

COUNCIL MINUTES

April 20, 1998

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 20, 1998 at 5:48 p.m.

COUNCIL PRESENT

Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Claudia Walters

COUNCIL ABSENT

Mayor Wayne Brown

POLICE OFFICER
PRESENT

David Klein

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Vice Mayor Gilbert excused Mayor Brown from the meeting.

Invocation by Pastor David Wold, Our Savior's Lutheran Church.

Pledge of Allegiance was led by William Self, Points Commissioner, Mayor's Youth Committee.

Presentation by Sada Gilbert, President of the 1997-98 Mayor's Youth Committee.

Sada Gilbert, President of the 1997-98 Mayor's Youth Committee, presented to Vice Mayor Gilbert a scrapbook of service events the Youth Committee participated in during the past year. Ms. Gilbert briefly highlighted issues that the Youth Committee determined important to the future of Mesa, including transportation, public safety, education, and social outreach programs.

Vice Mayor Gilbert expressed appreciation to the Youth Committee for their efforts.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the minutes of April 3, 6, and 10, 1998 be approved.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Payne-Pomeroy-Walters
NAYS - None
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried unanimously by those present.

1.1. Consider the appointment of a City Magistrate(s).

It was moved by Councilmember Walters, seconded by Councilmember Giles, that the appointment of Michelle Lue Sang to the position of City Magistrate be approved.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Payne-Pomeroy-Walters
NAYS - None
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried unanimously by those present.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the appointment of Gunn McKay to the position of City Magistrate be approved.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS - Payne
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried by majority vote of those present.

Vice Mayor Gilbert congratulated Ms. Sang and Mr. McKay on their appointments.

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 Walters, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Payne-Pomeroy-Walters
NAYS - None
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried unanimously by those present.

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

- a. **A98-3** Annexation of areas southeast of the intersection of North Country Club Drive and West Lehi Road (42.7± acres). Initiated by staff.

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

Community Development Manager Wayne Balmer provided a brief overview of the property proposed for annexation. Mr. Balmer advised that the property is proposed for annexation in anticipation of the future placement of a freeway interchange, the potential need to provide emergency service to the area, and the development of the East Valley Transitional Training and Living Center.

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

4. Consider the following liquor license applications.

- *a. ROBERT E. LEE, COORDINATOR

Special event license application of Robert E. Lee, Coordinator, for Queen of Peace Catholic Church, a one-day religious event to be held Saturday, May 16, 1998 from 11 a.m. to 8:30 p.m., at 141 North Macdonald Street, Queen of Peace Catholic Church.

- *b. SHELLEY ELISE CONNER, SCHOOL PRINCIPAL

Special event license application of Shelley Elise Conner, School Principal, for Queen of Peace School, a two-day religious event to be held Friday, May 1, 1998 from 8 p.m. to 12 Midnight, and Saturday, May 2, 1998 from 12 Noon to 4 p.m., at 109 North Macdonald Street, Queen of Peace School.

- *c. MARK A. FLYNN, INDIVIDUAL

Person transfer bar license for Country City, 30 South Robson Street. This transfer is from James L. Lee, Individual, Country City to Mark A. Flynn, Individual, Country City.

- *d. BRADLEY J. VANVUGT, AGENT

Person transfer beer and wine bar license for Sossaman's Restaurant, 2250 South Buttercup. This transfer is from Bradley J. VanVugt, Agent, Golf Holding Company, Inc. to Bradley J. VanVugt, Agent, Sunland Village East Golf Club, Inc.

- *e. SEAN D. MEAD, AGENT

New restaurant license for Pasta Bistro, 1450 West Southern Avenue. This is an existing business, no previous liquor licenses at this location.

5. Consider the following contracts.

- *a. One-year renewal of the annual supply contract for audio books as requested by the Library.

The Purchasing Division recommends exercising the first of two one-year renewal options with the bid by Recorded Books, Inc. for annual expenditures estimated at \$30,000.00.

- *b. Two replacement triplex greens mowers as requested by the Golf Course.

The Purchasing Division recommends accepting the low bid by Simpson Norton Corp. at \$25,766.00 plus 7.50% sales tax of \$1,932.45 for a total of \$27,698.45.

- *c. Annual supply contract for construction materials used by Street Maintenance, Utility Construction, Electric, Parks Maintenance and other departments.

The Purchasing Division recommends award to companies who bid all items in each group and who offer the lowest overall total as follows:

PRIMARY CONTRACTS FOR ZONE A & B:

Zone A:

A & A Materials, Inc. for Group I (misc. rock products) at \$46,593.75 plus 6.90% sales tax of \$3,214.96 for a total of \$49,808.71.

Red Mountain Mining for Group II (decorative granite) at \$22,167.50 plus 5.50% sales tax of \$1,219.21 for a total of \$23,386.71.

Pioneer Concrete for Group III (concrete) at \$338,212.50 plus 5.50% sales tax of \$18,601.68 for a total of \$356,814.18.

CalMat of Arizona for hot mix asphalt (part of Group IV) at \$51,775.00 plus 6.80% sales tax of \$3,520.70 for a total of \$55,295.70.

Mesa Materials for specialty asphalt (rest of Group IV) at \$13,285.00 plus 5.50% sales tax of \$730.68 for a total of \$14,015.68.

Joe Conway Trucking Company for Group V (slurry seal sand) at \$99,875.00 plus 6.80% sales tax of \$6,791.50 for a total of \$106,666.50.

The combined award for Zone A contracts is \$605,987.48 based on estimated requirements.

Zone B:

A & A Materials, Inc. for Group I at \$52,093.75 plus 6.90% sales tax of \$3,594.46 for a total of \$55,688.21.

Red Mountain Mining for Group II at \$21,387.50 plus 5.50% sales tax of \$1,176.31 for a total of \$22,563.81.

Pioneer Concrete for Group III at \$129,712.50 plus 5.50% sales tax of \$7,134.18 for a total of \$136,846.68.

Mesa Materials, Inc. for Group IV at \$63,730.00 plus 5.50% sales tax of \$3,505.15 for a total of \$67,235.15.

Joe Conway Trucking Company for Group V at \$108,375.00 plus 6.80% sales tax of \$7,369.50 for a total of \$115,744.50.

The combined award for Zone B contracts is \$398,078.35 based on estimated requirements.

The combined award for Zones A and B is \$1,004,065.83 based on estimated requirements.

SECONDARY CONTRACTS FOR ZONE A & B:

In order to assure continuity of supply, the following vendors are recommended as secondary suppliers, to be called when the primary supplier is unable to fill a particular order or when the plant location is more convenient for materials pickup:

Zone A:

Fort McDowell Sand & Gravel for Group I; A & A Materials, Inc. for Group II; CalMat Company of Arizona for Group III; United Metro Materials for Group IV; and Mesa Materials, Inc. for Group V.

Zone B:

Fort McDowell Sand & Gravel for Group I; A & A Materials, Inc. for Group II; CalMat Company of Arizona for Group III & IV; and Mesa Materials, Inc. for Group V.

- *d. Activated carbon replacement project for the Northwest Waste Water Reclamation Plant (NWWRP) as requested by the Utility Operations Division. This project will replace the carbon in the primary clarifier towers at NWWRP.

The Purchasing Division recommends accepting the low bid by Northwestern Carbon (base bid) at \$49,550.00 including all applicable taxes.

- *e. Bellview Water Tank disassembly, removal and disposal, Project No. 94-02.

This project involves the removal and disposal of the unused, 1,000,000 gallon, above ground water storage tank located at 421 South Bellview.

Recommend award to low bidder, Breinhold Contracting Company, Inc., in the amount of \$194,850.00.

- *f. South Water Reclamation Plant force mains, Project No. 96-08.1.

This project involves the installation of underground piping from the South Water Reclamation Plant to the Southeast Water Reclamation Plant.

Recommend award to low bidder, Achen-Gardner, Inc., in the amount of \$6,571,379.25.

- *g. Desert Wells No. 13 Equipment and Piping, Project No. 96-60.1.

This project involves installing a pump, motor and piping on a previously drilled potable water well located at 10702 East Elliott Road.

Recommend award to low bidder, B. L. Weber Group, Inc., in the amount of \$243,292.00.

- *h. Mesa Cemetery Road Improvements, Project No. 98-20.

This project involves constructing new road improvements at the Mesa Cemetery at 1212 North Center Street. The existing streets to be improved in this project are "A" Street from 1st Street to 9th Street and 1st, 3rd, 5th, 7th and 9th Streets between "A" and "B" Street.

Recommend award to low bidder, J. Banicki Construction, Inc., in the amount of \$129,346.00.

- *i. Utility location and potholing by Vacuum Excavation, Project No. 98-65.

This project involves the establishing of an annual contract for the location of existing underground utilities during the design of City projects.

Recommend award to low bidder, Geotrack, Inc.

Recommend award of the Secondary Contract to the second low bidder, Philip Utilities.

6. Introduction of the following ordinances and setting May 4, 1998 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. Relating to open fugitive dust sources; amending Title 8 of the Mesa City Code by changing the description and adding a new Chapter 2, Article 1; and amending Section 8-6-3.

Environmental Programs Director Christine Zielonka stated that particulate matter levels in the Maricopa County area exceed Federal health standards. Ms. Zielonka noted that

major sources contributing to the particulate problem include earth-moving activities, tracking of dirt onto public streets, traffic on unpaved roads and shoulders, and wind-blown dirt from vacant lots. Ms. Zielonka explained that Maricopa County has developed Rule 310 which addresses these types of pollutant sources but noted that the Rule has not been adequately enforced. Ms. Zielonka advised that approximately one year ago Council requested that staff develop a local dust control ordinance equivalent to County Rule 310. Ms. Zielonka informed the Council that the ordinance would not require contractors to prepare or submit additional documents other than a copy of County Earth Moving Permits and Dust Control Plans prior to issuance of a building permit. Ms. Zielonka stated that the ordinance was developed through the assistance of City staff, industry advocates, and public input.

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

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS - Payne
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried by majority vote of those present.

- b. **A97-7** Annexation of areas west of North Ellsworth Road from McLellan Road to University and areas east of North Ellsworth Road from McLellan Road to Brown Road (835± acres). Initiated by five property owners on the south side of Brown Road west of Ellsworth Road.

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

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Payne-Pomeroy-Walters
NAYS - None
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried unanimously by those present.

7. Consider the following resolutions.

- a. Designating a portion of the redevelopment area of the City of Mesa as the Central Business District. In addition, this area is hereby determined to be in need of tax incentives to encourage private investment to undertake the construction of substantial new projects - Resolution No. 7185.

Vice Mayor Gilbert and Councilmember Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting, and because of such conflict of interest, they

would refrain from voting upon or otherwise participating in any manner in connection with same.

Bill Brando, 61 South Macdonald, questioned the use of tax incentives to encourage private investment in the downtown area and requested a copy of the list of individuals that are seeking the incentive. Mr. Brando informed Council that he has a business located in the downtown area and was not notified of the proposed designation. Mr. Brando questioned the physical boundaries of the Central Business District.

Mr. Balmer displayed a map and briefly reviewed the boundaries of the proposed Central Business District. Mr. Balmer explained that tax incentives would be offered in the Central Business District to encourage development within the area. Mr. Balmer informed Council that currently only one property owner has applied for the tax incentive program.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that Resolution No. 7185 be adopted.

Upon tabulation of votes, it showed:

AYES - Giles-Kavanaugh-Payne-Walters
NAYS - None
ABSENT - Brown
ABSTAIN - Gilbert-Pomeroy

Vice Mayor Gilbert declared the motion carried by majority vote of those present and voting and Resolution No. 7185 adopted.

*b. Authorizing the City Manager to execute an easement for underground irrigation to Salt River Project at Broadway Road and Val Vista Drive - Resolution No. 7174.

Facilities are being reconstructed as part of the Home Depot development.

*c. Authorizing the City Manager to execute an easement for underground power to Salt River Project at Red Mountain Park - Resolution No. 7175.

This easement is needed for electric service to the new Multi-Generational Center.

*d. Extinguishing a portion of a public utility easement located at 1334 West Madero Avenue - Resolution No. 7176.

This easement is in conflict with a pool and is no longer needed.

*e. Extinguishing a temporary easement for drainage located at the northwest corner of 39th Street and Baseline Road - Resolution No. 7177.

Drainage area is being reconstructed and is no longer needed.

*f. Extinguishing a public utility easement at 1234 West Laguna Azul Avenue - Resolution No. 7178.

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This easement is in conflict with a pool and is no longer needed.

- *g. Extinguishing a portion of a public utilities and facilities easement located at 3344 East Jerome Avenue - Resolution No. 7179.

This easement is no longer needed.

- *h. Setting May 21, 1998 as the date for the annual assessment hearing for the Mesa Town Center Improvement District - Resolution No. 7180.

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

- *i. Approving the use of the Scalloped Street assessment laws to complete the street improvements along Old Gilbert Road and East Hermosa Vista Drive. **TO BE CONTINUED TO THE MAY 4, 1998 REGULAR COUNCIL MEETING.**

- *j. Extinguishing a public utility easement located at 2112 East Decatur, Lot 11 of Tierra Verde Estates - Resolution No. 7181.

This easement is no longer needed.

- *k. Approving and authorizing the Utilities Manager to issue a permit pursuant to Title 4, Chapter 12, of the Mesa City Code to Farnsworth Development Company for use of non-potable water for landscape watering purposes at the Sunland Springs Golf Course - Resolution No. 7182.

- *l. Extinguishing a public utility easement located at 921 North York Street - Resolution No. 7183.

This easement is no longer needed.

- *m. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona, through its Department of Economic Security, for the purpose of receiving financial reimbursement for support of a summer day camp program - Resolution No. 7184.

- n. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Salt River Pima-Maricopa Indian Community amending their solid waste disposal contract - Resolution No. 7186.

Solid Waste and Facilities Director Jack Friedline informed the Council that in 1993 the City of Mesa entered into a Solid Waste Disposal Agreement with the Salt River Pima-Maricopa Indian Community (SRPMIC). Mr. Friedline noted that the agreement requires that the City and the SRPMIC confer in four years relative to the life expectancy of the Salt River Landfill with the intent of extending the agreement. Mr. Friedline explained that the SRPMIC has successfully diverted solid waste from the landfill and purchased a compactor that compresses the solid waste to a high degree, which will increase the life expectancy of the landfill. Mr. Friedline stated that the proposed agreement would extend the term of the original agreement to December 31, 2008 and include a green waste tipping fee.

In response to a question from Councilmember Walters, Mr. Friedline explained that at the point the landfill reaches capacity, a transfer station will be constructed to relocate the solid waste to a regional landfill located several miles away. Mr. Friedline noted that the utilization of a transfer station will create an economic impact on the City and its residents and stressed the importance of individuals utilizing the recycling and green waste programs to delay the need for a transfer station.

Vice Mayor Gilbert acknowledged the importance of individuals utilizing the recycling, green waste, and backyard mulching programs to assist in preserving landfill space.

In response to a question from Vice Mayor Gilbert, Mr. Friedline advised that the City provides collection for bulk items such as refrigerators, washers, dryers, appliances, etc., which assists in preserving the landfill.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that Resolution No. 7186 be adopted.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Payne-Pomeroy-Walters
NAYS - None
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried unanimously by those present and Resolution No. 7186 adopted.

8. Consider the following ordinances.

- *a. Prohibiting parking on the north side of Hermosa Vista Drive from a point 330 feet east of Snead Drive to a point 534 feet east of Snead Drive, and increasing the speed limit from 40 mph to 45 mph on Alma School Road from Eighth Street to the north City limits as recommended by the Traffic Safety Committee - Ordinance No. 3456.
- *b. Code Amendment: Pertaining to the Zoning Ordinance and the building regulations of the Mesa City Code, amending Title 11, Chapter 13, Section 2, regarding swimming pool enclosures; and adopting a new Chapter 7 of Title 4 - Ordinance No. 3457.

*9. Write-off of utility and miscellaneous accounts.

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

- *a. **Z97-97** The 1500 block of South Alma School Road (eastside). Site Plan Review (1± acre). This case involves the development of an athletic shoe store. GMRI, Inc., owner; Beus, Morrill, Devitt, applicant. **CONTINUED FROM THE MARCH 16, 1998 COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. TO BE TABLED INDEFINITELY.**

P & Z Recommendation: Approval with Conditions (Vote 4-2, Shipley and Kathe 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. Recordation of cross-access and reciprocal parking easements; and
6. Compliance with all requirements of the Design Review Board.

- *b. **Z98-1** The 5200 - 5400 blocks of East McKellips Road (south side). Rezone from M-1-DMP to R-3-DMP (25± acres). This case involves the development of a 396-unit apartment complex. Scott Homes, owner; Beus, Gilbert & Devitt, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THE APPLICANT IS REQUESTING THIS CASE BE CONTINUED TO THE MAY 21, 1998 REGULAR COUNCIL MEETING.**

P & Z Recommendation: Approval with Conditions (Vote 5-2, Shipley and Zaharis nay).

1. Compliance with the basic development as described in the project narrative and 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. All street improvements and perimeter landscaping to be installed with its respective phase of construction;
6. Compliance with all requirements of the Design Review Board;
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (prior to the issuance of a building permit);
8. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport;
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
10. Removal of all billboards with the first phase of construction; and
11. Compliance with letter from the applicant dated March 27, 1998.

- c. **Z98-9** Parcel M-3 and Parcel M-2 of "Augusta Ranch". Rezone from R-3-DMP to R1-6-PAD and R-2-DMP to R-3-DMP (24± acres). This case involves development of a 95-unit cluster home project for Parcel M-3 and a density transfer for Parcel M-2. Communities Southwest, owner; Coe and Van Loo

Consultants, Inc., applicant - Ordinance No. 3462.

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

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;
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. 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 (4) miles of Williams Gateway 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. Compliance with all requirements of the Subdivision Technical Review Committee;
9. Model complex to include at least three homes within a typical cluster development; and
10. Project to include enhanced amenity package (i.e. one additional ramada or equivalent) and additional seating areas subject to staff review.

Bob Frank, 1043 East Nicolette, applicant, informed Council that the Frank Group has been constructing quality homes in the Valley for 30 years. Mr. Frank advised that approximately 30 years ago his father built the first cluster home project in the Valley, Arcadia Green in Phoenix, and added that the development continues to flourish. Mr. Frank displayed two awards that the Frank Group recently received for the development of a cluster home project at Tatum Ranch and noted that the Frank Group is currently proposing to develop a similar cluster home project in Mesa that would include a golf course, parks, and walkways. Mr. Frank displayed photographs of typical tract home developments located throughout the Valley and pointed out the inadequate amount of individual character and quality of the homes. Mr. Frank expressed the opinion that the proposed cluster home development would create a positive quality of life for the residents.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that Ordinance No. 3462, governing Zoning Case Z98-9, be adopted.

Councilmember Giles acknowledged the high quality of the cluster homes located within the Tatum Ranch development but indicated concern regarding the overall concept of cluster homes. Councilmember Giles stated that cluster home developments requires a large number of individuals to occupy a limited area and expressed opposition to the project.

Upon tabulation of votes, it showed:

AYES - Gilbert-Kavanaugh-Payne-Pomeroy-Walters
NAYS - Giles
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried by majority vote of those present and Ordinance No. 3462 adopted.

- *d. **298-10** The 8500 through 8700 blocks of East Guadalupe Road (north side). Rezone from R1-7-PAD (Conceptual C-2) to C-2 (14± acres). This case involves the development of a strip commercial center. Acacia East Valley Limited Partnership, owner; Ralph Pew, applicant - Ordinance No. 3458.

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

1. Compliance with the basic development 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Recordation of cross-access and reciprocal parking easements;
8. Compliance with all requirements of the Design Review Board;
9. All pad buildings to be architecturally compatible with the center;
10. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan and gas pumps;
11. 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);
12. Notification on the plat and title report and a public disclosure of potential noise impacts; and
13. Compliance with letter dated March 9, 1998.

- *e. **298-14** Parcel 15 of Parkwood Ranch. Rezone from R1-9-DMP (conceptual R-2) to R-2-PAD-DMP (19± acres). This case involves development of a 104-lot, gated patio home project. Parkwood Ranch, L.L.C., owner; The Dehaven Company, applicant - Ordinance No. 3459.

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 the Residential Development Guidelines;

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; and
 5. Compliance with all requirements of the Subdivision Technical Review Committee.
- f. **Z98-15** The southwest corner of Stapley Drive and the Superstition Freeway. Rezone from AG to M-1 and M-1-BIZ (29± acres). This case involves development of an industrial complex with ancillary retail and hotel uses. Keystone Properties, Inc., owner; Beus, Gilbert & Devitt, applicant - Ordinance No. 3463.

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 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. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Compliance with the applicant's letter dated March 16, 1998 regarding the hotel portion of the project;
7. Compliance with all requirements of the Design Review Board for all development on site; and
8. Review and approval by the Planning & Zoning Board and City Council of hotel site.

Jason Morris, attorney for Beus, Gilbert & Morrill, P.L.L.C., representing the applicant, stated that the proposed project is largely industrial with an office component. Mr. Morris noted that a hotel has also been proposed, to be located on approximately 3 acres of the site. Mr. Morris expressed the opinion that the location is appropriate for a hotel. Mr. Morris stated that the Marcus Corporation has expressed interest in developing the hotel and indicated that the company has agreed to address the Mesa Convention and Visitors Bureau's concerns and present the site plan for the hotel to the Planning and Zoning Board and the City Council for approval.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that Ordinance No. 3463, governing Zoning Case Z98-15, be adopted.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Payne-Pomeroy-Walters
NAYS - None
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried unanimously by those present and Ordinance No. 3463 adopted.

- g. **298-16** Part of the 3700 block of East University Drive (north side). Rezone from R1-6 to R1-6-PAD (9± acres). This case involves development of a 52-unit, gated patio home project. Homes by Judi, Inc. owner/applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS CASE.**

P & Z Recommendation: Approval with Conditions (Vote 5-1-1, Zaharis nay, Brock abstained).

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 the Residential Development Guidelines;
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. 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); required by the Public Works Department.

Terry Galloway, architect for the Galloway Group, representing Homes by Judi, Inc., briefly reviewed the proposed subdivision and noted that the development is a single-access gated community from University Drive containing amenities such as a large recreational facility with a pool, spa, and cabana; open space; and tennis, basketball, and sports courts. Mr. Galloway emphasized that citrus trees will be retained along the northern, eastern, and western boundaries of the property to create a buffer from the existing neighborhoods. Mr. Galloway indicated that Homes by Judi, Inc. has held meetings with the surrounding neighborhoods and briefly highlighted concerns expressed by the neighbors relative to a potential increase in traffic on University Drive, high density, and the location of the proposed tennis and basketball courts. Mr. Galloway advised Council that the development of 52 homes is necessary to support a homeowners' association.

Fran Walton, 3836 East Covina, indicated opposition to the proposed subdivision relative to the high density. Ms. Walton said that she anticipated that homes equivalent in size to the existing neighborhoods would be constructed on the site and stated that the construction of 52 homes will create additional congestion on University Drive. Ms.

Walton questioned if schools will support the increase in students that the development will generate.

Kent Flake, 3737 East Decatur, representing Cross Point Village and Highland Park Manor, stated the opinion that the small square footage of the homes will create a potential for the homes to transform into rental units. Mr. Flake expressed concern regarding the density of the proposed development and security issues that may be created by the basketball and tennis courts.

Susan Christensen, 520 North 39th Way, stated opposition to the proposed development relative to the proposed density and expressed the opinion that the development will negatively impact schools and traffic.

Patrick Skibbie, 533 North Maple, stated concern with the the placement of 52 homes on nine acres. Mr. Skibbie questioned if the applicant has developed an alternative layout.

Mr. Galloway stated that an alternative development has not been created by Homes by Judi, Inc. but noted that an engineering firm has developed a single-family detached home subdivision for the property. Mr. Galloway briefly highlighted the engineering firm's subdivision and noted that it will increase traffic within the existing neighborhood. Mr. Galloway stressed that the proposed subdivision by Homes by Judi, Inc. will create less traffic for the neighborhood, will guarantee only one-story homes, and will place fewer homes next to existing homes than the alternative single-family detached home subdivision.

Councilmember Kavanaugh indicated support for the zoning case as to the infill nature of the property, the design elements, and the transition with the surrounding neighborhoods but acknowledged the importance of the neighbors' concerns regarding the effects of the amenities on the homes located north of the property. Councilmember Kavanaugh expressed the opinion that additional time for the applicant to work with the neighborhood would have been prudent.

Councilmember Walters concurred with Councilmember Kavanaugh and stressed that it would have been advisable for the applicant to have continued their discussions with the neighborhood prior to Council's review.

It was moved by Councilmember Walters, seconded by Councilmember Giles, that Zoning Case Z98-16 be denied.

Councilmember Giles indicated support for the motion to deny relative to the concerns expressed by the neighbors and the necessity to maintain the zoning that was in existence when the property owners purchased their homes.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Payne-Pomeroy-Walters
NAYS - None
ABSENT - Brown

Vice Mayor Gilbert declared the motion to deny carried unanimously by those present.

- *h. **Z98-17** The 500 block of South Bellview (west side). Establishment of a Council Use Permit. (.244± acres). This case involves the development of a neighborhood resource center. City of Mesa, owner; Leased by: Area V Community Asset and Resource Enterprise, Inc. Represented by: Bev Tittle-Baker; BPLW Architects, applicant - Ordinance No. 3460.

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, except as noted below; and
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

- *i. **Z98-18** 8601 East Southern Avenue (south of approved development). Rezone from AG to C-3 (3± acres). This case involves expansion of an approved mini-storage/RV storage facility. Ronald Johnson, owner/applicant - Ordinance No. 3461.

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

1. Compliance with the basic development as shown on the site plan submitted, except as noted below; and
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

11. Consider the following subdivision plats.

- *a. "ISABELLA" - The 1700 block of South Dobson Road (east side) Three C-2 commercial lots (1.52 acres) Park/Gibbs Development Company, Inc., developer; Rick Engineering Company, engineer.
- *b. "MOUNTAIN VIEW" - The 3300 & 3400 blocks of North Power Road (west side) 154 R1-6-PAD patio home lots (23.445 acres) White Hawke Development, Inc., developer; D & M Engineering, engineer.
- *c. "PARK VIEW ON CENTER" - The 1700 block of North Center Street (west side) 57 R1-6-PAD single-residence lots (9.04 acres) Great Western Projects, Inc., developer; AGRA Infrastructure, Inc., engineer.
- *d. "LE SUEUR ESTATES UNIT I" - The 8500 block of East Guadalupe Road (north side) 354 R1-7-PAD-DMP single-residence lots (94.097 acres) Acacia Credit Fund 5-A, L.L.C., developer; AGRA Infrastructure, Inc., engineer.
- *e. "SUNRISE AT COLLEGE PARK" - The 7200 block of East McKellips Road (north side) 80 R-2-PAD single-residence lots (12.60 acres) Sunrise at College Park Investors, L.L.C., developer; Keogh Engineering, Inc., engineer.

12. Adjourn.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 7:12 p.m.

Carried unanimously.

PAT GILBERT, VICE 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 April 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK