



# COUNCIL MINUTES

November 19, 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 1<sup>st</sup> Street, on November 19, 2001, at 5:47 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

Invocation by Pastor Diana Williams, St. Matthew United Methodist Church.

Pledge of Allegiance was led by Stewart Ferris and Seth Garrett of Boy Scout Troop 759.

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 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.

Minutes from the November 1 and 5, 2001 Council meetings.

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

- a. A01-4 The southeast corner of Broadway Road and the RWCD Canal.

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

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

4. Consider the following liquor license applications:

\*a. BARBARA A. BAXTER, INDIVIDUAL

New Restaurant License for Joey's Dry Dock, 2706 E. University Drive, Suites 6 & 7. This is an existing business and building. The Restaurant License previously held at this location by Andreas D. Knoepfel, Agent, K&F Restaurants, Inc., will revert back to the State.

\*b. RONALD D. LANCASTER, AGENT

New Restaurant License for The Storyteller Café, 2655 W. Guadalupe Road, Suite 17. This is an existing business and building. The Restaurant License previously held at this location by Earl M. Shipman, Jr., Agent, J-Tex, Inc., will revert back to the State.

5. Introduction of the following ordinances and setting December 3, 2001 as the date of public hearing on these ordinances:

\*a. Amending the Mesa Tax Code.

This ordinance will result in adoption of changes made to the Model City Tax Code which have been approved by the Municipal Tax Code Commission. All cities in the State will be adopting these changes.

\*b. Z01-51 3109 E. McKellips Road. Rezone from R1-43 to C-2 and Site Plan Review (2.89 acres). This case involves expansion of a kennel plus retail uses.

\*c. Z01-53 The southwest corner of Baseline Road and Baldwin Drive. Rezoning from R-3 DMP to R-3 PAD DMP and Site Plan Review (13.18 acres). This case involves development of a project of triplex condominiums.

\*d. Z01-56 East of the southeast corner of Southern Avenue and Crismon Road. Site Plan Review (5 acres). This case involves development of a church site in the master-planned Crismon Business Park.

\*e. Z01-58 South and east of the southeast corner of Baseline and Crismon Roads. Rezone from AG to R1-6-PAD and R1-7-PAD within a Development Master Plan (304± acres). This case involves a master-planned residential development.

\*f. Z01-59 West of the southwest corner of Main Street and Greenfield Road. Rezone from AG to C-2 and Site Plan Review (.908± acres). This case involves the development of a retail tire store.

- \*g. Z01-60 The 2400 block of East Southern Avenue (north side). Rezone from R1-43 to O-S (1.26± acres). This case involves the development of an office project.
- \*h. Z01-61 The 1300 through 1400 blocks of South Country Club Drive (east of retail frontage property) rezone from R-4, C-3 and M-1 to R-2-PAD (15.7± acres). This case involves development of factory built homes within a rental park.
- \*i. Amending Title 4, Chapter 9, Section 1 of the Mesa City Code relating to the payment of plan review fees as recommended by the Finance Committee.

6. Consider the following resolutions:

- \*a. Fixing December 17, 2001 as the hearing date on the continuation of the Mesa Town Center Improvement District No. 228 – Resolution No. 7747.

The Town Center Improvement District enhanced municipal services for the Mesa Town Center.

- b. Granting an Underground Power Easement to Salt River Project at the Public Safety Training Facility located at 3260 North 40<sup>th</sup> Street – Resolution No. 7748.

This easement is needed to provide power to the auditorium at the Public Safety Training Facility.

Vice Mayor Davidson declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that Resolution No. 7748 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. 7748 adopted.

7. Consider the following ordinances:

- \*a. Prohibiting parking on the west side of 22<sup>nd</sup> Place from a point 1,275 feet north of Main Street to a point 1,450 feet north of Main Street and on Warner Road from the west City limits to the east City limits; prohibiting parking from 10:00 p.m. to 4:00 a.m. on the east side of Morris Circle from a point 130 feet north of Eighth Avenue to a point 500 feet north of Eighth Avenue and on the west side of Morris Circle from Eighth Avenue to a point 425 feet north of Eighth Avenue; prohibiting parking from 7:00 a.m. to 4:00 p.m. on school days on the south side of Diamond Avenue from a point 125 feet east of Delta

Avenue to a point 370 feet east of Delta Avenue; establishing a speed limit of 45 mph on Warner Road from Mountain Road to Meridian Road; and including Warner Road from the west City limits to the east City limits in Section 10-3-17 "Special Stops Required" of the City Code; as recommended by the Transportation Advisory Board – Ordinance No. 3944.

- \*b. Repealing Chapter 19, Title 2 of the Mesa City Code relating to the Crime Prevention Advisory Board – Ordinance No. 3945.

\*7.1. Consider the following recommendation from the Finance Committee:

- a. Accepting the City of Mesa Comprehensive Annual Financial Report and Management Comments for fiscal year ended June 30, 2001.

7.2. Consider approving the purchase of a pharmaceutical cache for response to chemical or biological weapons of mass destruction attacks.

There is no fiscal impact to the City of Mesa due to the fact that the Department of Health and Human Services will reimburse the City for the pharmaceutical stockpile purchased under our contract.

Assistant Fire Chief Cliff Puckett provided the Council with a brief overview of this agenda item.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendation from the Finance Committee be approved.

Carried unanimously.

\*7.3. Consider approving the renewal of the City's annual property insurance coverage.

\*7.4. Consider contracting with Systemed to provide pharmacy benefits management to employees and their families enrolled in the City of Mesa Medical Plan, effective January 1, 2002.

7.5. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance:

- a. **Z01-49** The northwest corner of Baseline Road and Val Vista Drive. Modification of the Dana Park Village Square DMP site plan, and deletion of a Council Use Permit (55 acres). This case involves a request to allow development of a shopping center with pad sites. First Regent of Arizona, LLC, owner, represented by: Stacy Rush; Paul E. Gilbert, Esq., applicant. **CONTINUED FROM THE NOVEMBER 5, 2001 CITY COUNCIL MEETING** – Ordinance No. 3946.

Staff Recommendation: Approval with conditions. (Vote 6-0)

1. Compliance with the basic development as described in the project narrative.

2. Compliance with the basic development as shown on the revised site plan, preliminary plat and elevations submitted to the Planning and Zoning Board, including the pavement patterns shown on the site plan.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for Phase 3.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
8. Any minor relocation or adjustment in Pads Q, R, S or T to be considered by City staff in accordance with procedures provided in the Mesa Zoning Ordinance.

Paul Gilbert, 3200 North Central Avenue, Phoenix, an attorney representing the applicant, provided the Council with brief historical background relative to this agenda item. He explained that the current request is to modify Phase 2a and 2b of the mixed-use development, which was originally approved by the Council in 1998, and also to delete the Council Use Permit due to the fact that a residential component is no longer included in Phase 1 or Phase 2.

Mr. Gilbert stated that the proposal for Phase 2 has been altered from a mixed-use residential/commercial multi-story project with an internally focused street and multi-story parking structures to a single-story retail development. He added that the changes would benefit the surrounding neighborhoods as a result of lowered building heights, lowered overall density and the elimination of a five-story parking garage. Mr. Gilbert assured the Council that the applicant has pursued his initial commitments to attract high-quality tenants for the outside pads that surround Baseline Road and Val Vista Drive, to complete a six acre, \$2 million park located behind the project, and also to include a variety of unique design enhancements within the development. Mr. Gilbert added that the applicant has conducted an ongoing dialogue with the Dana Park Ranch neighborhood advisory group regarding the project's proposed modifications and that no opposition has been expressed by those residents or any other property owners in the vicinity. He commented that the applicant has also received unanimous approval by the Planning and Zoning Board, as well as staff support.

Mr. Gilbert advised that modifications to the original site plan were necessary to accommodate the needs of AJ's Fine Foods, the project's major tenant, as well as other specialty shops. He added that the current proposal does not include Phase 3, which is located to the north immediately adjacent to the Superstition Freeway.

Bob Saemisch, the architect of the project, displayed a series of architectural renderings and stressed the fact that the proposed modifications will meet and/or exceed all of Mesa's new design guidelines.

Edward Bunker, 1841 South Helms, a member of the Dana Park Ranch neighborhood advisory committee, voiced support for the proposal and urged the Council to approve the ordinance.

Jan Rolph, 1822 South 39<sup>th</sup> Street, #48, a resident of Concord Village, informed the Council that the applicant has not contacted all of the surrounding neighborhoods regarding the proposed modifications. She also voiced concerns that the development would result in increased traffic congestion and adversely impact property values in her neighborhood.

Planning Director Frank Mizner stated that the purpose of the site plan modification is to accommodate AJ's Fine Foods and numerous other specialty shops; the fact that the applicant has honored all of his commitments in the earlier development phases; the fact that the Council Use Permit previously granted for the mixed use/residential component would be deleted from the project, and the fact that Phase 3 would proceed as originally approved by Council.

In response to a question from Councilmember Pomeroy, Mr. Gilbert assured the Council that AJ's Fine Foods is firmly committed to this project, and that the applicant delayed filing the zoning case with the City until such assurances were received by AJ's.

Discussion ensued relative to the original mixed-use development proposal including commercial, office and residential components.

Vice Mayor Davidson stated that although he will support the proposal, he is disappointed with the applicant's inability to fulfill his original vision of an "urban village" design concept. He urged developers to consider such an innovative concept for future Mesa developments.

Mayor Hawker suggested that Williams Gateway Airport (WGA) might be an appropriate venue for an "urban village" design concept.

Mr. Mizner responded to a variety of questions from Councilmember Jaffa regarding the lack of a significant office component in the original development plan, and the elimination of all parking garages in Phases 2a and 2b.

Councilmember Jaffa stated that he would reluctantly support the proposed modifications. He also stressed the importance of incorporating parking garages in future large-scale development projects which would create additional space for retail and commercial development.

Councilmember Walters voiced appreciation to the applicant for the creation of a unique and innovatively designed development. She added that although she is disappointed that the applicant cannot fulfill the Council's original "vision," she will support the proposal.

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that Zoning Case Z01-49 be approved.

Councilmember Kavanaugh voiced opposition to the motion. He also commended the applicant for his efforts to maintain a high-quality development and to solicit ongoing neighborhood input throughout the entire design process. Councilmember Kavanaugh advised that he, former Mayor Wayne Brown and Vice Mayor Davidson were strong advocates of the original development project and said that he is not prepared to abandon the Council's original vision for a pedestrian-oriented community.

Councilmember Pomeroy and Councilmember Whalen expressed support for the motion.

In response to a question from Councilmember Whalen, Mr. Gilbert clarified that it is anticipated that Phase 2 of the project will be completed by August 2003.

Mayor Hawker explained that although he would have preferred the mixed-use development originally approved by the Council in 1998, he will support the motion. He added that the General Motors (GM) property might also be a possible site for a future "urban village" design concept.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 3946 adopted.

8. Consider the following subdivision plats:

- \*a. "THE SHOPS AT SOSSAMAN" – (Council District 6) – 7641 East Guadalupe Road (south side) 2 C-2 commercial lots (6.19 acres) Sossaman Square Associates, L.L.C., developer; Knudsen-Smith Engineering, engineer.
- \*b. "SIGNAL BUTTE CASITAS" – (Council District 6) – 2565 South Signal Butte Road (east side) 62 R-2-PAD townhome lots (9.19 acres) Mark J. and Wendy Funk, owners; David Evans and Associates, engineer.
- \*c. "DOVER INDUSTRIAL PARK UNIT ONE-A" – (Council District 5) – 4250 East Oasis Street (north side) 2 M-1 industrial lots (8.60 acres) PKM Real Estate Company II and Dover Associates, L.L.C., developers; Atherton Engineering, Inc., engineer.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:50 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 19<sup>th</sup> day of November 2001. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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