

COUNCIL MINUTES

February 16, 1999

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on February 16, 1999 at 5:49 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Reverend Peter Perry, Our Savior's Lutheran Church.

Pledge of Allegiance led by Andy Richardson, Boy Scout Troop #258.

Councilmember Hawker announced that agenda item 7g, from the February 1, 1999 Regular Council Meeting, (A resolution approving the recommendation of the study being conducted by the Arizona Department of Transportation (ADOT) on the Superstition Freeway regarding the addition of one high occupancy vehicle (HOV) lane and general purpose lanes, and urging the other East Valley cities to consider the regional implications of this issue as recommended by the Transportation Advisory Board and the Transportation Committee) was continued to this meeting and has been continued again. Councilmember Hawker advised that this agenda item will be discussed at the February 25, 1999 Council Study Session.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Hawker, seconded by Vice Mayor Giles, that the minutes of January 5 and 21, 1999 and February 1, 2 and 4, 1999 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 Vice Mayor Giles, seconded by Councilmember Pomeroy, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications.

*a. BILL MORTON, ADMINISTRATOR

Special Event License application of Bill Morton, Administrator, for Confederate Air Force - Arizona Wing, a one-day civic event to be held Saturday, March 20, 1999 from 5:00 p.m. to 1:00 a.m., at 2017 N. Greenfield Road, Falcon Field Airport.

*b. KATHY A. LANGDON, EXECUTIVE DIRECTOR

Special Event License application of Kathy A. Langdon, Executive Director, Gilbert Chamber of Commerce, a one-day civic event to be held Saturday, March 6, 1999 from 6:00 p.m. to 12:00 Midnight, at 6001 S. Power Road, Williams Campus Union.

*c. RICHARD MANLEY, EXECUTIVE DIRECTOR

Special Event License application of Richard Manley, Executive Director, Mesa Community Action Network, Inc., three-day civic event to be held Friday, March 19, 1999 from 3:00 p.m. to 10:00 p.m., Saturday, March 20, 1999 from 10:00 a.m. to 10:00 p.m. and Sunday, March 21, 1999 from 11:00 a.m. to 8:00 p.m., at 2202 W. 8th Street, Riverview Park.

*d. JOHN SMITH, VICE PRESIDENT

Special Event License application of John Smith, Vice President, for Mobile Nobles Shrine Club, a one-day fraternal event to be held Wednesday, March 10, 1999, from 11:00 a.m. to 4:00 p.m., at 4900 E. McKellips Road, Falcon Field Park.

*e. TORRIE A. TAJ, DIRECTOR

Special Event License application of Torrie A. Taj, Director, Prehab of Arizona, Inc., a one-day charitable event to be held Saturday, February 27, 1999, from 6:00 p.m. to 12:00 Midnight, at 1011 W. Holmes Avenue, Mesa Hilton Pavilion.

*f. H. J. LEWKOWITZ, AGENT

Person and Location transfer Beer and Wine Bar License for Augusta Ranch Golf Club, 2401 S. Lansing. This transfer is from Leroy J. Moser, Agent, Moser Foods, Inc., 1038 E. Main Street, Mesa to H. J. Lewkowitz, Agent, AR Development LLC, 2401 S. Lansing, Mesa.

*g. LUIS A. LOPEZ, INDIVIDUAL

New Restaurant License for Culichi's Mexican Grill, 6233 E. Main Street. This is an existing business, no previous liquor licenses at this location.

4. Consider the following contracts.

- *a. Two-year supply contract for residential refuse and recycling containers as requested by the Solid Waste Division.

The Purchasing Division recommends accepting the low bid by Rehrig Pacific Company at \$386,226.00 plus 5% use tax of \$19,311.30 for a total of \$405,537.30 based on estimated annual purchases.

- b. Two-year supply contracts for asphalt materials and crack sealant as requested by the Transportation Division. These materials are used for routine repairs and maintenance by Streets Maintenance crews.

The Purchasing Division recommends awarding to the low bids as follows:

PRIMARY CONTRACTS FOR ZONE A & B:

Group I and Group II to Copperstate Emulsions, Inc. for annual purchases estimated at \$260,200.00 plus 7.20% sales tax on material of \$18,734.40 for a total of \$278,934.40; Group III to Koch Materials Company for annual purchases estimated at \$229,250.00 plus 7.00% sales tax of \$16,047.50 for a total of \$245,297.50; and Group IV to Maxwell Products, Inc. for annual purchases estimated at \$41,250.00 plus 5% use tax of \$2,062.50 for a total of \$43,312.50. The combined award is then \$567,544.40 based on estimated annual requirements.

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

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

- *c. Approval for Replacement Mainframe Processor as requested by the Information Services Division (ISD). The currently-installed Amdahl mainframe processor was acquired in December 1990 and is owned by the City.

The Purchasing Division recommends accepting Alternate Proposal #1 from Amdahl Corporation, for a Millennium 535 mainframe processor for \$426,652, plus sales tax of \$29,866, for a total of \$456,518, to be financed through a tax-exempt three-year lease. The upgrades total an additional \$42,800, including sales tax. The combined total award is then \$499,318.

- d. Mesa Cemetery Road Improvements. City of Mesa Project No. 99-36.

This project involves constructing road improvements at the Mesa Cemetery at 1212 North Center Street.

Recommend award to low bidder, Down to Earth Contracting, Inc., in the amount of \$112,202.00

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

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

e. Gilbert Road Widening, Southern Avenue to Main Street.

This project consists of the reconstruction and widening of Gilbert Road from south of Southern Avenue to north of Main Street.

Recommend award to low bidder, C.S. & W. Contractors, Inc., in the amount of \$6,717,146.85.

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

In response to a request from Mayor Brown, Construction Services Representative Glen Gorke presented a brief overview of the proposed widening project and advised that the work will be completed by February 2000.

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

f. Macdonald Street Parking Structure. City of Mesa Project No. 98-81.

This project consists of construction of a new parking garage at 23 North Macdonald Street in downtown Mesa.

Recommend award to low bidder, D. L. Withers Construction, L.C., in the amount of \$4,156,100.00.

Councilmember Kavanaugh stated that in May 1998, the City Council approved the construction of the parking structure in addition to the redevelopment of the Bank One building. Councilmember Kavanaugh stated the opinion that the construction of the parking garage should proceed in conjunction with the redevelopment of the building and expressed concern relative to the fact that the developer, the Voit Company, has not provided the City of Mesa with any type of security/promissory note which would protect the City should the building not proceed as planned.

Councilmember Kavanaugh stated that in the absence of a security arrangement with the developer regarding the construction of the Bank One building, he is hesitant to award the proposed bid. Councilmember Kavanaugh requested that this item be continued to the next Regular Council Meeting to allow sufficient time for City Attorney Neal Beets to pursue the implementation of a security mechanism for the City.

In response to a question from Mayor Brown relative to the impacts of a continuance on the project, City Manager Charles Luster noted that the project has already experienced a two-week delay and stressed the importance of avoiding additional delays in order to complete the project prior to the holiday season.

Councilmember Jaffa concurred with Councilmember Kavanaugh's remarks relative to the importance of obtaining some form of guarantee regarding the construction of the Bank One building from the Voit Companies and stated that the development of the Bank One project is a crucial part of the overall Town Center redevelopment program.

Mayor Brown commented that although he concurs that the developer has had sufficient time in which to provide some form of project guarantee, in his opinion the project will proceed with or without the Voit Companies' participation. Mayor Brown emphasized the importance of providing additional parking in the downtown area and said that the garage is a necessary addition to the Town Center area. Mayor Brown added that the Southwest Museum expansion has also increased parking demands at this location.

Councilmember Davidson commented that a significant amount of work has been accomplished in order to ensure that the project will be a viable addition to the Town Center and said that he will support proceeding with the bid award at this time.

Vice Mayor Giles stated the opinion that should the Voit Companies not proceed with the Bank One project, another developer may not agree that the parking garage should be located behind the facility. Vice Mayor Giles indicated that he will support Councilmember Kavanaugh's request for a continuance.

It was moved by Councilmember Hawker, seconded by Councilmember Jaffa, that this item be continued to the March 1, 1999 Regular Council Meeting.

Mr. Luster indicated that staff will immediately pursue discussions with the Voit Companies relative to a project guarantee and requested that the Council continue this item to the next Regular or Special Council Meeting to allow a decision to occur earlier should the discussions be successful.

Councilmember Hawker and Councilmember Jaffa agreed to amend the motion to reflect that this item will be continued to the next Regular or Special Council Meeting.

Carried unanimously.

4.1. Introduction of the following ordinance and setting March 1, 1999 as the date for the public hearing on this ordinance.

(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 Telecommunications; repealing Chapter 14, Title 9, Mesa City Code; amending Title 9 by adding a new Chapter 14; establishing a telecommunications license requirement; and providing penalties for violation.

5. Consider the following resolutions.

- *a. Approving the Map of Dedication of right-of-way and public utility and facility easements within the Williams Gateway Airport; and authorizing the Mayor to execute this map on behalf of the City of Mesa – Resolution No. 7323.
- b. Authorizing the City Manager to execute a revised agreement between the Maricopa County Department of Transportation and the City of Mesa for roadway improvements to Recker Road from Adobe Road to Evergreen Street – Resolution No. 7325.

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

It was moved by Councilmember Davidson, seconded by Vice Mayor Giles, that Resolution No. 7325 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7325 adopted.

- c. Authorizing the City Manager to execute an amendment to an agreement between the Maricopa County Department of Transportation and the City of Mesa for improvements to Ray Road from Power Road to Sossaman Road - Resolution No. 7326.

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

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7326 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7326 adopted.

*d. Authorizing the City Manager to sign a Memorandum of Understanding concerning the Rio Salado Multipurpose Crossing project. **CONTINUED TO THE MARCH 1, 1999 REGULAR COUNCIL MEETING.**

*e. Approving the application for Arizona State Parks Board Local, Regional, and State Parks Heritage Fund for Countryside Community Park Development – Resolution No. 7324.

6. Consider the following ordinances.

a. Relating to auctioneers, pawnbrokers, scrap metal dealers, and second hand dealers; amending Sections 5-7-1 of the Mesa City Code; providing for severability and providing penalties for violations as recommended by the Police Committee – Ordinance No. 3600.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Ordinance No. 3600 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and Ordinance No. 3600 adopted.

6.1. Consider the recommendation from the Utility Committee meeting held February 16, 1999.

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

Utilities Manager David Plumb provided a brief overview of this agenda item and highlighted the unanimous recommendations that have been forwarded from the Utility Committee, which include: 1) that staff pursue the simplification of the City's commercial utility rates; and 2) that in an effort to provide additional information to the City's utility customers, unbundled rates be printed on customer billing statements. Mr. Plumb also explained the terms bundled and unbundled rates.

Mayor Brown noted that Mesa resident Marilyn Wennerstrom previously posed questions regarding the itemization of charges on customer billing statements and requested that Mr. Plumb meet with Ms. Wennerstrom.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the above listed recommendations from the Utility Committee be approved.

Councilmember Hawker commented that he will support the motion but indicated that a number of questions remain to be addressed regarding the entire deregulation issue and the City's ability to compete with other utility providers.

Mayor Brown recommended that Councilmember Hawker forward his questions and comments to the Utility Committee for consideration and recommendations to the full Council.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

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

- *a. **A98-84** South and east of the southeast corner of Lindsay and McKellips Roads. Rezone from C-1 and R1-43 to R1-9-PAD (12± acres). This case involves the development of a 34-lot single residence subdivision. Edward Probyn James & Associates, Inc., owner/applicant. **CONTINUED FROM THE NOVEMBER 16, 1998, DECEMBER 21, 1998, AND THE JANUARY 19, 1999 CITY COUNCIL MEETING. A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. REVISED ORDINANCE INTRODUCED JANUARY 5, 1999 FOR 34 LOTS. THE APPLICANT HAS REQUESTED THIS CASE BE WITHDRAWN.**

P & Z Recommendation: Approval with conditions (vote: 6-1-1 Parker nay, Zaharis abstained).

1. Compliance with the basic development as shown on the revised 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
5. Compliance with all requirements of the Subdivision Technical Review Committee, including submission of subdivision CC & R's and the formation of a Homeowners Association for maintenance of common areas and amenities;
6. Compliance with the letter from Edward Probyn James dated December 23, 1998;
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
8. Notice be provided to future residents that the project is within two miles of Falcon Field Airport and including a statement that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Falcon Field Airport administration office;
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels;
10. Compliance with the Residential Development Guidelines including staff review of elevations;
11. Lots 11 through 16 shall be a minimum of 20,000 sq. ft. and limited to one story in height; and
12. The fence on the south perimeter to remain at approximately current grade level.

- *b. **Z98-113** 201 North Hobson. Rezone from R1-6 and R-2 to R1-6-PAD (0.5± acres). This case involves the development of a 4-lot single residence subdivision. Owner/Applicant; Damon C. Wheeler and Colleen C. Wheeler. **CONTINUED FROM THE JANUARY 19, 1999 CITY COUNCIL MEETING. A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. CONTINUED TO THE MARCH 1, 1999 REGULAR COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.); and
4. Compliance with all requirements of the Subdivision Technical Review Committee.

- *c. **Z99-1** The northeast corner of Southern Avenue and Los Alamos. Rezone from R1-6 and R1-9 to PF (28± acres). This case involves the development of a community park. Owner/applicant; City of Mesa – Ordinance No. 3591.

P & Z Recommendation: Approval with conditions (vote: 6-0-1, Brock abstained).

1. Compliance with the basic development as shown on the site plan submitted except as noted below;
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans;
3. Compliance with all City development codes and regulations; and
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

- *d. **Z99-2** The southwest corner of Sossaman and McDowell Roads. Rezone from R1-35-DMP (Conceptual R1-15) to R1-15-PAD (5± acres). This case involves the modification of Las Sendas

DMP to allow separation of this parcel from the DMP and the development of a 10 lot residential subdivision. Owner/ applicant; Richard Arambula. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST – Ordinance No. 3592.**

P & Z Recommendation: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of 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. Landscaping to be compatible with the Las Sendas development and adhere to the Desert Uplands Guidelines;
7. The subdivision wall and entry monumentation should also be compatible with Las Sendas development;
8. Develop an additional elevation which reflects the desert environment;
9. Written notice be provided to future residents, and acknowledgments received that the project is within three (3) miles of Falcon Field Airport;
10. Restrict lots to one-story buildings where adjacent to an adjoining subdivision lot with a one story building; and
11. Documentation regarding deannexation from Las Sendas DMP prior to City Council.

- *e. **Z99-3** Parcels 47 and 48 of Las Sendas. Rezone from R1-35 DMP (Conceptual R-2-PAD and R-3) to R1-6-PAD-DMP (19.3± acres). This case involves the development of a single residence subdivision. Owner; Sonoran Desert Holding, LLC, applicant; Maracay Homes. Represented by; Todd Weber – Ordinance No. 3593.

P & Z Recommendation: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of 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. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Falcon Field Airport; and
7. Development of elevations reflective of the Desert Uplands character.

- *f. **Z99-4** The southwest corner of Power and Thomas Roads. Rezone from R1-9 (Conceptual C-2) to C-2 (5± acres). This case involves the development of a commercial strip center. Owner; Philip Ellis, applicant; Homes by Judi, Inc. Represented by: Patrick Hendley – Ordinance No. 3594.

P & Z Recommendation: Approval with conditions (vote:7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Design Review Board;
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan;
8. Future site plan review through the Planning and Zoning Board and City Council for convenience stores with or without gasoline sales; any 24-hour business; buildings with drive-through lanes; and
9. Owner granting an Avigation easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

- *g. **Z99-5** The 6600 and 6700 blocks of East Thomas Road (south side). Rezone from R1-9 (Conceptual C-2) to R1-6-PAD (6± acres). This case involves the development of a single residence subdivision. Owner; Philip Ellis, Patrick Hendley, applicant – Ordinance No. 3595.

P & Z Recommendation: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
7. Written notice be provided to future residents, and acknowledgment received that the project is within three miles of Falcon Field Airport;
8. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db; and
9. Compliance with the letter dated January 15, 1999.

- *h. **Z99-6** 4150 East Main Street. Rezone from C-2 to R-4 and Site Plan Review (15± acres). This case involves the development of an apartment complex. Owner; Homes by Judi, Represented by: Patrick Hendley, applicant – Ordinance No. 3596.

P & Z Recommendation: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;

2. R-4 zoning for the entire acreage;
3. Compliance with all City development codes and regulations;
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
5. 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
6. Compliance with all requirements of the Design Review Board.

- *i. **Z99-7** 5041 East Broadway Road. Rezone from AG to R-4-BIZ (0.5± acre). This case involves the conversion of a residence to office use. Owner; Joe and Rosemary Boofer, applicant; Encore Senior Living – Ordinance No. 3597.

P & Z Recommendation: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, 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.); and
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.

- *j. **Z99-8** 3155 East Main Street. Rezone from C-2 to C-3 (1± acre). This case involves the development of a mobile home sales/storage facility. Owner; Ann Onno, applicant; Max Crist – Ordinance No. 3598.

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

- k. **Z99-9** The NWC of Higley Road and Hampton Avenue. Rezone from R1-9 (Conceptual R-2-PAD) and C-2 to R-3 (18.4± acres). This case involves the development of an apartment complex. Owner; H. James Talbot, applicant; Terry Lewis – Ordinance No. 3601.

P & Z Recommendation: Approval with conditions (vote: 7-0).

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

Stephen Earl, 3101 North Central Avenue, Phoenix, an attorney representing the applicant, presented brief introductory comments regarding the project and noted that staff and the members of the Planning and Zoning Board have voted in unanimous support of the approval of this case. Mr. Earl stated the opinion that the project represents the highest quality multi-family project that has been presented to the Council and compared the units to single family homes containing parking garages and extensive amenities. Mr. Earl noted that the development will be gated and discussed efforts to meet with neighbors in the surrounding area to address their concerns regarding potential traffic safety hazards. Mr. Earl reported that as a result of three meetings that were held, two additional stipulations have been developed and presented in a letter of agreement: 1) that construction traffic not use the Southern Avenue entrance for access; and 2) that a textured surface be added to the entrance to identify the entrance and slow traffic that is travelling over the heavily textured surface. Mr. Earl emphasized that the purpose of both additional stipulations is to ensure that children walking, riding bicycles or skateboarding to and from Brimhall Junior High School are not subjected to potential injuries as a result of speeding vehicles exiting into the roadway from the complex.

James Dillon, 4533 East Florian Circle, a resident of the area, spoke in opposition to the approval of this case. Mr. Dillon informed the Council that the area under discussion has been inundated by apartment development and discussed concerns relative to overburdening the schools, an increase in latch-key children and a potential increase in crime. Mr. Dillon requested that the Council deny this request.

Jeff Christ, 5520 East Holmes, complimented Mr. Earl on his efforts to meet with the neighbors and address their concerns. Mr. Christ concurred with the previous speaker's remark relative to the over abundance of existing apartment communities in the immediate area and noted that the Council recently approved the development of an additional, lower quality complex located directly across the street from the proposed project. Mr. Christ requested that should the Council approve this case, efforts be immediately expended to ensure that traffic signals and other precautions are taken to protect the children from potential traffic hazards.

In response to a question from Vice Mayor Giles relative to additional safety measures that may be undertaken, Mr. Christ stated the opinion that some type of electronic pedestrian warning device should be located on the outside of the proposed exit gate that will open onto Southern Avenue adjacent to Brimhall Junior High School. Mr. Christ added that the device would provide advance warning to children who are walking, riding bicycles, or skateboarding that vehicles are entering the roadway from the complex. Mr. Christ also recommended that the proposed traffic signal at Hampton be erected prior to construction.

Discussion ensued relative to the proposed landscaping buffer, the fact that a previous development master plan indicated that a shopping center and townhouse project would be constructed on the site, the fact that in accordance with the current plans a smaller commercial development will be constructed on the corner and the remaining land will constitute the apartment complex, the fact that traffic studies have indicated that traffic levels will be approximately 50% less than what would have occurred in accordance with the original zoning, and the fact that the impact on the surrounding schools will also be less than what would have occurred under the original R2 zoning.

Mr. Earl discussed efforts that have been expended by the developer to enhance traffic safety and address the concerns of the neighbors and indicated his willingness to work with staff on the addition of an electronic warning device if the Council supports that proposal.

Councilmember Davidson questioned whether a crossing guard could be assigned to the location outside of the proposed complex and recommended that this proposal be presented to the Mesa School Board.

Mr. Earl stated that in addition to committing to erect an agreed upon electronic device by the gate to warn children of approaching vehicles, he is also willing to pursue the possibility of assigning a crossing guard to that location with the Mesa School Board and to continue efforts to enhance safety in that area.

Discussion ensued among the members of the Council relative to the possibility of continuing this case to allow additional study to occur and the importance of ensuring the safety of the children attending the adjacent school.

Mr. Earl stressed the importance of proceeding with this case and informed the Council that in an effort to alleviate safety concerns, the owner of the property is also willing to revise his letter to the Planning and Zoning Board and stipulate that the gate that opens onto Southern Avenue will be used for emergency access only.

Additional discussion occurred among the members of the Council relative to the fact that the applicant's willingness to stipulate that the gate which opens onto Southern Avenue will be used for emergency access only greatly enhances the safety of the school children in that area.

Councilmember Kavanaugh expressed concern relative to the fact that the applicant is being required to meet higher standards than other developers and cautioned the Council regarding this matter.

Vice Mayor Giles stated the opinion that the project's close vicinity to a junior high school justifies the higher standards and implementation of additional safety precautions.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3601 be adopted subject to the addition of the stipulation outlined by Mr. Earl to the applicant's letter of agreement regarding limiting gate access onto Southern Avenue to emergency vehicles only.

Councilmember Hawker indicated that he was not opposed to an exit from the development onto Southern Avenue as long as visibility is not hampered and recommended that a yellow sign stating "Children's Crossing" be erected by the gate. Councilmember Hawker added that he will not vote in support of adding the additional stipulation to the letter of agreement.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3601 adopted.

- *1. **Z99-11** The 6600 Block of East Superstition Springs Blvd. (south side). Council Use Permit (12+ acres). This development allows a residential condominium project in the commercial district. Owner/applicant; United Properties, Inc.; Bill Oliver – Ordinance No. 3599.

P & Z Recommendation: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the conditions of Design Review case DR97-84;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
5. Compliance with all requirements of the Subdivision Technical Review Committee; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

8. Consider the following subdivision plats.

- *a. “FRY’S NO. 62 SUBDIVISION” – The 500 block of West Baseline Road (north side) 5 C-3 commercial lots (11.8 ac.) Dillon Real Estate Company, Inc., developer; Amwest Engineering Company, Inc., engineer.
- *b. “SUPERSTITION LAKES – UNIT 1” – The 6500 block of East Superstition Springs Boulevard (south side) 40 C-2-BIZ-CUP-DMP condominium units (3.25 ac.) UP Superstition Springs, Inc., developer; Val-Tec, Inc., engineer.
- *c. “SUNLAND SPRINGS VILLAGE UNIT TWO” – The 11200 through 11500 blocks of East Baseline Road (south side) 385 R1-6-DMP single residence lots and 15 tracts (165.75 ac.) Transnation Title Insurance Company and Springs Golf Company, L.P., developers; Clouse Engineering Inc., engineers.
- *d. “SIGNAL BUTTE MANOR” – The 500 block of South Signal Butte Road (east side) 121 R-2 PAD single residence lots (19.9 ac.) Deitz-Crane Builders, L.L.C., developer; GeoDimensions, engineer.
- *e. “VILLAS AT ALTA MESA” - The 5300 block of East McLellan Road (north side) 126 R1-6-PAD single residence lots (21.3 ac.) White Hawke at Alta Mesa, L.L.C., developer; Brooks, Hersey & Associates, Inc., engineer.

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

Brian Boles, 4220 North Tabor Street, addressed the Council regarding Red Mountain Ranch Parcel 6B and informed the Council that a proposed and agreed upon 7-acre property conveyance to the Red Mountain Ranch Homeowners' Association was recently voided as a result of an undisclosed sale of the parcel of land. Mr. Boles expressed the opinion that the homeowners should have had an opportunity to make a fair market offer on this parcel of land. Mr. Boles requested that the Council consider the adoption of an

ordinance which would ensure that any real estate transaction that will affect more than ten adjacent property owners be subject to a stringent property owner notification process.

Mayor Brown thanked Mr. Boles for his suggestion.

James Baker, 6334 East Viewmont Drive, also addressed the Council regarding Parcel 6B noted that the City's subdivision regulations contain Desert Uplands Development Standards and Desert Uplands Guidelines. Mr. Baker expressed the opinion that this parcel of land is desert uplands and briefly described the hillside terrain. Mr. Baker noted that the guidelines do not apply to Parcel 6B and recommended that the City Council consider requiring every mountainous/hillside parcel of land in Mesa to be subject to the Desert Uplands Guidelines.

Mayor Brown commented on the importance of receiving citizen input regarding issues such as this and indicated the Council's intent to review the guidelines and consider all recommendations pertaining to same. Mayor Brown thanked Mr. Baker for his comments and requested that staff note Mr. Baker's suggestion for future discussion.

10. Adjournment.

Without objection, the Regular Session adjourned at 7:28 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 16th day of February 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK