa, owner; Kevin Shaw, applicant – Ordinance No. 3836.

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

1. Compliance with the basic development as shown on the site plan submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with letter from Kevin Shaw dated October 5, 2000 regarding landscaping, screen wall height and light standard height along the south boundary of the Church property.

- c. **Z00-67** West of the southwest corner of Signal Butte Road and Broadway Road. Rezone from R1-9 (conceptual R-3) to R1-6 PAD-DMP and O-S-DMP (10± acres). This case involves the development of a patio home subdivision. Communities Southwest, LLC, owner; represented by: Matt Montgomery; Arizona Land Design, applicant; represented by: Christine Taratsas – Ordinance No 3840.

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.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
4. No side entry or hidden front door house plans, such as shown in plans 1301 and 2179.4, shall be constructed within this project.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. 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.
8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. The front yard setback shall be staggered from 18' to 20' with a maximum of 50% of the lots allowed at the 18' setback.

Sean Lake, 10 West Main Street, an attorney representing the applicant, provided background information relative to this case and expressed his willingness to respond to Council's questions.

Vice Mayor Davidson indicated that he does not support this agenda item and stated the opinion that the configuration of the subject property does not encourage neighborhood interaction. Vice Mayor Davidson encouraged developers to create more innovative residential design options.

Councilmember Kavanaugh stated support for the case and advised that the applicant has addressed the concerns of staff and the Planning & Zoning Board through the implementation of proposal revisions.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that Zoning Case Z00-67 be approved and Ordinance No. 3840 be adopted.

Councilmember Jaffa spoke in support of the case and concurred with Councilmember Kavanaugh's comments.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority of those present and Ordinance No. 3840 adopted.

- *d. **Z00-73** 600 – 700 block of South Lindsay Road (west side). Modification of an R1-6 PAD (22± acres). This case involves the development of patio homes. Maracay Lindsay Crossing, LLC, owner/applicant – Ordinance No. 3837.

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 continuous architectural details on all sides of the buildings, and 20' of landscaping along Lindsay Road.
 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.) including conformance to City details and standards for cul-de-sac radii and gated entrances.
 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. Retention basins to be 6:1 slopes maximum adjacent to all pedestrian and parking areas.
 9. Provide 28 foot pavement width for on-street parking on one side of the proposed private streets.
 10. Provide continuous landscaping along the Canal edge at the drainage easement, to be approved by staff.
 11. Provide landscaping at all drainage tracts, to be approved by staff.
 12. Compliance with the letter dated June 26, 2000 from Peter Schellinger, including restrictions to locations for two story homes.
 13. The wall along the north subdivision line to be 8' high minimum.
 14. Lots 38 through, and including, lot 47 to be limited to single story homes, only.
- e. **Z00-74** 3941 North Higley Road. Site Plan Modification (2.8 acres). This case involves the expansion of an existing cabinet shop. Gary Understiller, owner; James Larsen, applicant – Ordinance No. 3841.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-1 (Bailey voting nay)).

1. Compliance with the basic development as described in the project description on Sheet T1.0.
2. Compliance with the basic site plan on Sheet A1.0, except as noted below.
3. Metal storage buildings to be completely enclosed on all sides.
4. Provide a ten-foot landscape strip along the south property line with trees 15 feet on center – half to be 24" box and half to be 15 gallon trees.
5. Compliance with all City development Codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Solid Waste, and Traffic Engineering, etc.).
7. Provide a full drainage report that includes the watershed coming onto the site.

Dorothy Thompson, 3923 North Higley Road, a resident of the neighborhood, voiced concerns regarding the rezoning of the surrounding property, inappropriate development and the hazardous material generated by the applicant.

Sean Lake, an attorney for the applicant, addressed the Council and provided background information relative to this case. Mr. Lake explained that the applicant is seeking to expand an existing business which was originally zoned in 1996, and at that time, representations were made at a Planning & Zoning Board hearing that the front half of the property would be initially developed, and as the business became more successful, improvements would be implemented to the remainder of the property. Mr. Lake stated that the proposed expansion is for the purpose of additional storage and parking. Mr. Lake added that as a result of neighborhood concerns relative to a wash which is located on the property, a stipulation has been incorporated into staff's recommendations which requires the applicant to address the issue and to provide a drainage study report. Mr. Lake emphasized that the project has received staff approval as well as unanimous approval by the Planning and Zoning Board.

Discussion ensued relative to the fact that the applicant has endeavored to address issues identified by neighbors including the hours of operation, noise abatement, lighting and dust control, and the fact that it is anticipated that the developer of the adjacent property will be proposing a four-lot industrial subdivision in the future.

In response to questions from Vice Mayor Davidson, Planning Director Frank Mizner clarified that when the case was originally scheduled in September for Planning & Zoning Board approval, staff did not support the proposal based on the fact that the staff report was incomplete and the fact that the applicant was proposing shade structures rather than enclosed buildings for storage which staff felt was incompatible with the neighborhood.

Discussion ensued relative to the fact that although a subsequent staff report addressed many technical concerns, staff did not vote in support of the proposal, the fact that the issue of developing a management plan for the adjacent property was never addressed, the fact that separate proposals and separate owners exist and staff's preference that both proposals be reviewed by Planning & Zoning and be presented at the same time to the Council was not feasible and the importance of approving compatible land uses.

Councilmember Walters spoke in support of this agenda item and commented that it is not a rezoning issue, but rather the expansion of an already existing site which will enhance the appearance of the neighborhood.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that Zoning Case Z00-74 be approved and that Ordinance No. 3841 be adopted

Discussion ensued concerning the number of residents and the total amount of acreage in the area.

Councilmember Jaffa stated support for the case, but said he understood the concerns expressed by the neighbors in the surrounding area, many of whom lived there prior to being annexed into the City. Councilmember Jaffa stressed the importance of protecting Mesa's industrial areas for future industrial development.

Mayor Hawker explained that although he is in favor of this case, he is also cognizant of the applicant's past Code Compliance violations and emphasized that the applicant must be sensitive to the needs of the neighborhood and comply with all stipulations delineated by the Planning & Zoning Board.

Councilmember Whalen concurred with Mayor Hawker's comments and also expressed his concerns regarding potential pollution issues and the appropriate treatment of the wash.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 3841 adopted.

(Mayor Hawker declared a recess at 7:35 p.m. The meeting reconvened at 7:45 p.m.)

- f. **Z00-76** The northwest corner of Stapley Drive and Inverness Avenue. Site Plan Modification (1.6± acres). This case involves the development of a convenience facility/car wash/drive-thru and gas station. Equilon Enterprises, LLC. owner; Ron Harris, Architekton, applicant – Ordinance No. 3842.

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 revised site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering and Solid Waste and Facilities).
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. Recordation of cross-access and reciprocal parking easements.
6. Compliance with all requirements of the Design Review Board.
7. All pad buildings to be architecturally compatible.
8. Review and approval of a Special Use Permit by the Board of Adjustment for (gas pumps, car wash and comprehensive sign plan).

Sean Lake, an attorney representing the applicant, addressed the Council and provided background information relative to this case. Mr. Lake explained that the request before the Council is a site plan modification on 1.6 acres which was originally zoned for a full-service car wash and gas station. Mr. Lake advised that in June, the applicant prepared a site plan modification which provided for the development of a 5200 square foot convenience store and a 12,000 square foot canopy super pump. Mr. Lake stated

that the current site plan modification includes: 1) a decrease in the number of pumps and the size of the canopy; 2) a decrease in the size of the convenience store, and 3) the addition of a 26x50 car wash/drive thru. Mr. Lake noted that a recently conducted traffic study concluded that less traffic will be generated in the area due to the decrease in the quantity of pumps and the dimensions of the convenience store. Mr. Lake emphasized that there will be an increased landscaping buffer between the subject project and the adjacent Denali office complex. Mr. Lake added that as a condition of approval by the Planning & Zoning Board, the applicant has consented to incorporate materials compatible to those being utilized in the Denali office complex.

Wendy Riddell, 3200 North Central Avenue, Phoenix, an attorney representing Danny's Family Car Wash, spoke in opposition to the proposed use of this site. Ms. Riddell commented that significant changes have occurred at this intersection subsequent to the original zoning case and expressed concerns regarding an overabundance of gas stations, car washes, convenience stores and increased on-site traffic with the addition of the Denali office complex and future development of a popular "In-N-Out" Burger establishment. Ms. Riddell strongly urged the Council to delay action on this matter to allow for the implementation of an extensive traffic study.

Jay Hess, 1920 South Alma School Road, a principal of Danny's Family Car Wash, advised that he is not in favor of the agenda item and emphasized to Council that his business would be negatively impacted as a result of the applicant's proposed modifications. Mr. Hess also concurred with Ms. Riddell's comments regarding the increased traffic congestion at the intersection of Baseline Road and Stapley Drive.

City Attorney Neal Beets stated that the agenda item is a site plan modification and not a rezoning case.

Councilmember Walters voiced appreciation for the removal of the drive-thru restaurant component and encouraged the applicant to partner with the Denali developers to create a park-like setting through the implementation of additional landscaping.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that Zoning Case No. Z00-76 be approved and that Ordinance No. 3842 be adopted.

In response to a question from Vice Mayor Davidson, Planning Director Frank Mizner explained that the developers of the Denali project purchased the property from the same landowner, Glenwood Development, and that Denali was apprised of the proposed plan and has not voiced any objections. Mr. Lake emphasized the fact that on two separate occasions, the Council has approved this site plan and that the property has been zoned for a gas station.

Vice Mayor Davidson voiced concerns as to whether the subject project would diminish the attraction of Class A tenants to the Denali office complex, but said that in the absence of opposition from the Denali developers, he will support the project modification.

Councilmember Whalen expressed concerns regarding a proliferation of gas stations in the surrounding area, but stated support for approval of the case.

Councilmember Jaffa also stated support for the case and concurred with the Councilmembers' comments.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 3842 adopted.

- g. **Z00-77** The northeast corner of 80th Street and Baseline Road. Rezone from O-S to R-2 PAD (.5± acres). This case involves the development of duplex townhouses. Ron Bailly, Mark Gunning, owner/applicant.

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

1. Compliance with the basic development as depicted on the site plan, preliminary plat and elevations submitted, (without guarantee to lot yield) 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Written notice be provided to future residents, and acknowledgment received that the project is within 4 miles of Williams Gateway Airport.
8. Retention basins shall be maintained at 6:1 slopes maximum for all pedestrian areas and areas that are visible from the street.
9. The heating and air conditioning units shall be ground mounted and screened to meet minimum code requirements.
10. Compliance with Letter dated October 18, 2000 from Mark Gunning to Lisa Davis and Dorothy Chimel which is included in the zoning case file.
11. 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).
12. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

Mark Gunning, 1745 South Alma School Road, owner/applicant, referred to graphics displayed in the Council Chambers and provided a brief overview of this agenda item. Mr. Gunning advised that the development of 6 duplex homes is designed to serve as an infill project to upgrade the surrounding blighted neighborhood. Mr. Gunning explained that the applicant conducted a meeting with the residents in the area and received overall positive feedback regarding the proposed project. Mr. Gunning noted that opposition was expressed to the development of office/commercial buildings at the site and commented that it is the intent of the applicant to duplicate the currently existing design of the adjacent Sunland Village development.

Nancy Jo Johnson, 8330 East Monterey Avenue, a resident of Sunland Village East, addressed the Council regarding this agenda item. Ms. Johnson stated that she was not apprised of the previously mentioned neighborhood meeting and added that it was her understanding that the Planning & Zoning Board recommended denial of the project. Ms. Johnson voiced concerns relative to the project's design and stated the opinion that the project does not meet City zoning standards.

In response to a question from Councilmember Kavanaugh, Ms. Johnson clarified that she would be amenable to the development of a small office/commercial building on the property, but would not support the development of a large two-story structure.

Beverly Selvage, 2627 South Hibiscus, Public Awareness Chairman for Sunland Village East, stated that she did not observe the presence of a City Planning & Zoning sign displayed on the property. Mr. Mizner responded to questions relative to the City's signage procedures. Ms. Selvage voiced the opinion that the property is too small for such a dense project and that the City should explore alternative uses for the property.

Ron Bailly, 715 North Gilbert Road, owner/applicant, addressed the Council regarding this item. Mr. Bailly emphasized that due to the fact this is an infill project, it would be a positive addition to the neighborhood. Mr. Bailly concurred with the comments of Mr. Gunning and advised that the residents in the area have expressed their support for the project. Mr. Bailly noted that the configuration of the development is such that the residents of Sunland Villa would not have to travel by the duplexes.

Discussion ensued relative to the development's water retention basin and setbacks.

In response to a question from Vice Mayor Davidson, Mr. Mizner stated the opinion that given the size of the project in relation to the existing neighborhood, it is likely that this new housing project would decline over time and transition into rental properties. Mr. Mizner explained that the existing neighborhoods to the north consist of a mobile home subdivision (no homeowners' association and no common management) and an older single-family residence subdivision, both developed in Maricopa County prior to annexation. Mr. Mizner added that both neighborhoods are in need of redevelopment, and expressed concerns that the subject case is similar to the four-plex trend of the mid-1980s which continues to negatively impact the City. Mr. Mizner stated that the project fails to meet minimum City development standards, including size, amenities, setbacks, wall detail and landscaping, and that given the pending office proposal located two blocks west of this site, it is staff's opinion that the property would be an appropriate site for a small scale office development as it is currently zoned.

Vice Mayor Davidson spoke in opposition to this matter and stated that although the Planning and Zoning Board recommended approval of the case, the addition of residential housing stock in this area is not an appropriate usage of the property.

It was moved by Vice Mayor Davidson, seconded by Councilmember Jaffa, that Zoning Case Z00-77 be denied.

Councilmember Jaffa concurred with Vice Mayor Davidson's comments.

Mayor Hawker expressed appreciation for the applicant's efforts to develop an infill project, but noted concerns regarding the density as presented.

Councilmember Walters advised that although she does not have concerns regarding the small number of units, she does have concerns that additional property would be acquired in the future and the project expanded which would be ultimately resulting in a blight situation.

Councilmember Kavanaugh said that he will not support the motion for denial and stated that the parcel is difficult to develop due to the fact it is an infill project and expressed the opinion that the six duplexes

would form a cohesive unit. Councilmember Kavanaugh stressed the fact that the siting of an office several blocks away does not render this an appropriate site for a similar development.

Councilmember Whalen stated that he will support the motion for denial and concurred with Councilmember Walters' comments.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion failed due to the lack of attaining a majority vote of those present.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that Zoning Case No. Z00-77 be approved.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion failed due to the lack of attaining a majority vote of those present.

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that Zoning Case Z00-77 be continued to the next Council meeting to allow the full Council to participate in the vote.

Councilmember Jaffa requested additional input from the applicant relative to density and retention on the wall lot prior to the next Council meeting.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote of those present.

(At 8:45 p.m., Mayor Hawker excused Councilmember Jaffa from the remainder of the Council meeting.)

- h. **Z00-78** The 6600 block of East University Drive (north side). Rezone from C-2 to R-2 PAD (6.4± acres). This case involves the development of condominiums. Daniel Mikalacki, owner; Duran Thompson, applicant.

P&Z Recommendation: No recommendation from P&Z Board (Vote: Failed to pass 3-3; Whalen, Petrie and Brock voting nay).

In response to a question from Councilmember Kavanaugh, Mr. Mizner advised that the Planning and Zoning Board returned a 3-3 vote and therefore an ordinance has not been prepared for introduction of this case.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that staff be directed to draft an ordinance for introduction at the December 18, 2000 Regular Council Meeting, containing the appropriate stipulations.

Terry Galloway, 250 Newport Center Drive, Suite 104, Newport Beach, California, a representative of the Galloway Group, addressed the Council and advised that as a result of the October 19, 2000 meeting before the Planning & Zoning Board, the applicant has made the requested, appropriate revisions to the Preliminary Plat to include a 10-foot landscape track surrounding the property, parking spaces and technical corrections to the staff report. Mr. Galloway explained that the only outstanding issue is the appropriate manner in which to divide the 32-foot space between the garages. Mr. Galloway noted that the applicant's proposal is to develop the 32-foot space with 6-foot aprons on each side and a 20-foot drive isle which is in compliance with fire and sanitation requirements for a fire lane.

Vice Mayor Davidson expressed the opinion that although it is a quality project, it is an inappropriate location for the proposed project.

Discussion ensued relative to the 20-foot roadway and a majority of the Councilmembers indicated support for the applicant's proposal.

Mayor Hawker declared the motion carried unanimously by those present.

- *i. **Z00-80** 3150 and 3160 East Southern Avenue. Rezone from AG and O-S to PF (2± acres). This case involves the incorporation of two existing lots into a City park. City of Mesa, owner/applicant – Ordinance No. 3838.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-1; Brock abstaining).

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 City development codes and regulations.

- *j. **Z00-81** Southeast corner of Ellsworth Road and Southern Avenue. Rezone from AG to C-2 and site plan review (25± acres). This case involves the development of a grocery store and retail center. Howard and Robert Linsenmeyer, et al, owners; Tri-Plus Partners, applicant – Ordinance No. 3839.

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. 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 with special attention to:
 - (a) Lighting in the rear of Shops 'A' around the retention area.
 - (b) Foundation landscaping at all proposed buildings.
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 gas pumps and for a comprehensive sign plan.
12. Retention basins to be 6:1 slopes maximum where adjacent to parking or pedestrian areas.
13. 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. Items from citizens present.

Richard A. Hopkins, 225 5th Avenue East, Buckeye, addressed the Council and voiced concerns regarding his false arrest by the Mesa Police Department as a result of a misidentification. Mr. Hopkins also discussed his inability to date to satisfactorily resolve this matter.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 9:00 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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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 4th day of December 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK

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