

COUNCIL MINUTES

June 23, 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 June 23, 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

Robert Nesbit

OFFICERS PRESENT

C.K. Luster
Neal Beets

The Invocation was given by Councilmember Giles.

The Pledge of Allegiance was led by Police Officer Robert Nesbit.

Presentation of the Don Cooper Award by Bob Evans, Mesa Public Safety Foundation.

Mr. Bob Evans, representing the Mesa Public Safety Foundation, informed those present that the Foundation is celebrating its twentieth anniversary this year. Mr. Evans provided background information on the annual tradition of honoring City of Mesa Public Safety personnel by presenting citations and the prestigious Don Cooper Award to selected individuals in recognition of their professional and heroic actions.

Mr. Evans stated that the Foundation has selected three out of the numerous candidates who were recently honored at the annual Public Safety Awards Meeting to expand upon this evening. Mr. Evans commended James McNeal on his brave attempt to rescue his younger brother who had climbed a high power transmission line. Police Chief Lars Jarvie recognized Police Department staff involved in the rescue of both James McNeal and his younger brother.

Mr. Evans introduced Mr. Wayne Manning, President of Bashas', who presented the Don Cooper Award to Police Officer Robby Jones for his recent heroic efforts in preventing a potential suicide. Mr. Manning stated that Officer Jones placed himself in harm's way and commended him on his courageous actions.

Police Chief Lars Jarvie accepted the Don Cooper award on behalf of Police Officer Robby Jones.

Presentation of plaques to citizens completing their service on citizen advisory boards and committees.

Mayor Brown and Vice Mayor Gilbert presented commemorative plaques to citizens who have served on citizen advisory boards and committees and commended the citizens for their active participation in community affairs.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the minutes of May 30, 1997 and June 2, 5, 6, and 13, 1997 be approved.

Carried unanimously.

2. Consider all consent agenda items.

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

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

Carried unanimously.

3. Conduct a public hearing on the proposed utility rates and related components (see Item No. 14 for backup information).

Mayor Brown announced that this is the time and place for a public hearing on the proposed utility rates and related components.

In response to a request from Mayor Brown, Assistant to the City Manager Bryan Raines provided those in attendance with a brief outline of the proposed utility rates and related components.

Kirby Allan, 2043 East Hackamore, discussed utility increases which have been implemented over the past several years and spoke in opposition to the proposed rate adjustments.

Mary Simmons, 6542 East Fairbrook, commented on the recent Brown and Brown redevelopment proposal on Main Street and stated that she does not support the utility increases.

Bill Brando, 61 South Macdonald, expressed the opinion that the proposed increase represents the seventh increase in ten years. Mr. Brando recommended that the Council consider removing sales tax from items such as milk, bread and eggs to assist Mesa's citizens. Mr. Brando stated that he strongly opposes the utility increases.

Luule Brandofino, 61 South Macdonald, stated the opinion that the proposed utility increases will negatively impact Mesa's senior citizens and expressed concerns relative to approving this agenda item.

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

4. Conduct a public hearing concerning the Five-Year Capital Improvement Program for Fiscal Years 1997-2002 (see Item No. 9a for program information).

Mayor Brown announced that this is the time and place for a public hearing concerning the Five-Year Capital Improvement Program for Fiscal Years 1997-2002.

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

5. Conduct a public hearing concerning the proposed budget for Fiscal Year 1997-1998 (see Item No. 9b for budget information).

Mayor Brown announced that this is the time and place for a public hearing concerning the proposed budget for Fiscal Year 1997-1998.

Marilynn Wennerstrom, 1112 North Center Street, spoke in opposition to the adoption of a three-page budget and questioned the proposed budgeted salaries of the City Manager's office staff.

Bill Brando, 61 South Macdonald, concurred with the previous speaker's remarks relative to the three-page budget.

Kirby Allan, 2043 East Hackamore, expressed strong opposition to the adoption of the proposed budget and stated the opinion that City utilities should be privatized.

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

6. Consider the following liquor license applications.

*a. CHRIS PLUNKETT, AGENT

New Restaurant License for Red Lobster, 1403 South Alma School Road. This is a new business; no previous liquor licenses at this location.

7. Consider the following contracts.

*a. Annual supply contract for ferrous chloride, a sewage treatment chemical which is used to control odor, as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid by Kemiron North America at \$185,250.00 plus 5% use tax of \$9,262.50 for a total award of \$194,512.50 based on estimated requirements.

- *b. Annual supply contract for water treatment chemicals, used by the CAP treatment plant, as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bids meeting specification as follows:

Items 1, 4A, and 9 to Thatcher Company of Arizona at \$14,703.62; Item 2 to Chalum, Inc. at \$76,200.00; Item 3 to Norit Americas Inc. at \$67,500.00; Items 4B and 5 to Hills Brothers Chemical Company at \$89,796.00; Item 6 to Sweetwater Technologies at \$9,900.00; Item 7 to Carcus Chemical Company at \$8,034.00; and Item 8 to Van Waters & Rogers, Inc. at \$88,400.00. The combined award is then \$354,533.62 based on estimated requirements.

- *c. Radio direction-finding equipment as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by Doppler Systems, Inc. at \$32,850.00 plus 6.75% sales tax of \$2,217.37 for a total of \$35,067.37.

- *d. Annual supply contract for 15kV aluminum electrical cable for warehouse inventory to be used by the Electric Utility Department.

The Purchasing Division recommends accepting the low bid meeting specification by Brown Wholesale Electric Company for Items 1, 2, and 3A at \$146,333.00 plus 7.05% sales tax of \$10,316.47 for a total of \$156,649.47.

- *e. Three replacement turf vehicles as requested by the Parks, Recreation and Cultural Division. One unit is for the Cemetery and two are for the Dobson Ranch Golf Course.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Simpson Norton Corporation at \$29,400.00 plus 7.75% sales tax of \$2,278.50 for a total of \$31,678.50.

- *f. One -year supply contract for network cables and cabling supplies as requested by the Information Services Division (ISD).

The Purchasing Division recommends awarding one-year supply contracts to the following low bidders meeting specification:

Kent DataComm as primary supplier for Groups 1, 5, 6, 9, 10, 12, 23-25, 28, and 29 and Graybar Electric as primary supplier for Groups 2-4, 7, 8, 11, 13-22, 26, 27, and 30-33. The combined total award for network cables and cabling supplies is \$280,000.00, based on estimated annual requirements (see attached Pricing Summary). Staff projects that 65% (\$182,000) of the total expenditures will be with Kent DataComm and 35% (\$98,000) with Graybar Electric.

In order to assure continuity of supply, the Purchasing Division also recommends awarding secondary supply contracts to Graybar Electric for Groups 1, 5, 6, 9, 10, 12, 23-25, 28, and 29 and Kent DataComm for Groups 2, 17, 20, 22, and 30. The

secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements.

*g. Dreamland Villa water line relocation - Phase 2.

This project involves replacing existing water lines with new lines in the area bounded by Higley Road, Baltimore Street, 54th Street, and Boise Street.

Recommend award to low bidder, J. Wise Corporation, in the amount of \$270,395.60.

*h. Falcon Field police/fire substation remodel.

This project involves remodeling a portion of the existing police/fire substation located at 4530 East McKellips Road.

Recommend award to low bidder, T.I. Specialists, in the amount of \$39,345.00.

*I. Silvergate Park improvements.

This project consists of installing new improvements in Silvergate Park, which is located north of Southern Avenue and east of Gilbert Road.

Recommend award to low bidder, Covenant Group, in the amount of \$212,199.82.

*j. Roadrunner Drive sewer line, Falcon Drive to Higley Road.

This project involves installing a new sewer line on Roadrunner Drive at Falcon Field Airport.

Recommend award to low bidder, Graham's Contracting, in the amount of \$86,383.58.

*k. 96/97 neighborhood lighting (CDBG) - Extension Road to Country Club Drive; Clark Street to University Drive; Country Club Drive to Center Street; and 10th Avenue to 8th Avenue.

Recommend award to low bidder, AJP Electric Inc., in the amount of \$349,460.00.

*l. Williams Gateway water and sewer lines.

Recommend award to low bidder, Lee's Pipelines Inc., in the amount of \$829,963.00.

*m. Centennial Way parking garage thermal insulation (145 North Centennial Way).

Recommend award to low bidder, Insulation Specialists, in the amount of \$45,700.00.

8. Introduction of the following ordinances and setting July 7, 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. Relating to general penalties; repealing Title 1, Chapter 26, Mesa City Code; amending Title 1, Mesa City Code, by adding a new Chapter 26.

This ordinance will allow City judges to place corporations on probation and will increase the maximum possible fine from \$2,500 to \$20,000.

- *b. Pertaining to the Zoning Ordinance, amending Section 11-1-6 by modifying the definition of communication tower; amending Section 11-13-2 pertaining to the approval of a Special Use Permit for a communication tower intended for commercial purposes; amending Section 11-14-3 pertaining to the design guidelines for building and roof mounted communications equipment; and providing penalties for the violation thereof.
- *c. Annexing Guadalupe Road from Power Road to Hawes Road (23.9 acres), pursuant to an intergovernmental agreement between Maricopa County and the City of Mesa. (Case No. A97-2.)
- *d. Relating to the Crime Prevention Advisory Board, amending Section 2-19-1 of the Mesa City Code.
- *e. Prohibiting parking on the west side of Harris Drive from University Drive to a point 142 feet south of University Drive, on the east side of Harris Drive from University Drive to a point 110 feet south of University Drive, on the north side of Juanita Avenue from Country Club Drive to Macdonald, and on Laguna Azul Avenue from Buttercup to a point 290 feet west of Buttercup; prohibiting parking from 10:00 p.m. to 4:00 a.m. on the west side of Solomon from Javelina Avenue to Isabella Avenue, on the east side of Solomon from Baseline Road to Isabella Avenue, and on Inverness Avenue from Solomon to Stapley Drive; all as recommended by the Traffic Safety Committee.

9. Consider the following resolutions.

- a. Adopting the Five-Year Capital Improvement Program for Fiscal Years 1997-2002 -Resolution No. 7065.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7065 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7065 adopted.

b. Adopting the budget for Fiscal Year 1997-1998 - Resolution No. 7066.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that Resolution No. 7066 be adopted.

Vice Mayor Gilbert briefly commented on the extensive work involved in developing the City's budget and commended fellow Councilmembers and staff on their efforts.

Councilmember Payne spoke in opposition to the adoption of the budget and the City's use of taxpayers' monies. Councilmember Payne noted that the Council previously denied a request to call a special election relative to the smoking ban issue and added that restaurants are going out of business as a result of the Council's refusal to assist local businesses. Councilmember Payne stated that she would not vote to support the adoption of the proposed budget for Fiscal Year 1997-1998.

Upon tabulation of votes, it showed:

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

NAYS - Payne

Mayor Brown declared the motion carried by majority vote and Resolution No. 7066 adopted.

- *c. Authorizing the City Manager to execute Amendment No. 3 to the agreement between the City of Mesa and Dave Transportation Services, Inc. - Resolution No. 7054.
- *d. Authorizing the City Manager to execute an agreement between the City of Phoenix and the City of Mesa for Express Route 533 - Resolution No. 7055.
- *e. Authorizing the City Manager to execute an agreement between Maricopa County and the City of Mesa for Special Transportation Service - Resolution No. 7056.
- *f. Authorizing the City Manager to execute an agreement between the Flood Control District of Maricopa County and the City of Mesa for the right-of-way acquisition, construction design, construction, construction management, operation, and maintenance of the flood control channel located 660 feet north of Main Street and between 54th Street and 56th Street - Resolution No. 7057.
- *g. Authorizing the City Manager to enter into an intergovernmental agreement with Mesa Public Schools for funding support for Mesa Youth Placement Service for FY 1997-98 - Resolution No. 7058.
- *h. Authorizing the City Manager to enter into an intergovernmental agreement with the State of Arizona Department of Economic Security for receipt of state and federal pass-through funds in connection with the operation of Mesa's Community Action Program (CAP) - Resolution No. 7059.

- *I. Granting an easement for underground power at Falcon Field Airport to Salt River Project - Resolution No. 7060.

Easement is necessary to replace the existing underground system that has deteriorated.

- *j. Implementing measures in the MAG 1997 Serious Area Particulate Plan for PM-10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area - Resolution No. 7061.

- *k. Authorizing the City Manager to enter into an intergovernmental agreement with Maricopa County for summer youth program funding - Resolution No. 7062.

- *l. Authorizing the use of eminent domain to acquire right-of-way in the 2300 block of North Hall Circle. **CONTINUED FROM THE MAY 19, 1997 COUNCIL MEETING** - Resolution No. 7063.

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

- *m. Authorizing the City Manager to execute an intergovernmental agreement with the Arizona State Department of Library, Archives and Public Records concerning State Grant-In-Aid Funds - Resolution No. 7064.

10. Consider the following ordinances.

- *a. Amending Sections 11-1-6, 11-5-4, and 11-16-3 of the Mesa City Code regarding the definition, locational restrictions, and on-site parking requirements for "Assisted Living Facilities" - Ordinance No. 3341.

- b. Relating to the City Council and City Boards and Commissions; Amending Title 1, Chapter 5 of the Mesa City Code by adding Section 1-5-9 - Ordinance No. 3353.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that Ordinance No. 3353 be adopted.

Upon tabulation of votes, it showed:

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

NAYS - Payne

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3353 adopted.

- * 11. Consider approving amendments to the Building and Inspections Division's Schedule of Fees and Charges as recommended by the Joint Finance/Utility Committee.

12. Consider modification of the T-hangar rents and other fees at Falcon Field as recommended by the Transportation Committee.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that the recommendations of the Transportation Committee be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

13. Consider the sale of City-owned property at the southeast corner of 2nd Avenue and Country Club Drive and consider the proposal by Eskimo Air to purchase and develop the property.

(This item was deleted from the agenda.)

- *13.1. Consider write-off of utility and miscellaneous accounts.

14. Consider the following utility rate resolutions and ordinances.

- a. Modifying rate schedules for water utility service - Resolution No. 7067/Ordinance No. 3354.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7067/Ordinance No. 3354 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7067/Ordinance No. 3354 adopted.

- b. Modifying rate schedules for wastewater utility service - Resolution No. 7068/Ordinance No. 3355.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7068/Ordinance No. 3355 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7068/Ordinance No. 3355 adopted.

- c. Modifying rate schedules for solid waste utility service - Resolution No. 7069/Ordinance No. 3356.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7069/Ordinance No. 3356 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7069/Ordinance No. 3356 adopted.

d. Modifying rate schedules for natural gas utility service - Resolution No. 7070/Ordinance No. 3357.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7070/Ordinance No. 3357 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7070/Ordinance No. 3357 adopted.

e. Modifying the charges for utility related services - Resolution No. 7071/Ordinance No. 3358.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7071/Ordinance No. 3358 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7071/Ordinance No. 3358 adopted.

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

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. Thomas A. Cavanaugh, Elliot Pollack, Tim Grant, et. al., owner; Coe and Van Loo Consultants, Inc., applicant. **THIS CASE WAS PREVIOUSLY DENIED AT THE APRIL 23, 1997 COUNCIL MEETING** - Ordinance No. 3359.

Ralph Pew, 40 North Center Street, an attorney representing the applicant Continental Homes, informed the Council that an agreement has been reached between the applicant and the Gilbert School District relative to the fact that construction efforts, including

permits and applications, will not be initiated until April 23, 1998. Mr. Pew also reported that additional changes in the proposed plan include enhanced open-spaces and view corridors, an improved inter-relationship between single and multi-family residential neighborhoods, and a reduction in the total number of units to 946, 38.8% of which will be under 7,000 square feet.

Councilmember Giles commended the applicant on the extended efforts expended by him to address the concerns of the neighbors, the School District and the Council relative to this project. Councilmember Giles explained that although the project has been considerably improved, he will not support the project and briefly discussed concerns relative to density levels. Councilmember Giles urged the Council to consider the adoption of residential development guidelines for the City of Mesa.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that the zoning change be approved and Ordinance No. 3359, governing Zoning Case Z96-87, be adopted.

Vice Mayor Gilbert also expressed appreciation to the applicant on his willingness to negotiate on this project and stated that the proposal has been substantially improved. Vice Mayor Gilbert indicated that he would vote in support of the applicant's request and stressed the importance of informing developers that the City of Mesa will not approve projects which do not meet specific development criteria.

Mayor Brown concurred with Vice Mayor Gilbert's comments.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3359 adopted.

- b. **Z97-13** The 800 through 1100 blocks of West Southern Avenue (south side). Modification of the "Fiesta Quadrant" DMP (29± acres). This case involves a request to modify the approved land use plan for the "Fiesta Quadrant". HLT Limited Partnership, Sabino Investing, Inc., owners; Ralph Pew, applicant - Ordinance No. 3360.

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

1. Modify the Fiesta Quadrant DMP as requested.

Ralph Pew, 40 North Center Street, an attorney representing the applicant, discussed a request to amend the Fiesta Quadrant Policy which was adopted by the Council. Mr. Pew noted that the Planning and Zoning Board has recommended approval and discussed letters of support for the proposed change which have been submitted by owners of the Fiesta Mall. Mr. Pew expressed the opinion that the proposed use is compatible with the area and urged the Council to support the applicant's request.

Tom Taussig, 1261 West Mendoza, requested that the Council deny the proposed modification to the Fiesta Quadrant policy and commented that the land has been allocated for office development use. Mr. Taussig noted that Planning Department staff oppose the

proposed revision and stated that statistics indicate that workers in office structures are seven times more likely to utilize public transportation than retail workers. Mr. Taussig added that the use of public transportation will assist in alleviating traffic congestion problems in the area.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the modification be approved as recommended by the Planning and Zoning Board and that Ordinance No. 3360, governing Zoning Case Z97-13, be adopted.

Vice Mayor Gilbert urged the Council to carefully consider this issue and noted that the Fiesta Quadrant Development Policy is relatively new. Vice Mayor Gilbert acknowledged the popularity of retail power centers and the importance of sales tax revenues, but expressed the opinion that the proposed location is not an appropriate site for this type of development. Vice Mayor Gilbert briefly commented on the surrounding neighborhoods' reliance on the area for job development and added that the Fiesta Quadrant Policy will provide long-term benefits to the community.

Councilmember Kavanaugh spoke in opposition to the applicant's request and commented that the area is a destination location for corporate development. Councilmember Kavanaugh added that the current policy was in effect when the current owners purchased the property and expressed the opinion that the proposed retail project does not represent the best interests of the neighborhood or the City of Mesa.

Mayor Brown noted that few people utilize public transportation at this time and stated the opinion that the previous high rise office development at the corner of Southern and Alma School was inappropriate for the area. Mayor Brown expressed the opinion that downtown Mesa will be the future site of high rise office development and that it appears unlikely that retail development will flourish in the Town Center area.

Councilmember Payne commented that retail power centers are in demand and indicated that she would support the applicant's request.

Councilmember Giles concurred with Councilmember Payne's remarks and commented that although he appreciates and understands the arguments presented by members of the Council in opposition to the Policy modification, in his opinion approval of the project will not preclude high rise development in that area in the future.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3360 adopted.

- *c. **Z97-15** The 160 -1700 blocks of South 96th Street (east side). Rezone from R1-43 to R1-6-PAD (36± acres). This case involves the development of a 120-lot subdivision. Superstition Corporation, owner; Killian, Nicholas, Fischer, et. al. applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS CASE.**

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

1. Compliance with the basic development as shown on the preliminary plat and elevations submitted and as described in the project narrative, 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 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. Delete at least one lot adjacent to the open space with staff review and acceptance.

(This item was included on the consent agenda for the purpose of continuance to the July 7, 1997 Regular Council Meeting.)

- d. **Z97-40** The 1200 to 1900 blocks of North 32nd Street (both sides). Rezone from AG and R1-35 to R1-35 and R1-15 with a PAD overlay (300± acres). This case involves a Development Master Plan of approximately 400 lots. McNeal, De Jong, Mast, and Knappenburger Trust, owners; Stephen Earl, applicant - Ordinance No. 3342.

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 preliminary plats, Development Master 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 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 within the 65 Ldn noise contour;
8. Redesign baseball field access and parking per staff approval;
9. Provide a termination to 30th Street and/or Iris Street per Public Works requirements;
10. Provide a termination to Backus Street per Public Works requirements;
11. Provide pedestrian connection and greenbelt from Unit 8 to open space/retention area in Unit 9 per staff approval;
12. Compliance with the project narrative submitted by the applicants;

13. That the zoning of the property be R1-35 PAD east of 32nd Street and R1-15 PAD west of 32nd Street. No R1-9 zoning will be a part of this project;
14. That 4-6 rows of existing citrus be retained on Val Vista and McKellips Roads and 3 to 4 rows of existing citrus be retained on Brown Road;
15. That minimum lot sizes (including buffer lots) be as shown on the April 29, 1997 plans submitted to the City;
16. In the area west of 32nd Street, no lot shall be less than 10,600 s.f. and the average lot size shall be 17,250 s.f.;
17. That the minimum front yard setback throughout Mesa Northgrove be 25';
18. That homes on Lots 173, 174, 175, 179, 186, 187, 188, 192, 193, 195, 96, 95, 91, and 90 shall be limited to one story;
19. That the entrance to Unit 3 be revised to avoid a conflict with the residential lot to the east of Val Vista Drive;
20. That proper wording be placed into the C.C.&R's to allow large animal privileges on Lots 173 thru 175, 179, 186, 187, 188, 192, 193, and 195; and
21. Flood irrigation service shall be maintained to the neighborhood north of McLellan Road alignment and west of the 32nd Street alignment.

Mr. Stephen Earl, the applicant, addressed the Council relative to this case and discussed Coventry Homes' extensive efforts to address a variety of concerns expressed by citizens in surrounding neighborhoods. Mr. Earl noted that in order to alleviate citizens' opposition, in excess of 100 homes have been deleted from the project, R1-7 and R1-9 home categories have been completely eliminated, access has been drastically changed, and lot sizes have been increased. Mr. Earl briefly highlighted the project's amenities and enhancements and noted that the Planning and Zoning Board and staff support approval of the project as presented.

(Mayor Brown declared a recess at 7:46 p.m. and the meeting resumed at 8:01 p.m.)

Joan Newth, 3102 East Fairbrook, discussed the variety of plan changes which have occurred during the negotiation process and commended Coventry Homes' staff on their efforts to work with neighbors to address concerns. Ms. Newth discussed the importance of the project on the community and stated that although she does not oppose the project, a number of minor issues remain to be addressed by the applicant.

Bob Broughton, 3339 East Fountain, stated that he supports the project and expressed appreciation to everyone involved.

Marten Smith, 1719 North Rico Circle, expressed the opinion that Coventry Homes has expended great effort to address the concerns of the various neighbors. Mr. Smith noted that the project will contain unique features and spoke in support of approving the applicant's request.

Janet Davis, 3129 East Fountain, informed the Council that she previously expressed concerns relative to density levels and the fact that Highland Elementary School is located in close proximity to the project. Ms. Davis commended Coventry Homes on their efforts and willingness to work with neighbors in the area. Ms. Davis requested that the Council support the project and expressed the opinion that the development represents an aesthetically pleasing project.

Betty Bendure, 3039 East Bacus Drive, discussed the rural atmosphere of her area and advised that Coventry Homes diligently addressed neighborhood concerns. Ms. Bendure stated that the applicant has worked to find mutually acceptable solutions for everyone involved. Ms. Bendure added that she supports the approval of the project.

Chuck Mitchell, 3636 East Indigo Circle, stated that Coventry Homes has performed an excellent job but expressed the opinion that several issues remain to be addressed. Mr. Mitchell stated that the average lot size data is misleading and that although perimeter lots are large, interior lots remain small. Mr. Mitchell also expressed concerns relative to the removal of citrus and questioned whether the citrus will receive adequate waterings to ensure longevity.

Barbara Markoski, 3658 East Indigo Circle, requested that the Council modify stipulation number 21 regarding flood irrigation and require that flood irrigation be made available to lots located north of McLellan and east of 32nd Street in an effort to preserve existing citrus.

In response to a question from Councilmember Kavanaugh relative to the watering of the citrus, Mr. Earl advised that experts in the citrus field have been consulted and their reports indicate that the proposed watering will be sufficient to ensure the longevity of the citrus. Mr. Earl added that Coventry Homes will be responsible for replacement of lost citrus and said that every effort has been expended to ensure that the citrus will not be harmed.

It was moved by Councilmember Giles, seconded by Councilmember Stapley, that the zoning change be approved as recommended by the Planning and Zoning Board and that Ordinance No. 3342, governing Zoning Case Z97-40, be adopted.

Carried unanimously.

*e. **Z97-41** 5620 East Baseline Road. Rezone from AG to M-1 (5± acres). This case involves the development of office/warehouses and construction yards. Albrecht/Mayher Partnership, owner/applicant - Ordinance No. 3343.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted and as described in the project narrative, 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 prior to application of a building permit; 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.

- *f. **Z97-42** The 2900 block of East Brown Road (north side). Site Plan Modification (2± acres). This case involves the development of a multiple-residence subdivision. New American Builders Corp., owner/applicant - Ordinance No. 3344.

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. 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;
4. Compliance with all requirements of the Subdivision Technical Review Committee; and
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).

- *g. **Z97-43** The southeast corner of Power Road and McDowell Road. Site plan modification (10± acres). This case involves the development of an Albertson's shopping center with pad buildings. McDowell Bush Partners, owners; Paul Gilbert, applicant - Ordinance No. 3345.

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 City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Design Review Board; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

- *h. **Z97-44** The 3900 and 4000 blocks of East McDowell Road (south side). Rezone from R1-35 to R1-35-PAD (24± acres). This case involves the development of a gated single residence subdivision - Ordinance No. 3346.

P&Z Recommendation: Approval with Conditions (Vote 6 - 0 - 1).

1. Compliance with the basic development as shown on the site plan submitted and the memo dated April 21, 1997, 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 recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;

4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
6. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport;
7. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db; and
8. Maintain at least one row of citrus north of the subdivision wall along the McDowell Road frontage, to be maintained by the homeowners association.

- *i. **Z97-45** Part of the 1400 block of South Power Road (west side). Site plan review (2± acres). This case involves the development of a furniture store. Chamberlain Development, owner; Balmer architectural, applicant - Ordinance No. 3347.

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.); and
3. Compliance with all requirements of the Design Review Board.

- *j. **Z97-47** The northwest corner of 80th Street and University Drive. Rezone from R1-43 to C-1 (0.6± acre). This case involves the development of a convenience store with gas pumps. Dean Abraham, owner; Dave Mason, Architects Southwest, applicant - Ordinance No. 3348.

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 City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Design Review Board; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.

- *k. **Z97-48** The southwest corner of Baseline Road and Sossaman Road. Site plan review (2± acres). This case involves the development of an Osco Drug. DMB, owner; Robert Cannon, applicant - Ordinance No. 3349.

P&Z Recommendation: Approval with Conditions (Vote 4 - 3).

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

- *1. **Z97-49** South of the southwest corner of Southern Avenue and Lindsay Road. Rezone from R1-6 and R1-7 to R-2-PAD (5± acres). This case involves the development of a 44-unit townhome project. Wayne Funk, owner/applicant - Ordinance No. 3350.

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

1. Compliance with the basic development as shown on the site plan and elevations 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 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. Provision for sanitation containers to be addressed in the C.C.&R's; and
6. Amenities to be accepted by staff.

- *m **Z97-50** The northwest corner of Baseline Road and 39th Street. Site plan modification (4.5± acres). This case involves the development of an office complex. UTAZ Investments, L.C., owner; Robert Kubicek Architects, applicant – Ordinance No. 3351.

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. 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;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Compliance with all requirements of the Design Review Board;
6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan; and
7. The maximum area allowed for medical use (14,400 sq. ft.) will be reflected in the C.C.&R's.

- *n. **Z97-51** The northeast corner of Crismon Road and Adobe Road. Establish City R1-43 zoning (40± acres). This case involves recently annexed property. Mesa School District, owner; City staff, applicant - Ordinance No. 3352.

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

1. Establish R1-43 zoning.

16. Consider the following subdivision plats.

- *a. "THE ROSE GARDEN" - The 3900 block of East Palm Circle (both sides); 1 R1-35 single-residence lot (2.94 acres). Jeremy W. and Julie Miller, developers; Ace Engineering, Inc., engineer.
- *b. "FALCON INDUSTRIAL PARK UNIT III-A" - The 4500 block of East Virginia Street (south side); 4 M-1 industrial lots (2.78 acres). TPI Land Investors I, developer; J.W. Stansel & Associates, engineer.
- *c. "FALCON INDUSTRIAL PARK UNIT III-B" - The 4400 block of East Virginia Street (south side); 4 M-1 industrial lots (4.18 acres). TPI Land Investors II, developer; J.W. Stansel & Associates, engineer.
- *d. "LAS COLINAS AT LAS SENDAS" - The 7300 & 7400 blocks of East Saddleback Street (north side); 34 R1-9 single residence lots (14.54 acres). Sonoran Desert Holdings, L.L.C. & CRM Holdings, L.L.C., developers; GeoDimensions, Inc. engineer.
- *e. "SUPERSTITION SPRINGS PARCEL 8 UNIT 2" - The 6600 & 6700 blocks of East Superstition Springs Boulevard (north side); 4 C-2 commercial lots (7.64 acres). Superstition Springs Investors Limited Partnership, developer; Wood/Patel Associates, engineer.
- *f. "THE COMMONS INDUSTRIAL PARK AT FALCON VIEW UNIT 1" - The 3800 through 4000 blocks of East McDowell Road (north side); 16 M-1 industrial lots (35.19 acres). Travelers Construction Co., L.C. and Western Commerce Co., L.L.C., developers; Ace Engineering, Inc., engineer.
- *g. "VILLALEAH" - The 500 block of South Temple Street (both sides); 9 R1-6 single residence lots (2.5 acres). Richard Pittman, developer; Surv Net, Inc., engineer.

17. Adjournment.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the Regular Council Meeting adjourn at 8:22 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Regular Council Meeting
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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 23rd day of June 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of July 1997

BARBARA JONES, CITY CLERK