

COUNCIL MINUTES

July 2, 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 July 2, 2001, at 6:05 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
Joe Padilla
Barbara Jones

*Councilmember Whalen participated in the entire meeting by use of teleconferencing equipment.

Invocation by Dr. Jim Adams, Cornerstone Church.

Pledge of Allegiance was led by Greg Hakes, Drew Nichols, Brian Woodbury and Tony Powlak of Boy Scout Troop #594.

Presentation of the Don Cooper Memorial Award by Wayne Pomeroy of the Mesa Public Safety Foundation.

Former Mayor Wayne Pomeroy, representing the Mesa Public Safety Foundation, addressed the Council and stated that the Foundation honors the heroes of Mesa on an annual basis and has done so for the past 23 years. Mr. Pomeroy introduced two members of the Executive Committee who were present in the audience, Milt Lee and Joe Burr. Mr. Pomeroy said that this year the Foundation honored 18 Firemen, 23 Police Officers and 15 civilians. Mr. Pomeroy provided a brief history regarding the Don Cooper Memorial Award and noted that it is the highest honor presented by the organization.

Mr. Pomeroy stated that this year there are two recipients of the Don Cooper Memorial Award and introduced the recipients, Police Officer Greg Odell and Police Officer Gerald Ray. Mr. Pomeroy described a dangerous incident in which a robbery suspect attacked Officer Odell, attempted to take his gun and throw him off of a second floor landing. Mr. Pomeroy said that the manner in which Officers Ray and Odell managed the incident prevented the officers and bystanders from being injured or killed. Mr. Pomeroy presented the award to the officers and congratulated them for their bravery and good work.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the minutes of the May 2, 2001 and June 25, 2001 City Council meetings be approved.

Carried unanimously.

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 Councilmember Jaffa, seconded by Councilmember Pomeroy, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications:

*a. JUNG A. KIM, AGENT

New Restaurant License for Khan Chinese Restaurant, 2048 E. Baseline Rd. #1. This is a new business in an existing building. The License previously held at this location by Stylianos Pissas, Agent, Monsoon Chinese Bistro & Satay Bar reverted back to the State, October 2000.

4. Consider the following contracts:

*a. CAD system upgrade (GPS receivers) for the Fire Department as requested by the Communications Division.

The Purchasing Division recommends accepting the bid by Trimble Navigation Limited at \$40,772.16 including applicable use tax (**sole source**).

*b. Two-year contract for collection agency services as requested by the Financial Services Division.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal by Progressive Financial Services, Inc. The firm proposes to charge a fee of 16% for all funds collected.

*c. MCC Communications Building and Yard Electrical Upgrades. City of Mesa Project No. 00-118.1.

This project will upgrade the Building and Yard electrical system at the MCC location to meet the needs of the facility for current and planned growth, and will support the 800 MHz communication system.

Recommend award to low bidder, AJP Electric, Inc., in the amount of \$62,450.00 plus an additional \$6,245.00 (10% allowance for change orders) for a total award of \$68,695.00.

d. Falcon Field Airport Parallel Taxiway and Apron. City of Mesa Project No. 97-46.3.

This project is a continuation of the implementation of the Falcon Field Airport master plan, in which a number of facility upgrades will be constructed throughout the airport to meet the needs of the airport and its users.

Recommend award to low bidder, Nesbitt Contracting Company, Inc., in the amount of \$1,159,208.80 plus an additional \$115,920.88 (10% allowance for change orders) for a total award of \$1,275,129.68.

Mayor Hawker declared a potential conflict 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.

Falcon Field Airport Projects Supervisor Charles Mangum addressed the Council and stated that the proposed project will construct an aircraft parking apron with tie down spaces and taxiways on the North and South sides of the apron. Mr. Mangum referred to photographs and graphics on display in the Council Chambers that depicted the proposed improvements. Mr. Mangum reported that the project includes construction of 55,000 sq. yards of new apron and redesign of the 16,400 yards of existing apron area; and that the project will add 17 tie downs, which will be used by existing businesses at the airport and for existing customers that rent tie downs on a month-to-month basis. Mr. Mangum noted that the Federal Aviation Administration (FAA) strongly supports the proposed project due to the fact that the proposed taxiway will help alleviate aircraft traffic congestion on existing taxiways adjacent to the runway.

Mr. Mangum stated that the proposed improvements will replace Marsh Aviation's taxiway and the Police Department's taxiway, which is in poor condition; and enhance aircraft parking capacity for other businesses along Falcon Drive.

Mr. Mangum reported that the total cost of the proposed project is \$1,275,000; that staff secured State Aviation Grant funds in the sum of \$1,055,000 and Federal Aviation Grant funds in the sum of \$99,000, representing 90% of the project budget; and that the remaining 10% (\$121,000) will be paid from airport revenue.

Councilmember Kavanaugh voiced support for the project, commended staff for their ongoing efforts to improve the quality of Falcon Field Airport, and stated the opinion that Falcon Field Airport is one of the best general aviation airports in the United States.

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

Councilmember Jaffa concurred with the comments made by Councilmember Kavanaugh and voiced the opinion that Falcon Field represents Mesa's second most important industrial core. He also commended staff for their efforts to secure State and Federal funding for improvements.

Discussion ensued regarding the potential impacts to Falcon Field Airport resulting from the FAA's proposed flight pattern changes for Sky Harbor Airport.

In response to a question from Vice Mayor Davidson, Mr. Mangum advised that the proposed improvements will not increase airport capacity but will provide more usable apron space and tie downs, providing safer conditions.

Vice Mayor Davidson voiced appreciation for staff's efforts to improve the airport and stated the opinion that the airport provides an anchor for economic development of the area.

Upon tabulation of votes, it showed:

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

Vice Mayor Davidson declared the motion carried unanimously by those voting.

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

*e. Sewer Diversion Structure Rehabilitation. City of Mesa Project No. 00-66.

This project will rehabilitate four sewer diversion structures within the sanitary sewer collection system.

Recommend award to low bidder, Archon, Inc., in the amount of \$597,000.00 plus an additional \$59,700.00 (10% allowance for change orders) for a total award of \$656,700.00.

*f. Re-Coat Foam Roofs on Various City Buildings. City of Mesa Project Nos. 01-37 and 01-60.

This project will re-coat the foam roofs on two buildings located at the Sixth Street Service Center.

Recommend award to low bidder, Starkweather Roofing, Inc., in the amount of \$26,527.00 plus an additional \$2,652.70 (10% allowance for change orders) for a total award of \$29,179.70.

g. One Year contract for commodity natural gas supply.

This contract will supply natural gas for City of Mesa gas customers.

Recommend award to Enron North America Corp. (Enron) for an estimated annual gas purchases to be \$19,400,000.00.

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

Utilities Manager Dave Plumb addressed the Council and stated that staff recommends award of a commodity natural gas supply contract to Enron for a one-year term commencing on August 1, 2001, and providing the right to renew for two additional one-year terms. Mr. Plumb stated that Enron has been Mesa's natural gas supplier since 1991 and that the proposed

contract will supply the full requirements of Mesa's natural gas needs and provide the option to freeze the price on a portion of the supply at any time during the contract. He added that Mesa has taken advantage of freezing prices with Enron, which has resulted in significant savings to customers.

Mr. Plumb commented on two additional bids received from Shell Trading and Tennergy Corp. and said that the Enron bid represents the best proposal for the citizens of Mesa. Mr. Plumb noted that the actual cost of natural gas is passed on to the citizens of Mesa with no mark-up by the City.

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that the recommendation of staff be approved.

In response to a question from Councilmember Pomeroy, Mr. Plumb stated that even though energy costs across the nation have recently increased, the Enron contract is one of the best natural gas contracts negotiated by Mesa in recent years.

Councilmember Whalen commended Mr. Plumb for his expertise in negotiating utility commodity contracts for the benefit of Mesa.

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.

5. Introduction of the following ordinances and setting July 16, 2001 as the date of public hearing on these ordinances:

- a. **HLO1-001TC** Establishing a Local Historic Landmark Overlay on the Mendoza House, 126 N. Pomeroy. Owner: Jon Gentry.

Gloria Flores Moraga, 1915 E. Glencove Street, addressed the Council and provided a brief history regarding the Mendoza house. She stated that the house was handcrafted of adobe blocks by her Father and other family members in 1942. She spoke of her memories of the house and neighbors and noted that her parents sold the house to Chief Medoza in 1948.

Mayor Hawker thanked Ms. Moraga for her comments and suggested that she tape record her memories of the house and its construction for historic preservation purposes.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that introduction of the proposed ordinance be approved.

Councilmember Pomeroy voiced appreciation to Ms. Moraga for sharing her memories of the house and stated support for subsequent approval of the ordinance.

Vice Mayor Davidson thanked Ms. Moraga and spoke in support of the use of historic overlays to preserve Mesa's history and heritage.

Councilmember Kavanaugh voiced support for this agenda item and stated the opinion that although Mesa is relatively young compared to other cities, its homes and neighborhoods are historically important. He noted that historic preservation will become a greater issue as Mesa's housing stock ages. Councilmember Kavanaugh commended the residents responsible for the proposed historic designation of the Mendoza House.

Mayor Hawker stated that although he will support introduction of the ordinance, he is opposed to establishing the precedence of designating a house as a historic landmark based upon who lived there rather than the significance of the house itself, and will vote in opposition to the ordinance on July 16, 2001. He added that he also does not support the current requirement of obtaining only 50 signatures to nominate a house for historic overlay designation and spoke in support of establishing more stringent standards.

Councilmember Whalen stated support for introduction of the ordinance and for approval of the ordinance on July 16th.

Carried unanimously.

- *b. Amending Sections 11-18-6, 11-18-8 and 11-18-10 of the Mesa City Code regarding adjustments to the required fees for planning services; and amending Sections 9-6-2, and 9-6-6 regarding adjustments to the required fees for subdivision plats and land splits.

*5.1. Consider the following resolution:

- *a. Authorizing the City manager to execute a cooperative Intergovernmental Agreement between the City of Mesa and the Maricopa County Library District - Resolution No. 7685.

*5.2. Authorizing the City Manager to enter into a contract with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.

*5.3. Consider authorizing the execution of a new professional services contract between the City of Mesa and the Greater Phoenix Economic Council in the amount of \$173,060 for Fiscal Year 2001/2002.

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

- a. **Z01-14** The northwest corner of East McDowell Road and Ramada. Site Plan Review and rezone from R1-9 to O-S (4.2 acres). This case involves development of an office project. DeMichele Group owner; Represented by: Andrea Stroud; Robert Saemisch, applicant – Ordinance No. 3907.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, square footage, or 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. Dedication of right-of-way required under the Mesa City Code upon application for a building permit or at the City's request for dedication, whichever comes first.
5. All perimeter landscaping shall be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board including architecture, landscape and sign treatments (comprehensive sign plan if deemed necessary).
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
8. Retention basins shall be maximum 6:1 slope adjacent to pedestrian paths or ROW.
9. Recordation of an avigation easement for Falcon Field.
10. Compliance with the letter to Senior Planner Mark Smith, dated June 12, 2001.

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

David K. Udall, 30 W. First Street, Attorney for the DeMichele Group, addressed the Council and advised that the proposed zoning change is to allow for expansion of The DeMichele Group, a high tech business involved in the glass and glazing industry, which has been a Mesa business at the subject location since 1984. He noted that the business is a 100% local enterprise with 17 employees earning an average of \$55,000 per year.

Mr. Udall reported that although the proposed zoning change was initially met with extensive neighborhood opposition, through numerous neighborhood meetings and compromise on the part of the DeMichele Group and the neighbors, protests have been withdrawn. Mr. Udall noted that the proposed case is supported by the Planning and Zoning Board and Megacorp.

Patti Coyle, 6522 E. Oasis Street, addressed the Council and stated that she represents the Ridgeview Estates Homeowner's Association, the neighborhood east of the DeMichele property. She reported that the homeowners are supportive of the proposal under the conditions agreed to by the DeMichele group. She commended Mr. DeMichele and his associates for their efforts to address the neighbors' concerns.

Planning Director Frank Mizner reported that staff supports the rezoning request and noted that the applicant has presented a proposal that is sensitive to the neighborhood and is a good example of integrating job opportunities and economic development opportunities with residential development.

Councilmember Walters voiced approval of this zoning case and said that it is the result of a citizen inquiry to her approximately one year ago regarding the DeMichele Group's desire to expand. She also voiced approval of integrating employment with residential in this case and added that it is her understanding that the proposed expansion designed by Robert Saemisch is sensitive to the neighborhood.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the recommendations of staff be approved and Ordinance No. 3907 adopted.

Vice Mayor Davidson concurred with the comments made by Councilmember Walters and commented on the important role Mr. Saemisch plays on the Design Review Board.

Councilmember Kavanaugh stated that this case represents an excellent example of positive results derived from citizen participation and he commended all parties involved.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 3907 adopted.

*b. **Z01-25** East of the southeast corner of Baseline Road and Roslyn. Site Plan Modification for development of a childcare facility (1.39 acres). SEC Baseline & Roslyn, LLC by A&C Properties, owner; Ralph Pew, applicant; represented by: Joseph C. Cattaneo – Ordinance No. 3904.

P&Z Recommendation: Approval with conditions. (Vote 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.
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. Dedication of 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. Recordation of cross-access and reciprocal parking easements.
8. Compliance with all requirements of the Design Review Board.
9. All pad buildings to be architecturally compatible
10. Owner to grant 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 plat).
11. Applicant to provide an updated site plan for the entire 3.72 acres subsequent to the approval by the City Council, Design Review Board and Subdivision Technical Review Committee.

- *c. **Z01-26** The southwest corner of US 60 and Stapley Road. Site Plan Modification (2.66 acres). Modification of an approved plan to allow an additional restaurant pad site. Glenwood Development Company, Owner; Pew and Lake, PLC, applicant; represented by: Sean Lake – Ordinance No. 3905.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, Fire, etc.).
4. All street improvements and perimeter landscaping shall be installed in the first phase of construction.
5. Recordation of cross-access and reciprocal parking easements with the rest of the pads in the center.
6. Compliance with all City lot split procedures.
7. Compliance with all requirements of the Design Review Board.
8. Pad buildings must be architecturally compatible with each other and nearby offices.
9. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

- d. **Z01-27** 8000 – 9100 blocks of East McKellips. Modification of a previously approved Council Ordinance (760± acres). State of Arizona, owners; represented by: Arizona State Land Department; City of Mesa, applicant. **There are two ordinances (option A per P & Z Board and option B per Planning staff) associated with this case – Ordinance No. 3908 (Option B).**

P&Z Recommendation: Approval with conditions. Vote 4-3 (Brock, Bailey, Parker nay)

Mayor Hawker provided a brief introduction regarding this agenda item.

Gordon Taylor, Arizona State Land Department, 1616 W. Adams Street, Phoenix, addressed the Council and provided a brief history regarding the Mesa Highlands area. He stated that since approval of a development plan for Mesa Highlands in 1988, the property has remained dormant and there has been heightened environmental awareness associated with the property, which led to efforts on the part of the Spook Hill Neighborhood Action Association, City staff and the Arizona State Land Department (Land Department) to reassess appropriate future development of the property. Mr. Taylor reported that Option A, representing the recommendations of the Planning and Zoning Board, includes a golf course and resort district; and that option B, endorsed by City staff and the Land Department, excludes the golf course and resort district. Mr. Taylor voiced appreciation to Mr. Mizner, Development Services Manager Jack Friedline and William Puffer for their efforts in this case and stated that the Land Department will work with either option approved by the Council.

In response to a question from Mayor Hawker regarding a letter addressed to the Mayor from Michael E. Anable, State Land Commissioner, dated July 2, 2001, Mr. Taylor said that the additional conditions contained in the letter shall be incorporated into the previous stipulations developed by the Land Department regarding the property. Mr. Taylor commented on the conditions in the letter, which address lot sizes and residential densities for the project.

Orme Lewis Jr., 4350 E. Camelback Road, 260 E. Phoenix, representing Mesa Highlands, Inc., addressed the Council and stated that as the applicant to buy the property at this juncture, he will comply with either option approved by the Council but supports the flexibility of Option A, which will afford the ultimate developer the opportunity to make a case for a golf course development and a resort development. He noted that a golf course and a resort will help to attract upscale residential development on the one-acre lots. He said that the golf course was also originally designed to provide water drainage and a scenic view for motorists on McKellips Road. Mr. Lewis stated that the development will support 230 acres of pristine desert and a 90 acre golf course.

Carol Owens, P.O. Box 1017, Apache Junction, addressed the Council and voiced her support for Option B. She said that the preservation of 210 acres of undisturbed desert will not only protect the desert but also benefit wildlife in the area. She thanked Councilmember Jaffa, Mr. Mizner and William Puffer for their efforts in this matter.

William Puffer, 8330 E. Thomas Road, representing the Spook Hill Neighborhood Action Association, addressed the Council and commented on the lengthy process surrounding this case. He stated that the Association supports Option B based on the fact that Option B eliminates the golf course and resort; limits the number of dwellings to 1050; and helps retain the desert character of the area and protect wildlife by providing a large area of undisturbed desert and predominantly low-density residential development.

Mr. Mizner reported that although this case has been a lengthy, intense process, the efforts of residents and the Land Department have resulted in a project that will be an asset to the neighborhood. He noted that Option A is recommended by the Planning and Zoning Board and that Option B is recommended by staff. He advised the Council that they are not approving specific zoning or design at this point and noted that regardless of what option is approved by the Council, any future development plans will require a full public hearing process.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that with consideration given to the additional conditions contained in the Arizona State Land Department letter dated July 2, 2001, (See Attachment) that Ordinance No. 3908 (Option B) be adopted.

Councilmember Jaffa provided a brief history regarding the current zoning and his involvement with the property. He stated that he was previously concerned that the stipulations did not address the designation of a minimum number of large lots within the development. He said that he now supports Option B after recently meeting with the Land Department and based on representations made in the July 2, 2001 letter, which includes that development shall be predominately low residential densities with a minimum of 5% of the parcel developed into lots with a minimum of 35,000 sq. ft. Councilmember Jaffa added the opinion that the preservation of 210 acres of undisturbed desert represents a significant benefit to residents.

In response to a question from Councilmember Jaffa regarding the fact that the conditions contained in the Land Department's July 2, 2001 letter are not contained in the Ordinance and not yet incorporated into the Development Master Plan, Interim City Attorney Joe Padilla

advised that in the event the Land Department does not amend the Development Master Plan to incorporate the conditions set forth in the letter, the Council could then direct staff to initiate a rezoning application for the property.

Councilmember Kavanaugh commented on the Council's ongoing commitment to ensure that development in this area occurs in an environmentally sensitive manner and stated support for Option B. He noted that this case demonstrates the strong commitment of citizens to protect the Desert Uplands area.

Vice Mayor Davidson commented on the important role played by residents in this matter and voiced appreciation for their efforts. He stated that he is supportive of Option B, but voiced concerns regarding the inclusion and placement of one-acre lots. He stated the opinion that Mesa needs density in well-planned areas to help focus services and enhance public transportation.

Councilmember Walters commended the citizens involved in this case and stated appreciation to the Land Department for their cooperation. She voiced support for the preservation of 210 acres of undisturbed desert but noted concerns regarding lot sizes. She stated the opinion that R1-35 zoning does not successfully preserve the look of the desert.

Councilmember Jaffa reiterated that a supplemental condition in this case provides for 35,000 net sq. ft. lots, and noted that the City has historically approved smaller lots in R1-35 zoning. He voiced appreciation to staff and citizens for their efforts in this matter.

Carried unanimously.

- e. **Z01-28** Generally ½ mile west of Recker Road and ½ mile north of Thomas Road. Rezone M-1-PAD-DMP (conceptual R1-9-PAD) to PF. This case identifies future park lands. City of Mesa and Salt River Project, owners; City of Mesa, applicant – Ordinance No. 3909.

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

1. Development of a future City park, excluding the SRP substation parcel. Future review by the Planning and Zoning Board and approval by City Council of any Public Facilities uses other than a City park, excluding the existing SRP substation.

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

Councilmember Walters provided a brief history regarding this agenda item and explained that the delay in the Public Facilities designation of this parcel was inadvertent. She thanked Mr. Gordon Gunnell for bringing this matter to her attention.

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that Ordinance No. 3909 be adopted.

Councilmember Kavanaugh commented on the previous controversy regarding this property and the role the controversy played in the 1996 election of Councilmembers. He stated support for this agenda item and for a future bond election issue to develop park facilities on the parcel.

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 Ordinance No. 3909 adopted.

*f. **Z01-30** 111 North Sun Valley Boulevard. Rezone from R-4 to O-S. This case involves conversion of a church building to Orthotics and Prosthetics Clinic (2.25 acres). Terry Darnell, owner; Ray Fikes, applicant; represented by: Sean Lake – Ordinance No. 3906.

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

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 staff, including but not limited to the requirements related to landscaping and screening, architectural details and mechanical equipment, prior to issuance of any building permits.
6. Compliance with the current City Code requirement for fence heights 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. All parking areas to be paved.
9. Compliance with the letter related to site retention and dated April 16, 2001, from Mr. Lake, applicant's representative, to the City of Mesa Development Services Department. This letter is included in the zoning case file.
10. Compliance with the letter dated May 16, 2001 from Mr. Lake, applicant's representative, related to site improvements. This letter is included in the zoning case file.

7. Consider the following subdivision plat:

*a. "PARK CENTRAL AT AUGUSTA RANCH, CONDOMINIUM" – (Council District 6) – The 2550-2700 blocks of South Ellsworth Road (east side) 162 R-3-PAD-DMP condominium units (14.46 ac.) Key Construction, Inc. developer; HEC Engineering, L.L.C., engineer.

8. Items from citizens present.

Charles Wosson, 1846 S. Ash Circle, addressed the Council and stated that during May he received a photo red light citation from driving through the intersection of Country Club and University. He reported that he timed the yellow light sequence immediately after receiving the citation and again a few days ago, and said that the timing was changed from three seconds to eight seconds. Mr. Wosson advised that although he paid the fine, he is opposed to the practice of fluctuating the yellow light sequence and added that it is unfair to motorists.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:42 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 2nd day of July 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001.

BARBARA JONES, CITY CLERK

Attachment
pjt

Jane Dee Hull
Governor

Arizona

State Land Department

Michael E. Anable
State Land
Commissioner

1616 West Adams Street Phoenix, AZ 85007 www.land.state.az.us

July 2, 2001

The Honorable Keno Hawker
Mayor of the City of Mesa
20 East Main Street, #1466
Mesa, AZ 85211

Re: Mesa Highlands

Dear Mayor Hawker:

As you are aware the State Land Department staff, your planning staff, and the Spook Hill Homeowners Association have worked for the past year to address a variety of planning issues tied to the State's Mesa Highlands Development Plan. This work effort has culminated in Option B of the draft ordinance before you today. If the ordinance is adopted, the State's Development Plan will be amended to incorporate the provisions of the ordinance.

The State's Development Plan will also be amended to include a condition that land uses within the Mesa Highlands D.M.P. shall be predominately low residential densities with a minimum of 5% of the 720 acre parcel (the Mesa Highlands Development Master Plan, less parcel 24 of the plan) being lots with a minimum of 35,000 net square feet, transitioning to higher densities from north to south and in centrally located "villages." This condition is intended to add clarity and create a transition from the adjacent properties which have been developed at lower densities to the higher density areas visioned towards the center of the project.

We appreciate your consideration of this plan and the amendments to the plan, We would also commend the neighborhood association and your planning staff for their patience and expertise that helped shape the plan so that it will compliment and blend into the community.

Sincerely,

Michael E. Anable
State Land Commissioner

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"Serving Arizona's Schools and Public Institutions Since 1915"