

COUNCIL MINUTES

April 23, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level of the Council Chambers, 57 East 1st Street, on April 23, 1997 at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Roy Dunkelbarger

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Pastor Glenn Gorke, Desert Community Christian Church.

The Pledge of Allegiance was led by Kyle Day, Troop 549.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of April 3, 4, and 7 1997 be approved.

Carried unanimously.

1.1. Consider the appointment of a City Magistrate.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that the appointment of Victor Ortiz as City Magistrate be confirmed.

Vice Mayor Gilbert and Councilmember Pomeroy commended the judicial selection committee for their efforts.

Councilmember Payne congratulated Mr. Ortiz for his nomination but expressed concern relative to the selection process. Councilmember Payne stated that she is not permitted to abstain from voting on this matter and will therefore not support the motion. Councilmember Payne stated the opinion that the selection system is flawed and suggested that the process be reviewed/modified before proceeding with the appointment of a new magistrate. Councilmember Payne spoke concerning the importance of diversity and commended Diana Norvell, an unsuccessful candidate for the position, for speaking publicly relative to this matter. Councilmember Payne said that she does not favor proceeding with the selection of a magistrate at this time or approving a new position outside of the annual budget process.

Vice Mayor Gilbert noted the importance of diversity to the community. Vice Mayor Gilbert spoke concerning future efforts to improve the selection process but expressed the opinion that the nominee has fulfilled all current requirements in applying for the position and that it would be unfair not to make a selection at this time.

Mayor Brown stated the opinion that the selection process is not flawed but indicated a willingness to review the matter at a future Policy Session.

Councilmember Kavanaugh agreed that the judicial system should reflect the diversity of the community. Councilmember Kavanaugh expressed the opinion that Mr. Ortiz will be an asset to the City of Mesa.

Councilmember Giles noted the importance of the position to the City. Councilmember Giles spoke regarding tendencies of individuals not selected for positions to cite reasons other than merit. Councilmember Giles stated that after reviewing applications submitted for the magistrate position, it is his opinion that the five finalists are the most qualified candidates. Councilmember Giles commended the selection committee for their efforts and commented that Mr. Ortiz is the most appropriate candidate.

Jan Smith, address unknown, requested that Council reconsider the appointment of a magistrate at this time. Ms. Smith suggested that Council review/modify procedures and initiate a new selection process.

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

Mayor Brown declared the motion carried by majority vote.

Mayor Brown congratulated Mr. Ortiz on the appointment.

2. Consider all consent agenda items.

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

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

Carried unanimously.

3. Consider the following liquor license applications.

*a. ALVARO CORRAL PALACIOS, AGENT

New beer and wine store license for Carniceria Palacios, 303 East Southern Avenue, #102. This is an existing business; no previous liquor licenses at this location.

b. ARMANDO ZAMORA, AGENT

New restaurant license for Los Arcos Restaurant, 2155 West Broadway Road. The restaurant license previously held by Rueben R. Magallanes, Etal, Los Arcos Restaurant and Sports Bar, will revert back to the State.

Jerry Lewkowitz, 3101 North Central Avenue, #1500, Phoenix, representing the applicant, Armando Zamora, provided background information concerning the liquor license application. Mr. Lewkowitz noted difficulties of previous establishments at this location in meeting the 40 percent food sales requirement but advised that Mr. Zamora has modified the facility and is currently operating the business as a restaurant.

Mr. Lewkowitz reported that the State Liquor Board approved an interim permit in February 1997. Mr. Lewkowitz stated that food sales have not yet reached 40 percent but continue to increase each month (currently at 30 percent). Mr. Lewkowitz indicated that Mr. Zamora anticipates meeting the 40 percent food sales requirement within four to six months.

Mr. Lewkowitz and Mr. Zamora responded to questions from Council pertaining to previous work experience, modifications made to the layout of the facility to increase seating, menu changes, hours of operation, and proposed employee training. Mr. Lewkowitz indicated that Mr. Zamora has no relationship with the previous operator at this location.

Following the Mayor's indication that the application is in conformance with ARS 4-201F, it was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that this new license application be approved.

Councilmember Giles questioned the possibility of granting a continuance or taking the issue under advisement to allow the applicant additional time to comply with the food sales requirement. City Attorney Neal Beets stated that the City is under a deadline to forward a recommendation to the State Liquor Board. Tax and Licensing Administrator Larry Lines indicated that the deadline is April 29, 1997.

Carried unanimously.

Council extended best wishes to Mr. Zamora for a successful operation.

4. Consider the following contracts.

- *a. Sixty semi-automatic pistols as requested by the Police Department. These pistols will be used for new officers that will attend the July police academy.

The Purchasing Division recommends accepting the low bid by Davidson's at \$23,550.00 plus 6.05% sales tax of \$1,424.77 for a total of \$24,974.77.

- *b. Twenty street lighting control cabinets for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Hennessy Products, Inc. at \$11,360.00 plus 5% use tax of \$568.00 for a total of \$11,928.00.

- *c. One-year renewal of the annual supply contract for bronze water service valves and fittings for warehouse inventory to be used by the Utility Construction and Utility Services Divisions.

The Purchasing Division recommends exercising the second and final one-year renewal option with the low bid by Arizona Water Works Supply at \$49,361.49 plus 7.45% sales tax of \$3,677.43 for a total of \$53,038.92 based on estimated requirements.

- *d. One-year renewal of the annual supply contract for automotive hydraulic hose and fittings as requested by Fleet Support Services.

The Purchasing Division recommends exercising the second and final one-year renewal option with the lowest overall bid meeting specification by Fluid Connector Products for annual purchases estimated at \$35,000.00.

- *e. Utility provers to be used by the Utility Services Division for gas meter repair and calibration.

The Purchasing Division recommends accepting the low bidders as follows:

Items 1-5 from DMD-Dresser Measurement Operation at \$18,472.00 plus 5% use tax of \$923.60 for a total of \$19,395.60; and Items 6-8 from Connecticut Technologies, Inc. at \$41,050.00 plus 5% use tax of \$2,052.50 for a total \$43,102.50. The combined award is then \$62,497.50.

- *f. Three replacement dump trucks, one for the Electric Department and two for the Utility Construction Division.

The Purchasing Division recommends accepting the low bid by I-10 International for a total of \$106,802.91 plus 7.05% sales tax of \$7,529.60 and extended warranties at \$2,130.00, for a grand total of \$116,462.51.

- *g. Two replacement tractor backhoes with front end loaders as requested by the Utility Construction Division.

The Purchasing Division recommends accepting the bid offering the lowest lifetime evaluated cost by RDO Equipment Company for a total of \$95,372.34 plus 7.05% sales tax of \$6,723.74 and a 5-year extended warranty at \$3,146.00, for a grand total of \$105,242.08.

- *h. Forty-four modular employee workstations, eleven cashier stations, and eleven customer counter sections as requested by the Public Works Department for use in the remodeled Municipal Building.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$219,609.69 including materials, design services, delivery, installation, and applicable sales tax.

- *i. Weight training equipment for the Superstition Springs substation as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Body Masters Sports Ind. Inc. at \$12,274.00 plus 5% use tax of \$613.70 for a total of \$12,887.70.

- j. 17 patrol sedans for the Police Department: 10 sedans are replacements; 7 are additions to the fleet.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Berge Ford for a total of \$343,514.07 including applicable taxes.

Brick Guinn, 126 West 7th Place, presented data pertaining to what he has observed and believes to be a considerable number of inactive patrol cars parked at various times on various days at the Central police station and Hubs Auto Clinic. Mr. Guinn expressed opposition to the request for additional vehicles and suggested instead that the City dispose of current surplus inventory.

Mayor Brown advised that Council will be reviewing issues pertaining to police vehicles at an upcoming Policy Session. Mayor Brown invited Mr. Guinn and other interested parties to attend the Policy Session to hear Council discussion.

Bill Brando, 61 South Macdonald, suggested that agenda item descriptions include additional detail, such as the previous date a similar purchase was made and the cost(s) associated with such purchase. Mr. Brando recommended that items pertaining to vehicles reflect trade-in values.

Councilmember Kavanaugh clarified that several of the police vehicles requested will be assigned to the Dobson, Superstition, and Falcon substations as well as the Central police station. Councilmember Kavanaugh noted the importance of discussing issues relating to police vehicles at an upcoming Policy Session.

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

Councilmember Payne questioned why additional vehicles are needed if, as Mr. Guinn commented, there are presently surplus vehicles at the Central police station. Councilmember Payne suggested that vehicles be transferred from the Central station to other substations. Councilmember Payne stated that she will vote against the motion.

Mayor Brown requested input from City Manager Charles Luster. Mayor Brown advised that Council will be discussing at a future Policy Session the possibility of police officers driving patrol sedans to their homes.

Mr. Luster reported that the City does not trade in vehicles but instead annually auctions vehicles, resulting in greater financial benefit to the City. Mr. Luster indicated that he will provide statistics to interested individuals relative to the number/use of existing police sedans, including necessary back-up vehicles, particularly during the summer months. Mr. Luster added that the request for additional vehicles is primarily to accommodate the Superstition substation scheduled to open in the near future.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

- *k. 20 two-way police radios and related equipment as requested by the Communications Division.

Council is requested to authorize purchase from the State of Arizona contract with Motorola Comm & Electronics at \$22,001.10 plus 7.05% sales tax of \$1,551.08 for a total of \$23,552.18.

- *l. Southeast Mesa water line.

This project involves the installation of approximately ten (10) miles of 16-inch and 24inch water line in Southeast Mesa.

Recommend award to low bidder, Pierson Construction Corporation, in the amount of \$2,462,391.00.

- *m. McKellips Road widening (Country Club Drive to Consolidated Canal).

This project involves existing removals and installation of new street improvements such as: curb and gutters, sidewalks, driveways, and various other street modifications - **CONTINUED TO THE MAY 19, 1997 REGULAR COUNCIL MEETING.**

5. Introduction of the following ordinances and setting May 5, 1997 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- *a. Amending Title 9, Chapter 6 of the Mesa City Code pertaining to the City's street naming policies.
- *b. Relating to City of Mesa elections; repealing Section 1-8-1 of the Mesa City Code; and amending Title 1, Chapter 8 of the Mesa City Code by adding a new Section 1-8-1 and

1-8-2; changing the designation of Title 1, Chapter 8 of the Mesa City Code to "Qualified Electors."

- *c. Prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the Brown Road frontage road from a point 305 feet east of 25th Street to a point 450 feet east of 25th Street; prohibiting parking on Medina Avenue from Ellsworth Road to a point 740 feet west of Ellsworth Road and on 80th Street from University Drive to Brown Road, all as recommended by the Traffic Safety Committee.

6. Consider of the following resolutions.

- *a. Granting an easement for underground power to Salt River Project at 422 West Ivyglen - Resolution No. 7025.

The easement is needed to provide electric service to the new Foundation for People with Disabilities building.

- *b. Granting an easement for communication facilities to U.S. West Communications for a site on Lindner Avenue, east of Dobson Road - Resolution No. 7026.

- *c. Extinguishing an easement for highway purposes in the 100 block of East Bates Street - Resolution No. 7027.

Bates Street will not use this alignment and the easement is no longer needed.

- *d. Rescheduling the annual assessment hearing on the Mesa Town Center Improvement District No. 228 assessments. The hearing will be rescheduled to May 19, 1997 - Resolution No. 7028.

- *e. Authorizing the City Manager to prepare, sign, and submit applications to receive federal CDBG, HOME, and Emergency Shelter Grant funds for Fiscal Year 1997/1998 - Resolution No. 7029.

- *f. Deleted.

- *g. Extinguishing all easements shown on the subdivision plat for Superstition Triangle Commerce Center.

The property is being replatted and will dedicate new easements where needed.

(This item is continued to the May 19, 1997 Regular Council Meeting.)

- *h. Abandoning the rights of the City of Mesa in and to a Drainage Covenant Running with The Land in conjunction with Superstition Triangle Commerce Center.

The property is being replatted and will dedicate new methods of providing drainage and retention of storm water.

(This item is continued to the May 19, 1997 Regular Council Meeting.)

i. Addressing particulate pollution and EPA-mandated control plans - Resolution No. 7030.

Councilmember Payne stated that she requested that this item be removed from the consent agenda. Councilmember Payne provided background information concerning three options presented by staff to address particulate pollution, specifically dust control at construction sites, and noted potential consequences as a result of noncompliance with this federal mandate. (Councilmember Payne commented that the City's legislative liaison typically recommends opposition to unfunded federal mandates.) Councilmember Payne advised that Maricopa County has an existing program in place (Rule 310) that could be actively enforced to address particulate pollution, but noted that an alternative is instead recommended which will result in additional taxpayer costs.

In response to questions from Councilmember Payne, City Attorney Neal Beets stated that any local dust control measures to be implemented will be presented to Council in the future in the form of an ordinance. Mr. Beets said the number of additional personnel needed to enforce such measures has not yet been finalized but will be presented to Council for final approval during the upcoming budget process. Mr. Beets commented that staff may recommend two to four new positions. Mr. Beets added that proposed dust control measures will likely include sanctions for noncompliance.

Councilmember Payne reported that the two other options available would have no monetary impact on the City: a) public education and b) public education combined with a request for active enforcement by Maricopa County of Rule 310. Councilmember Payne spoke in support of improved air quality but suggested utilization of existing measures. Councilmember Payne stated that she will not vote in favor of the proposed alternative.

Vice Mayor Gilbert noted the importance of air quality to the community. Vice Mayor Gilbert presented an overview of the resolution before Council, which in addition to a recommendation to develop a local air pollution control ordinance supported by adequate staffing levels, involves public education and a request for an effective Rule 310 enforcement program by Maricopa County. Vice Mayor Gilbert expressed the opinion that each component is significant to addressing air quality issues.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Resolution No. 7030 be adopted.

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7030 adopted.

7. Consider the following ordinances.

- *a. Modifying Title 9, Chapter 1, of the Mesa City Code pertaining to utility company improvements within City right-of-ways and easements - Ordinance No. 3309.
- *b. Amending Title 4, Chapter 9, of the Mesa City Code pertaining to building permits and inspections - Ordinance No. 3310.

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

Mayor Brown advised that Zoning Cases Z96-87, Z96-84, and Z96-95 (Items 8a, 8b, and 8c below) are located in the southeast Mesa area within the Gilbert School District and have initiated concerns relative to density, school capacity, and a lack of funding by Gilbert Public Schools (GPS) to construct new schools. Mayor Brown stated that Council has suggested discussion between GPS and Mesa Public Schools (MPS) concerning possible school district boundary adjustments and that at this time two options relative to these cases are available to Council: a) continue the items to allow discussion/negotiation between GPS and MPS and b) approve the cases subject to specific conditions, including a delay in the commencement of construction.

Cynthia Dunham, Mayor-Elect of the Town of Gilbert, commented that Gilbert has no jurisdiction over the zoning cases before Council but said that Gilbert citizens could be significantly impacted by Council's decision. Mayor-Elect Dunham encouraged Council to carefully consider options relative to the cases. Mayor-Elect Dunham indicated that a delay in construction could potentially resolve the situation.

Keith Vaughan, representing Gilbert Public Schools (GPS), stated that GPS and the Town of Gilbert have had many discussions relative to the impacts of these three zoning cases and had initially recommended that Mesa deny the requests. Mr. Vaughan noted, however, that a delay in the issuance of construction permits could provide Gilbert an opportunity to a) secure necessary school funding or b) discuss/negotiate possible school boundary adjustments with MPS. Mr. Vaughan stated the opinion that agreement to delay the issuance of permits for 12 months, including model homes, would be acceptable to GPS,

Councilmember Giles expressed appreciation to Mayor-Elect Dunham and Mr. Vaughan for their comments. In response to a question from Councilmember Giles, Mr. Vaughan stated that GPS foresees the receipt of additional revenue within approximately two years and that a delay in housing construction will result in the majority of students locating within the area in approximately August 1999, providing sufficient opportunity to construct a school. Mr. Vaughan said that a junior high school at Power and Guadalupe Roads is currently scheduled to open in August 1998.

Mayor Brown thanked Ms. Dunham and Mr. Vaughan for their input.

- a. **Z96-87** The southeast corner of Guadalupe Road and Ellsworth Road. Rezone from AG to R1-7, R1-6, R1-6-PAD, R-4 and C-2 within a Development Master Plan (317± acres). This case involves a DMP containing 1050± single residential lots and future multi-residence and commercial tracts. Thomas A. Cavanaugh, Elliot Pollack, Tim Grant, et al, owner; Coe and Van Loo Consultants, Inc., applicant.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);

3. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. 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);
6. Notice be provided to future residents that the project is within four miles of the Williams Gateway Airport;
7. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
8. Compliance with the project narrative and any other materials provided by the applicant;
9. Pedestrian connection to be provided between the retail parcel and Parcel A;
10. Provide appropriate shading for tot lot areas, subject to staff review; and
11. Landscaping to be provided in the Salt River Project corridor as documented by the applicant.

Ralph Pew, 40 North Center, representing Continental Homes, provided background information concerning Zoning Case Z96-87, commenting that significant time has elapsed since this zoning request was initially presented in order to accommodate City discussions pertaining to the General Plan/residential development guidelines and to assemble land per staff's recommendations. Mr. Pew spoke concerning difficulties in maintaining the interest of six property owners and the benefits provided to City by one large master planned development rather than six individual parcels. Mr. Pew requested that Council take action at this time relative to this case.

Mr. Pew outlined projected densities and noted the unanimous recommendation for approval from the Planning and Zoning Board. Mr. Pew advised that the Town of Gilbert's moratorium on development was not in place when this case was originally filed in June 1996 and stated that although this is a Mesa zoning case, the applicant has developed alternatives to address the concerns of GPS. Mr. Pew stated the opinion that the proposal represents a well-designed, quality project that incorporates open space.

Mr. Pew noted concerns expressed relative to the number of homes that are less than 7,000 square feet but stated that the product is designed to meet the needs of a variety of citizens. Mr. Pew advised that many of the units are approximately 6,700 square feet and that an increase in lot width would diminish open space. Mr. Pew encouraged Council approval of the zoning request.

Mr. Pew added that Continental Homes is willing to agree to a delay in the issuance of building permits for residential units in this project, aside from model homes, until April 1998. Mr. Pew expressed the opinion that construction of model homes would not have a significant impact relative to GPS issues.

Bill Ring, LKY Development, Scottsdale, one of the property owners, spoke concerning the financial impacts of the continuation of this zoning request since the plan was originally

submitted in the Spring of 1995. Mr. Ring stated that individuals involved in the project previously agreed to, and have now fulfilled, requests to assemble land and to postpone consideration of the case pending discussions pertaining to the General Plan/residential development guidelines. Mr. Ring encouraged Council approval at this time.

Nancy Cammans, 2214 South Revolva, spoke concerning the potential detrimental effects of the proposed development and the projected influx of a significant number of students into the neighborhood.

At the request of Councilmember Giles, Mr. Pew reiterated the proposal by Continental Homes to agree to a delay in the issuance of building permits for residential units, other than model homes, until April 1998. Mr. Vaughan, GPS, requested a 14-month, rather than 12-month, delay (June 1998) should model homes be included, noting that the construction of model homes encourages the purchase of homes.

In response to a question from Councilmember Giles, Mr. Pew advised that the applicant cannot agree to a 14-month delay. Mr. Pew spoke concerning the financial impact incurred to date and the significant effect of an additional 2-month delay beyond the proposed 12-month delay.

Mr. Pew and David Maguire, Vice President of Acquisitions, Continental Homes, responded to questions from Vice Mayor Gilbert pertaining to marketing and the proposed mix of lot sizes/floor plans.

Vice Mayor Gilbert questioned the possibility of eliminating units to accommodate larger lot sizes and maintain open space. Mr. Pew expressed the opinion that such action would be unnecessary because the density (3.57 dwelling units/acre) falls within the target range.

Community Development Manager Wayne Balmer clarified that the inclusion of the proposed multi-residence development increases the overall density of the project to 4.15 dwelling units/acre. Mr. Balmer advised that the General Plan recommends 2 to 5 dwelling units/acre for this location. Mr. Balmer added that General Plan discussions readjusted the industrial designation in this area, allowing development of this project as residential property. Mr. Balmer noted that the proposal does not comply with the recommendation that no more than 20 percent of the lots be less than 7,000 square feet.

Discussion ensued concerning target/proposed densities, the importance of the property/ precedence set by this case for additional development in this area of the City, and the improvement/development as open space of land along the power line easement (included in the calculation of density).

Mayor Brown asked if the applicant would be willing to agree to a 14-month delay for the issuance of building permits as requested by GPS. Mr. Maguire indicated that Continental Homes cannot agree to the additional 2-month delay. Mr. Maguire commented briefly concerning the proposal as a viable, sustainable project for southeast Mesa.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that the zoning change be denied.

Vice Mayor Gilbert expressed concern regarding the project density as reported by the applicant. Vice Mayor Gilbert spoke in favor of reduced density in the area and increased consideration relative to GPS issues.

Mayor Brown again asked if the applicant would be agreeable to a 14-month delay for the issuance of building permits. Mr. Pew indicated that a 14-month delay is unacceptable.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

Mr. Pew thanked Council for their consideration.

(At 7:40 p.m. Mayor Brown called for a short recess. The meeting reconvened at 8:04 p.m.)

- b. **Z96-94** The southeast corner of Crismon Road and Guadalupe Road. Rezone from AG to R1-7, R1-6 and R1-6-PAD with a DMP overlay (275± acres). This case involves a single-residence community with approximately 980 lots. Robert Lather/Warren Steffey owners; Stephen C. Earl, applicant - Ordinance No. 3321.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. 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);
6. Notice be provided to future residents that the project is within four miles of the Williams Gateway Airport;
7. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
8. Compliance with the project narrative;
9. Applicant to locate and reserve an elementary school site, if needed, in cooperation with Gilbert School District (to be resolved within one year of first phase of development); and
10. Provide appropriate shading for tot lot areas, subject to staff review.

Stephen Earl, 3101 North Central Avenue, #1000, Phoenix, representing the property owner, noted differences between this case and Zoning Case Z96-87. Mr. Earl stated that the project has been designed in conformance with the residential development guidelines considered by the Planning and Zoning Board. Mr. Earl indicated a willingness to delay the issuance of building permits for 12 months, including those for model homes, and spoke concerning open spaces, landscaping, density, diversity of lot sizes/floor plans, and staggered setbacks. Mr. Earl advised that approximately 25 percent of the project includes units with less than 7,000 square feet. Mr. Earl encouraged Council support of the project.

Councilmember Kavanaugh commended the applicant for attempting to comply with the residential development guidelines. Councilmember Kavanaugh expressed appreciation for the diversity within the proposal and stated the opinion that the project sets an appropriate precedence for the area.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Stapley, that the zoning change be approved as recommended by the Planning and Zoning Board and that Ordinance No. 3321 be adopted.

Mayor Brown thanked the applicant for presenting a quality project.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously and Ordinance No. 3321 adopted.

- c. **Z96-95** The northeast corner of Hawes Road and Guadalupe Road. Rezone from AG to R1-7-PAD and conceptual R-3 and C-2 with a DMP overlay (155± acres). This case involves a development containing approximately 360 single residence lots and tracts for future multi-residence and commercial uses. Acacia East Valley Limited Partnership, owner; Standage & Truitt Engineering, Ltd.; applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

P & Z Recommendation: Approval With Conditions (vote 5 - 2).

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

6. Notice be provided to future residents that the project is within four miles of the Williams Gateway Airport;
7. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
8. Compliance with the project the narrative;
9. Home elevations subject to staff review at Subdivision Technical Review; and
10. Notification of Sunland Village East of any future rezoning cases within the Development Master Plan.

Ralph Pew, 40 North Center, representing the owner, briefly provided an overview of the project and outlined efforts made to develop the project in conformance with the General Plan. Mr. Pew noted opposition from resident of Sunland Village East and requested that this matter be referred back to the Planning and Zoning Board to provide an opportunity to amend the plan and address the concerns of neighbors.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that this matter be referred back to the Planning and Zoning Board for further consideration.

Carried unanimously.

- *d. **Z97-4** 5001 East Main Street. Modification of the Development Master Plan (150± acres). This case is a request to change the required yard setbacks for "Venture Out". 1749 Individual Lot Owners, owners; Venture Out at Mesa Homeowner's Association, applicant - Ordinance No. 3311.

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

1. Compliance with all City development codes and regulations.

- *e. **Z97-9** The 700 block of North Center Street (west side). Rezone from R-4 to R-3-PAD (1± acre). This case involves the development of a 16 unit multiple-residence project. Edward Probyn James, owner/applicant. **CONTINUED FROM THE MARCH 17, 1997 COUNCIL MEETING** - Ordinance No. 3312.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
 2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
 3. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
 4. Compliance with all requirements of the Subdivision Technical Review Committee; and
 5. Compliance with all requirements of the Design Review Board.
- f. **Z97-11** The southeast corner of Greenfield Road and Adobe Road. Rezone from AG to R1-15-PAD) (18± acres). This case involves a single residence subdivision with 31 lots. Robert Turville, Robert Middleton and James Mast, owners; Stephen C. Earl, applicant.

A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. CONTINUED FROM THE MARCH 17, 1997 COUNCIL MEETING - Ordinance No. 3322.

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

1. Compliance with the basic development as shown on the plat submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Compliance with the project narrative submitted;
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 this 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;
8. One-story homes only to be built along Adobe Road and Greenfield Road; and
9. The CC&Rs will match those of the subdivision across Adobe to the north of the site.

Stephen Earl, 3101 North Central Avenue, #1000, Phoenix, representing the property owner and developer, provided background information concerning this case and Zoning Case Z97-12 (see Item 8g), two phases of one infill project. Mr. Earl informed Council that the request for R1-7 zoning has been eliminated from the plan. Mr. Earl noted the recommendation for approval from staff and the Planning and Zoning Board (unanimous).

Mr. Earl referred to a map and spoke concerning densities of adjacent parcels. Mr. Earl expressed the opinion that the proposal is compatible with surrounding uses and represents an appropriate transition. Mr. Earl outlined the proposed design, citrus retention, and CC&Rs. Mr. Earl expressed the opinion that the proposal represents a quality project in conformance with the General Plan and residential development guidelines considered by the Planning and Zoning Board. Mr. Earl requested Council support of the proposal.

Loretta Pickens, 4621 East Ellis Circle, expressed concern pertaining to proposed lot sizes (too small) and safety risks. Ms. Pickens requested additional modifications to the proposal, including the construction of a cul-de-sac rather than development of Quail Street as a through street.

Allen Tobin, 4645 East Ellis Circle, spoke regarding safety issues relative to the proposed intersection at Adobe and Quail Street. Mr. Tobin commented that sight distance is insufficient for traffic speeds, particularly given the curve of the road.

Robert Graham, 4563 East Elmwood, complimented the applicant for attempting to comply with the General Plan but cited concerns noted by adjacent residents relative to issues such as safety and citrus.

Phyllis Creekmore, 829 North Penrose Circle, commented that the proposed densities are excessive. Ms. Creekmore indicated concern pertaining to safety, citrus retention, the lack of a sufficient number of schools in the area, and the applicability of the CC&Rs.

Michele Barre, 4633 East Covina Street, spoke concerning the high number of youth gangs in nearby neighborhoods and potential safety risks posed by increased traffic in the area. Ms. Barre expressed concern regarding overcrowded schools.

Mayor Brown thanked the speakers for their input.

Mr. Earl spoke regarding the park site proposed for the project and the extension of Quail Street, commenting that both items are requirements of the City. Mr. Earl advised that it is the City's belief that the park will be an asset to the neighborhood and that the Quail Street connection is necessary.

Mr. Earl outlined improvements to be made by the applicant to improve traffic and safety problems. Mr. Earl indicated that steps have been taken to ensure adequate sight distance and noted that the total number of lots has been reduced to address concerns relative to density. Mr. Earl stated the opinion that the proposal will benefit the neighborhood and that extensive efforts have been made to accommodate adjacent residents.

Mr. Earl and Mr. Balmer responded to questions from Councilmember Kavanaugh pertaining to the power easement line and proposed park, the extension of Quail Street, and access for children to the neighborhood elementary school.

Councilmember Giles expressed the opinion that the applicant has made a good faith effort to address the concerns of neighbors. Councilmember Giles commended both the applicant and the neighbors for their work. Councilmember Giles indicated support for the project.

In response to a question from Councilmember Stapley, Mr. Earl noted that the plan provides for open space along the power line easement and that the only walls in the vicinity are those along the rear yards of adjacent homes. Mr. Earl spoke concerning landscaping, citrus retention, and CC&Rs for the entire project.

Councilmember Stapley stated the opinion that the project represents a suitable compromise between the applicant and the neighbors.

Mayor Brown thanked the applicant and the neighbors for their efforts.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the zoning change be approved as recommended by the Planning and Zoning Board and that Ordinance No. 3322 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3322 adopted.

- g. **Z97-12** South of the southeast corner of Greenfield Road and Adobe Road. Rezone from AG to R1-9 with a PAD overlay (50± acres). This case involves a single residence subdivision with 142 lots. Robert Turville, Robert Middleton and James Mast, owners; Stephen C. Earl, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. CONTINUED FROM THE MARCH 17, 1997 COUNCIL MEETING - Ordinance No. 3323.**

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit, 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. One-story homes only to be built along Greenfield Road;
6. Coordinate with the Parks Department in providing certain amenities at the City park site within the project;
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. Written notice be provided to future residents and acknowledgment received that this 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; and
9. Compliance with the project narrative submitted.

(This item was considered in conjunction with Zoning Case Z97-11. See Item 8f for discussion.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the zoning change be approved as recommended by the Planning and Zoning Board and that Ordinance No. 3323 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3323 adopted.

- *h. Z97-14 The 1700 - 1900 blocks of South Greenfield Road (east side). Rezone from C-2 PAD and M-1-PAD to M-1-BIZ (49.4 acres). This case involves the development of a film production studio campus. Arizona Studios owner/applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE MAY 19, 1997 REGULAR, COUNCIL MEETING.**

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
 2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
 3. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever, comes first;
 4. Compliance with all requirements of the Design Review Board; and
 5. Compliance with all requirements of the Subdivision Technical Review Committee.
- *i. **Z97-16** The 600 block of West Southern Avenue (south side). Rezone from R1-6 to O-S (1± acre). This case involves the development of a law office. Russell Riggs, owner; Thomas Campbell, applicant - Ordinance No. 3313.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
 2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.); and
 3. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
- *j. **Z97-18** 3015 East Main Street. Rezone from C-2 to C-3 (2± acres). This case involves rezoning an existing facility to allow a furniture refinishing use to occupy a portion of the building. Oscar Urrea Credit Trust, owner; Mary Lu Urrea, applicant – Ordinance No. 3314.

P & Z Recommendation: Approval With Conditions (vote 6 - 0 - 1).

1. Compliance with the basic development as shown on the site plan submitted;
 2. Compliance with all City development codes and regulations; and
 3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
- *k. **Z97-19** Parcel 15 at Las Sendas. Rezone from R1-90-DMP (Conceptual R1-7-PAD) to R1-9-PAD-DMP (23± acres). This case involves the development of a 70 lot subdivision. Sonoran Desert Holdings L.L.C., owner/applicant. Also consider the preliminary plat of "Desert Vistas Unit V at Las Sendas" - Ordinance No. 3315.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Future development of Parcel 15 is limited to a maximum of 70 lots;
3. Compliance with all applicable 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
7. Compliance with the narrative dated March 18, 1997; and
8. Compliance with all requirements of the Subdivision Technical Review Committee.

- *1. **Z97-20** Parcel 16 at Las Sendas. Rezone from R1-90-DMP (Conceptual R1-9-DMP) to R1-9-PAD-DMP (35± acres). This case involves the development of a 105 lot subdivision. Sonoran Desert Holdings L.L.C., owner/applicant. Also consider the preliminary plat of "Desert Vistas Unit 3 at Las Sendas" - Ordinance No. 3316.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable 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 the narrative submitted dated March 18, 1997; and
7. Compliance with all requirements of the Subdivision Technical Review Committee.

- *m. **Z97-21** Parcel 28 at Las Sendas. Rezone from R1-35-DMP and R1-90-DMP (Conceptual R1-9-DMP) to R1-7-PAD-DMP (27± acres). This case involves the development of a 115 lot subdivision. Sonoran Desert Holdings L.L.C., owner/applicant. Also consider the preliminary plat of "Ironwood Pass Unit 4 at Las Sendas" – Ordinance No. 3317.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable 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 the narrative submitted dated March 18, 1997; and
7. Compliance with all requirements of the Subdivision Technical Review Committee.

*n. **Z97-22** Parcel 42 at Las Sendas. Rezone from R1-9-DMP and R1-90-DMP (Conceptual R1-15-DMP) to R1-9-PAD-DMP (39± acres). This case involves the development of a 57 lot subdivision. Sonoran Desert Holdings L.L.C., owner/applicant. Also consider the preliminary plat of "Ironwood Pass Unit 5 Las Sendas" - Ordinance No. 3318.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable 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 the narrative submitted, dated March 18, 1997; and
7. Compliance with all requirements of the Subdivision Technical Review Committee.

*o. **Z97-23** Parcel 43 at Las Sendas. Rezone from R1-15-DMP and R1-9-DMP to R1-15 PAD-DMP (29± acres). This case involves the development of a 92 lot subdivision. Sonoran Desert Holdings L.L.C., owner/applicant. Also consider the preliminary plat of "Desert Vistas Unit 4 at Las Sendas" - Ordinance No. 3319.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable 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 the narrative submitted dated March 18, 1997; and
7. Compliance with all requirements of the Subdivision Technical Review Committee.

- *p. **Z97-24** The northeast corner of University Drive and 112th Street. Modification of an approved R1-6-PAD (42± acres). This case involves a 168± lot single residence project. George C. Grout, owner; Standage & Truitt Engineering, Ltd. Also consider the preliminary plat of "University Mountain" - Ordinance No. 3320.

P & Z Recommendation: Approval With Conditions (vote 4 - 2).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedication of the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee; and
5. Compliance with the project booklet.

13. Consider the following subdivision plats.

- *a. "SIERRA RANCH II" - The 9600 and 9700 blocks of East Baseline Road (north side); 41 R1-9 and 135 R1-6 single residence lots (52.8 acres). Beazer Homes Corp., developer; Infinity Engineering Services, Ltd., engineer.
- *b. "SUPERSTITION TRIANGLE COMMERCE CENTER AMENDED" The 1700 through 1900 blocks of South Greenfield Road (east side); 2 M-1 limited industrial lots (53.65 acres). Arizona Studios L.L.C., developer; Coe & Van Loo Consultants, Inc., engineer - **CONTINUED TO THE MAY 19, 1997 REGULAR COUNCIL MEETING.**

14. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 8:58 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Regular Council Meeting
April 23, 1997
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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 23rd day of April 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of May 1997

BARBARA JONES, CITY CLERK