

COUNCIL MINUTES

April 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 April 2, 2001, at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

Mayor Hawker welcomed everyone to the meeting.

Invocation by Councilmember Claudia Walters.

Pledge of Allegiance was led by Lewis Nichols, Boy Scout Troop 50, Mesa High School.

Mayor Hawker acknowledged the presence of State Senator Jay Blanchard in the audience.

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 February 20, 2001 and the March 5, 15, 19, and 22, 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.

Mayor Hawker stated that agenda item 5.b. is removed from the Consent Agenda due to a *Request to Address the City Council* regarding this item.

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

Carried unanimously.

3. Consider the following liquor license applications:

*a. DONALD W. STRAUCH, PRESIDENT

Special Event License application for Donald W. Strauch, Director, Sister City Association of Mesa, a two-day event to be held on Friday, May 4, 2001 from 6:00 p.m. to 10:00 p.m. and Saturday, May 5, 2001 from 10:00 a.m. to 10:00 p.m. at 530 E. Main St., Pioneer Park.

*b. ROBERT E. LEE, DIRECTOR RESOURCE FOR COMMUNITY BUILDING

Special Event License application for Robert E. Lee, Director Resource for Community Building, Queen of Peace Catholic Church, a one-day event to be held on Sunday, April 8, 2001 from 11:00 a.m. to 7:00 p.m. at 141 N. MacDonald St., Queen of Peace Catholic Church.

*c. LINDA W. VOLHEIN, DIRECTOR

Special Event License application for Linda W. Volhein, Director, Florence Crittenton Services of AZ, Inc., one-day event to be held on Wednesday, April 4, 2001 from 7:00 p.m. to 11:00 p.m. at 2260 E. Brown Rd., The Fountains.

*d. JAMAL LASHIN, AGENT

New Beer and Wine Store License for JZ Market, 2633 W. Baseline Rd. This is an existing business. The Beer and Wine Store License held at this location by Kim K. Kwiatkowski, Agent, Circle K Stores Inc., will revert back to the State.

4. Consider the following contracts:

*a. One-Year Supply Contract for Cabletron Network Hardware, as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ames Office Automation, Inc. for annual purchases estimated at \$1,800,000.00, including applicable sales tax.

*b. One replacement 1-ton cab chassis for the Utility Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ed Moses Dodge at \$19,068.66 including applicable sales tax.

*c. Two-year supply contract for PE 2406 gas valves for Materials & Supply Division Warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends accepting the low bid by Perfection Corporation at \$28,617.75 based on estimated annual requirements.

- *d. One replacement sewage shredder/grinder as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the bid by Gruendler Crusher at \$14,511.00 including applicable use tax.

- *e. Replacement storm water monitoring station equipment as requested by the Environmental Services Division.

The Purchasing Division recommends accepting the bid by Western Environmental Equipment Company at \$40,226.00 plus 7.5% sales tax of \$3,016.95 for a total of \$43,242.95.

- *f. 9-1-1 telephone system server as requested by the Police Department.

The Purchasing Division recommends accepting the bid by Plant Equipment, Inc. at \$23,520.00 plus 5% use tax of \$1,176.00 for a total of \$24,696.00.

- *g. One-year renewal of the supply contract for tires for Materials & Supply Division Warehouse inventory as requested by Fleet Support Services.

The Purchasing Division recommends exercising the third and final one-year renewal option from the State of Arizona contracts with Goodyear Tire & Rubber Company and Continental General Tire for annual expenditures estimated at \$407,327.46 based on estimated annual requirements.

- *h. Printing of 216,000 "Water Quality Report" Brochures as requested by Printing & Graphics Services for the Utilities Department.

The Purchasing Division recommends accepting the low bid by Drum Printing & Mailing at \$34,463.12 including applicable sales tax.

- i. Turner Ranch Reservoir Disassembly, Removal and Disposal.

This project removes and disposes of the reservoir acquired with the Turner Ranch water system. The reservoir has been out of service for a number of years.

Recommend award to low bidder, Phoenix Demolition and Salvage, in the amount of \$59,300.00 plus an additional \$5,930.00 (10% allowance for change orders) for a total award of \$65,230.00.

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.

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen, that the recommendations of staff be approved.

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.

*j. City Entry Signs, Phase 2. City of Mesa Project No. 00-98.

This project is the second phase of installing graphic entry signs at various locations around the City. This phase will install an additional 12 signs.

Recommend award to low bidder, Sierra Signs and Service, Inc., in the amount of \$45,345.00 plus an additional \$4,534.50 (10% allowance for change orders) for a total award of \$49,879.50.

k. East Mesa Service Center Laundry Facility for the City of Mesa Fire Department.

This project will construct a laundry facility to launder firefighter coats and pants on a regular basis, preventing the accumulation of potential carcinogens and increasing the safety of the firefighter's working conditions.

Recommend award to low bidder, the Tyree Organization, in the amount of \$101,500.00 plus an additional \$10,150.00 (10% allowance for change orders) for a total award of \$111,650.00.

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.

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

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.

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

- *a. Relating to Civil Hearing Officers and allowing the City Manager or his designated representative to appoint one (1) or more Hearing Officers to preside over civil matters that are filed and processed as administrative cases with a City department other than the Mesa Municipal Court; amending Section 1-27-8 of the Mesa City Code.
- b. Amending the terms and conditions for the sale of utilities relating to the prohibition of City water and wastewater services for real property outside Mesa's corporate limits; and providing exemptions; and providing penalties for the violation thereof.

Donald A. Ohnstad, 1696 E. Heather Road, Gilbert, addressed the Council relative to this agenda item and said that he owns property at 9018 Range Rider Trail and was advised by staff that in order to obtain City water he must pay impact fees in excess of \$11,000. Mr. Ohnstad expressed concerns regarding the uncertainty of annexation of his property; that there is no guarantee that a road he will help fund through impact fees will ever be constructed; that funds generated from impact fees are not placed in an escrow account; that he has to follow all City ordinances; that he must do a public dedication, and that he must provide an environmental report regarding his property.

Mayor Hawker thanked Mr. Ohnstad for his comments.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that this agenda item be introduced as an ordinance and setting April 16, 2001 as the date of public hearing on this ordinance.

Carried unanimously.

6. Consider the following resolutions:

- *a. Approving the application for Local, Regional and State Parks Funds for help in funding the Augusta Ranch Park site at 9455 E. Neville Avenue – Resolution No. 7640.
- *b. Authorizing the City Manager to prepare, sign and submit applications to receive Entitlement Funds under the Housing and Community Development Act of 1974 as amended (CDBG), The Stewart B. McKinney Homeless Assistance Act of 1987, as amended, and the National Affordable Housing Act of 1990, all as amended – Resolution No. 7641.

7. Consider the following ordinances:

- *a. Converting the full-time parking prohibition to a 10:00 p.m. to 4:00 a.m. parking prohibition on the south side of Iron Avenue from a point 520 feet west of Vineyard to Revere, on the south side of Juanita Avenue from Revere to Vineyard, and on the east side of Revere from Iron Avenue to a point 285 feet south of Iron Avenue; prohibiting parking on the east side of Macdonald from a point 280 feet north of Baseline Road to Juanita Avenue, and prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on Naranja Avenue from Pecan to Longmore, on the east side of Pecan from Naranja Avenue to a point 275 feet north of Naranja Avenue, and on the west side of Pecan from Naranja Avenue to a point 190 feet north of Naranja Avenue, as recommended by the Transportation Advisory Board – Ordinance No. 3867.

- *b. Relating to storm water retention within the Downtown Redevelopment area; amending Section 9-6-4, (D), 8, of the Mesa City Code – Ordinance No. 3868.
- c. Pertaining to Title 5, Business Regulations; amending Chapter 17 of the Mesa City Code, relating to Development Fees; and providing penalties for the violation thereof – Ordinance No. 3875.

Councilmember Jaffa (Chairman of the Finance Committee) explained that this agenda item is the result of a process that has been under study for the past two years and reflects citizen input relative to the concept of requiring new development to pay for itself. He added that the adjusted development impact fees are based on the City's actual costs to provide infrastructure.

Councilmember Jaffa voiced appreciation to Assistant to the City Manager Bryan Raines and to staff for their efforts in analyzing the City's infrastructure costs and noted that if increased development costs are not captured through fees, current residents must unfairly shoulder the costs of new development. Councilmember Jaffa stressed the importance of continued analysis of infrastructure costs and regular impact fee adjustments and commented on the possibility of incorporating impact fee adjustments into the City's regular budget analysis process. Councilmember Jaffa urged staff to investigate the policy of inflation or industry adjustments to be utilized as an impact fee adjustment tool during those years when detailed infrastructure cost analyses are not conducted.

Councilmember Jaffa explained that collected impact fees are held in an account to pay for the cost of infrastructure and capital facilities such as police and fire stations, and that statutorily, the fees may not be used to fund ongoing city operating expenses. Councilmember Jaffa stated that although the proposed adjustments represent an approximate 20% increase in fees for single family detached homes, development in Mesa remains competitive with other local communities. He explained the relationship and the differences between the subject agenda item and item 5.b. (regarding the sale of utilities relating to the prohibition of City water and wastewater services for real property outside Mesa's corporate limits) and noted that the subject agenda item establishes the actual development impact fees that are charged throughout Mesa and paid at the time a building permit is issued.

Councilmember Jaffa stated that over the next several months, the City Council, staff and community members will be working on a second phase of the development impact fee process to evaluate infrastructure costs associated with streets, general government buildings and storm water collection and also evaluating the use of development impact fees to enhance growth management strategies relating to infill development, redevelopment, high density cluster development and new approaches to housing. He invited community participation in the process.

It was moved by Councilmember Jaffa, seconded by Councilmember Pomeroy, that Ordinance No. 3875 be adopted.

Mayor Hawker explained the method used to calculate impact fees and voiced support for the motion.

Carried unanimously.

- d. Consider a historic zoning overlay of the Temple neighborhood described in Zoning Case HP00-001, adopting an official supplementary zoning map and providing penalties for the violation thereof – Ordinance No. 3876.

Victor Linoff, 820 N. Robson, Chairman of Mesa's Historic Preservation Committee, addressed the Council on behalf of the property owners seeking approval of the Temple Historic Preservation Overlay District. Mr. Linoff spoke about the percentage of resident signatures required to nominate a neighborhood as a local historic district and noted that Mesa's ordinance is consistent with Federal guidelines for jurisdictions that require a percentage. Mr. Linoff noted that the 60% nomination achieved by the residents of the Temple district does not mean that 40% are opposed and added that many property owners are difficult to contact. Mr. Linoff commented on the extensive efforts of Mesa residents to craft Mesa's Historic Preservation Ordinance and carry out an effective preservation program; the fact that Mesa's historic preservation accomplishments are admired by other valley communities; the fact that efforts in the West Second Street, Wilbur and Evergreen Historic Districts have helped to preserve Mesa's important historic assets and also helped to keep Mesa's older, central City neighborhoods vital; the fact that establishing a historic district is a long and difficult process with stringent standards; the fact that the Temple Historic Preservation Overlay District application is in full compliance with Mesa's current zoning ordinance, and the fact that there has been no opposition or complaints with regard to creation of any of the City's historic districts including the proposed Temple District. Mr. Linoff urged the Council to approve the application for the Temple Historic Preservation Overlay District.

Walt McIver, 440 E. 1st Avenue, addressed the Council and stated that 60% of Temple district resident signatures were obtained in order to meet the requirements of the National Register of Historic Places (the Temple District was listed to the National Register of Historic Places on November 8, 2000). Mr. McIver noted that there has been no opposition to the Temple Historic Preservation Overlay District and that all of the City's requirements for designation have been met.

Christi Miller, 117 N. Wilbur, President of the Wilbur Historic District Neighborhood Association, spoke in support of the Temple Historic District and residents' efforts for historic zoning overlay. Ms. Miller commented on the difficult task of obtaining resident signatures on petitions. Ms. Miller noted that she attended the final meeting for the Temple Historic District and did not hear any objections to the application. Ms. Miller added that the only restriction imposed upon residents with historic zoning overlay is a six-month stay of demolition. Ms. Miller voiced appreciation to the City's Historic Preservation Office and to the Historic Preservation Committee for their support of residents' efforts. Ms. Miller stated that the Temple District's application is in full compliance with Mesa's Historic Preservation Ordinance and she urged the Council to approve the application. Ms. Miller added that historic designation creates opportunities for additional funding to improve historic neighborhoods.

Councilmember Kavanaugh voiced support for approval of this item and stated that the City's historic preservation process identifies unique neighborhoods that have played key roles in the development of Mesa and its heritage. Councilmember Kavanaugh added that historic designation is an excellent tool to encourage respect for architectural heritage and neighborhood heritage, promote integrity of neighborhood groups and create opportunities for investment and reinvestment in Mesa's unique neighborhoods.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that Ordinance No. 3876 be adopted.

Vice Mayor Davidson concurred with the comments of Councilmember Kavanaugh and voiced approval for the Temple Historic Preservation Overlay District. He added that an additional benefit of historic designation is the strengthening of neighborhoods as neighbors work together to redevelop and enhance their neighborhoods. Vice Mayor Davidson stated the opinion that Mesa's historic districts have flourished in appearance, architectural design and increased property values as a result of historic

designation. Vice Mayor Davidson voiced appreciation to Ms. Miller, Mr. McIver, Mr. Linoff and the Historic Preservation Committee for their efforts to improve Mesa.

Mayor Hawker concurred with Vice Mayor Davidson's comments regarding the positive effects of historic preservation in bringing neighbors together and strengthening neighborhoods. Mayor Hawker voiced concerns regarding the previous reduction of required resident signatures from 75% to 50% plus one to apply for historic overlay designation, but added that he is supportive of the Temple District's application for historic overlay due to the fact that the Temple neighborhood is in compliance with the current requirements of the Historic Preservation Ordinance.

Carried unanimously.

- e. Relating to animal regulation which will prohibit the sale of artificially colored pets; amending Chapter 5; Title 6 of the Mesa City Code, by adding a new Section 6-5-5; renumbering current Section 6-5-5 to 6-5-6 to conform; and creating penalties for violations – Ordinance No. 3877.

Carol Owens, P.O. Box 1017, Apache Junction (resident of East Mesa), addressed the Council regarding this agenda item and voiced strong support for prohibiting the sale of artificially colored pets. Ms. Owens also indicated support for establishing a 2-3 week moratorium against the sale of chicks, ducklings and rabbits prior to Easter. Ms. Owens spoke about the suffering endured by domestically bred bunnies, chicks and ducklings when they are abandoned and stated the opinion that passage of the ordinance will not negatively impact any of Mesa's businesses.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that Ordinance No. 3877 be adopted.

Councilmember Kavanaugh provided a brief history regarding this agenda item and stated that approximately one year ago the Arizona Humane Society requested that the City of Mesa adopt an ordinance similar to a Phoenix ordinance that bans the sale of artificially colored pets and also bans the sale of chicks, ducklings and rabbits in lots fewer than 10 or 12. He noted that Mayor Brown assigned the matter to a Committee comprised of himself, Vice Mayor Davidson and Mayor Hawker and added that although the Committee was not in total agreement, the proposed ordinance is reflective of the general consensus of the Committee. Councilmember Kavanaugh voiced approval of the ordinance and stated that it represents an important response to the Arizona Humane Society's request for controls in this area.

Councilmember Pomeroy voiced opposition to the motion and ordinance and stated that although he is sensitive to the welfare of animals he is opposed to enacting an ordinance for a problem which he believes can be addressed through education.

Mayor Hawker concurred with Councilmember Pomeroy's comments and stated opposition to the motion.

Councilmember Walters said that she is supportive of the motion on the basis that the ordinance will protect defenseless animals and will not harm Mesa businesses.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 3877 adopted.

8. Consider the findings and recommendations of the Judicial Advisory Board to reappoint Magistrate Norine Richardson for a two-year term beginning July 1, 2001; and Magistrate Victor Ortiz for a four-year term beginning July 1, 2001.

Mayor Hawker introduced Magistrate Norine Richardson and Magistrate Victor Ortiz, who were present in the audience.

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa, that the recommendations of the Judicial Advisory Board be approved.

Councilmember Kavanaugh expressed appreciation to Magistrate Richardson and Magistrate Ortiz for their service to Mesa. He commented on the exhaustive process of appointing and reappointing City Magistrates which includes extensive surveys of users of the City Court system. Councilmember Kavanaugh said that both Magistrates received excellent reports in the recent survey and are a credit to Mesa's City Court.

Councilmember Whalen stated that he has received reports from City Court users that both Magistrates do an excellent job while adjudicating a heavy caseload. Councilmember Whalen voiced appreciation to Magistrates Richardson and Ortiz and also to the Judicial Review Committee for their service to the City.

Carried unanimously.

Magistrate Norine Richardson expressed appreciation to the Council for her reappointment and commented on her 11 & ½ year career as a Mesa City Magistrate. Magistrate Richardson introduced her children and godchildren who were present in the audience.

Magistrate Victor Ortiz thanked the Council for his reappointment and said that he is looking forward to serving four more years as a City Magistrate. He introduced his wife, Elizabeth Ortiz, and his two children who were present in the audience.

9. Consider the following recommendation from the Museum and Cultural Advisory Board:

*a. Approving a decrease in fees for the summer programs at the Mesa Southwest Museum.

- 9.1. Consider the following recommendation from the Utility Committee:

*a. Approving staff's recommendation relative to the establishment of a new City policy regarding joint/shared trenching for public utility providers be approved. **THIS ITEM WAS PLACED ON THE CONSENT AGENDA FOR CONTINUANCE TO THE MAY 7, 2001 COUNCIL MEETING.**

- *9.2 Consider a recommendation to employ a consultant to provide services related to naming rights, sponsorships, etc., for the Mesa Indoor Aquatic Center.

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

- a. **Z00-65** North of the northwest corner of Sossaman Road and Germann Road. Site Plan Review (20± acres). This case involves the development of a concrete batch plant. Olympia Investments, owner, represented by: Francis J. Slavin; AGRA Infrastructure, applicant, represented by: Greg Davis. **CONTINUED FROM THE JANUARY 8, 2001, AND MARCH 5, 2001 MEETING.**

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

(Upon the recommendations of staff at the preceding Study Session, Council agreed to continue this item to the April 16, 2001 Council Meeting.)

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

Donald Glyon, 7500 E. McCormick Parkway, #35, Scottsdale, addressed the Council and said that he represents Richfield Investments regarding the proposed realignment of Pecos Road, which is a related matter to the subject agenda item. Mr. Glyon explained that Richfield Investments is the owner of the 40-acre parcel that will be bisected by the proposed realignment of Pecos Road. Mr. Glyon reported that Richfield Investments approves the realignment originally proposed by AGRA Infrastructure, but is opposed to the realignment as proposed in the recent City of Mesa Development Agreement submitted to Richfield Investments.

Mayor Hawker thanked Mr. Glyon for his comments.

It was moved by Vice Mayor Davidson, seconded by Councilmember Walters, that Zoning Case Z00-65 be continued to the April 16, 2001 Council Meeting.

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.

Mayor Hawker voiced the opinion that right-of-way acquisition and the successful realignment of Pecos Road are significant factors with respect to Council approval of this zoning case.

- *b. **Z00-90** 551 South Higley Road. Rezone from AG to O-S (± 1 acre). This case involves the development of an office/daycare center. Ronald Reed, owner; Jeff Reed, applicant – Ordinance No. 3869.

P&Z Recommendation: Approval with conditions. (Vote 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 Design Review Board of future office and/or daycare 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, 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.

- *c. **Z01-03** The southeast corner of Val Vista and Enid. Rezone from C-2 to R2-PAD (11± acres). This case involves development of a residential subdivision. R&B Sarhangian Family Trust owner/applicant; represented by: Ted Sarhangian. **CONTINUED FROM THE MARCH 5, 2001 MEETING. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE MAY 7 COUNCIL MEETING.**

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 unit yield) except as noted below.
2. Compliance with the Residential Development Guidelines regarding elevation design and landscape setback at the public streets.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Secondary access as proposed on South 37th Street shall be relocated northwestward along Enid Street, subject to review and approval of revised site plan and preliminary plat during the subdivision review process.

- d. **Z01-04** The southeast corner of Power and McKellips Road. Site Plan Modification and rezone from R-2 PAD to C-2 (16± acres). This case involves development of a shopping center. Tri-Plus Partners representing Donald Woo and Broadland Properties; owner, Ralph Pew, applicant – Ordinance No. 3878.

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 building count and lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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 public 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, including assurance that no deed restrictions, covenants or CC&Rs which currently apply to the site, may in any way prohibit development indicated in the site plan.
7. Recordation of cross-access and reciprocal parking easements.
8. Compliance with all requirements of the Design Review Board including design elements defining this project as a gateway to the Desert Uplands.
9. All pad buildings to be architecturally compatible with the center.
10. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and a Comprehensive Sign Plan.
11. Compliance with letters dated January 25, 2001 and February 14, 2001 from Ralph Pew, which are included in the zoning case file.
12. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
13. Where adjacent to public rights-of-way and pedestrian areas, retention basins are to be 6:1 slopes, maximum.
14. Incorporation of pedestrian nodes and walkways to the site design, to be approved by the Design Review Board.
15. Fast food, drive-through, and/or drive-in restaurants are not allowed on Pad 1.

Ralph Pew, 10 W. Main Street, an attorney representing the applicant, addressed the Council and provided background information relative to this case. Mr. Pew explained that the subject site is for development of a commercial center anchored by a grocery store; that the grocery store was previously approved; that the subject case seeks Council approval to modify an existing commercial site and expand it to the 9 acres that surrounds the site that is currently zoned R2, and that the modifications will provide for in-line shops but will not increase the size of the grocery store. Mr. Pew added that the proposed plan exceeds all requirements including extensive landscape buffers bordering Jensen Street and Power Road.

Mayor Hawker advised that although several individuals submitted *Requests to Address the City Council* regarding this item, only two individuals indicate a desire to speak and the remainder indicate approval of this case. He added that there is one inquiry regarding the perimeter wall.

Mr. Pew advised that an 8-ft. perimeter wall will surround the project including the open space area of the Moondance subdivision.

Helen Salter, 7006-8 Jensen Street, addressed the Council and said that she lives in Moondance Townhomes. She spoke in support of the proposed development and stated that the vacant lot is an unsightly corner that has been used as a dumping area. She reported that the majority of Moondance residents are in support of the project and anxious to have nearby shopping. Ms. Salter requested that consideration be given to maintaining an outlet on Jensen Street to provide residents easy access to the marketplace.

Rose Eckhart, 7006 E. Jensen, addressed the Council and reported that she resides in Moondance Townhomes in the unit that is immediately adjacent to the proposed development. She stated that she is 100% in favor of the development and commented on the current poor condition of the vacant lot. Ms. Eckhart discussed the overwhelming support of Moondance residents for the project. Ms. Eckhart reported that Mr. Pew and the developers have had several meetings with the residents of Moondance and have been very accommodating with respect to concerns of residents.

At the request of Mayor Hawker, individuals who submitted *Requests to Address the City Council*, but who did not wish to speak, indicated their approval of this case by raising their hands.

Councilmember Walters voiced her support for the proposal and commented on the effectiveness of the Citizens' Participation Plan, as demonstrated by citizen input in this case.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that Ordinance No. 3878 be adopted.

Councilmember Jaffa voiced concerns regarding the development of a large structure at this intersection due to the existing large structures on the northwest and northeast corners but voiced support for this case based on the residents' support for development of a grocery store and the commitments made by Mr. Pew on behalf of the applicant.

Carried unanimously.

*e. **Z01-07** The northwest corner of Baseline and Greenfield Roads. Site Plan Modification (15± acres). This case involves development of a Super K Mart with shops and a pad building. Donald Fuller; owner, Glenn Anderson, applicant – Ordinance No. 3870.

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 coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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 for building, landscape, parking lot design, and retention basin design.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
9. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way, pedestrian areas, and sidewalks.

10. Construct the shops building in the first phase of construction.
11. No outdoor storage or display except for under the two attached canopies adjacent to the two primary entrances facing Greenfield Road, with the exception of those sales allowed with a Special Event License. The two canopies are those located closest to the cart storage areas; one at the north side of the Greenfield elevation face and the second canopy located south of the southernmost cart storage area.
12. Garden Center Storage and display to be within the Garden Center only and restricted to the height of the wrought iron fencing as set forth by the Design Review Board.

- *f. **Z01-08** The southeast corner of Power Road and Madero. Rezone from R-3 to O-S (3.43 acres). This case involves development of an office complex. Giovanna Muscarello; owner, Vincent DiBella, applicant – Ordinance No. 3871.

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, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.) including requirements pertaining to retention.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Design Review Board, including design of retention basins.
6. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way, pedestrian areas and sidewalks.
7. Medical offices restricted to 15,000 s.f. total.
8. Recordation of an avigation easement.
9. Noise attenuation measures to be included in the construction of the structures in order to achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels.
10. Compliance with letter dated February 14, 2001 from Vincent P. DiBella which is included in the zoning case file.

- *g. **Z01-09** The southwest corner of University Drive and Sun Valley Boulevard. Rezone from C-2 to O-S PAD (11.15 acres). This case involves development of an office complex. Max Christiansen; owner, Todd and Associates, Inc., applicant – Ordinance No. 3872.

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 building count 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.) including requirements pertaining to retention (no more than two areas).
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 street frontage 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.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
9. Medical offices restricted to 24,000 s.f. total.

- *h. **Z01-10** The southwest corner of 32nd Street and Broadway Road. Rezone from R1-43 to R1-9 (3.03 acres). This case involves development of a seven lot subdivision. David I. Weaver; owner, Tim Nielson, applicant – Ordinance No. 3873.

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 preliminary plat submitted, (without guarantee of lot yield) except as noted below.
2. The homes constructed in this subdivision must comply with the Residential Development Guidelines and any production homes proposed in this subdivision must be submitted for administrative review and approval from the Planning Director.
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. Retention basins to be 6:1 slopes maximum, where adjacent to a public rights-of-way and any pedestrian activity areas or sidewalks.
9. Houses backing up to Broadway Road (lots 6 and 7) to be one story structures only.

- *i. **Z01-11** 652 North Country Club Drive. Rezone from R4 to O-S PAD (1.3 acres). This case involves the development of an office complex. Steven Mastroni; owner/applicant Ordinance No. 3874.

P&Z Recommendation: Approved with conditions. (Vote 6-0-1) Petrie abstain.

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Retention basins to be 6:1 maximum slope where adjacent to public rights-of-way, pedestrian areas, and sidewalks.

11. Consider the following subdivision plat:

- *a. "IRONWOOD PASS, UNIT 1 AT LAS SENDAS" (Council District 5) The 3400 block of North Red Mountain (east side) 72 R1-7 PAD DMP single residence lots (18.25 ac.) Sonoran Desert Holdings, L.L.C., developer; GeoDimensions, engineer.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:45 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 April 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