

COUNCIL MINUTES

August 31, 1998

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on August 31, 1998 at 4:15 p.m.

COUNCIL PRESENT

Jim Davidson
John
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

Giles

COUNCIL ABSENT

Mayor Wayne Brown

STAFF PRESENT

C.K. Luster
Pauline Backer
Wayne Balmer
Cindy Barris
Neal Beets
Denise Bleyle
Dennis Compton
Fred Conway
Mark Coon
Luigi Digirolamo
Jo Ferguson
Mike Hutchinson
Janice Jackson
Barbara Jones
Harry Kent
Wayne Korinek
Ron Krosting
Larry Lines
Rich Lorig
Greg Marek

STAFF PRESENT (CONT.)

Frank Mizner
Keith Nath
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Sharon Seekins
Jenny Sheppard
Jan Strauss
John Szczepanski
Paul Wilson

OTHERS PRESENT

Doug Bennett
Charlie Deaton
Victor Linoff
Others

Vice Mayor Giles excused Mayor Brown from the meeting.

1. Review items on the agenda for the August 31, 1998 Regular Council Meeting.

All of the items were reviewed by Council and staff with no formal action taken. There was specific discussion relative to the following agenda items:

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

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

- a. **A98-6** The northeast corner of 110th Street and East University Drive (East University Drive north of East Cholla Road and from North 110th Street east to North Mountain Road) (41.4+/- acres). Initiated by property owner.

In response to a question from Councilmember Pomeroy, Community Development Manager Wayne Balmer explained methods for initiating annexation and benefits provided to residents in receiving City services. Mr. Balmer noted that Frank Bennett, Jr., a property owner within the area, supports the proposed annexation.

6. Consider the following contracts.

- b. Sale of 234 surplus weapons as requested by the Police Department. These weapons are sold in groups (lots) to companies who have a Federal Firearms License.

Councilmember Pomeroy questioned the type of weapons to be sold. City Manager Charles Luster noted the various types of weapons which have been confiscated by the Police Department.

Assistant Police Chief Fred Conway provided background information concerning the City's policy to sell such weapons. Mr. Conway advised that Bear Mountain is a dealer located in Mesa who possesses a Federal Firearms License.

Vice Mayor Giles requested that Chief Conway present data pertaining to this item at the Regular Council Meeting.

- *h. Traffic accident investigation instruments as requested by the Police Department. This equipment will improve the accuracy and reduce the time associated with accident investigations.

In response to questions from Councilmember Hawker, Police Lieutenant Luigi Digirolamo and Master Police Officer John Szczepanski explained the operation of the Accident Investigation Measuring System (AIMS), which provides measurements utilizing laser technology and operates in conjunction with an autoCAD (computer-aided drafting) system. Lt. Digirolamo advised that the equipment will accelerate the accident investigation process and that funding is available to purchase autoCAD equipment.

Councilmember Hawker questioned the feasibility of correlating with existing mapping to avoid re-creating streetscapes.

Vice Mayor Giles suggested demonstration of the equipment at a future Council meeting.

7. Introduction of the following ordinances and setting September 8, 1998 as the date for the public hearing on these ordinances.

- *b. **A98-7** The proposed annexation of an area east of Ellsworth Road and northwest of the Signal Butte Floodway (20.3+/- acres). Initiated by property owner.

Mr. Balmer responded to questions from Councilmember Davidson pertaining to the proposed annexation and the modification of County zoning to compatible City zoning following annexation.

- e. **Z98-62** The 2800 through 4400 blocks of North Power Road (east side) east of the CAP Canal and the 7000 through 7500 blocks of East McDowell Road (both sides). Consider the modification of the Development Master Plan for "Las Sendas" (1,838.3 acres). THIS ORDINANCE INCORPORATES REVISIONS MADE SINCE THE ORIGINAL ORDINANCE WAS INTRODUCED.

and

- f. **Z98-66** Parcel 18 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (11 acres). This case involves the future development of a 35-lot residential subdivision. THIS ORDINANCE INCORPORATES REVISIONS MADE SINCE THE ORIGINAL ORDINANCE WAS INTRODUCED.

and

- g. **Z98-71** Parcels 45, 49, and 50 at Las Sendas. Rezone from R1-90-DMP to R1-7-DMP (59.16 acres). This case involves the development of a 197-lot residential subdivision. THIS ORDINANCE INCORPORATES REVISIONS MADE SINCE THE ORIGINAL ORDINANCE WAS INTRODUCED.

Councilmember Jaffa requested an opportunity to comment at the Regular Council Meeting relative to Zoning Cases Z98-62, Z98-66, and Z98-71.

Vice Mayor Giles advised that the introduction of ordinances relating to the three cases will be considered following discussion of individual zoning cases under Item 12 on the agenda.

8. Consider the following ordinances.

- b. Changing the zoning of certain property described in Zoning Case HL98-001TC (Historic Landmark Overlay District for Irving School), adopting an official supplement zoning map, and providing penalties for the violation thereof. CONTINUED FROM THE JULY 20, 1998 COUNCIL MEETING.

Councilmember Hawker noted concerns relative to the proposed historic landmark overlay district.

In response to a question from Councilmember Hawker, Redevelopment Director Greg Marek advised that staff has not yet had specific discussions regarding reuse of the facility given the time frame before the exiting operation is relocated but has provided input concerning potential uses. Mr. Marek stated that maintenance costs have been estimated at \$151,000 based on a two-year average under the current operation but said that the City is not obligated to maintain the building and has the option to lease or sell the facility. Mr. Marek noted a six-month maximum stay relative to demolition should the historic landmark overlay district be approved.

Mr. Marek outlined criteria for both local and national historic designation and commented that the Irving School qualifies for both.

Discussion ensued relative to potential demolition.

Councilmember Hawker requested that this item remain off of the consent agenda.

9. Consider the following resolutions.

- *a. Authorizing the City Manager to execute an easement for overhead and underground power to Salt River Project, located at the 1200 block of West Guadalupe Road and the 2800 block of South Alma School Road.

and

- *b. Authorizing the City Manager to execute an easement for overhead and underground power to Salt River Project, located on the north side of Brown Road, between Lindsay Road and 32nd Street.

Councilmember Jaffa expressed concern relative to the overhead placement of 69kv line.

Following brief discussion pertaining to overhead/underground power, Mr. Luster indicated that these items can be continued to the September 8, 1998 Regular Council Meeting in order to provide Council additional information.

Vice Mayor Giles stated that Items 9a and 9b will remain on the consent agenda for continuance to September 8, 1998.

- *c. Clarifying the 1996 Mesa General Plan Land Use issue.

Vice Mayor Giles stated that he has received a request from Jason Morris, an attorney representing an involved party, that this item be continued. Vice Mayor Giles noted Mr. Morris' intent to additionally request a continuance from Maricopa County.

Councilmember Davidson questioned whether it is likely that the County will accede to Mr. Morris' request. Mr. Morris expressed the opinion that the County will grant the continuance, noting that Mesa represents the largest single entity involved in the matter. Mr. Morris advised that the County meets on September 17 and October 1, 1998. Mr. Morris requested a continuance to accommodate the County's October 1 meeting.

Councilmember Pomeroy indicated a preference not to proceed until he has additional time to review the matter.

Councilmember Jaffa expressed the opinion that it would be appropriate to delay action on this item pending policy discussion pertaining to East Mesa development.

Councilmember Hawker recommended review relative to the entire southeast quadrant. Councilmember Hawker noted the importance of considering Apache Junction's plans to ensure compatible usage.

Vice Mayor Giles cautioned against conveying a message that the City is considering major modifications to the General Plan for the area.

Following additional brief comments, Vice Mayor Giles stated that given Mr. Morris' commitment to pursue a continuance from the County, this item will be placed on the consent agenda for the purpose of continuance to the September 22, 1998 Regular Council Meeting. Vice Mayor Giles noted anticipated policy discussion relative to the Southeast Mesa area.

- *e. Amending Resolution 7247 re-creating a Multipurpose Facilities District.

Vice Mayor Giles said that this item will be removed from the consent agenda.

11. Consider the following appeal from the Design Review Board.

- a. **DR98-35** 1608 North Greenfield Road.

Mr. Balmer reported that the individual filing the appeal relating to DR98-35 was unable to attend a recent meeting of the Design Review Board. Mr. Balmer recommended that this item be referred back to the Design Review Board in an effort to resolve issues.

Councilmember Jaffa requested an opportunity to express his concerns relating to the case.

Vice Mayor Giles noted staff's recommendation that Item 11a be referred back to the Design Review Board but stated that the item will remain off of the consent agenda to allow Councilmember Jaffa an opportunity to speak.

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

- *a. **Z98-1** The 1800 block of North Higley Road (east side). Rezone from M-1-DMP to R-3-DMP (13+/- acres). This case involved development of a 200-unit apartment complex. Scott Homes, owner; Beus, Gilbert & Morrill, applicant.

Mr. Balmer advised that previous concerns have been addressed and neighbors are supportive of the proposed rezoning.

Councilmember Jaffa commended Scott Homes for their efforts in working with the homeowners.

- *b. **Z98-42** The southeast corner of Power Road and Kiowa Avenue. Site Plan Review (7+/- acres). This case involves the development of a strip retail center. FAC Realty Trust, owner; Transmark Company, applicant.

Councilmember Jaffa noted a preference for luxuriant landscaping along Power Road.

- *c. **Z98-49** The northeast corner of University and Sossaman. Rezone from R1-43 to R1-7-PAD (48+/- acres). This case involves the development of a residential subdivision. Argil Company, owner; Cornerstone Homes & Development, Inc., applicant.

Councilmember Davidson requested that this item be removed from the consent agenda.

- *d. **Z98-50** The 5200-5400 blocks of East McKellips Road. Rezone from M-1-DMP to R-2-PAD-DMP (11.76 acres). This case involves development of 115+/- townhouses. Maracay Homes, owner; Beus, Gilbert & Devitt, applicant.

Mr. Balmer responded to questions from Councilmember Pomeroy concerning the case. Mr. Balmer noted discussions/revisions that have occurred relative to the project and stated that staff has received a letter from surrounding neighbors indicating agreement to proceed.

Councilmember Pomeroy spoke in favor of allowing this item to remain on the consent agenda.

- *e. **Z98-51** The southeast corner of Crismon Road and Southern Avenue. Rezone from R1-43 to C-2 (14+/- acres). This case involves development of a grocery shopping center. Park West, Inc., owner; Ralph Pew, applicant.

Councilmember Jaffa expressed concern relative to the parking lot and requested that this item be removed from the consent agenda.

- f. **Z98-52** The southeast corner of Signal Butte and Adobe. Rezoned from R1-43 to R1-9 PAD (53.8 acres). This case involves development of a single-residence subdivision with approximately 153 lots. Roger Nelson, owner; Ralph Pew, applicant. **A 3/4 VOTE WILL BE REQUIRED TO APPROVE THIS CASE.**

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.

Mr. Balmer advised that the applicant has asked for a continuance and will work with neighbors to revise the plan.

In response to a question from Vice Mayor Giles, various neighbors present at the meeting noted reservations regarding continuance of the case and requested an opportunity to speak at the Regular Council Meeting.

- g. **Z98-54** The southwest corner of Country Club and Juanita. Site Plan Modification (10.25 acres). This case involves development of a retail pad building, a drive-through restaurant, a gas station, and an industrial/office building. Kenneth Roth, owner; Ralph Pew, applicant.

Mr. Balmer reported that concerns have been addressed with neighbors and that this item may be added to the consent agenda should Council determine such action appropriate.

Councilmember Pomeroy asked that this item remain off of the consent agenda.

- *i. **Z98-56** 3129 East McKellips Road. Rezone from R1-43 to C-2 (3+/- acres). This case involves the development of a restaurant. Dennis Serrine, owner/applicant.

Councilmember Jaffa indicated a willingness to allow this item to remain on the consent agenda but expressed concern that the landscaping in the parking area provide ample shade for vehicles.

- n. **Z98-62** The 2800 through 4400 blocks of North Power Road (east side) east of the CAP Canal and the 7000 through 7500 blocks of East McDowell Road (both sides). Consider the modification of the Development Master Plan for "Las Sendas" (1,838.3 acres). Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Mr. Balmer advised that this item is one of three cases involving reintroduction of an ordinance. Mr. Balmer stated that this item may be placed on the consent agenda for approval of the case and reintroduction should Council determine such action appropriate.

Vice Mayor Giles said that this item will be added to the consent agenda for approval of the case and reintroduction of the corresponding ordinance.

- o. **Z98-63** Parcel 4 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (37 acres). This case involves the development of a 92-lot residential subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Councilmember Jaffa asked that this item remain off of the consent agenda.

- p. **Z98-64** Parcel 6 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (11.2 acres). This case involves the future development to a 90-unit townhome subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles stated that this item will be added to the consent agenda.

- q. **Z98-65** Parcel 9 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (18.5 acres). This case involves the development of a 55-lot residential subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles said that this item will be added to the consent agenda.

- r. **Z98-66** Parcel 18 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (11 acres). This case involves the future development of a 35-lot residential subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles stated that this item will be placed on the consent agenda for approval of the case and reintroduction of the corresponding ordinance.

- s. **Z98-67** Parcel 19 at Las Sendas. Rezone from R1-90-DMP to R1-15-PAD-DMP (119.2 acres). This case involves the development of a 141-lot residential subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles said that this issue will remain off of the consent agenda.

- t. **Z98-68** Parcel 29 at Las Sendas. Rezone from R1-90-PAD-DMP to R1-9-PAD-DMP (46.7 acres). This case involves the development of a 95-lot residential subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles stated that this item will be added to the consent agenda.

- u. **Z98-69** Parcels 30/32 at Las Sendas. Rezone from R1-90-DMP to R1-9-PAD-DMP (51.6 acres). This case involves the development of a 110-lot residential subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles said that this issue will be placed on the consent agenda.

- v. **Z98-70** Parcel 41 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (13+/- acres). This case involves the future development of a 105-unit townhome subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles stated that this item will be added to the consent agenda.

- w. **Z98-71** Parcels 45, 49, and 50 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (59.16 acres). This case involves the development of a 194-lot residential subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles said that this issue will remain off of the consent agenda. Mr. Balmer noted that this is the third of the three cases involving reintroduction of an ordinance.

- x. **Z98-72** Parcels 47 and 48 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (20+/- acres). This case involves the future development of a 160-unit townhome subdivision. Sonoran Desert Holdings, L.L.C., owner/applicant; represented by Proehl Development.

Vice Mayor Giles stated that this item will be included on the consent agenda.

2. Acknowledge receipt of minutes of various boards and committees.

- a. Adjustment Board meeting held August 4, 1998.
- b. Crime Prevention Advisory Board meeting held August 19, 1998.
- c. Design Review Board meeting held August 5 and August 19, 1998.
- d. Downtown Development Committee meeting held July 16, 1998.
- e. Traffic Safety Committee meeting held August 18, 1998.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, to acknowledge the receipt of the minutes of the above-listed meetings.

Councilmember Davidson referred to the minutes of the Design Review Board and discussion pertaining to the City's sign ordinance. Councilmember Davidson commented that it may be burdensome for commercial entities to appear before both the Design Review Board and the Board of Adjustment.

Mr. Balmer related concerns expressed regarding the aesthetic appearance as well as the proper placement of signage.

Councilmember Davidson encouraged efforts to minimize the burden placed on commercial entities.

Councilmember Davidson referred to the minutes of the Downtown Development Committee (DDC) and requested clarification relating to the approval of building materials for the former Bank One structure. Mr. Balmer advised that the issue has been scheduled for review by the DDC prior to presentation to Council.

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

3. Hear reports on meetings and/or conferences attended.

Councilmember Jaffa reported on a recent meeting of downtown business owners. Councilmember Jaffa spoke concerning expectations for the downtown area and continued interest in downtown activities.

Councilmember Hawker advised that he attended a meeting of the Gateway Williams Authority this date. Councilmember Hawker noted suggestions for Council updates and quarterly meetings with Lynn Kusy, Executive Director of Williams Gateway Airport.

Councilmember Davidson stated that he and Councilmember Jaffa recently visited with residents of Sunland Village East concerning overflight zones. Councilmember Davidson said that the residents anticipate public hearings and resolution concerning this issue.

4. Scheduling of meetings and general information.

Mr. Luster stated that the meeting schedule is as follows:

Tuesday, September 1, 1998, 3 p.m. - Police Committee Meeting
Tuesday, September 1, 1998, 4 p.m. - Transportation Committee Meeting

(Mr. Luster extended an invitation for all Councilmembers to attend the Police Committee Meeting.)

Tuesday, September 8, 1998, 5:45 p.m. - Regular Council Meeting

Thursday, September 10, 1998, 7:30 a.m. - Policy/Study Session (Rescheduled from September 3, 1998)

Thursday, September 17, 1998, 7:30 a.m. - Study Session (Followed by a Fire Committee Meeting)

Tuesday, September 22, 1998, 5:45 p.m. - Regular Council Meeting

Wednesday, September 23, 1998, 9 a.m. - Groundbreaking Ceremony (Sossaman Project - New Entryway to Williams Gateway Airport)

Thursday, September 24, 1998, 7:30 a.m. - Study Session

(At 5:20 p.m., Vice Mayor Giles called for a short recess. The meeting reconvened at 5:30 p.m.)

5. Prescheduled public opinion appearances (maximum of three speakers for three minutes per speaker).

a. Hear from Jessie Lee James regarding Cactus Towing.

There was no discussion of this item.

6. Adjournment.

Without objection, the Study Session adjourned at 5:31 p.m.

JOHN GILES, VICE MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 3rd day of August 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK