

COUNCIL MINUTES

May 19, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level of the Council Chambers, 57 East 1st Street, on May 19, 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

B. Gonzalez

OFFICER'S PRESENT

C.K. Luster
Neal Beets

The Invocation was given by Ed Peterson, First Lutheran Church.

The Pledge of Allegiance was led by Chad Bowman, Troop 875.

Mayor Brown introduced newly-appointed Fire Chief Dennis Compton to the members of the audience.

Presentation to the Solid Waste Division for the Gold Medal Team Quality Award from the Arizona Chapter of the American Public Works Association.

Mr. Mike Bonar, representing the Arizona Chapter of the American Public Works Association, presented the Association's Gold Medal Team Quality Award to Solid Waste Supervisor Bill Black and Management Assistant II Kari Kent.

(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 Pomeroy, seconded by Councilmember Giles, that the minutes of May 1, 2, 5, 6, 7, and 9 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 Giles, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing on the 1997-98 annual assessments for the Mesa Town Center Improvement District No. 228 (see item no. 8a).

Mayor Brown advised that agenda item 8a also involves this issue and will be considered at the same time.

Mayor Brown 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 Gilbert 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 Pomeroy 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.

Mayor Brown requested that Councilmember Giles serve as Acting Chairman of the meeting during any and all discussion and votes on Special Improvement District 228. Mayor Brown yielded the gavel to Acting Chairman Giles. Mayor Brown, Vice Mayor Gilbert and Councilmember Pomeroy removed themselves from the Council Chambers during discussion and voting on this issue.

In response to a request from Acting Chairman Giles, City Attorney Neal Beets advised that the purpose of the annual hearing, in accordance with State law and adopted City of Mesa resolutions, is to ensure that property assessments for Special Improvement District 228 have been correctly calculated. Mr. Beets added that every five years, in accordance with a City of Mesa resolution, the Council conducts a comprehensive review of all aspects of the operation of the Town Center Special Improvement District. Mr. Beets noted that the next comprehensive review is scheduled to occur in December 1998.

Acting Chairman Giles announced that this is the time and place for a public hearing regarding the 1997-98 annual assessments for the Mesa Town Center Improvement District No. 228.

Theresa Carmichael, 58 West Main Street, President of the Mesa Town Center Corporation (MTCC) provided the Council with a brief synopsis of the accomplishments of the MTCC over the past year. Ms. Carmichael informed the Council that the primary goal of the MTCC is to increase business and economic development in the Town Center and discussed the Corporation's involvement in issues impacting the Town Center area. Ms. Carmichael added that she is also speaking as a business owner within the District and stated the opinion that Special Improvement District 228 represents a valuable asset in the downtown area and briefly discussed benefits provided to the property owners within the District. Ms. Carmichael requested that the Council approve the 1997-98 annual assessments for the Mesa Town Center Improvement District (S.I.D.) No. 228.

Tom Landry, owner of Dickson's Jewelers, advised that he has operated a business in the Town Center since 1990. Mr. Landry discussed the number of new businesses that have opened in the downtown area since 1990 and stated the opinion that the elimination of the District would negatively impact the Mesa Town Center. Mr. Landry spoke in support of approving S.I.D. No. 228.

Bill Brando, 61 South Macdonald, informed the Council of his intention to file an issue similar to Proposition 402, relative to requiring a yes or no vote on all special tax districts in Mesa, which was placed on the ballot of the 1994 City of Mesa election. Mr. Brando requested that the Council allow the property owners to vote either aye or nay for the continuation of the District and stated the opinion that S.I.D. 228 has operated in an illegal manner since its inception. Mr. Brando spoke in strong opposition to the approval of the assessments and the continuation of the District.

Joe "Brick" Guinn, 119 West Main Street, advised that he has paid approximately \$20,000 in assessment fees since the creation of S.I.D. 228 in 1985. Mr. Guinn expressed the opinion that the originally proposed benefits of the District have not been attained and that the District's goals have not been met. Mr. Guinn spoke in opposition to Special Improvement District 228.

Marilynn Wennerstrom, 1112 North Center Street, discussed the fact that a recent newspaper article indicated that the voting procedure that will be followed by the Council to decide upon the assessments will differ from the voting procedure followed in the past. Ms. Wennerstrom commented that she is neither pro or con the District, but emphasized that she does support the Mesa City Charter. Ms. Wennerstrom read into the record specific sections of the Mesa City Charter, including 901a which states "Any City officer, board or Committeemember or employee who has as a substantial financial interest either direct or indirect by reason of ownership of tangible or intangible property, supplies or services to the City, shall make known that interest and shall refrain from voting upon or otherwise participating in making such sales or contracts." Ms. Wennerstrom also read City Charter Sections 901, 901b and 206 into the record.

Luule Brandofino, 61 South Macdonald, requested that the Council allow an aye/nay vote to occur relative to the continuation of the District. Ms. Brandofino expressed the opinion that the proposed assessments are unconstitutional and added that the operations of the Mesa Town Center Corporation do not benefit the property owners in the downtown area.

Tom Adair, 1328 East Gable, stated that he is the owner of property located at 240 East Broadway, on the fringe of the Town Square mile. Mr. Adair informed the Council that he has not received the benefits he was promised by the MTCC, such as increased traffic and advertising, and added that businesses located across the street from his business receive the same benefits but are not required to pay the assessment. Mr. Adair expressed the opinion that S.I.D. 228 is unfair and spoke in opposition to the District's continuation.

Kathy Adams, 1762 East Fairfield, advised that she is the owner of three properties in the Town Center District and pays assessments on all of these parcels.

In response to a request from Ms. Adams to outline specific benefits that her tenants receive as a result of the assessment, Acting Chairman Giles said that he is neither for or against the Town Center. Acting Chairman Giles encouraged Ms. Adams to meet with Mesa Town Center Executive Director Tom Verploegen relative to the benefits received.

Ms. Adams requested that future issues of the MTCC publication Downtown Focus list the meetings and various cities visited by Mr. Verploegen, Executive Director of the MTCC, on behalf of the MTCC.

Jim Reed, 239 West Main Street, stated the opinion that business owners in the Town Center area are being doubly taxed and have not received ample benefits for their tax dollars. Mr. Reed spoke in strong opposition to the continuation of the District and requested that he receive written answers to the following questions: 1) why are vacant properties no longer taxed?; 2) have Federal funds been used to buy or improve any downtown properties, and, if so, which properties and does the City consider this proper usage of Federal funds?; 3) where did Tempe business associates obtain funds to purchase properties that now belong to the Mesa Tribune and are being utilized as a parking lot? and 4) how many protests were received relative to the assessments?

Acting Chairman Giles stated that Mr. Reed will be provided answers to his questions.

Ron Peters, the owner of a business located at 49 West 1st Street, spoke in support of Special Improvement District 228 and briefly highlighted the benefits he has received from the Mesa Town Center Corporation. Mr. Peters said that he views the assessment as an investment in the downtown area and urged the Council to continue to support the MTCC.

Scott Long, representing Southwest Ambulance, 222 East Main Street, informed the Council that he serves as a volunteer member of the Mesa Town Center Board of Directors. Mr. Long commented on the benefits his company has received as a result of the District and stated that the MTCC provides a valuable service to the community. Mr. Long briefly highlighted a number of MTCC accomplishments and requested that the Council approve the assessments and the future continuation of the District.

Rick Coggins, the owner of a business located on Hibbert and Broadway, stated that he currently serves as a volunteer Director on the Mesa Town Center Board of Directors and on the Board's Executive Committee. Mr. Coggins added that he also Chairs the Mesa Town Center's Public Space Committee. Mr. Coggins noted that during the last election he voted to dissolve Special Improvement District 228 and added that since this time he, as a property owner who pays over \$700 in assessment fees on an annual basis, has revised his opinion and supports the District. Mr. Coggins expressed the opinion that the Mesa Town Center Corporation represents a valuable vehicle with which to promote and advance economic development in the downtown area and said that the benefits received far outweigh the assessment charges.

Keno Hawker, 315 South Morris Street, read into the record a portion of a protest letter he wrote in November 1993, which stated the opinion that the protest provisions of the Mesa Town Center Improvement District were flawed. Mr. Hawker wrote at that time that the property owners should vote for or against the continuation of the District, and those not voting should not be considered. Mr. Hawker noted that although he was serving as a Councilmember at that time, and declared a conflict of interest relative to the issue, he did submit the referenced letter of protest. Mr. Hawker expressed the opinion that whether Special Improvement District 228 is continued or dissolved, the Council should initiate steps to correct the voting process relative to the District.

Dave Wier, the owner of property located at 45 East 1st Avenue, stated the opinion that a small minority of business owners have spoken in support of eliminating the Town Center Improvement District. Mr. Wier expressed the opinion that the benefits of the District are extensive and encouraged the Council to schedule a meeting with supporters of the District to balance the input received relative to this crucial issue. Mr. Wier urged the Council to support and approve S.I.D. 228.

Jim Davidson, 2542 East Linwood, spoke in support of the District and commented that the development of any town center must involve a viable partnership between business owners, staff, Council, redevelopment committees, and downtown development committees. Mr. Davidson noted that successful downtown areas do not evolve overnight and require strong partnerships, involvement, and commitment.

(Acting Chairman Giles declared a recess at 7:02 p.m. and the meeting resumed at 7:09 p.m.)

Acting Chairman Giles stated that the Council will now have an opportunity to pose questions to the various speakers who provided input relative to this issue.

In response to a question from Councilmember Payne, Ms. Carmichael expressed the opinion that regardless of the quality of service provided, unanimous District support would be difficult to achieve.

Discussion ensued relative to sales tax increases reported by Mr. Tom Landry, the owner of Dickson Jewelers, in 1993, Mr. Landry's opinion that mall space is excessively expensive and cannot be afforded by the average merchant, and businesses that have opened in the downtown area.

In response to questions from Councilmember Payne, Ms. Adams advised that she has protested against the continuation of Special Improvement District 228 since the District's inception and added that in her opinion she does not receive any benefits as a result of the assessment.

Discussion ensued relative to the Nile Theatre, Ms. Adams' opinion that the Mesa Town Center has never actively assisted the Nile Theatre in its business operations, and the fact that former Councilmember Keno Hawker previously declared a conflict of interest and abstained from voting on this issue.

Acting Chairman Giles declared the public hearing closed.

Councilmember Kavanaugh stressed that the purpose of the hearing is to review the individual assessments on the parcels and determine whether the assessments are correct. Councilmember Kavanaugh informed those present that members of the Council learned at a recent International Downtown Conference held in Portland, Oregon, that a large number of cities across the country have followed the example set by the City of Mesa and established assessment districts similar in nature to S.I.D. 228. Councilmember Kavanaugh expressed the opinion that property owners in the Town Center area should be charged a fee for the enhanced services they receive. Councilmember Kavanaugh encouraged those who expressed doubts relative to the legality of the District to pursue this issue until their questions are answered but added that he supports the efforts of the Mesa Town Center Corporation and Special Improvement District 228.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Stapley, that the proposed assessments be approved.

In response to a question from Councilmember Payne, City Attorney Neal Beets stated the opinion that in 1985, when the District was created, the City Attorney and Council decided not to base assessments on the square footage of the buildings, but rather to base the amounts on the square footage of the parcels, which can be easily scaled from the District map.

Councilmember Payne questioned the accuracy of establishing property assessments in this manner and commented that she has been informed by professional engineers that the square footage of multi-level buildings cannot be determined utilizing a flat drawing. Councilmember Payne expressed the opinion that the assessments are a violation of State law and expressed concerns relative to the proposed method of voting this evening on the assessments.

Discussion ensued relative to conflicts of interest, the fact that following the Friday, May 16, 1997 Council Study Session, the three members of the Council who have declared possible conflicts of interest stated the opinion that the originally proposed method of voting might create a negative impression and that they would prefer to disqualify themselves entirely from the voting process, and the fact that if a deadlock occurs and the required four votes are not attained, City Attorney Neal Beets will be requested to provide an opinion as to the manner in which to proceed in accordance with State law.

Councilmember Stapley informed those present that in 1985 the downtown area required the implementation of strong measures to improve economic development and assist the merchants who were losing business to the newly-established malls. Councilmember Stapley stated the opinion that a number of the original goals of the Mesa Town Center Corporation have been accomplished and added that S.I.D. 228 has positively impacted the Town Center area. Councilmember Stapley agreed that many issues remain unresolved, such as the fact that a property owner on one side of the street pays an assessment while the owner of a business on the opposite side does not, but stated the opinion that the benefits of the District far outweigh the negative aspects. Councilmember Stapley added that the voting process is an additional issue that requires future discussion and consideration.

Acting Chairman Giles informed those present that since being appointed Council liaison to the Mesa Town Center Corporation Board of Directors, he has witnessed firsthand the dedication and continued efforts of the staff to improve and enhance the downtown area and assist business owners in their endeavors. Acting Chairman Giles pointed out that the vote this evening relates strictly to the accuracy of the assessments and not to the continuation of the District. Acting Chairman Giles added that the continuation issue will be addressed at the next five year review meeting scheduled to occur in December 1998. Councilmember Giles indicated that it may be appropriate at that time to review the procedures relative to challenging the on-going existence of the District.

Acting Chairman Giles expressed appreciation to those citizens who provided input relative to this issue and stated that he appreciates and respects the opinions of everyone involved in this issue.

Acting Chairman Giles called for the question.

Upon tabulation of votes, it showed:

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

Acting Chairman Giles stated that the vote is three ayes, one nay and one abstention.

In response to a question from Acting Chairman Giles relative to the fact that Mayor Brown, Vice Mayor Gilbert and Councilmember Pomeroy have declared possible conflicts of interest, have removed themselves from the meeting, and will not vote on this issue, City Attorney Neal Beets advised that in accordance with the City Charter, four Council votes, either pro or con, must be obtained. Mr. Beets added since the current circumstances will not allow the four votes to be attained, in accordance with State law, the Council has a responsibility and obligation to take action and therefore the three Councilmembers who have declared possible conflicts of interest must be directed to vote in order to break the deadlock and reach a consensus.

(Acting Chairman Giles declared a recess at 7:51 p.m. and the meeting resumed at 7:56 p.m. Mayor Brown, Vice Mayor Gilbert and Councilmember Pomeroy were in attendance)

Acting Chairman Giles informed the Council that he has been advised by City Attorney Neal Beets that in order to break the deadlock and achieve the required four votes, Mayor Brown, Vice Mayor Gilbert and Councilmember Pomeroy, who have declared possible conflicts of interest, are now required to vote on this issue.

Councilmember Payne informed those present that she will cast a vote in protest and in opposition to the approval of the assessments for Special Improvement District 228.

Acting Chairman Giles requested that the Council vote on this issue.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSTAIN - None

Acting Chairman Giles declared the motion carried by majority vote.

With action on this agenda item completed, Acting Chairman Giles yielded the gavel to Mayor Brown.

4. Consider the following liquor license applications.

*a. ALLEN LI, AGENT

Person transfer Beer and Wine Bar License for Golden Canyon Chinese Restaurant, 1133 S. Dobson Road. This transfer is from Susan Tsang, Golden Canyon Corporation, to Allen Li, Agent, Lilin Co., Inc.

*b. TROY JACK LANE, AGENT

New Beer and Wine Store License for Chevron, Northeast corner of Horne and McKellips Road. This is a new business, no previous liquor licenses at this location.

*c. TROY JACK LANE, AGENT

New Beer and Wine Store License for Chevron, Northwest corner of Country Club and Guadalupe. This is a new business, no previous liquor licenses at this location.

*d. PHILLIP WAYNE HALLUM, AGENT

New Beer and Wine Store License for Hallum Stores, 6262 E. Main Street. The license previously held at this location by Duane Paul Harpel, Partner, Stropel Shell, will revert back to the State.

*e. THOMAS C. SANGUIGNI, AGENT

New Beer and Wine Store License for Sanguigni Pasta, 6706 E. McKellips Road. The Liquor Store license previously held at this location by Ken L. Tom, Agent, Sun Ranch Foods, will remain with the previous owner.

*f. LEE M. COHN, ETAL

New Restaurant License for The American Grill, 1233 S. Alma School Road. The license previously held at this location by Lee M. Cohn, Agent, East Side Restaurant LLC, will revert back to the State.

*g. ERNEST R. SERRANO, AGENT

New Restaurant License for Serrano's Mexican Food, 1964 E. McKellips Road. The license previously held at this location by Ernest R. Serrano, Owner, Serrano's Mexican Food, will revert back to the State.

*h. ERNEST R. SERRANO, AGENT

New Restaurant License for Serrano's Mexican Food, 1955 W. Guadalupe Road, #105. The license previously held at this location by Ernest R. Serrano, Owner, Serrano's Mexican Food, will revert back to the State.

5. Consider the following contracts.

- *a. Two power filing systems as requested by the Police Department. These filing systems will be used for the storage and retrieval of fingerprint files.

The Purchasing Division recommends accepting the low bid by Sound Business Systems of Arizona for a total of \$31,115.87 including materials, delivery, installation and applicable sales tax.

- *b. One-year renewal of the annual supply contract for roach control insecticide used by the Utility Construction Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with Marketing Labs Company, Inc. at \$50,000.00 plus 5% use tax of \$2,500.00 for a total of \$52,500.00 based on estimated requirements.

- *c. One-year renewal of the annual supply contract for softballs and baseballs for warehouse inventory to be used by the Parks, Recreation & Cultural Division. These softballs will be used in the fiscal year 1997-98 adult sports programs.

The Purchasing Division recommends exercising the second and final one-year renewal option as follows:

Items 1 and 2, to Anaconda Sports, Inc., the original low bidder at \$26,000.00 plus 5.0% use tax of \$1,300.00 for a total of \$27,300.00; and

Item 3, to T & T All Sports Equipment, Inc., the original low bidder meeting specification at \$2,625.00 plus 7.05% sales tax of \$185.06 for a total of \$2,810.06. The combined award is then \$30,110.06 based on estimated requirements.

- *d. One-year renewal of the annual supply contract for traffic signal lamps for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends exercising the first of two one-year renewal options with the only bid by Duro-Test Corp. at \$26,690.40 plus 5% use tax of \$1,334.52 for a total of \$28,024.92.

- *e. Annual supply contract for drafting print paper for the Engineering Division.

The Purchasing Division recommends accepting the following low bids:

Section A to Oce-Imaging Supplies at \$1,901.34 plus 5.0% use tax of \$95.06 for a total of \$1,996.40 based on estimated requirements.

Section B to Centra Blueprint at \$27,363.88 plus 7.15% use tax of \$1,956.51 for a total of \$29,320.39 based on estimated requirements.

Sections C and E to Xerox Corp. at \$30,062.65 plus 5.0% use tax of \$1,503.13 for a total of \$31,565.78 based on estimated requirements.

Section D to Scott Blueprint at \$26,796.32 plus 5.75% use tax of \$1,540.78 for a total of \$28,337.10 based on estimated requirements.

The combined award is \$91,219.67 based on estimated requirements.

In order to assure continuity of supply, it is also recommended that Scott Blueprint, the second low bidder, be awarded a secondary supply contract for Section B. Other sections do not require secondary contracts.

- *f. One-year renewal of the annual supply contract for water meters for warehouse inventory to be used by the Utility Services Division.

The Purchasing Division recommends exercising the second of three one-year renewal options with the original low bidders as follows:

Item 1 to Mueller-Hersey at \$221,144.00 plus 5% use tax of \$11,057.20 for a total of \$232,201.20; and

Items 2B - 5B to Precision Meters at \$218,415.50 plus 5% use tax of \$10,920.77 for a total of \$229,336.27.

The combined award is then \$461,537.47 based on estimated requirements.

- *g. One-year renewal of the annual supply contract for construction materials used by Street Maintenance, Utility Construction, Electric, Parks Maintenance and other departments.

The Purchasing Division recommends exercising the only one-year renewal option as follows:

PRIMARY CONTRACTS FOR ZONE A & B:

Zone A:

Sunward Materials as the lowest complete bidder for items 1 - 4, 12-16 at \$160,726.25 plus 7.05% sales tax of \$11,331.20 for a total of \$172,057.45.

A & A Materials as the lowest overall bidder for items 5 - 10 at \$21,570.00 plus 7.15% sales tax of \$1,542.25 for a total of \$23,112.25.

Fort McDowell Sand & Gravel as the only bidder for item 11 at \$525.00 plus 6.95% sales tax of \$36.48 for a total of \$561.48.

Cashway Concrete & Materials as the lowest overall bidder for items 17, 18a & 18b at \$194,206.50 plus 5.75% sales tax of \$11,166.87 for a total of \$205,373.37.

CalMat of Arizona as the lowest overall bidder for items 19, 20, 21 & 23 at \$51,975.00 plus 7.05 sales tax of \$3,664.23 for a total of \$55,639.23.

Mesa Materials, Inc. as the lowest bidder for item 22 at \$8,750.00 plus 5.75% sales tax of \$503.12 for a total of \$9,253.12.

The combined award for Zone A contracts is \$465,996.90 based on estimated requirements.

Zone B:

Sunward Materials as the lowest complete bidder for items 1 - 4, 12-16 at \$115,291.25 plus 7.05% sales tax of \$8,128.03 for a total of \$123,419.28.

A & A Materials as the lowest overall bidder for items 5 - 10 at \$20,287.50 plus 7.15% sales tax of \$1,450.55 for a total of \$21,738.05.

Fort McDowell Sand & Gravel as the only bidder for item 11 at \$575.00 plus 6.95% sales tax of \$39.96 for a total of \$614.96.

Cashway Concrete & Materials as the lowest overall bidder for items 17 and 18a at \$50,222.50 plus 5.75% sales tax of \$2,887.79 for a total of \$53,110.29.

CalMat of Arizona as the lowest overall bidder for items 19, 20 & 21 at \$49,575.00 plus 7.05 sales tax of \$3,495.03 for a total of \$53,070.03.

Mesa Materials, Inc. as the lowest overall bidder for item 22 & 23 at \$10,785.00 plus 5.75% sales tax of \$620.13 for a total of \$11,405.13.

The combined award for Zone B contracts is \$263,357.74 based on estimated requirements.

The combined award for Zones A and B is \$729,354.64 based on estimated requirements.

SECONDARY CONTRACTS FOR ZONE A & B:

In order to assure continuity of supply, the Purchasing Division also recommends exercising the only one-year renewal option with the secondary suppliers listed in the Council Report.

- *h. One-year renewal of the annual supply contract for automotive brake parts as requested by Fleet Support Services.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest overall bidder, Arizona Brake & Clutch Supply, for annual purchases estimated at \$125,000.00.

- *i. Annual supply contract for training and duty ammunition as requested by the Police Department.

The Purchasing Division recommends accepting the low bids as follows:

Items 1-14 to San Diego Police Equipment Co., the low bidder (their base bid), at \$119,766.73 plus 5% use tax of \$5,988.33 for a total of \$125,755.06;

Items 15-18 to The Hunting Shack, the low bidder meeting specification, at \$1,310.30 plus 5% use tax of \$65.51 for a total of \$1,375.81. The combined award is \$127,130.87.

- *j. Pad mounted transformers for warehouse inventory to be used for various projects by the Electric Utility.

The Purchasing Division recommends exercising an additional purchase option from previous RFB #96023, with the lowest bidders meeting specification based on lifetime evaluated cost, as follows:

Items 4, 9, 10 and 11 to Border States Electric at \$28,088.00 plus 7.05% sales tax of \$1,980.20 for a total of \$30,068.20; and

Items 2, 13, and 15 to Armstrong Sales & Associates at \$29,031.00 plus 7.05% sales tax of \$2,046.68 for a total of \$31,077.68. The combined award is \$61,145.88.

- *k. Three new radar trailers as requested by the Police Department. The trailers will be deployed in different areas of the City to monitor speeds of vehicles.

The Purchasing Division recommends accepting the low bid by MPH Industries, Inc. at \$24,855.00 plus 5% use tax of \$1,242.75 for a total of \$26,097.75.

- *l. 900 residential refuse containers as requested by the Solid Waste and Facilities Division.

The Purchasing Division recommends authorizing an additional purchase option with the low bidder meeting specification from our previous RFB #96073, Rehrig Pacific Company, at \$35,631.00 plus 5% use tax of \$1,781.55 for a total of \$37,412.55.

- *m. Two replacement rotary mowers for the Cemetery and one replacement triplex reel mower for the Dobson Ranch Golf Course.

The Purchasing Division recommends accepting the low bids meeting specification by Arizona Machinery Company at \$30,994.00 plus 7.25% sales tax of \$2,185.07 for a total of \$33,179.07.

- *n. Optically controlled emergency vehicle traffic control system for use by the Fire Department as requested by Transportation.

The Purchasing Division recommends accepting the low bids as follows:

Items 1-6 and 8-9 to ITS Sales at \$138,385.00 plus 7.05% sales tax of \$9,756.14 for a total of \$148,141.14; and

Item 7 to Econolite Control Products at \$1,200.00 plus 5% use tax of \$60.00 for a total of \$1,260.00.

The combined award is then \$149,401.14.

- *o. One replacement one-half ton pickup as requested by the Parks, Recreation and Cultural Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Berge Ford at \$18,115.09 including the extended warranty and applicable sales tax.

- *p. Twelve (12) DELL Portable Computers for the Police Department Crime Lab as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the low bid meeting specifications by Compuworld/Venus Technology Incorporated for DELL portable computers and

accessories of \$44,082.00 plus 7.15% sales tax of \$3,151.86, for a total of \$47,233.86.

- *q. Acquisition of a Computer Aided Dispatch (CAD) System from International Public Safety (IPS).

The City Council is requested to approve the acquisition of a CAD System from International Public Safety (IPS), an Intergraph Corporation, for \$3,007,510, plus 5% use tax of \$150,375.50, for a total of \$3,157,885.50.

The City Council is further requested to adjust the May 20, 1996 Council award to Motorola, increasing their award from \$1,915,914.53 to \$1,940,914.53. The \$25,000 adjustment represents the acquisition of an AVL Base Station, originally included in the award to PSI.

- *r. One Year Supply Contract for Intel-based File Servers for City Departments as requested by the Information Services Division (ISD).

The Purchasing Division recommends awarding a one year supply contract, based on the low bids meeting specification, to Vanstar as primary supplier for the Compaq line and MicroAge Infosystems Services as secondary supplier, and to CBSI as primary supplier for the DELL line. The secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements. The combined total award is \$713,236, based on estimated quantities.

- *s. Falcon Well No. 4 Fence Improvements. Project #97-92.

This project will replace an existing chain link fence with a new 8-foot high slump block wall that will enclose Mesa's Falcon Well No. 4 well site at 4458 East Main Street. The new wall will provide more security and improve the aesthetics.

Recommend award to low bidder, William L. Emshoff, in the amount of \$26,400.00.

- *t. East Main Street Median Modifications in the 2200 block of East Main Street.

Recommend award to low bidder, Gunsight Construction Corporation, in the amount of \$65,789.00.

- *6. Adopt Notice of Intention to consider adopting water, wastewater, solid waste, and natural gas utility rates, rate components, fees and/or service charges as recommended by the Finance/Utility Committees.

7. Introduction of the following ordinances and setting June 2, 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. **Z96-87** The southeast corner of Guadalupe Road and Ellsworth Road. Rezone from AG to R1-7, R1-6, R1-6-PAD, R-4 and C-2 within a Development Master Plan (317± acres). This case involves a DMP containing 1050± single residential lots and future multi-residence and commercial tracts. **CONTINUED TO THE JUNE 7, 1997 COUNCIL MEETING.**

8. Consider the following resolutions:

- a. Approving the 1997-98 annual assessments for the Mesa Town Center Improvement District No. 228 - Resolution No. 7045.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Stapley, that Resolution No. 7045 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown- Giles-Gilbert-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSTAIN - None

Acting Chairman Giles declared the motion carried by majority vote and Resolution No. 7045 adopted. (See agenda item 3.)

- *b. Dedicating additional street right-of-way at the northeast corner of McKellips and Greenfield Roads - Resolution No. 7039.

Dedications needed to bring the property into compliance with normal city standards.

- c. Granting an easement for underground power to Salt River Project for the northwest corner of Greenfield Road and the Superstition Freeway - Resolution No. 7040.

Electric lines are being relocated for the Greenfield Road improvement project.

- *d. Authorizing the use of eminent domain to acquire right-of-way in the 2300 block of North Hall Circle. **CONTINUED TO THE JUNE 23, 1997, COUNCIL MEETING.**

Right-of-way is necessary to complete cul-de-sac improvements.

- *e. Accepting the redevelopment proposal from Cox Communications, Hogue Printing, Scott Blue Print, and Spencers TV & Appliance and authorizing the City Manager or his designee to negotiate individual redevelopment agreements with said businesses and all other instruments necessary to carry out the provisions of the proposal for the City Council's review and approval for the redevelopment of Site 16 - Resolution No. 7041.

*f. Adopting the commercial tower guidelines and affirming support for coordinated planning and the approximate placement of wireless communications facilities and equipment - Resolution No. 7042.

*g. Granting an easement for underground power to Salt River Project for the 600 block of North Alma School Road - Resolution No. 7043.

The easement is needed to provide electric service to City of Mesa Well No. 25.

*h. Extinguishing an easement for drainage on lot 2 of the Overlook Subdivision - Resolution No. 7044.

The owner is developing on the lot and the drainage area is being relocated.

9. Consider the following ordinances:

a. Amending Section 11-1-6, 11-13-2 and 11-14-3, of the -Mesa Zoning Ordinance with regard to the definition and placement of commercial communication towers and equipment.

Community Development Manager Wayne Balmer informed the Council that they have before them a proposal to allow communication towers within the City of Mesa, subject to the issuance of Special Use Permits. Mr. Balmer informed the Council that staff favors the development of a systematic procedure to install the towers in an effort to minimize the number of single use towers and decrease the overall number of towers constructed within the City of Mesa.

Discussion ensued relative to the fact that Special Use Permits will be required depending upon the location zone, residential neighborhoods, and the fact that the additional information is required prior to reaching a determination relative to this issue.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that this issue be continued to the June 2, 1997 Regular Council Meeting to allow additional time for research and discussion.

Carried unanimously.

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

*a. **Z97-14** The 1700 - 1900 blocks of South Greenfield Road (east side). Rezone from C-2-PAD and M-1-PAD to M-1-BIZ (49.4 acres). This case involves the development of a film production studio campus. Arizona Studios owner/applicant. **CONTINUED TO THE JULY 21, 1997 COUNCIL MEETING.**

P & Z Recommendation: Approval With Conditions (vote 7 - 0).

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. Dedication of 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. Compliance with all requirements of the Subdivision Technical Review Committee.
- b. **Z97-17** The 2500 block of West Broadway (south side). Rezone from R1-9 to C-2 (1± acres). This case involves the development of a carpet store. Donald O. Fuller, owner; David A. Fluegel, applicant.

P & Z Recommendation: Approval With Conditions (vote 4 - 1).

1. Approval of a C-2 designation per the revised plan dated March 31, 1997;
2. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

Don Fuller, 1128 East Greenway, #1, Trustee/Owner for the family trust, noted that the property under discussion was purchased approximately thirty years ago. Mr. Fuller described the location of the parcel and added that the potential uses for the property are limited. Mr. Fuller expressed the opinion that the proposed use is appropriate for the area and discussed efforts to work with the neighbor to resolve concerns. Mr. Fuller commented that protesting neighbors prefer office use and have expressed concerns relative to traffic safety. Mr. Fuller stated the opinion that the proposed project will not increase traffic and will not negatively impact property values.

David Fluegel, 1826 West Broadway, Suite #30, the applicant in the case, informed the Council that he and his son are the operators of a carpet business which was started by Mr. Fluegel's late wife, approximately ten years ago. Mr. Fluegel stated that it was his original intention to purchase the property, build his facility, and then sell part of the remaining land to offset the expenses involved in the project. Mr. Fluegel added that he was contacted by several of the neighbors who wanted to protect their property and asked to sell them part of the property, approximately 1 acre. Mr. Fluegel said that he agreed to the sale to the three neighbors at an extremely fair purchase price. Mr. Fluegel stated the opinion that he has responded to neighbors' concerns and that the proposed carpet facility will not negatively impact traffic safety or property values. Mr. Fluegel requested that the Council approve his request.

Gary DeVos, 645 South Esquire Way, spoke in opposition to the approval of this case and in support of retaining the rural atmosphere of the small neighborhood. Mr. DeVos commented on existing zoning and expressed concerns relative to increased traffic. Mr. DeVos urged the Council to deny the applicant's request.

Martin Escarcega, 752 South El Dorado, referred to an aerial map of the area and expressed the opinion that the proposed business will generate traffic on Esquire Way. Mr. Escarcega reported that a Montessori School and Roosevelt Elementary School are located in close proximity to the site under discussion and stated the opinion that office use is the only appropriate use for the neighborhood. Mr. Escarcega requested that the Council deny the case.

Bud Hamlen, 757 South El Dorado, expressed the opinion that the proposed business is inappropriate for the area and addressed concerns relative to traffic increases and neighborhood safety.

Suzy Gibbons, 740 South El Dorado, discussed the close proximity of the Montessori School to the proposed carpet business site and expressed strong opposition to the approval of the case. Ms. Gibbons stated the opinion that Council approval would set precedent for the neighborhood and requested denial of the applicant's request.

Ernie Denhart, 645 South Esquire, expressed the opinion that the breakage of irrigation pipes in the area may present a problem particularly if large trucks are traveling in and out of the neighborhood on a daily basis.

Kevin Gibbons, 740 South El Dorado, informed the Council that a neighborhood petition opposing the zoning approval was almost unanimously endorsed by the neighbors. Mr. Gibbons urged the Council to respect the concerns and desires of residents in the area and deny the case.

Diane Olson, 730 South El Dorado, stated that her family has lived at the location currently under discussion for approximately 21 years. Ms. Olson referred to a map displayed in the Chambers and discussed density levels. Ms. Olson distributed photographs of surrounding zoning and expressed concerns relative to traffic increases and neighborhood safety. Ms. Olson requested that this case not be approved by the Council.

Mark Dangerfield, 506 South Esquire, expressed the opinion that C-2 zoning is inappropriate for the neighborhood and added that office zoning should be the only approved use for the parcel. Mr. Dangerfield urged denial of the case.

Mr. Fuller, responding to the speakers' remarks, discussed commercial zoning in the area and expressed the opinion that the carpet business would be an appropriate use. Mr. Fuller added that the proposed wall will completely separate the neighborhood from the business and added that concerns relative to irrigation lines can be addressed by installing underground lines. Mr. Fuller requested that the Council support his request and approve the case.

Public Works Manager Harry Kent responded to a question from Mayor Brown and noted that upon Council request "No Trucks Allowed" signage could be erected in the area.

In response to a question from Vice Mayor Gilbert, Mr. Fuller indicated that he would monitor the company's installation crews to ensure that the drivers of the trucks are adhering to all traffic safety requirements and not utilizing streets which prohibit truck traffic.

Community Development Manager Wayne Balmer stated the opinion that the following three issues should be added to the stipulations for approval: 1) erect traffic signage on El Dorado and Esquire; 2) owner to work with the installation crews to ensure that trucks are not utilizing streets marked "No Trucks Allowed;" and 3) the addition of an 8' wall in the rear of the property for screening.

Discussion ensued relative to irrigation lines and reinforced piping, the unique atmosphere of the neighborhood, and the importance of achieving an acceptable compromise for all of the parties involved.

Councilmember Kavanaugh commented on the rural atmosphere of the area and indicated that he would not vote in support of the requested zoning.

Councilmember Giles stressed the importance of ensuring that traffic regulations are strictly adhered to and expressed the opinion that the proposed business will not generate any more traffic than an office building at the same location. Councilmember Giles concurred with Mayor Brown's comment relative to restricting truck traffic in the area and added that all commercial vehicular traffic should be restricted.

Councilmember Payne stated that although other incompatible uses exist in the area currently under discussion, approval of the proposed case will compound that problem and negatively impact the neighborhood. Councilmember Payne advised that she would not support approval of the case.

Mayor Brown informed those present that additional traffic alternatives exist and said that although he intends to vote in support of the case, he urged the neighbors to contact the Council should traffic problems arise.

Councilmember Pomeroy concurred with Mayor Brown's remarks and said that he will vote to approve the case.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the zoning change be approved as recommended by the Planning and Zoning Board, including all stipulations, and that Ordinance No. 3338, governing Zoning Case Z97-17 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3338 adopted.

- *c. **Z97-27** The northeast corner of Southern Avenue and Higley Road. Site Plan Modification (6± acres). This case involves development of four commercial pad sites. Biltmore Holdings, owner; Mike Perry, applicant - Ordinance No. 3327.

P & Z Recommendation: Approval With Conditions (vote 5 - 0).

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, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Design Review Board;
6. Provision of pedestrian access to the property north and east of Pad 3, subject to staff review; and
7. Recordation of cross-access and reciprocal parking easements.

- *d. **Z97-28** North and east of the northeast corner of Southern Avenue and Higley Road. Rezone from C-2 to R1-6-PAD (19± acres). This case involves the development of a residential subdivision. Biltmore Holdings, owner; Kaufman and Broad, Inc., applicant.

P & Z Recommendation: Approval with conditions (vote 4 - 1).

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, 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 Kaufman & Broad narrative dated March 28, 1997;
7. Compliance with Mr. Ralph Pew's letter dated April 16, 1997;
8. Provide variations in front yard setbacks between 18' and 20'; and
9. Provide enhanced recreational amenities subject to staff review.

- *e. **Z97-29** The northwest corner of University Drive and Kristen. Rezone from O-S to O-S PAD (1.2± acres). This case involves the development of an office complex subdivision. UTAZ Investments, owner; Robert Kubicek Architects, applicant - Ordinance No. 3329.

P & Z Recommendation: Approval with conditions (vote 6 - 0).

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, 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; and
5. Compliance with all requirements of the Design Review Board.

- *f. **Z97-30** The southeast corner of Val Vista Drive and Broadway Road. Site Plan Modification (11± acres). This case involves the development of a Home Depot facility. PNL Asset Management, owner; Stephen Earl, applicant - Ordinance No. 3330.

P & Z Recommendation: Approval with Conditions (vote 5-0).

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. Compliance with letter from Stephen Earl dated April 16, 1997.

- *g. **Z97-31** 6821 East Superstition Springs Blvd. Site Plan Review (1± acre). This case involves development of a restaurant facility. Stanley Nicpon, owner; Tim Rasnake, applicant - Ordinance No. 3331.

P & Z Recommendation: Approval With Conditions (vote 6 - 0).

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, 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 Design Review Board.

- *h. **Z97-32** North of the northwest corner of Clearview Avenue and the Superstition Freeway. Rezone from C-2-DMP to M-1-DMP (1± acre). This case involves the development of an office/warehouse facility. Superstition Springs Investors Ltd. Partnership, owner; J. Joseph Diemer, applicant - Ordinance No. 3332.

P & Z Recommendation: Approval With Conditions (vote 6 - 0).

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. Compliance with all requirements of the Design Review Board; and
 4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
- i. **Z97-33** 536 South LeBaron. Rezone from R-2 to M-1 (1±acre). This case involves the development of a roofing company. Earl Clark owner/applicant - Ordinance No. 3339.

P & Z Recommendation: Approval With Conditions (vote 5 - 0).

1. Compliance with the basic development as shown on the site plan 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. Pave all circulation drives and parking areas;
5. Provide per City standards a double enclosure for refuse and recyclables, subject to staff review at the time of building permit;
6. Existing and new structures to comply with Chapter 14 of the Mesa Zoning Code; and
7. Redistribute Code required side yard landscaping on-site, subject to staff review.

Earl Clark, the owner/applicant in this case, informed the Council that he will adhere to all of the proposed stipulations for approval.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the zoning change be approved as recommended by the Planning and Zoning Board and that Ordinance No. 3339, governing Zoning Case Z97-33 be adopted.

Carried unanimously.

Mayor Brown declared the motion carried unanimously and Ordinance No. 3339 adopted.

- *j. **Z97-34** 1718 South Power Road. Site Plan Review (2± acres). This case involves the development of a "TGIF" Restaurant. Superstition Springs Investors Ltd. Partnership, owner; Cornerstone Productions, Inc., applicant - Ordinance No. 3333.

P & Z Recommendation: Approval With Conditions (vote 6 - 0).

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 "Parcel 8 at Superstition Springs" Subdivision plat;
6. Compliance with all requirements of the Design Review Board;
7. Provide pedestrian connections to adjacent users per staff approval; and
8. Realign driveway location per staff approval.

- *k. **Z97-35** 1710 South Power Road. Site Plan Review (1.73± acres). This case involves the development of an "On The Border" Restaurant. Superstition Springs Investors Limited Partnership, owner; Brinker Restaurant Company, applicant - Ordinance No. 3334.

P & Z Recommendation: Approval With Conditions (vote 6 - 0).

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 "Parcel 8 at Superstition Springs" Subdivision Plat;
6. Compliance with all requirements of the Design Review Board;
7. Provide pedestrian connection to adjacent users per staff approval; and
8. Realign driveway location per staff approval.

- *1. **Z97-36** 6730 East Superstition Springs Blvd. Site Plan Review (1.31± acres). This case involves the development of a "Tony Roma's" Restaurant. Scott Slaymaker, owner; Kevin Horn, applicant - Ordinance No. 3335.

P & Z Recommendation: Approval With Conditions (vote 6 - 0).

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 "Parcel 8 at Superstition Springs" Subdivision Plat;
6. Recordation of cross-access easements;
7. Compliance with all requirements of the Design Review Board;
8. Provide pedestrian connections to adjacent users per staff approval; and
9. Reconfigure parking lot per staff approval.

- *m. **Z97-37** 6710 East Superstition Springs Blvd. Rezone from C-2-DMP to C-2-BIZ-DMP (2.7 acres). This case involves the development of a "Country Inn and Suites" four story hotel. Suites of Arizona, L.L.C., owner; Summit Builders, applicant - Ordinance No. 3336.

P & Z Recommendation: Approval With Conditions (vote 5 - 0).

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, 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 of the "Parcel 8 at Superstition Springs" Subdivision Plat;
5. Compliance with all requirements of the Design Review Board; and
6. Provide pedestrian connections to adjacent users per staff approval.

- *n. **Z97-38** The northeast corner of Harris & McKellips. Rezone from R1-9 to R1-9-PAD (47± acres). This case involves the development of a single residence subdivision. Barney Trust, Hansen Trust, Jarvis Trust, Brown, & Harper's Nursery, owners; Maracay Homes, applicant - Ordinance No. 3337.

P & Z Recommendation: Approval With Conditions (vote 5 - 0).

1. Compliance with the basic development as shown on the preliminary plat 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, 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. Compliance with the "McKellips & Harris Proposed Development Stipulations" except that individual on-lot retention must receive approval by the Public Works Department;
6. Provide vehicular access to the exception parcel per staff approval;
7. In the first phase of construction, install a 6' high decorative wall (brick pilasters with stucco finish between pilasters) along Harris Road with enhanced landscaping in the tract west of the wall;
8. Provide a 3' wrought iron and brick pilaster wall along the Harris and McKellips street sides of the retention basin;
9. Dedication of right-of-way for a Kael Street cul-de-sac on the two acre "exception parcel" per staff approval; and
10. Provide enhanced recreational amenities, subject to staff review.

- *o. **Z97-39** The southwest corner of Virginia Street and Power Road. Rezone from R1-9-DMP (Conceptual R-3) to R1-6-PAD-DMP (15± acres). This case involves the development of

a single residence subdivision. Ellis Trust, owner; Patrick Hendley, applicant. **TO BE REFERRED BACK TO THE PLANNING & ZONING BOARD. CONTINUED TO THE JULY 17, 1997 COUNCIL MEETING.**

P & Z Recommendation: Approval With Conditions (vote 4 - 1).

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, 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. Notice be provided to future residents that the project is within two miles 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 sound attenuation wall adjacent to the Freeway right-of-way; and
9. Construct Virginia Street from the existing street stub to Power Road per Public Works requirements.

11. Consider the following subdivision plats:

- *a. "SUPERSTITION TRIANGLE COMMERCE CENTER AMENDED" The 1700 through 1900 blocks of South Greenfield Road (east side) 2 M-1 Limited Industrial lots (53.65 acres). Arizona Studios L.L.C., developer; Coe & Van Loo Consultants, Inc., engineer. **CONTINUE TO THE JULY 21, 1997 COUNCIL MEETING.**
- *b. "APACHE WELLS COMMERCIAL CENTER, UNIT 1" - The 5900 block of East McKellips Road (north side) and the 2000 block of North Recker Road (west side) 2 C-2 commercial lots and 1 tract (1.98 acres). Cavalier Ventures, developer; Wood/Patel Associates, engineer.
- *c. "SUNLAND SPRINGS VILLAGE UNIT ONE, PHASE I" - The 11200 block of East Baseline Road (south side) 41 R1-6-DMP single residence lots and 1 tract (16.88 acres). Transnation Title Insurance Company, developer; Clouse Engineering, Inc., engineer.

12. Adiournment.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the Regular Council Meeting adjourn at 9:01 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 Study Session of the City Council of Mesa, Arizona, held on 19th day of May 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of June 1997

BARBARA JONES, CITY CLERK