

COUNCIL MINUTES

May 1, 2000

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on May 1, 2000 at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Dennis Kavanaugh
Pat Pomeroy
Bill Jaffa

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

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

The Invocation was given by Dr. Larry Kassebaum, Victory Lutheran Church.

The Pledge of Allegiance was led by Junior Girl Scott Troop 111 and Jody Topping, Troop Leader.

Presentation of the 2000 Historic Preservation Awards.

Vic Linoff, Chairman of the Historic Preservation Committee, provided brief background information relative to the 2000 Historic Preservation Awards. Mr. Linoff explained that the Committee, with input from the community, evaluates individuals and groups involved in several different categories. Mayor Brown assisted Mr. Linoff in presenting the following four honorees with their awards: Laura Watson, for citizen activism, heading the development of a Master Plan for the Park of the Canals; Herman Funk, a 37-year employee for completion of a book concerning people and programs of Mesa; Janice Gennevois, for the restoration of the Angulo/Hoestedder House; and Charlie Crismon, for general preservation and the gathering of data and materials for archival collections.

Mayor Brown thanked the recipients for their outstanding efforts and expressed appreciation to Mr. Linoff for organizing the awards presentation.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of March 28, and 30 and April 3, 6, 13 and 17, 2000 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 in these minutes with an (*) were approved with one Council action.

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

Carried unanimously.

3. Conduct a public hearing for the following General Plan Amendments:

- *a. **GP99-1** North of the northeast corner of Greenfield Road and Brown Road. Change from Neighborhood Commercial (NC) to Medium High Density Residential (5 to 15 du/ac) 8± acres. NEC Greenfield and Brown Roads, Ltd., owner; Mark Reeb, applicant. **(See item no. 7a). THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED FOR 30 DAYS.**
- b. **GP00-2** The northeast corner of Power Road and McKellips Road. Change from High Density Residential (15± du/ac) to Community Commercial. This amendment would allow the development of a retail center anchored by Target. Noman Saba, owner; Bruce Utterback, applicant. **(See item no. 7b).**

Ralph Pew, 10 West Main Street, an attorney representing the applicant, presented a brief overview of the above agenda item. Mr. Pew stated that the applicant is requesting that the Council amend the Mesa General Plan Land Use Map. Mr. Pew explained that the Council will also be considering an accompanying zoning case with proposed residential development, geared towards "empty nesters" which would consist of a high-end product for buyers who are downsizing their homes. Mr. Pew explained that the General Plan Amendment is compatible with a commercially zoned area and that the scale and design of the project is consistent with the surrounding commercial property in the area. Mr. Pew emphasized that the northern 10 acres beyond the proposed site, which are adjacent to the entrance to Mesa Community College at Red Mountain, will not be affected by the General Plan Amendment and will remain high-density residential.

Dr. Mary Vanis, representing Mesa Community College at Red Mountain, addressed the Council relative to this issue and indicated the college's support for the development. Dr. Vanis also commended the developer for his efforts to provide input to the community college relative to proposed development modifications.

Carolyn Smith, 7006 East Jensen, # 53, and Barbara Carpenter, 7130 East Saddleback, # 6, residents in the area, spoke in support of the master plan change and rezoning request and also thanked the developer for his diligence in apprising the neighbors of all proposed development changes.

Mayor Brown read comments submitted by Pat and Doug Millikan, Marjorie and Earle White and Marc Eckhart, residents in the area, who were all in favor of the proposed changes.

Mayor Brown thanked the speakers for their input.

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

4. Conduct a public hearing for the following proposed annexations:

- a. **A00-3** Areas west of Meridian Road to the Mountain Road alignment and north of Adobe Road to Brown Road.

Mayor Brown announced that this is the time and place for a public hearing on proposed annexation case A00-3 and encouraged members of the audience to provide input and pose questions at this time.

Carol Owens, P.O. Box 1017, Apache Junction, spoke in support of this agenda item and emphasized the importance of adhering to the Native Plant Preservation Ordinance. Ms. Owens also thanked Mayor Brown and Vice Mayor Giles for their dedication and hard work during their tenure on the City Council.

