

# COUNCIL MINUTES

October 20, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the Conference Theater of the Centennial Conference Center, 201 North Center Street, on October 20, 1997 at 5:45 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Jim Stapley

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Scott Martin

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Sr. Pastor Gary Johnson, Church of the Redeemer.

The Pledge of Allegiance was led by Micah Bodine, Troop #530.

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

### 1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the minutes of October 3, 6, 9, and 10, 1997, be approved.

Carried unanimously.

### 2. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified in these minutes with an asterisk (\*) were approved with one Council action.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the consent agenda be approved.

Carried unanimously.

3. Consider the following liquor license applications.

\*a. JOHN T. BUCHHOLZ, AGENT

New beer and wine store license for Food Mart, 7546 East Baseline Road. The license previously held at this location by Robert Lemberger, Agent, MTV Oil, Inc., will revert back to the State.

\*b. CHRISTOPHER M. KING, AGENT

New restaurant license for Rancho Viejo, 1982 West Main Street. The license previously held at this location by David H. Liu, Agent, KFL Investment Co., Inc., went out of business on February 1, 1996.

4. Consider the following contracts.

- a. Sale of 346 surplus weapons as requested by the Police Department. These weapons are sold in groups (lots) to companies who have a Federal Firearms License.

The Purchasing Division recommends accepting the highest bids as follows:

Lots 1 and 2 to Arizona Sportsman for \$19,400.00, Lot 3 to (duality Gun Works for \$12,850.00, and Lot 4 to Cash In A Flash for \$1,965.00. The combined award is then \$34,215.00.

Assistant Police Chief Fred Conway provided a brief overview regarding the number of weapons acquired by the Mesa Police Department during an average year. Chief Conway advised that surplus weapons were previously sold by auction but noted that during recent years, surplus weapons have been sold through a sealed bid process to licensed gun dealers. Chief Conway informed Council that weapons valued at \$100 or less are destroyed.

It was moved by Vice Mayor Gilbert that Council decline staff's recommendation to sell the weapons and that the weapons be destroyed.

Mayor Brown declared the motion failed for lack of a second.

Luule Brandofino, 61 South Macdonald, questioned procedures utilized by gun dealers to verify that an individual consumer is qualified to purchase a weapon.

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

Councilmember Payne expressed opposition to the motion, indicating support for the previous procedure of selling surplus weapons by auction.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Kavanaugh-Pomeroy-Stapley  
NAYS - Gilbert-Payne

Mayor Brown declared the motion carried by majority vote.

- \*b. Annual contract for "Intercom" newsletter as requested by the Printing & Graphics Division. The "Intercom" is a monthly newsletter produced by Public Information for City employees and retirees.

The Purchasing Division recommends accepting the low bid by Complete Printing & Mailing at \$22,080.00 plus \$1,080.00 for half-tone artwork plus 7.05% sales tax of \$1,632.78 for a total of \$24,792.78 based on estimated requirements.

- \*c. Annual supply contract for "Openline" inserts as requested by the Printing & Graphics Division. The "Openline" newsletter is printed monthly and distributed to citizens as an insert in utility bills.

The Purchasing Division recommends accepting the low bid by Arizona Reprographics at \$62,737.80 plus \$360.00 for half-tone artwork plus 5.75% sales tax of \$3,628.12 for a total of \$66,725.92 based on estimated requirements.

- \*d. Annual supply contract for plastic refuse container lids as requested by the Solid Waste Division. These lids are used on 3, 6, and 8 cubic yard refuse containers.

The Purchasing Division recommends accepting the low bid by Rotonics Mfg., Inc. at \$22,500.00 plus 5% use tax of \$1,125.00 for a total of \$23,625.00 based on estimated requirements.

- \*e. One-year renewal of the annual supply contract for anodeless service risers as requested by Utility Construction. These risers are used in gas service installations.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid by Perfection Corp. at \$23,960.00 plus 5% use tax of \$1,198.00 for a total of \$25,158.00 based on estimated requirements.

- \*f. One-year renewal of the annual supply contract for Heated Soft Water and rental of an Asphalt Distributor with an Operator requested by the Streets Maintenance Division.

The Purchasing Division recommends exercising the third and final one-year renewal option with the low bidder for Item 1, Hawker Mfg., Inc. for \$3,000.00 plus 5.75% sales tax of \$172.50 for a total of \$3,172.50; and the low bidder for Item 2, Copperstate Emulsions, Inc. at \$10,200.00. The combined award is then \$13,372.50 based on estimated annual requirements.

- \*g. One-year renewal of the annual supply contract for herbicides to be used by the Golf Course, Parks Maintenance, Building Maintenance and Streets Maintenance.

The Purchasing Division recommends exercising the first of two 1-year renewal options with the low bids as follows:

Item 1 to United Agri Products at \$38,472.00 plus 7.25% sales tax of \$2,789.22 for a total of \$41,261.22;

Item 2 to Fertilzona at \$31,000.00 plus 7.8% sales tax of \$2,418.00 for a total of \$33,418.00; and

Item 3 to Helena Chemical at \$3,160.00 plus 5% use tax of \$158.00 for a total of \$3,318.00. The combined award is then \$77,997.22 based on estimated requirements.

- h. Personal Computers (PCs) and Software for City Departments as requested by the Information Services Division (ISD).

The Purchasing Division recommends awarding one-year supply contracts, to be financed through a tax-exempt lease, to the following low bidders meeting specification:

Dell Marketing LP's as primary supplier for Dell brand PCs, and CBSI as primary supplier for Gateway brand PCs. In order to assure continuity of supply, the Purchasing Division also recommends awarding a secondary supply contract to Hughes-Calihan for Dell PCs. The secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements. The combined total award for PCs is \$3,352,473.14, based on estimated requirements. Staff projects that 60% (\$1,825,437.06) of the total PCs leased will be acquired from Dell Marketing LP's, 15% (\$503,858.57) will be acquired from Hughes-Calihan, and 25% (\$1,023,177.51) will be acquired from CBSI.

The Purchasing Division further recommends authorizing purchase from the State of Arizona contracts with ASAP Software for Microsoft Office 97 Professional for a total of \$457,427.25, and Software City for Lotus Notes for a total of \$127,303.86. The combined total award for PCs and software is then \$3,937,204.25, based on estimated requirements.

Information Services Director Karen Kille explained that the acquisition of new personal computers and software will facilitate employee communication, enhance employee productivity, effectively utilize computing support staff, and meet Year 2000 requirements. Ms. Kille briefly described the proposed hardware and software. Ms. Kille stated that the personal computers (PCs) will replace existing PCs and a mainframe over a 12-month period. Ms. Kille informed Council that the PCs will be financed through a tax-exempt lease.

Councilmember Payne indicated support of this item and commended the Information Services Division for their innovative and cost-efficient proposal.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that a one-year supply contract, to be financed through a tax-exempt lease and purchases from the State of Arizona Contract, be approved.

Carried unanimously.

- \*i. One replacement 16mm microfilm/microfiche digital reader printer as requested by the Police Department. This equipment is used to retrieve and print files from the police records area.

The Purchasing Division recommends accepting the low bid by OSAM of Arizona, Inc. at \$13,858.70 plus 7.05% sales tax of \$977.03 for a total of \$14,835.73.

- j. Thirty-four ergonomic staff chairs and two conference tables as requested by the Library. These furnishings are part of the main library remodeling project.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. at \$15,967.55 plus 7.05% sales tax of \$1,125.71 for a total of \$17,093.26.

Library Director Vince Anderson stated that Council's approval is requested to purchase thirty-four ergonomic chairs and two conference tables. Mr. Anderson explained benefits provided by ergonomic chairs.

Luule Brandofino, 61 South Macdonald, referred to an advertisement for similar chairs and expressed the opinion that the proposed purchase price is inflated.

Councilmember Kavanaugh expressed support for staff's request and spoke regarding the importance of utilizing ergonomically correct chairs.

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

Councilmember Payne concurred with Councilmember Kavanaugh regarding the importance of ergonomically correct furniture. Councilmember Payne expressed concern that the State of Arizona Contract may reflect an inflated purchase price.

In response to a question from Councilmember Payne, Mr. Anderson advised that staff did not receive bids from individual companies. Mr. Anderson stated that the State of Arizona Contract was utilized for two reasons: 1) Mesa would obtain a quality piece of equipment at a reasonable price and 2) State Contract employees inspect the equipment and assure the City a quality item.

Councilmember Payne stated opposition to the motion, citing concern that only State Contract vendors were consulted.

In response to comments expressed by Councilmember Payne, Councilmember Giles suggested continuation of the agenda item and proposed a substitute motion.

It was moved by Councilmember Giles, seconded by Councilmember Payne, that this item be continued to allow an opportunity for further discussion at a future Study Session.

Upon tabulation of votes, it showed:

AYES - Brown- Giles-Payne-Pomeroy-Stapley

NAYS - Gilbert-Kavanaugh

Mayor Brown declared the motion carried by majority vote.

\*k. Sewer line improvements on Forest and Center Streets.

This project involves installing a new 8-inch sewer line on Forest Street from Jensen Street to approximately 1300' north and along Center Street from approximately 300' north of McKellips Road to Lehi Road. Also, included on Forest Street is the installation of a 2" gas line which will be installed in the same trench with the sewer line.

Recommend award to low bidder, Downey Construction, in the amount of \$119,833.49.

\*1. Fog seal project.

This project consists of fog sealing existing paved streets throughout the City. Under this project approximately 1,200,000 square yards of existing pavement on arterial and collector streets will be sealed.

Recommend award to low bidder, Cholla Pavement Maintenance, Inc., in the amount of \$179,419.63.

\*m. Crack seal project.

This project consists of sealing cracks in existing pavement throughout the City. Under this project, approximately 650,000 square yards of existing pavement in residential areas and 540,000 square yards of existing pavement on arterial and collector streets will be crack sealed.

Recommend award to low bidder, Geno's Concrete Asphalt Sawing, Inc., in the amount of \$155,124.38.

\*n. Video equipment as requested by the Public Information Office.

The Purchasing Division recommends accepting the low bid meeting specification by Burst Communications at \$61,430.00 plus 7.05% sales tax of \$4,330.81 for a total of \$65,760.81. The apparent low bidder, Visual Technology, Inc., is not an authorized dealer and we would not receive any technical support from the manufacturer if they were awarded the bid.

5. Introduction of the following ordinances and setting November 3, 1997 as the date for the 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. Establishing fees and charges for Foreign Trade Zone No. 221.

Luule Brandofino, 61 South Macdonald, expressed opposition to the proposed Foreign Trade Zone (FTZ). Ms. Brandofino suggested that if the FTZ is approved, companies be allowed to operate within the zone for a limited number of years. Ms. Brandofino expressed concern regarding controls placed on businesses and the materials that may be shipped into a Foreign Trade Zone.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that introduction of an ordinance establishing fees and charges for Foreign Trade Zone No. 221 be approved.

Carried unanimously.

6. Consider the following resolutions.

- \*a. Pertaining to floodplain management. Declaring that the City of Mesa will not exercise the powers and duties associated with floodplain management but will defer to the Maricopa County Flood Control District. **CONTINUED FROM THE OCTOBER 6 1997 REGULAR COUNCIL MEETING** - Resolution No. 7110.
- b. Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Mesa and Electrical District No. 2 for the servicing and maintenance of the electrical facilities of the Pinal County Farms - Resolution No. 7114.

Assistant City Manager Mike Hutchinson informed Council that the City of Mesa purchased approximately 11,000 acres of farm land in Pinal County in 1985 for future water rights. Mr. Hutchinson explained that the land is currently leased to farmers, who utilize pumps located on the property. Mr. Hutchinson stated that the City previously contracted with a Phoenix company to service the pumps but indicated that staff has researched the opportunity to contract with an electrical irrigation district in Pinal County. Mr. Hutchinson recommended utilizing the electrical irrigation district given the monetary savings to the city.

Bill Brando, 61 South Macdonald, questioned the cost of the property in 1985 and the subsequent return to the City. Mr. Brando suggested that a special committee be established to determine the feasibility of maintaining the property.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7114 be adopted.

Carried unanimously.

- c. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the County of Maricopa, through its Department of Elections, relating to Election Support Services -Resolution No 7115.

City Clerk Barbara Jones provided a brief overview of the support services, equipment, and supplies provided by the Maricopa County Department of Elections. Ms. Jones stated that Maricopa County has initiated new pricing, which is reflected in the agreement. Ms. Jones explained that the proposed agreement would continue from year to year but would be subject to cancellation by either party.

Bill Brando, 61 South Macdonald, expressed support for the proposed agreement between the City of Mesa and Maricopa County. Mr. Brando noted the importance of continuing the relationship with the County relative to election tabulation.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that Resolution No. 7115 be adopted.

Carried unanimously.

- \*d. Extinguishing a portion of a drainage easement located at 4420 East Elmwood - Resolution No. 7111.

This portion of the drainage easement is not necessary and is a conflict with a proposed addition to the home.

- \*e. Extinguishing a water line easement at 7919 East Mawson - Resolution No. 7112.

This water line easement was dedicated in 1980 and is no longer necessary.

- \*f. Exercising powers granted under Arizona Revised Statutes 35-706.F opting out of a plan of the Pima County Industrial Development Authority to issue mortgage revenue bonds to finance low-income, single-family housing - Resolution No. 7113.

7. Consider the following ordinances.

- \*a. Prohibiting parking on the south side of Juanita Avenue from Country Club Drive to Macdonald and on Adobe Street from 80th Street to 81st Street; and prohibiting parking from 8 a.m. to 4 p.m. on school days on the west side of 25th Street from Adobe Street to a point 240' south of Adobe Street; as recommended by the Traffic Safety Committee - Ordinance No. 3395.
- \*b. Code Amendment: Amending Section 11-13-2, Supplementary Provisions, by modifying the procedure for approval of accessory living quarters, amending the provisions pertaining to yard encroachments, and involving various technical and clerical changes intended for purposes of clarification of existing provisions - Ordinance No. 3396.

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

- a. **Z97-61** The 3600 through 4400 blocks of North Hawes Road (North 84th Street), both sides. Rezone from R1-90 to R1-90-DMP.

P&Z Recommendation: Approval with Conditions (Vote 4-3; Brock Farnsworth, Jaffa Nay)

1. Compliance with the basic development as shown on the Staff Recommendation Table for Las Sendas Mountain as noted in the Building Envelope Column, except that a clustering option be allowed for one (1) 12-acre parcel for 96 units at 8 du/ac to provide a total of 378 units for the DMP, and except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans;
3. Utilization of the Las Sendas Design Guidelines for Las Sendas Mountain;
4. Any request for density transfers shall be considered on a case-by-case basis, with all parcels involved rezoned together;
5. The same land use classifications shall be used for Las Sendas Mountain as are currently shown for Las Sendas;
6. A native plant inventory for each parcel shall be prepared prior to final plat approval;

7. All disturbed areas must be fully revegetated. The larger materials should be those salvaged from the site itself. Additional plant material from the Las Sendas "Approved Plant List" may be used to augment the original desert;
8. Compliance with all City development codes and regulations;
9. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
10. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first;
11. Multipurpose trail access (possibly including hiking, mountain biking, and equestrian) to the Tonto National Forest is to be resolved prior to platting of parcels adjacent to the Forest boundary;
12. All proposed preliminary plats shall be designed to preserve unique desert features, existing mature vegetation and natural characteristics of each site;
13. All common area open space tracts will eventually be owned by the Homeowners Association or some public agency such as a conservancy trust or similar organization;
14. There is to be a future street connection to the National Forest boundary.

Mayor Brown advised that the applicant has requested that this item be continued to the November 17, 1997 Regular Council Meeting.

Vice Mayor Gilbert spoke in favor of continuing zoning cases to allow sufficient time for developers and neighbors to negotiate and resolve differences.

Councilmember Kavanaugh indicated support for continuing Zoning Case Z97-61. Councilmember Kavanaugh spoke regarding hardships encountered by the developer and the neighbors and the importance of a continuance to allow time for additional discussion between the development community and neighbors.

Mayor Brown stressed the importance of collaboration and compromise between the developer and the neighbors. Mayor Brown noted concerns expressed by residents relative to the proposed placement of homes and effects on the natural habitat.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that Zoning Case Z97-61 be continued to the November 17, 1997 Regular Council Meeting.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Stapley

NAYS - Payne

Mayor Brown declared the motion carried by majority vote.

- \*b. **Z97-73** 1930 East Brown Road. Rezone from R1-9 to O-S (1± acre). This case involves development of an office building. Kevin Carroll, owner; Orangewood Office Plaza, L.L.C., applicant - Ordinance No. 3397.

P&Z Recommendation: Approval with Conditions (Vote 7-0, consent)

1. Compliance with the basic development as shown on the site plan 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, or at the time of the City's request for dedication whichever comes first;
  5. Compliance with all requirements of the Design Review Board; and
  6. Compliance with letter from applicant dated September 17, 1997.
- c. **Z97-75** The northeast corner of Southern Avenue and Signal Butte Road. Rezone from R1-9 to R1-6-PAD and C-2 (60± acres). This case involves development of a single-residence subdivision and a future retail parcel. Garry Jestadt, owner; Kaufman and Broad of AZ., Inc., applicant.

P & Z Recommendation: Approval with Conditions (Vote 6-1, Shipley Nay)

1. Compliance with the basic development as shown on the site plan 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 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 for the C-2 portion;
7. Compliance with the project narrative submitted; and
8. Compliance with applicant's letter dated September 18, 1997.

Sean Lake, attorney representing the applicant, provided details of the proposed subdivision to be located on the northeast corner of Southern Avenue and Signal Butte Road. Mr. Lake expressed the opinion that the project is compatible with the surrounding neighborhoods. Mr. Lake noted that both the Planning and Zoning Board and staff have recommended approval of the proposal. Mr. Lake advised that the subdivision will include large open space, tot lots, ramadas, and barbecues.

Councilmember Giles expressed concern relative to the size of the proposed lots and questioned whether the residential guidelines of neighboring communities have generated an increase in the number of small-lot proposals in Mesa.

In response to a question from Councilmember Giles, Community Development Manager Wayne Balmer briefly outlined the residential guidelines implemented in the Town of Gilbert and the City of Chandler.

Councilmember Giles expressed opposition to the proposed development and stated the opinion that the development community has not adhered to Council's requests pertaining to the quality of projects.

Mayor Brown reviewed prior Council discussion pertaining to prior residential guidelines. Mayor Brown expressed the opinion that the issue of residential guidelines should not be reintroduced.

Vice Mayor Gilbert stated the opinion that developments zoned R-1-6 or R-1-7 should be utilized for in-fill locations. Vice Mayor Gilbert spoke concerning lifestyles of future generations and questioned if smaller homes and lots will meet their needs. Vice Mayor Gilbert indicated opposition to the project.

In response to a question from Mayor Brown, Mr. Balmer explained staff's recommendation for approval of the project. Mr. Balmer described the neighborhood and stated that the property may be considered an in-fill, stand-alone project. Mr. Balmer suggested that Council consider continuing this case to the November 17, 1997 Regular Council Meeting.

Mayor Brown concurred with Mr. Balmer regarding continuing this zoning case to allow the applicant sufficient time to review and amend the project.

It was moved by Councilmember Giles, seconded by Vice Mayor Gilbert, that Zoning Case Z97-75 be continued to a future Regular Council Meeting.

Mayor Brown commented on the fact that developers are constructing homes on small lots in the East Valley and strongly encouraged the developers to reconsider the number and the size of lots in the proposed development before presenting their projects to Council.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Payne-Pomeroy-Stapley

NAYS - Kavanaugh

Mayor Brown declared the motion carried by majority vote.

- d. **Z97-76** The northwest corner of McKellips Road and the C.A.P. Canal. Rezone from R1-35 to R-2-PAD (11± acres). This case involves development of a single-residence subdivision. Gerald and Elaine Petersen Trust, owner; The DeHaven Company, applicant - Ordinance No. 3402.

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

1. Compliance with the basic development as shown on the revised site plan 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 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 including specific details as to the McKellips Road cross-section; and
6. Compliance with the project narrative, including revised plan with additional open space and recreational amenities as proposed by the applicant.

Sean Lake, attorney representing the applicant, said that the applicant requests that in-fill property located adjacent to the East Mesa campus of Mesa Community College (MCC) be rezoned to R-2-PAD. Mr. Lake explained that the homes would be detached townhomes. Mr. Lake described the proposed community and stated that the development would include substantial open space, walking trails, a 16,000-foot recreational facility, and gated access

along the MCC property. Mr. Lake discussed staff's recommendation that a higher-density project be constructed.

Dr. Mary Vanis, East Mesa Community College Campus Dean, updated Council relative to the status of the new East Mesa campus. Dr. Vanis expressed support of the proposed subdivision. Dr. Vanis stated concern that a higher-density project would create traffic congestion on McKellips Road. Dr. Vanis noted that the proposed project would create less security concerns for MCC than a higher-density project. Dr. Vanis spoke regarding the importance of the developer working with MCC to develop the project.

Phil Bondelli, 7305 East Jasmine, representing the Architectural Committee for the Falcon Hills development, stated that residents of Falcon Hills are opposed to the development of apartments and are concerned that traffic on McKellips Road will increase. Mr. Bondelli said that a petition, in support of the proposed development, was signed by 147 residents of Falcon Hills.

Councilmember Kavanaugh spoke relative to the merits of the project and acknowledged staff's concerns regarding student housing. Councilmember Kavanaugh indicated support for the project based on the uniqueness of the parcel and the quality of the project.

Councilmember Giles expressed concern relative to the size of the lots and the potential for the townhomes to become student rentals in the future. Councilmember Giles discussed negative impacts on the surrounding neighborhood and stated opposition to the project.

In response to Vice Mayor Gilbert, Community Development Manager Wayne Balmer outlined the future location of the Red Mountain Freeway. Mr. Balmer indicated that increased traffic volume on McKellips Road may create difficulties for the residents of the proposed subdivision.

Mr. Lake advised Council that the product will not be marketed to students and noted that the applicant does not anticipate that the townhomes will become rental units in the future.

Mayor Brown noted that the zoning case was presented to Council several months earlier and stated support for the project.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that Ordinance No. 3402, governing Zoning Case Z97-76 be approved.

In response to a question from Vice Mayor Gilbert, Mr. Lake stated that the children living in the development would be bussed to Los Sendas Elementary School.

Upon tabulation of votes, it showed:

AYES - Brown-Kavanaugh-Pomeroy-Stapley  
NAYS - Gilbert-Giles-Payne

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3402 adopted.

- \*e. **Z97-78** 3129 East McKellips Road. Rezone from R1-43 (Conceptual C-2) to C-2 (1± acre). This case involves development of a restaurant. William R. Lewis, owner; Dennis Serrine, applicant. **CONTINUED TO DECEMBER 15, 1997 REGULAR COUNCIL MEETING AS PER APPLICANT'S LETTER.**

P & Z Recommendation: Approval with Conditions (Vote 6-1, Jaffa Nay).

1. Compliance with the basic development as shown on the site plan 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, or at the time of the City's request for dedication, whichever comes first;
  5. Compliance with all requirements of the Design Review Board; and
  6. Owner granting an Avigation Easement and Release o 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).
- \*f. **Z97-80** The southeast corner of Stapley Drive and the Superstition Freeway. Rezone from AG to M-1 with a Council Use Permit (37± acres). This case involves development of a movie theater complex with pad buildings. Globe Corporation, owner; Vestar Development Company, applicant. **THE APPLICANT IS REQUESTING THIS CASE BE CONTINUED TO THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING.**

P & Z Recommendation: Approval with Conditions (Vote 6-1, Shipley Nay).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
  2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.), including location and design of public street access;
  3. 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;
  4. Compliance with all requirements of the Design Review Board for theater and free-standing buildings; and
  5. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.
- \*g. **Z97-81** The 6000 through 6300 blocks of South Power Road (east side). Establish City AG (30.10 acres). This case involves the establishment of City zoning on previously annexed property. Initiated by City Staff - Ordinance No. 3398.

P & Z Recommendation: Approval with Condition (Vote 7-0, Consent).

1. Establish AG zoning.

- h. **Z97-82** 825 South Dobson Road (east side). Rezone from C-1 to C-2-BIZ (5.0± acres). This case involves the development of a 3-story, 222-room hotel. Bigelow Development Corporation, owner; Kevin Reis, applicant - Ordinance No. 3403.

P & Z Recommendation: Approval with Conditions (Vote 7-0, Consent).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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;
4. Compliance with all requirements of the Design Review Board; and
5. Full compliance with all current code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

Clare Able, 702 East Osborn Road, briefly explained that the proposed hotel conforms with the General Plan and has received staffs and Planning and Zoning Board's unanimous recommendation for approval. Ms. Able provided an overview of the project, proposed amenities, and the typical individual who would utilize the hotel. Ms. Able addressed issues contained in a letter to the City Council from the Mesa Convention and Visitors Bureau and discussed the differences in hotels, amenities, and services provided. Ms. Able stated that the applicant currently operates approximately 3,000 apartment units in Maricopa County and discussed marketing strategies. Ms. Able provided photographs of a similar facility located in Las Vegas.

Councilmember Giles spoke regarding a conversation with the director of the Mesa Convention and Visitors Bureau and stated that the Bureau opposes the project because of the abundance of similar hotels in the community. Councilmember Giles stated support for the project and spoke regarding the importance of free market economics.

In response to a question from Vice Mayor Gilbert, Ms. Able said that the proposed project would be the company's first extended-stay hotel in Arizona. Ms. Able indicated that the applicant is pursuing the development of similar hotels in neighboring communities. Ms. Able said that the applicant has operated approximately 18 extended-stay hotels located throughout four states since 1971.

Vice Mayor Gilbert expressed support for the project.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Stapley, that Ordinance No. 3403, governing Zoning Case Z97-82 be approved.

Carried unanimously.

- \*i. **Z97-83** The 5700 and 5800 blocks of East Baseline Road (north side). Rezone from AG to M-1 (38± acres). This case involves the development of the Skill Golf learning facility, offices, and manufacturing plant. Skill Golf, Inc., owner; Position Land Company, applicant - Ordinance No. 3399.

P & Z Recommendation: Approval with Conditions (Vote 7-0, Consent).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;

2. Review and approval by the Planning and Zoning Board and City Council of future development (offices, manufacturing plant and guest quarters) and future expansion area plans;
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, or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Design Review Board; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for a golf course.

- \*j. **Z97-84** The northwest corner of Baseline Road and Power Road. Site Plan Review (1.3 acres). This case involves the development of a gas station and convenience store. Cardon Oil, owner; GBMA Architecture LLC, applicant - Ordinance No. 3400.

P & Z Recommendation: Approval with Conditions (Vote 5-1-1, Shipley Nay, Jaffa Abstained).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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;
4. Recordation of cross-access easements;
5. Compliance with all requirements of the Design Review Board;
6. Full compliance with all current Code requirements; and
7. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and Comprehensive Sign Plan.

- \*k. **Z97-85** The 1300 block of North 40th Street (west side). Rezone from AG to R1-35-PAD (5.14 acres). This case involves the development of a 6-lot residential subdivision. Church of Jesus Christ of Latter Day Saints, owner; AGRA Infrastructure, applicant - Ordinance No. 3401.

P & Z Recommendation: Approval with Conditions (Vote 5-0-2, Farnsworth and Jaffa Abstained).

1. Compliance with the basic development as described in the project narrative and as shown on the site plans submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. 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);

6. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport;
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
8. Provide two rows of citrus outside the subdivision wall along the Brown Road frontage, or provide two rows of alternative trees or trees of enhanced size adjacent to Brown Road outside the subdivision wall, and one row of citrus inside the subdivision wall along 40th street;
9. Project C.C.&R.'s to require retention of at least ten percent (10%) of existing citrus trees for each lot; and
10. Resolution of the remnant parcel on northern perimeter prior to final plat approval.

9. Consider the following subdivision plat.

- \*a. "ARIZONA VALENCIA II" - The 1000 and 1100 blocks of South Higley Road (east side) 103 R1-6-PAD single-residential lots (20.54 acres). Kaufman and Broad of Arizona, Inc., developer; Carter & Burgess, Inc., engineer.

10. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the Regular Council Meeting adjourn at 7:26 p.m.

Carried unanimously.

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 20th day of October 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5<sup>th</sup> day of November 1997

BARBARA JONES, CITY CLERK