

COUNCIL MINUTES

December 6, 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 December 6, 1999 at 6:00 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc There

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of November 10, 15, 18 and 21, 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. Conduct a public hearing for the following General Plan Amendments.

- a. **GP99-1** North of the northeast corner of Greenfield and Brown Roads. Change from Neighborhood Commercial (NC) to Medium High Density Residential (5 to 15 du/ac) 8± acres. **(See item #8e).**

Mayor Brown advised that a public hearing on GP99-1 would not be held at this time.

- b. **GP99-2** The southwest corner of Ellsworth Road and Southern Avenue. Change from Community Commercial (CC) to Medium High Density Residential (5 to 15 du/ac) and Neighborhood Commercial (40± acres). Great Western Homes, et.al., owners; Sean Lake, applicant. (See item #8f).

Mayor Brown announced that this is the time and place for a public hearing regarding the southwest corner of Ellsworth Road and Southern Avenue.

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

4. Consider the following liquor license applications:

*a. CAROL CHAMBERLAIN, PRESIDENT

Special Event License application of Carol Chamberlain, President, Arthritis Foundation, a one-day charitable event to be held Wednesday, December 15, 1999, from 6:00 p.m. to 10:30 p.m. at 1645 S. Stapley Drive, AMC Theatre.

*b. KIM K. KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #5329, North East Corner Power and Elliot Roads. This is a vacant lot at this time, no previous liquor license at this location.

*c. ROCHELLE M. KRISPIN, AGENT

New Restaurant License for Blue Burrito Grille, 1425 S. Alma School Road, #105. This is a new location, which is estimated to be completed by March 2000.

5. Consider the sale of two Van Pelt pumper trucks to Mesa's Sister City volunteer firefighters in Mexico.

Councilmember Davidson commented on the fact that members of the Council have visited Mesa's Sister City, Guaymas, Mexico, and noted the excellent economic development opportunities that exist in the City and surrounding areas. Councilmember Davidson stated that the City of Mesa previously donated an out-of-date fire pumper truck to the City of Guaymas and noted that the "gift" of City equipment was not viewed by a number of people as an appropriate course of action. Councilmember Davidson said that the pumper truck represents the only working fire truck in existence at this time in Guaymas and discussed staff's recommendation to "sell" two used City pumper trucks to the City of Guaymas at a cost of \$5,000 each for a combined total of \$10,000. Councilmember Davidson briefly commented on the importance of the equipment to protect lives and property in Mesa's Sister City and recommended that the two pieces of equipment be sold at a cost of \$1,000 each for a combined total of \$2,000.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that two Val Pelt pumper trucks be sold to Mesa's Sister City, Guaymas, Mexico, for \$1,000 each for a combined total of \$2,000.

In response to questions from Councilmember Hawker, Community Development Manager Wayne Balmer advised that the \$5,000 sale amount recommended by staff for each of the trucks was an arbitrary figure proposed by the Fire Department.

Councilmember Hawker commented that although he concurs that the equipment would provide much needed services to the citizens of Guaymas and surrounding areas, he does not support donating or selling City equipment at the proposed reduced cost. Councilmember Hawker added the opinion that the involvement/financial assistance of the Sister Cities Organization in this process would be appropriate and said that the City should sell the equipment at fair market value.

City Attorney Neal Beets clarified that the City Charter grants authority to the City Council to exchange and/or sell City assets and noted that a majority vote is all that is required to do so.

Discussion ensued relative to the fact that the equipment is approximately 17 years old, the fact that a previous bid attempt resulted in zero responses, and the importance of international cooperation.

Councilmembers Kavanaugh, Pomeroy and Jaffa indicated their support for the motion.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - Hawker

Mayor Brown declared the motion carried by majority vote.

Mayor Brown introduced Guaymas officials including the volunteer fire department Chief Jose Maria Antonio Chazaro and Geraldo Phiego, the City Manager/Mayor of Guaymas to the audience. (The representatives thanked the City Council for their generous assistance and presented token gifts to the Mayor.)

6. Consider the following contracts:

- *a. One new trailer mounted portable traffic signal as requested by the Transportation Division.

The Purchasing Division recommends accepting the only bid by StarLite Barricade & Sign at \$18,300.00 plus 7.0% sales tax of \$1,281.00 for a total of \$19,581.00.

- *b. One-year renewal of the supply contract for liquid chlorine and liquid caustic soda for Materials & Supply Division Warehouse inventory to be used for treating the water in public swimming pools.

The Purchasing Division recommends exercising the second and final one-year renewal option with Hill Brothers Chemical Company at \$51,345.00 plus 7.10% sales tax of \$3,645.50 for a total of \$54,990.50 based on estimated requirements.

- *c. Two modular office work stations for the Police Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$11,329.27 including materials, design services, delivery, installation and applicable sales tax.

- *d. Five automated side loader refuse trucks as requested by the Public Works Department.

The Purchasing Division recommends accepting the lowest bid meeting specification by Arizona Truck Center, Inc. at \$866,605.11 including extended warranties, optional equipment and applicable sales tax.

- *e. Three sedans, five pickups and two vans for the Fire Department. Three vehicles are replacements; seven are additions to the fleet.

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:

Mel Clayton Ford for items 1, 2, 3 and 5 at \$172,984.00; and Bill Luke Dodge for item 4 at \$43,018.00. All amounts include applicable sales tax. The combined award is \$216,002.00.

- f. Design, printing & distribution of 210,000 Water Quality Brochures as requested by the Utilities Department. These reports are distributed annually to City water customers as required by federal law. The brochures provide comprehensive information about the City's drinking water.

The Purchasing Division endorses the Evaluation Team's recommendation to accept the proposal from Dynamic Science, Inc. for a total of \$54,248.00. The Dynamic Science Inc., proposal received the highest evaluated score of the five proposals received, and offered the third lowest overall cost.

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

Vice Mayor Giles commented that although the brochure is attractive and contains a large amount of information, citizens have expressed concerns regarding the significant cost of the pamphlet. Vice Mayor Giles said that he appreciates the City's interest in communicating the services that the City provides to its citizens, but stated the opinion that the proposed cost is excessive for this type of notification material.

Discussion ensued relative to this agenda item and it was recommended that this item be continued to allow staff an opportunity to assemble additional information and present same to Council.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy that this matter be continued to the December 20, 1999 Regular Council Meeting.

Carried unanimously.

- g. ISD Building Duct Bank. City of Mesa Project No. 00-24.

This project consists of the construction of a conduit duct bank between the ISD building and the northwest corner of Center Street and Pepper Street.

Recommend award to low bidder, CS Construction, Inc., in the amount of \$61,119.00.

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 Pomeroy, 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.

- *h. Centennial Way parking Garage Emergency Telephone Call Box Installation. City of Mesa Project No. 99-00.

This project consists of the installation of emergency telephone call boxes throughout the City's Centennial Way Parking Garage.

Recommend award to low bidder, Vizor, L.L.C., in the amount of \$35,049.95.

- i. Falcon Field Municipal Airport Taxiway A-5 Extension and Construction of Aircraft Parking. City of Mesa Project No. 97-48.1.

This project consists of pavement installation and reconstruction along taxiway A-5 and the construction of aircraft parking.

Recommend award to low bidder, Haydon Building Corporation, in the amount of \$872,018.80.

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, Community Development Manager Wayne Balmer advised that this project would not extend the runway and/or change the type/size of aircraft that is currently utilizing the airport.

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.

7. Introduction of the following ordinances and setting December 20, 1999 as the date of 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. Pertaining to the regulation of recovery homes and group homes for the handicapped, repealing the recovery home license and establishing a business license for group homes for the handicapped not otherwise licensed by a state or federal agency by amending Chapter 2, Title 5 of the Mesa City Code; deleting the definition of recovery home thereby regulating such facilities as group homes for the handicapped in the zoning ordinance, by amending Chapters 1, 5, 8, and 13 of Title 11 of the Mesa City Code and providing penalties for the violation thereof.
- b. Proposing that the voters approve amendments to the Mesa City Charter; amending Section 206 of the City Charter to clarify when Councilmembers can be disciplined or forfeit their office; amending Section 207 pertaining to fitness for office; establishing penalties for violations; and submitting these proposed Charter amendments to the voters for their consideration.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that the introduction of this ordinance be approved.

Councilmember Kavanaugh provided a brief overview of this issue and expressed appreciation to Councilmember Hawker and Vice Mayor Giles on their efforts to revise the proposed amendment. Councilmember Kavanaugh also commended the members of the Ethics Committee on their extensive efforts.

Councilmember Kavanaugh stated that the proposal clarifies the authority of the City Council in matters of misconduct and verifies grounds for charges of misconduct.

Vice Mayor Giles concurred with the importance of clarifying the City Charter relative to this important matter.

Councilmember Hawker commented on concerns previously expressed by him and efforts expended on the part of Councilmember Kavanaugh and the members of the Ethics Committee to address those concerns. Councilmember Hawker stated that he is concerned that the document refers to a "mandatory code of ethics as outlined in the Code" and the fact that this item is not yet in place. Councilmember Hawker stated the opinion that the mandatory code of ethics should first be determined and that the City Charter change should occur following that process.

Mayor Brown stated that he appreciates all of the work that has been done to date on this matter and noted that this item will be discussed in greater detail at the December 20, 1999 Regular Council Meeting.

Marilynn Wennerstrom addressed the Council relative to this item and stated the opinion that the proposed Ethics Code is unwarranted and unnecessary.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - Hawker

Mayor Brown declared the motion carried by majority vote.

8. Consider the following resolutions:

- *a. Extinguishing easements for public utilities, ingress, egress, emergency vehicles and refuse collection in the 800 block of South Sycamore Street – Resolution No. 7445.

These easements are not being used and are in conflict with the construction of a new condominium project.

- *b. Using eminent domain to acquire a sewer lift station site at Power Road and Warner Road - Resolution No. 7446.

The use of eminent domain is requested to meet project scheduled.

- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Mesa for the construction of a multi-use path and bridge along Pueblo Avenue beginning west of the Eastern Canal to Park Drive, which is approximately 400 feet west of Greenfield Road – Resolution No. 7447.
- *d. Authorizing the City Manager to execute documents to acquire property on behalf of ARM of Save the Family Foundation; and to lease the property back to ARM of Save the Family Foundation for their affordable housing program – Resolution No. 7448.
- *e. Adopting an amendment to the General Plan that would change a 8± acre parcel from Neighborhood Commercial (NC) to Medium High Density Residential (MHDR). **CONTINUED TO THE JANUARY 3, 2000 COUNCIL MEETING.**
- f. Adopting an amendment to the General Plan that would change a 40± acre parcel from Community Commercial (CC) to Medium High Density Residential (MHDR – 36± acres) and Neighborhood Commercial (NC - 4± acres) – Resolution No. 7449.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Resolution No. 7449 be adopted.

Carried unanimously.

9. Consider the following ordinance:

- a. Relating to bathhouses, massage parlors and therapy centers; amending Chapter 12, Title 5 of the Mesa City Code, pertaining to massage therapists, massage establishments and off-premises massage; amending Section 5-12-1 through 5-12-6, 5-12-8 through 5-12-10, and 5-12-15; repealing 5-12-16; providing for applicability and an effective date; and establishing penalties for violations – Ordinance No. 3725.

Jim Lockett, 32 East Dawn drive, Tempe, spoke in favor of the proposed Ordinance and urged the Council to pursue the establishment of a Board of Examiners to ensure that trained qualified therapists are performing massage therapy.

Stephen Burton, 4830 East Main, also spoke in favor of the Ordinance, requested that the Council eliminate the Trainee License and enact a Board of Examiners to enhance regulations in Mesa.

Cathy Cohen addressed the Council relative to this item and spoke against the issuance of Trainee Licenses and in support of requiring a minimum of 200 hours of training if such licenses are allowed to remain in effect.

In response to a request from Mayor Brown, City Attorney Neal Beets provided an overview of this agenda item and the proposed changes recommended by staff.

Discussion ensued among the members of the Council relative to this issue.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3725 be adopted.

Carried unanimously.

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

- *a. **Z99-82** South of the southeast corner of Greenfield Road and U.S. 60. Site Plan Review (5.7± acres). This case involves the development of a fitness center and retail shops. LA Fitness International LLC., owner, represented by: Todd VanSprecken; Robert Kubicek Architects, applicant, represented by: Timothy Amrhein – Ordinance No. 3716.

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

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 all City development codes and regulations.
 3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
 4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
 5. Compliance with all requirements of the Design Review Board.
- *b. **Z99-87** 538 South Robson. Rezone from R-4 to M-2 (.3 acre). This case involves the development of an industrial facility with outdoor storage. Donald Anthony, owner; George Candal, applicant. **(CONTINUED TO THE DECEMBER 3, 1999 COUNCIL MEETING).**

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

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 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
 5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
- *c. **Z99-92** 2243 East University Drive. Rezone from R1-6 to O-S (0.5 acre). This case involves the conversion of a residence for office use. Robert Arrowsmith, owner; William W. Flake, applicant – Ordinance No. 3717.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.

3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

- *d. **Z99-93** The 2500 block of South Signal Butte Road – east side. Rezone from AG to R-2-PAD (9± acres). This case involves the development of a 72 unit retirement townhome project. Coronado Homes, owner, represented by: Wayne Funk; DEA, Inc., applicant, represented by: Brian Hensley – Ordinance No. 3718.

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

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 (for the product).
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.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents, and acknowledgement received that the project is within 6 miles of Williams Gateway Airport.
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

- *e. **Z99-95** West of the southwest corner of Main Street and Greenfield Road. Rezone from AG to C-2 (1± acre). This case involves rezoning a narrow strip of land that will be incorporated into a larger site for a Walgreen's. Inez Boyle and J B Investments, owner; Clare H. Abel, applicant – Ordinance No. 3719.

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

1. Compliance with the basic development as shown on the site plan, and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Design Review Board.
6. All required trees along the south boundary of the project (which abuts residential) shall be a minimum of 36" box size.

- *f. **Z99-97** The southwest corner of Higley and Broadway Roads. Site Plan Modification (1± acre). This case involves the development of a medical office. Richard W. Gurtler, owner/applicant – Ordinance No. 3720.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Design Review Board.

- *g. **Z99-98** The northwest corner of Clearview and Hampton Avenues. Rezone from P.E.P. to M-1 with a Council Use Permit (2.4± acres). This case involves the development of a motorcycle sales facility. Victoria Properties, owner; Brian Moore, applicant. **(CONTINUED TO THE JANUARY 3, 2000 COUNCIL MEETING).**

P & Z Recommendation: Approval with conditions (Vote: Passed 4-2 - Kathe, Brock voting nay).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevation 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board.
6. Owner granting an Avigation Easement and Release to the City pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

- *h. **Z99-100** The southeast corner of McKellips Road and Rosemont. Rezone from M-1 to M-1-PAD (7.5 acres). This case involves the development of an industrial subdivision. Corey Smith, owner/applicant – Ordinance No. 3721.

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

1. Compliance with the basic development as shown on the preliminary plat 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 case DR99-81.
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).

- *i. **Z99-101** 464 and 504 South LeBaron. Rezone from R-2 to M-2 (1/4 acre). This case involves the development of industrial storage lots. Walter Page, owner/applicant – Ordinance No. 3722.

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

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 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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

- *j. **Z99-102** The southwest corner of Southern Avenue and Westwood. Rezone from C-2-DMP (Conceptual BIZ) to C-2-BIZ-DMP. This case involves the development of a two-story office building. Opus West Corporation, owner/applicant – Ordinance No. 3723.

P & Z Recommendation: Approval with conditions (Vote: Passed 4-2 - Whalen, Brock voting nay).

1. Compliance with the proposed office land use and basic development as submitted, except as noted below.
2. Compliance with the Fiesta Center Design Guidelines.
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, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Design Review Board.

- *k. **Z99-103** The 2200 block of South Country Club Drive. Rezone from M-1 to M-1-PAD (8+ acres). This case involves the development of an office complex. Lyons Real Estate and Development, owner; MAL, LLC, applicant. **THE APPLICANT IS REQUESTING A 30 DAY CONTINUANCE OF THIS CASE.**

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

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 all City development code and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.

- *l. **Z99-105** The 100 and 200 blocks of South Quinn (both sides). Zone from C-2 and R-4 to R-2-PAD (11.32 acres). This case involves the development of a retirement residential subdivision. Greenfield and Main LLC, owner; Cavalier Homes, Inc., applicant – Ordinance No. 3724.

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

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, especially regarding product elevation and subdivision wall design.
 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 recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
 6. Compliance with all requirements of the Subdivision Technical Review Committee.
 7. Rear yard setbacks for livable area and patio overhangs to be 10'.
 8. Compliance with the letter dated September 27, 1999 from Brian Richards.
- m. **Z99-106** The 1200 block of Greenfield Road (west side). Site Plan Review (1 acre). This case involves the development of an office building. Davmar L.L.C., owner; Woods Associates Architects, Inc., applicant – Ordinance No. 3726.

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 Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Ordinance No. 3726 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. 3726 adopted.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
5. Recordation of cross-access easements.
6. Compliance with all requirements of the Design Review Board.
7. Compliance with the letters dated September 23, and October 14, 1999 from Fred Woods.
8. Along the property line adjacent to the Villa Sendero subdivision provide a landscape solution acceptable to the Villa Sendero Homeowners Association.
9. Provide citrus trees along the street frontage.

10. 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).
11. Provide vehicular cross-access to adjoining parcel.

11. Consider the following subdivision plats.

- *a. "MAP OF DEDICATION FOR LAS SENDAS MOUNTAIN DRIVE PHASE I" – The 7800 - 8000 blocks of East Las Sendas Mountain Drive (both sides) Sonoran Desert Holdings, developer; Wood, Patel and Associates, engineer.
- *b. "WINDSONG AT LAS SENDAS" – The 2600 - 2700 blocks of North Ridgecrest (west side) 125 R1-6 PAD DMP single residence lots (20.0 acres) Maracay Windsong, developer; Stantec Consulting Inc., engineer.
- *c. "CRISMON CREEK UNIT II" – The 10200 - 10400 blocks of East Baseline Road (north side) 276 R1-7 PAD single residence lots (79.6 acres) Standard Pacific of Arizona, Inc., developer; Stantec Consulting Inc., engineer.
- *d. "MESAFIELD" – The 1700 block of North Mesa Drive (west side) 62 R1-6 single residence lots (14.9 acres) Amberwood Development, Inc., developer; Agra Infrastructure, Inc., engineer.
- *e. "CACHET AT LAS SENDAS CONDOMINIUM" – The 7400 block of East Eagle Crest Drive (south side) 165 R-2 PAD DMP residential condominium units (20.7 acres) SCLS, L.L.C., developer; Rick Engineering Company, engineer.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:38 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 6th day of December 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