Mayor Brown thanked Ms. Owens for her input and her efforts to preserve native plant life.

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

- b. **A00-4** The southeast corner of Mountain Road and Warner Road.

Mayor Brown announced that this is the time and place for a public hearing on proposed annexation case A00-4 and encouraged members of the audience to provide input and pose questions at this time.

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

5. Consider the following liquor license applications:

- a. MARTIN W. BROWN, AGENT

New Beer and Wine Store License for Chevron Food Mart, 2733 N. Recker Road. This is a new building, which is currently under construction, no previous liquor licenses at this location.

Mayor Brown indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted reported in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa, that the above liquor license application be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Jaffa-Kavanaugh-Pomeroy
ABSTAIN - Brown

Mayor Brown declared the motion carried unanimously by those voting.

*b. KENNETH J. ZARNOWIEC, AGENT

New Beer and Wine Store License for Phillips 66, 1203 E. Southern Avenue. The existing bank building will be demolished, no previous liquor licenses at this location.

*c. KENNETH J. ZARNOWIEC, AGENT

New Beer and Wine Store License for Phillips 66, 1850 S. Stapley Drive. This is a vacant lot at this time, no previous liquor licenses at this location.

6. Consider the following contracts:

*a. Re-Upholster 450 Conference Center chairs as requested by the Community Services Department.

The Purchasing Division recommends exercising an additional purchase option from RFB #98129 with the low bidder, Cannon Southwest Upholstery, at \$16,137.99 including labor and applicable sales tax.

*b. One new copier for the Management Services Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Ikon Office Solutions at \$19,257.89 including applicable sales tax.

*c. Two-year supply contract for fertilizers used at the Cemetery, Golf Courses and City Parks.

The Purchasing Division recommends accepting the lowest overall bid by Fertizona Casa Grande LLC at \$100,982.24 plus 7.50% sales tax of \$7,573.67 for a total of \$108,555.91 based on estimated requirements.

*d. Twelve month supply contract for highway flares as requested by the Materials and Supply Division Warehouse.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Orion Safety Products at \$60,782.40 plus 5% use tax of \$3,039.12 for a total of \$63,821.52 based on estimated purchases.

*e. Two-year supply contract for library audio books as requested by the Library.

The Purchasing Division recommends accepting the bid by Recorded Books, Inc. for annual expenditures estimated at \$25,000.00.

*f. Deleted.

g. One new and two replacement tractor backhoes with front-end loaders as requested by the Utility Construction Division and the Transportation Division.

The Purchasing Division recommends accepting the bid by R.D.O. Equipment Company at \$166,673.84 including sales tax and extended warranty.

Paul Bingham, a representative of Bingham New Holland, addressed the Council relative to this agenda item. Mr. Bingham questioned the bid process that was recently followed by the Purchasing Division and presented the Council with a brief overview of his concerns regarding this matter.

In response to a question from Mayor Brown, City Attorney Neal Beets explained that in accordance with the City Charter, it is the practice of the City's Purchasing Division to award contracts to the vendors that will provide equipment that best meets the overall needs of the City. Mr. Beets added that in reviewing the bid proposal, the City is entitled to perform a "hands-on" demonstration to evaluate the capabilities of the equipment, and said that as a result of that test, the second lowest bidder's equipment out performed the equipment offered by Bingham New Holland.

Mayor Brown remarked that although this bid appears to be in compliance with City policy, the newly-elected City Council should examine this issue and determine whether policy changes should be implemented.

In response to a question from Councilmember Hawker, Purchasing Director Sharon Seekins stated that the bid specifications were written as minimum specifications and said that it was left to the discretion of each participating bidder to determine which make or model of equipment would best suit the needs of the City.

It was moved by Councilmember Jaffa, seconded by Councilmember Hawker, that staff's recommendation to award the contract to the second lowest bidder be denied and that the Purchasing Division staff be directed to rebid the contract on this agenda item.

Vice Mayor Giles expressed concerns regarding the motion and stated the opinion that the motion would set a precedent for all future bidding processes.

Councilmember Pomeroy commented that he would not support re-bidding the contract based on the fact that the competing bids are now public knowledge.

Upon tabulation of votes, it showed:

AYES - Brown-Hawker-Jaffa
NAYS - Davidson-Giles-Kavanaugh-Pomeroy

Mayor Brown declared the motion failed.

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

Upon tabulation of votes, it showed:

AYES - Davidson-Giles-Kavanaugh-Pomeroy
NAYS - Brown-Hawker-Jaffa

Mayor Brown declared the motion carried by majority vote.

Mayor Brown expressed appreciation to Mr. Bingham and staff for their input.

- *h. Upgrade Oracle and E-Mail File Servers, as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with MicroAge Government Accounts for a total of \$138,285.02, including applicable sales tax.

- *i. One-year renewal of the supply contract for ¾" water meters for the Materials & Supply Division inventory to be used by the Utility Service Division.

The Purchasing Division recommends exercising the second of three one-year renewal options with the original low bidder, Aqua-Metric Sales Company, at \$1,048,600.00 plus 5% use tax of \$52,430.00 for a total of \$1,101,030.00 based on estimated requirements.

- *j. Eight work stations as requested by the City Clerk's Office.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$16,993.75 including materials, design services, delivery, installation and applicable sales tax.

- *k. Thirty work stations for Parks East District Office as requested by the Parks, Recreation & Cultural Division.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$117,010.99 including materials, design services, delivery, installation and applicable sales tax.

- *l. Two year supply contract for 6GHz and 11GHz microwave equipment requested by the Communications Division.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal from Harris Microwave Communications Division for annual purchases estimated at \$230,669.00 plus 5% use tax on materials of \$11,533.45 for a total of \$242,202.45.

- *m. One sedan and three pickups for the Utilities Department

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:

Items 1 and 2 from Mel Clayton Ford at \$41,299.00; and Item 3 from Ed Moses Dodge at \$37,190.55. The combined award is then \$78,489.55 including applicable taxes.

- n. Desert Sands Water Line Relocation. City of Mesa Project No. 99-57.2.

This project is a continuing phase of a multiple phase project to upgrade water lines in the Desert Sands area.

Recommend award to low bidder, City Wide Contracting, in the amount of \$510,199.00.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

- o. Cemetery Expansion. City of Mesa Project No. 00-33.1.

This project is the second phase of the cemetery expansion and will install a short roadway and landscape the area south of the Country Club Drive entrance.

Recommend award to low bidder, Asphalt Services of AZ, in the amount of \$190,549.00.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Parks and Recreation Administrator Mark Woodward presented the Council with a brief overview of the above agenda item.

Mayor Brown thanked Mr. Woodward for his input.

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

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

p. Valencia Park Improvements. City of Mesa Project No. 00-21.

This project is for the purpose of establishing a neighborhood park in the vicinity of Greenfield Road and University Drive.

Recommend award to low bidder, Valley Rain Construction Corp., in the amount of \$520,217.25.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Councilmember Davidson commented that he will not support this agenda item based on the fact that the proposed location of the park is in close proximity to an electric transmission corridor.

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

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - Davidson
ABSTAIN - Hawker

Mayor Brown declared the motion carried by majority vote of those voting.

q. 1998/1999 City of Mesa Roadway Reconstruction Project, Phase III. City of Mesa Project No. 99-56.2.

This project is phase three of the annual project to reconstruct various segments of roadway pavement.

Recommend award to low bidder, Nesbitt Contracting Company, Inc., in the amount of \$684,486.90.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because

of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor John Giles, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

r. Warner Road Lift Station. City of Mesa Project No. 00-90-2.

This project is the second of a two phase project to construct a sewer lift station and force main to provide sewer service to the area shown in Exhibit "A".

Recommend award to low bidder, Aricon3, Inc., in the amount of \$563,271.15.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting.

*s. Deleted.

6.0. Consider the following recommendations from the Police Committee:

*a. Deleted.

*b. Recommend an ordinance relating to municipal court fees be included for introduction at the May 1, 2000 Regular Council Meeting and considered for adoption at the May 15, 2000 Council Meeting.

- *c. Recommend staff's recommendation that the Massage Ordinance be revised to eliminate licensing of massage therapy trainees effective June 1, 2000 and to allow the trainees one six-month renewal period in which to complete the 500-hour training program.

6.00. Consider the following recommendation from the Fire Committee:

- *a. Recommend amendments to the Fire Code relating to automatic sprinklers be approved.

6.1. Introduction of the following ordinances and setting May 15 as the date of public hearing on these ordinances:

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing).

- *a. Relating to traffic safety; amending Sections 6-12-5, 6-12-6, 10-3-21 and 10-3-25 of the Mesa City Code; and preserving rights and duties that have already matured and proceedings that have already begun under those sections.
- *b. Relating to massage therapy; amending Section 5-12-6 of the Mesa City Code; amending Title 5, Chapter 12 of the Mesa City Code by adding a new Section 5-12-16; and providing for applicability and an effective date.
- *c. Relating to the City's organizational structure; amending Chapter 29; Title 1 of the Mea City Code, and Chapters 4, 8, and 12, Title 3 of the Mesa City Code, and making other conforming changes to the Mesa City Code.
- *d. Relating to public health and safety, amending the 1997 Uniform Fire Code, amending certain provisions in the amendments to the Uniform Fire Code; amending Title VII, Chapter 2 of the Mesa City Code and providing penalties for violations, thereof and establishing a delayed effective date of January 1, 2001 for Sections 1003.2.5 and 1003.2.5.1 in the amendments.
- *e. Relating to the Municipal Court and fees; amending Section 1-12-3 of the Mesa City Code, and amending Title 1 of the Mesa City Code, by adding a new Section 1-12-7.

Councilmember Hawker spoke in support of this ordinance and emphasized that the proposed fee increase and payment for confinement costs will aid the City in balancing the budget.

Councilmember Jaffa concurred with the opinions of Councilmember Hawker and expressed appreciation to Judge Switzer and his staff for their efforts.

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

Carried unanimously.

6.2. Consider recommending that Level (3) Communications, LLC, be granted a temporary permit to place a fiber optics communication system under Broadway and Macdonald Streets at the Union Pacific Railway tracks.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Vice Mayor Giles spoke in support of this proposal and advised that this will allow fiber optic cable to be laid between Mesa Town Center for City government use and Williams Gateway Airport. Vice Mayor Giles commended staff for their research into this matter and their resulting recommendations.

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

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting.

7. Consider the following resolutions:

- *a. **GP99-1** Adopting an amendment to the General Plan that would change an 8± acre parcel from Neighborhood Commercial (NC) to Medium High Density Residential (MHDR). **THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED FOR 30 DAYS.**
- b. **GP00-2** Adopting an amendment to the General Plan that would change a 20 ± acre parcel from High Density Residential (HDR) to Community Commercial (CC) – Resolution No. 7494.

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

In response to a question from Vice Mayor Giles, Planning Director Frank Mizner noted that staff concurs with the applicant's attorney, Mr. Ralph Pew, relative to the fact that General Plan allows for commercial development at this location.

Following brief discussion, it was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy that this item be continued until discussion and voting has occurred on the zoning case (Z00-16) which is being considered in conjunction with the General Plan Amendment.

Carried unanimously.

(Following the discussion and vote on Zoning Case Z00-16, the Council proceeded to vote on the General Plan Amendment Case GP00-2.)

- *c. Authorizing the use of the Scalloped Street Assessment Laws to assess a portion of the improvement costs for McKellips Road from Power Road to the C.A.P. Canal to the adjacent underdeveloped parcels – Resolution No. 7489.
- d. Authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Transportation for certain utility work and roadway enhancements to be included within the construction of the Red Mountain Freeway from Country Club Drive to Gilbert Road – Resolution No. 7493.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Davidson

Mayor Brown declared the motion carried unanimously by those voting.

- *e. Approving the Non-housing Five Year Consolidated Plan which describes the City's priority non-housing community development needs, and also approving the Citizen Participation Plan for the projects and needs as identified in the Five Year Consolidated Plan – Resolution No. 7490.
- *f. Extinguishing a portion of a public utilities and facilities easement on the plat of Las Sendas Phase 2C and 2D – Resolution No. 7491.

This easement is no longer needed.
- *g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Economic Security, Division of Developmental Disabilities for the purpose of receiving financial reimbursement for support of the Summer Day Camp program – Resolution No. 7492.

8. Consider the following ordinances:

- *a. Prohibiting parking on the north side of First Street from Robson to Morris, on the east side of Morris from First Street to a point 420 feet north of First Street, and on the west side of Westwood from a point 120 feet north of 7th Street to a point 120 feet south of 7th Street; prohibiting parking between 8:00 a.m. and 4:00 p.m. on school days on the east side of Valencia from Eighth Avenue to Emelita Avenue and on Glencove Street from Gaylord to a point 390 feet east of 25th Street, and including Sunland Avenue from 112th Street to the east City limits and 114th Street from Sunland Avenue to Pueblo Avenue in Section 10-3-17 "Special Stops Required" of the Mesa City Code; as recommended by the Transportation Advisory Board – Ordinance No. 3763.

9. Consider write-off of utility and miscellaneous accounts in the amount of \$267,802.00.

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

Carried unanimously.

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

- *a. **Z00-14** The 1200 and 1300 blocks of North Greenfield Road east side. Rezone from C-2 to R1-6-PAD (8 acres). This case involves the development of a Z-lot single residential subdivision. Mark Reeb, owner/applicant. **THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED FOR 30 DAYS**

P&Z Recommendation: Approval with conditions (vote: 6-0-1, Brock 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 the Residential Development Guidelines regarding building elevations.
3. Add another one-story product to be approved through the Subdivision Technical Review staff.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Compliance with letters dated February 17, 2000 and March 9, 2000 from Mark Reeb to the Planning Director which is included in the zoning case file.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
10. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.

11. Noise attenuation measures to be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
- b. **Z00-16** North and east of the northeast corner of Power and McKellips Roads. Rezone from R1-35 and R1-35 (conceptual C-2) to C-2 (20± acres). This case involves the development of a Target Store, retail shops and pad buildings. Norman Saba, owner; Bruce Utterback, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan, preliminary plat and elevations submitted, except as noted below.
 2. Compliance with all City development codes and regulations.
 3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, 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, including (but not limited to) the following:
 - * provide landscape islands within the parking areas.
 - * pedestrian/bicycle access from the campus.
 - * reuse of existing vegetation (on site and campus site).
 - * landscape theme reflecting Upper Sonoran Desert vegetation.
 - * incorporating seating and shade areas into the site design for the shops and pads.
 - * use of textured paving at driveway entries.
 - * common architecture for all buildings as depicted for the Target.
 - * All pad buildings to be architecturally compatible with the center.
- Review and approval of a Special Use Permit by the Board of Adjustment for Comprehensive Sign Plan and/or Garden Center.

(This agenda item is being considered by the Council in conjunction with General Plan Amendment GP00-2 on page 11 of the minutes of this meeting.)

Mr. Ralph Pew, an attorney representing the applicant, provided the Council with a brief synopsis of the developer's efforts to rezone this site from R1-25 to C-2. Mr. Pew noted that the developer has endeavored to acquire input from neighborhood associations and citizen participants in an effort to create an aesthetically pleasing development which addresses all of the neighbors' concerns.

Mr. Pew advised that as a result of a request from the Planning and Zoning Board and the local residents, the developer has agreed per stipulation to reduce the location and the number of drive-through pad sites within the planned development to two (See attachment). Mr. Pew added that the developer is also exploring the concept of creating a pedestrian pathway that would ultimately connect the proposed site with the Mesa Community College (MCC) at Red Mountain campus. Mr. Pew noted that the buildings are designed to be architecturally compatible with those at MCC.

Debra Duvall, 7130 East Saddleback, a resident in the area, spoke in support of the rezoning proposal and commended the developer for responding to the concerns of the neighborhood.

Carol Spangzer, 2920 North 82nd Street, and J.J. Seeman, 3714 North Hawes Road, addressed the Council and spoke in opposition to the location of a Target store on this site. Ms. Spangzer also suggested that a cultural center would be a more appropriate use for this location.

Barbara Carpenter, 7130 East Saddleback, #6, stated that although she is not opposed to the construction of a Target store, she has concerns relative to the number of drive-through pad sites.

Councilmember Davidson commented that based on the number of proposed drive-through pad sites and the fact that in his opinion the location is appropriate for a full service sit-down restaurant, he will not support the project. Councilmember Davidson expressed the opinion that the developer is attempting to limit the City's potential tenants in this development through the utilization of drive-through pad sites.

Mr. Pew remarked that the developer would acquiesce to Council's wishes, if necessary, and include only one drive-through pad site rather than two.

Councilmember Pomeroy expressed appreciation to Mr. Pew for the developer's willingness to compromise on the number of drive-through pad sites and also commented that although he is pleased with the design of the proposed Target store, he does have concerns regarding the expansion of Power Road.

Councilmember Jaffa stated the opinion that the proposed site is the "gateway entrance" to the Desert Uplands and should demand high quality development. Councilmember Jaffa added that the proposed request may not be in the best interest of the City, and commented that although he appreciates the developer's willingness to reduce the number of drive-through site pads to one, the fact that the development is in close proximity to Mesa Community College at Red Mountain may necessitate the need for fast food restaurants to service the needs of the student population.

Mayor Brown spoke in support of the applicant's rezoning request.

In response to a question from Vice Mayor Giles, Planning Director Frank Mizner stated that the site is not located within the Desert Uplands area but emphasized that the architect indicated his intention to salvage the existing vegetation located at that site.

Vice Mayor Giles expressed disappointment in the project and stated that although he supports the development of a Target store, he does not support the development of drive-through pad sites. Vice Mayor Giles added that the City must initiate efforts to mitigate to some extent the impact of the commercial development in the area and commented on the fact that a proliferation of that type of development exists on the three adjacent street corners.

Councilmember Kavanaugh spoke in support of the proposed rezoning and also commended the applicant for responding to the concerns of the neighborhood. Councilmember Kavanaugh expressed the opinion that the development will compliment the adjacent Mesa Community College at Red Mountain.

Discussion ensued relative to the proposed turning lane improvements at the Power Road and McKellips Road intersection.

In response to a question from Mayor Brown, Mr. Beets advised that the Council may indicate approval of the proposed rezoning request at this time but added that the ordinance would subsequently need to be reintroduced and enacted.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendation of staff, with the added stipulation that the number of drive-thru pad sites be limited to one, be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Hawker-Kavanaugh-Pomeroy
NAYS - Davidson-Giles-Jaffa

Mayor Brown declared the motion carried by majority vote.

(Mr. Mizner informed the Council that a vote is now required by the Council on agenda item 7.b, GP00-2, adopting an amendment to the General Plan that would change a 20+/- acre parcel from High Density Residential (HDR) to Community Commercial (CC). At this point, the Council resumed discussion and vote of agenda item 7.b.)

*c. **Z00-18** The northeast corner of Inverness Avenue and Solomon. Site Plan Modification and removal of a BIZ overlay (20± acres). This case involves development of an office complex. Denali National Trust, owner/applicant – Ordinance No, 3764.

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, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, 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. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
7. Compliance with all requirement of the Design Review Board.

d. **Z00-19** The northwest corner of University Drive and Alma School Road. Council Use Permit. This case involves the development of a pawnshop within the tenant space at Westwood Village Plaza. Pawn X-Change, LLC, owner; Bill Todd, applicant.

P&Z Recommendation: Denial of case (vote: 6-1, Petrie nay).

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict he would refrain from discussing and/or voting in any manner in connection with same.

Tom Henson, Director of Real Estate for Maxi Pawn Retail, provided the Council with a brief history of Pawn X-Change, LLC. Mr. Henson commented that Pawn X-Change is an upscale, family-oriented retail store with pawn services that does not sell firearms, adult materials or videos. Mr. Henson added that application was funneled through the City's Citizen Participation Program in an attempt to gain public input relative to the location of a pawn shop in the neighborhood, but stated that no citizen input was received. Mr. Henson said that in an effort to upgrade the quality of pawn shops, Maxi Pawn has acquired existing businesses in the Phoenix metropolitan area and has improved their quality and performance.

Neal Yukolis, 130 West Main Street, owner of a local pawn shop, spoke in opposition to this case and expressed the opinion that a sufficient number of pawn shops already exist in the northwest Mesa area.

In response to a question from Mayor Brown, Mr. Beets noted that in order for use permits to be transferable, the Zoning Code would have to be revised.

Mayor Brown expressed the opinion that although the applicant offers a quality business, an over abundance of pawn shop establishments already exist within the City of Mesa.

Vice Mayor Giles agreed that despite the overall higher quality and professional appearance, a proliferation of pawn shops does exist in Mesa and for that reason he will not support approval of the request.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the applicant's request for rezoning be denied.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting.

Mayor Brown expressed appreciation to everyone for their input.

- *e. **Z00-22** The 8000-9100 blocks of East McKellips (both sides – between Hermosa Vista Drive and McLellan Roads). Rezone from R1-35-DMP (conceptual residential, office and commercial) to R1-35 (760± acres). This case involves the modification to conceptual approval of residential densities and land uses. State of Arizona, owner; represented by: Arizona State Land Department; City of Mesa, applicant. **THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED FOR 60 DAYS.**

P&Z Recommendation: Approval with conditions (vote: 6-0-1, Boardmember Parker left the meeting prior to this case being heard).

1. Review and approval by the Planning and Zoning Board and City Council of all future development plans.
 2. Compliance with all City development codes and regulations.
- f. **Z00-23** The northeast corner of Mountain Road and Warner Road (alignment). Rezone from County Rural - 43, R1-7-R.U.P.D. and R1-6-R.U.P.D. to R1-43 and R1-7 (153± acres). This case involves the establishment of City zoning on recently annexed properties. Various, owner; City of Mesa, applicant – Ordinance No. 3765.

P&Z Recommendation: Approval with conditions (vote: 6-0-1, Boardmember Parker left the meeting prior to this case being heard).

1. Compliance with stipulations established by the Maricopa County Board of Supervisors for County Zoning Case Z98-53.
2. Review and approval by the Planning and Zoning Board, and City Council of future development plans not associated with County Zoning Case Z98-53.
3. Compliance with all City development codes and regulations for the area approved under County Zoning Case Z98-53.
4. The City of Mesa will maintain the landscaping within the Mountain Road and Meridian Road right-of-ways as they relate to the Stratford Estates Subdivision and will be developed to City of Mesa standards.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Williams Gateway Airport. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

In response to a request for input from Mayor Brown, Planning Director Frank Mizner advised that staff and the members of the Planning and Zoning Board support approval of this case.

Councilmember Davidson stated that he opposes the approval of this case based on the site's close proximity to the power line transmission corridor and concerns relative to utilizing power line rights-of-way in open spaces as "trade-offs" for higher densities.

Councilmember Jaffa also spoke in opposition to the approval of this case and said that he will not support the applicant's request.

In response to a question from Vice Mayor Giles, Mr. Mizner confirmed that the City is required to provide the compromised density level that was previously approved by the Council.

Councilmember Pomeroy agreed that the Council previously reached a compromise regarding density levels with the County and indicated that it would inappropriate not to approve the case based on that occurrence.

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

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - Davidson-Jaffa

Mayor Brown declared the motion carried by majority vote.

11. Consider the following subdivision plat:

*a. "MAP OF DEDICATION FOR TRI CITY PAVILLONS" – the 1700 – 2000 blocks of West Main Street (north side) Amerimar, developer; DEI Professional Services, L.L.C., engineer.

12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Janet Bevins, current President of Mesa Parent/Youth Athletic Association, addressed the Council and requested assistance in utilizing City park facilities for their sports activities

Laurie Jarrett also spoke in support of the Mesa Parent/Youth Athletic Association and urged the Council to provide support and assistance in any way possible.

Bill Scotts, President of East Valley Pride, a youth softball organization, which travels nationally, discussed the positive impacts of the Athletics Association and stated the opinion that an insufficient number of fields exists. Mr. Scotts urged the Council to increase the number of fields and/or upgrade current fields that are now being used strictly for adults.

Mayor Brown thanked the speakers for their input.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 9:01 p.m.

WAYNE BROWN, 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 1st day of May 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK