

COUNCIL MINUTES

April 5, 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 April 5, 1999 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

David Klein

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Councilmember Jim Davidson.

Pledge of Allegiance was led by Ben Burntram, Boy Scout Troop #54.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of February 25, 1999 and March 11, 15, and 18, 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 Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a Public Hearing on the assessments for North Harris Drive Scalloped Street Project #97-75.

This project completed the street improvements along the east side of North Harris Drive from Hermosa Vista Drive to Lockwood Street. **(See Item No. 8b).**

Mayor Brown announced that this is the time and place for a public hearing regarding the assessments for North Harris Drive Scalloped Street Project #97-75.

Robert Holyoke, a property owner in the area under discussion, informed the Council that approximately eighteen months ago, he and other neighbors addressed the Council regarding this issue and were led to believe that the street improvements would be entirely paid for by the City of Mesa. Mr. Holyoke stated that when the property owners received notice of the fact that they were being assessed \$100,000 for the improvements, they were both shocked and surprised. Mr. Holyoke acknowledged the fact that if he does not develop the property within the next ten years, he will not be responsible for paying the assessment but stated the opinion that the City should have clarified this issue with the property owners prior to the start of construction.

Mayor Brown thanked Mr. Holyoke for his input.

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

4. Consider the following liquor license applications:

*a. DONALD STRAUCH, PRESIDENT

Special Event License application of Donald Strauch, President, Sister Cities Association of Mesa, a two-day charitable event to be held Friday, April 30, 1999, from 6:00 p.m. to 10:00 p.m. and Saturday, May 1, 1999, from 10:00 a.m. to 10:00 p.m. at 526 E. Main Street, Pioneer Park.

*b. BRUNA A. EASTMAN, INDIVIDUAL

Person and location transfer Bar License for TJ's Bar & Grill, 1734 E. Main Street, #5. This transfer is from Theresa A. Deshane, Agent, J&T Spirits LC, 15218A-15220B N. Cave Creek Road, Phoenix.

*c. MAHMOUD H. MAJED, AGENT

New Beer and Wine Store License for Majed Mini Mart, 6807 E. Broadway Road. The Beer and Wine Store License previously held at this location by Robert Mark Cormier, Agent, Marco Stores, Inc. will revert back to the State.

*d. NETTIE J. SAUNDERS, AGENT

New Beer and Wine Store License for On the Run - Mobil, 2755 S. Power Road. This is a new business, no previous liquor licenses at this location.

*e. RANDHIR SINGH, INDIVIDUAL

New Beer and Wine Store License for 7-Eleven 20168B, 810 W. Baseline Road. The Beer and Wine Store License previously held at this location by Connie French, Agent, 7-Eleven Food Stores will revert back to the State.

5. Consider the following Bingo application:

*a. Hometown Sun Life Resort – CLASS A

Michael Rademacker, Manager
5055 E. University Drive
Mesa, Arizona 85205

6. Consider the following contracts:

- *a. Two-year supply contract for t-shirts as requested by the Parks, Recreation and Cultural Division. T-shirts are issued to thousands of participants in Parks & Recreation programs.

The Purchasing Division recommends accepting the low bid by Sports Station Ltd. for annual purchases estimated at \$60,000.00 based on estimated annual requirements.

- *b. One-year renewal of the supply contract for sodium bisulfite as requested by the Utility Operations Division. This product is used to dechlorinate the effluent at the Northwest Wastewater Reclamation Plant as required by EPA regulations.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bid by Hill Brothers Chemical Company at \$19,700.00 plus 7.0% sales tax of \$1,379.00 for a total of \$21,079.00 based on estimated requirements.

- *c. One-year renewal of the supply contract for street sweeper brooms as requested by Fleet Support Services.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original lowest overall bid by West Coast Equipment & Parts for annual purchases estimated at \$35,000.00 based on estimated requirements.

- *d. Landscape Maintenance Services for medians and right-of-way areas for Section I as requested by the Street Maintenance Division. This contract covers an area west of Gilbert Road and north of Main Street.

The Purchasing Division recommends accepting the overall low bid by E/G Management, Inc. at \$189,566.57 based on current annual requirements.

- *e. One-year renewal of the supply contract for tires for Materials & Supply Division Warehouse inventory as requested by Fleet Support Services.

The Purchasing Division recommends exercising the first of two one-year renewal options from the State of Arizona contracts with Goodyear Tire & Rubber Company and Continental General Tire for annual expenditures estimated at \$250,000.00 based on estimated requirements.

- *f. 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 first of two one-year renewal options with the original low bid by Hydraulic Controls, Inc. for annual purchases estimated at \$30,000.00.

- *g. SCADA system intellution software for Year 2000 upgrade as requested by the Utilities Department.

The Purchasing Division recommends accepting the bid by Summit Electric Supply at \$51,445.00 plus 7.0% sales tax of \$3,601.15 for a total of \$55,046.15.

- *h. Office furniture to be used in the new fire administrative offices at 40 North Center as requested by the Fire Department.

The Purchasing Division recommends accepting the lowest complete bid by Transact Commercial Furnishings at \$48,491.07 plus 7.0% sales tax of \$3,394.37 for a total of \$51,885.44.

- *i. 210,000 water quality brochures for the Utilities Department as requested by the Printing & Graphics Division.

The Purchasing Division recommends accepting the low bid by Courier Graphics at \$40,509.00 plus 7.0% sales tax of \$2,835.63 for a total of \$43,344.63.

- *j. Microwave spread spectrum radio equipment as requested by the Utilities Department. This equipment is part of the Y2K upgrade for SCADA related equipment.

The Purchasing Division recommends accepting the low bids as follows:

Items 1 and 2 to Microwave Data Systems at \$112,390.00 plus 5% use tax of \$5,619.50 for a total of \$118,009.50; and

Items 3 and 4 to Talley Communications at \$19,181.81 plus 7.0% sales tax of \$1,342.73 for a total of \$20,524.54. The combined award is then \$138,534.04.

- *k. Modular office work stations for the Fire Department Administration, Emergency Medical Services, Building Inspections and Customer Service as requested by the Public Works Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$70,589.94 including materials, design services, delivery, installation and applicable sales tax.

- *l. Purchase two AZTech kiosks, as requested by the Information Services Division. These kiosks will provide citizens with access to current roadway, transit, and aviation information, as well as access to City information through the Internet.

The Purchasing Division recommends authorizing the purchase of two kiosks from TouchVision for \$19,272.00, plus 5.0% use tax on the hardware, software and cabinet of \$813.60, for a total of \$20,085.60. Installation and shipping are not taxable.

- *m. Additional video equipment to produce television shows for Channel 11 broadcast as requested by the Video Production Division of Public Information.

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

Items 1 & 8 to Burst Communications, Inc. at \$10,770.00 plus 7% sales tax of \$753.90, for a total of \$11,523.90; Items 2, 3, & 4 to New Horizons Film & Video for \$41,584.02 plus 7% sales tax of \$2,910.88 for a total of \$44,494.90; Item 5 to Intelligent Media for \$7,248.00 plus 5% use tax of \$362.40 for a total of \$7,610.40; and Items 6 & 7 to Intellisys Group for \$12,652.00 plus 5% use tax of \$632.60 for a total of \$13,284.60. The combined total award is then \$76,913.80.

- *n. Modular office work stations for the Personnel Division. These work stations are for four new Human Resource Analyst positions.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$10,216.56 including materials, design services, delivery, installation and applicable sales tax.

- *o. Video equipment for public viewing of jail court proceedings as requested by the City Court.

Council is requested to authorize purchase from the State of Arizona contract with Multimedia Telesys, Inc. for a total of \$12,530.91 including equipment, installation and applicable sales tax.

- *p. Dobson Ranch Golf Course Fence Replacement, Phase 6. City of Mesa Project No. 99-34.

This project consists of removing the existing fence and installing a new fence along a portion of the Dobson Ranch Golf Course.

Recommend award to low bidder, Jilco Contracting, Inc., in the amount of \$78,154.00.

- q. North Brimhall Street Special Improvement District No. 239. City of Mesa Project No. 98-79.

This project consists of the paving of an existing dirt street through a Special Improvement District.

Recommend award to low bidder, J. Banicki Construction, Inc., in the amount of \$142,070.00.

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 that because of such conflict, he would refrain from discussing and/or participating in any manner in connection with same.

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

Upon tabulation of votes it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

- r. Falcon Field Airport Pavement Preservative Seal and Slurry Seal. City of Mesa Project No. 99-81.

This project consists of the application of a pavement seal and a slurry seal on runways and taxiways at Falcon Field Airport.

Recommend award to low bidder, Engineering by Arrid Zone, in the amount of \$194,819.19.

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 that because of such conflict, he would refrain from discussing and/or 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.

7. Introduction of the following ordinances and setting April 19, 1999 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. Prohibiting parking on the south side of Main Street from Chestnut to the east City limits and on the north side of Main Street from Gilbert Road to the east City limits, as recommended by the Transportation Advisory Board.
- *b. **Z99-23** The northwest corner of Val Vista Drive and Baseline Road. Council Use Permit (60± acres). This case is for a mixed use development as allowed under the Council Use Permit.
- *c. **Z99-24** The 1200 and 1300 blocks of North Ellsworth Road (east side). Establish City Zoning (R1-7 and R1-43) (9±acres).

8. Consider the following resolutions:

- a. Authorizing the City Manager to execute documents to apply for funding for CDBG/HOME/ESG Projects (Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant) for FY 1999/2000 funding - Resolution No. 7342.

Community Development Manager Wayne Balmer advised the audience that 1999 is the 25th anniversary of the Community Development Block Grant Program (CDBG) and added that the City of Mesa has participated in the program for the last 24 years. Mr. Balmer briefly highlighted a list of projects that were implemented as a result of the funding and noted that the program has been designed to upgrade the older, low-income areas in central Mesa.

Mr. Balmer advised that the recommendations for the current year's CDBG funding has been presented to the Council and added that there are speakers in the audience representing the North Center Revitalization Association who will present remarks relative to their goals to improve the area. Mr. Balmer explained that a significant amount of interest has been expressed by the citizens on North Center Street relative to improving their neighborhood. Mr. Balmer also commented that the City worked closely with Tri City Behavioral Health Center to relocate their downtown facility to Ingram Street and said that as a result, the homeowners in this area formed a group to improve their neighborhood. Mr. Balmer added that the Tri

City Behavioral Center applied for and received \$5,000 in funding from the Arizona Department of commerce to cover the cost of a neighborhood study in that area and said that this location is the same area that the North Center Revitalization Association is requesting funding for under the CDBG Program to develop a plan.

Mr. Balmer recommended that staff work with the Tri City Behavioral Health Center and their consultant to complete their study and that following the completion of the study, should it be determined that additional areas require review, CDBG funds may be allocated for this use. Mr. Balmer said that \$25,000 has been placed in the City's contingency funds for next year for this and/or other neighborhood studies that may require this type of assistance. Mr. Balmer added that should that occur, a Request for Proposals would be issued and staff would work with the neighbors to develop a scope of services for the project.

Barb Speece, 1833 North Pomeroy Street, addressed the Council relative to this issue and advised that the Tri City Behavioral Health Center's study has been completed and submitted to the State on March 29, 1999. Ms. Speece stated that in an effort to beautify downtown Mesa, the Tri City Behavioral Center was relocated from Robson Street to East Ingram Street. Ms. Speece discussed neighborhood concerns regarding this move and said that the neighbors, Tri City Behavioral Health Center, the Mesa Community Action Network, and Kerr Elementary School partnered together to determine methods of retaining control over the area and improving the community. Ms. Speece stated that a Steering Committee was formed to address problems of growth and revitalization and urged the Council to support their efforts.

Alice Swinehart, 1763 North Pasadena, informed the Council that she is also a member of the North Center Revitalization Association and briefly highlighted a list of Association achievements, including the development of a bilingual newsletter and the hosting of "Meet Your Neighbor" breakfasts. Ms. Swinehart commented that the Association has developed long-term goals for the area and thanked the Council for their support.

Connie Parker, 41 East Hillside Street, Co-Chairman of the North Center Revitalization Association, stated the opinion that the use of CDBG funds to support the Association's plans is appropriate and necessary. Ms. Parker commented that the use of the funding will allow the neighborhood to become self sufficient and to identify and meet the needs of the area. Ms. Parker said that the goal of the Association is to become proactive and address problems before they escalate and requested that the Council support their efforts.

Judy Bottomley, 54 East Ivy, a participating member in the North Center Revitalization Association, discussed the deteriorating condition of the area and noted that criminal activity in the neighborhood is continuing to increase. Ms. Bottomley requested Council assistance to address neighborhood concerns and enhance the safety of their area.

Randy Gray, representing the Marc Center, 924 North Country Club Drive, expressed appreciation to the Council and City staff for their support and for allocating CDBG funds to the Marc Center in support of their operation. Mr. Gray noted that the Marc Center has been assisting Mesa's citizens with disabilities since 1957 and estimated that as a result of this private-public partnership between the Marc Center and the City of Mesa, taxpayers in Mesa have realized a savings of approximately \$4 million. Mr. Gray commented on efforts that are constantly expended to identify areas where services can be expanded and discussed the Center's continuing commitment to assist citizens who are disabled. Mr. Gray announced that following approval of the funding, the Marc Center will embark on an \$800,000 capital campaign drive to contribute towards the program and provided the television audience with the telephone number of the Center.

Mayor Brown thanked the speakers for their input.

Councilmember Kavanaugh expressed appreciation to Mr. Balmer for the overview of projects in Mesa that are the direct result of CDBG funding and complimented the members of the North Center

Revitalization Association on their efforts to improve the community. Councilmember Kavanaugh indicated support for the allocation of funding in the near future to assist the Association in meeting their goals.

Councilmember Hawker explained the origin of the CDBG funding and stated that he does not totally support funding for government subsidized home ownership. Councilmember Hawker advised that the non-profit organization Housing for Mesa has a program in effect that assists qualified citizens in the construction of homes. Councilmember Hawker said that the organization subsidizes a significant portion of the costs involved and provided a representative of Housing for Mesa to an opportunity to announce the telephone number of the organization for the benefit of viewers.

Councilmember Jaffa clarified that the Council will be voting this evening to apply for the CDBG funding and said that the actual allocation of funds will be the subject of a future Council meeting. Councilmember Jaffa commended Mr. Gray for his continued service to the community and announced the Marc Center's telephone number.

Councilmember Davidson stated that on May 1, 1999, Community Development Manager Wayne Balmer was presented with an award for his efforts with regard to the Community Development Block Grant Program and congratulated him and his staff on this achievement.

Vice Mayor Giles commended the North Center Revitalization Association on their efforts and added that the Council supports their goals.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that Resolution No. 7342 be adopted.

Carried unanimously.

Mr. Balmer clarified that following a review of Tri City Behavioral Center's study, staff will meet with the association to discuss additional improvements. Mr. Balmer added that funding is available under the City's Neighborhood Planning area to assist the residents in costs associated with funding an additional study.

- b. Approving the assessments for North Harris Drive Scalloped Street Assessment District #97-75. This project completed the street improvements along the east side of North Harris Drive from Hermosa Vista Drive to Lockwood Street - Resolution No. 7343.

In response to a request from Mayor Brown, Public Works Manager Jack Friedline, responded to comments that were presented by Mr. Holyoke during the public hearing on this matter (Agenda Item No. 2). Mr. Friedline stated the opinion that the assessment process for North Harris Drive was appropriately implemented by staff. Mr. Friedline emphasized that the assessment is subject to a ten-year time limit and explained that if Mr. Holyoke's property is not developed within this time period, he will not be responsible for paying any portion of the assessment.

Discussion ensued relative to the fact that there is no requirement in the Scalloped Streets Bill for a neighborhood notification process, the fact that the City distributes a Resolution of Intention prior to bidding and awarding same, the fact that appraisals could be performed both before and after the improvements to determine the actual value of the work, the fact that a lien on the property is filed once the Council approves the assessment, benefits of the program for participating citizens and Mayor

Brown's recommendation that the issue of neighborhood notification be the subject of a future Council Study Session.

Additional discussion ensued relative to Mr. Holyoke's comments that the improvements did not increase the value of the properties on Harris Street, the fact that Mr. Holyoke is currently in the process of selling his property and that the parcel will remain pasture as long as possible, and the consensus of the Council that the development of an appropriate notification process be discussed in the near future.

It was moved by Councilmember Hawker, seconded by Councilmember Jaffa, that Resolution No. 7343 be adopted.

Carried unanimously.

*c. Deleted.

*d. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety providing for officers overtime funds and education of the motoring public by posting red light enforcement signs at designated intersections within the City Resolution No. 7341.

e. Relating to the Maricopa County Board of Supervisors and residential development in the vicinity of the Williams Gateway Airport and the General Motors Proving Grounds - Resolution No. 7344.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Resolution No. 7344 be adopted.

Councilmember Jaffa expressed concern regarding residential development in the vicinity of Williams Gateway Airport and General Motors Proving Grounds and stressed the importance of protecting this area for future industrial development. Councilmember Jaffa stated that the Council will strongly defend the designation of low density residential development in this area in the future.

Councilmember Pomeroy concurred with Councilmember Jaffa's comments and urged the Planning Department to notify the Maricopa County Board of Supervisors and anyone else interested in developing in this area of the Council's position on future development at this locale.

Carried unanimously.

9. Considering the following ordinance:

*a. Removing the parking prohibition on the south side of Hermosa Vista Drive from Gilbert Road to a point 1,575 feet east of Gilbert Road and from 24th Street to a point 500 feet west of 24th Street; and on the north side of Hermosa Vista Drive from Gilbert Road to a point 1,485 feet east of Gilbert Road and from 24th Street to a point 340 feet west of 24th Street; prohibiting parking on Trailridge Circle west of Redmont Drive, on the west side of Horne from Holmes to U.S. 60, on Ellsworth Road from McDowell Road to the south City limits, on Usery Pass Road from McDowell Road to the north City limits, on Lansing Road from Ellsworth Road to Neville Avenue, on Neville Avenue from Lansing to Monterey Avenue, and on Baldwin from Monterey Avenue to Baseline Road; establishing a speed limit of 50 mph on Ellsworth Road from McDowell Road to Elliot Road and on Usery Pass Road from McDowell Road to the north City limits; establishing a 30-mph speed limit on Lansing from Ellsworth Road to Neville Avenue, on Neville Avenue from Lansing to Monterey Avenue, and on Baldwin from Monterey Avenue to

Baseline Road; including Ellsworth Road from McDowell Road to the south City limits, Usery Pass Road from McDowell Road to the north City limits, Lansing from Ellsworth Road to Neville

Avenue, Neville Avenue from Lansing to Monterey Avenue, Baldwin Avenue from Monterey Avenue to Baseline Road, Farmdale Avenue from Signal Butte Road to Cheshire, and Cheshire from Southern Avenue to Broadway Road in Section 10-3-17 of the Mesa City Code "Special Stops Required", prohibiting left turns between the hours of 4:00 p.m. and 6:00 p.m. from the driveway on Country Club Drive with centerline approximately 360 feet north of 9th Place; as recommended by the Transportation Advisory Board - Ordinance No. 3605.

10. Consider the following recommendation from the Parks and Recreation Board:

*a. Recommend adoption of the proposed fee adjustments as presented by staff.

*11. Consider write-off of utility and miscellaneous accounts in the amount of \$216,974.00. (0.31%).

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

- a. **Z98-78** The northwest corner of Brown and Greenfield Roads. Site Plan Modification (3.15 ac.). This case involves the development of a daycare and two-story offices. CB Richard Ellis Co., owner; Kathy Fogarty, applicant. **CONTINUED FROM THE SEPTEMBER 17, OCTOBER 15, NOVEMBER 19, 1998, AND JANUARY 21, 1999 MEETINGS. A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE** - Ordinance No. 3608.

P & Z Recommendation: Approval with Conditions. (Vote: Passed 6-1; Brock nay)

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 Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Construct a deceleration lane at the main Brown Road entry drive.
8. Provide two rows of citrus along the interior property lines and one row along the street frontages.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to issuance of a building permit).
10. Provide vehicular cross-access between all parcels.
11. Provide an 8-foot high block wall along the interior property lines.
12. The first floor of the two story office building to be below grade at least 3 feet.
13. Compliance with the letter dated February 16, 1999.

Sean Lake, 10 West Main Street, an attorney representing both the applicant and the property owner, provided the Council with background information on this case. Mr. Lake noted that this vacant parcel of land, which is located at the corner of Brown and Greenfield Roads, is appropriately zoned for the proposal. Mr. Lake advised that the applicant intends to develop a preschool on this site and a two-story office building.

Discussion ensued relative to efforts expended to work with the neighbors, the fact that a Letter of Understanding dated February 16, 1999 has been developed and the applicant is willing to allow this

letter to become a condition of approval, the fact that the applicant has agreed to reduce the square footage of the office building to 27,000 square feet and to heighten the wall between this parcel and the adjacent property owners by two and a half tiers of block, the applicant's willingness to also heighten the walls along Brown and Greenfield Roads as well, the applicant's willingness to retain two rows of trees, the fact that the applicant will require all employees to park in the rear of the building in order to buffer the sound of their vehicles, and the applicant's intention to lower the office building three feet into the ground in order to ensure that the building will not overlook adjacent homeowner parcels.

Mr. Lake requested that the Council support the proposal as outlined.

Councilmember Kavanaugh commended Mr. Lake on his extensive efforts to arrive at an agreement that is acceptable to all of the involved parties.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Ordinance No. 3608 be adopted.

Councilmember Jaffa stated that based on the concessions that the applicant has offered, he will support the project.

Carried unanimously.

- b. **Z98-105** The southeast corner of Signal Butte Road and Broadway Road. Rezone from O-S and R1-7 to C-2 (8.02 acres). This case involves the development of a commercial shopping center. McRae Group of Companies, owner. Represented by Ron McRae; Lyle S. Richardson, applicant. **CONTINUED FROM THE NOVEMBER 19, 1998 AND JANUARY 21, 1999 MEETINGS. A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE.** - Ordinance No. 3609.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Design Review Board.
6. All pad buildings to be architecturally compatible with the center.
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan and gas station.

Lyle Richardson, 320 East McDowell, Phoenix, addressed the Council relative to this case and advised that he is representing the applicant. Mr. Richardson provided brief background information on this case and stated that the site was inappropriately zoned when it was annexed into the City. Mr. Richardson said that the parcel should be zoned C2 and noted that the proposal is in complete conformance with Mesa's General Plan. Mr. Richardson added that the applicant's request has received the unanimous support of staff and the Planning and Zoning Board.

Mr. Richardson also informed the Council that prior to the first public hearing on this proposal in November 1998, the applicant had not been contacted by anyone in opposition to the case. Mr. Richardson advised that opposition was expressed at the time of the public hearing and said that the applicant agreed to continue the case in order to work with the neighbors and address their concerns.

Discussion ensued relative to efforts expended to communicate with the neighbors, the fact that one of the neighbors has indicated that his opposition will remain in place unless the applicant agrees to eliminate proposed and allowed uses for this parcel, and a request from Mr. Richardson that should it appear that the case will not be approved, that the Council provide him the opportunity to amend the application him an opportunity to submit a commercial request to the Council for the corner of the parcel which is zoned commercial.

Dennis Hultman, 10741 East Broadway, addressed the Council regarding this case and advised that prior to the first public hearing in November, the neighbors had not received any notification of the applicant's request. Mr. Hultman expressed the opinion that a lack of communication exists between the applicant and the neighbors. Mr. Hultman added that the outside homes in this area were built in 1959 and face the street. Mr. Hultman said that the owners of the homes along Signal Butte Road purchased their homes based on the understanding that the property located across the street was zoned residential with the exception of a small commercial corner. Mr. Hultman expressed the opinion that an all-night gas station would create noise and pollution and negatively impact the homes in the area. Mr. Hultman requested that the residential portion of this parcel remain zoned for residential development and that the small commercial portion of the property be zoned OS or limited C-1.

Mayor Brown thanked Mr. Hultman for his comments.

Discussion ensued relative to the previous zoning designation on this parcel, the fact that the parcel should have been zoned C-2, the importance of developing a buffer to protect the neighbors, and the willingness of the applicant to work with the neighbors to address noise concerns and setbacks and to develop enhanced buffer zones.

It was moved by Councilmember Jaffa, seconded by Councilmember Pomeroy, that Ordinance No. 3609 be adopted.

Councilmember Kavanaugh indicated that he would not support the motion.

Councilmember Pomeroy stated that he supports staff's recommendations and is basing his vote on their determination.

Councilmember Jaffa commented that when he made the motion for approval, he was under the impression that when the parcel of land was under Maricopa County's jurisdiction, the entire eight acres were zoned for commercial development.

Mr. Balmer clarified that only the north four acres were zoned for commercial development by the County.

Councilmember Jaffa requested that his motion be withdrawn. Councilmember Pomeroy removed his second to the motion.

In response to a question from Councilmember Jaffa, Mr. Balmer stated that in retrospect, he concurs with Mr. Hultman's opinion that the property, which was zoned OS (office/service) when the parcel was annexed into the City, should have been zoned C-2 (neighborhood commercial). Mr. Balmer explained that the applicant is proposing that the zoning designation be corrected by changing from OS to C-2 on the

north and adding the south half which will result in C2 zoning for the entire eight acres. Mr. Balmer added that this designation will allow the applicant to develop the proposed shopping center.

Vice Mayor Giles stated the opinion that although the proposed development of a gas station in the northeast corner of the parcel appears to be the negative factor in this case and added that the applicant has the ability to construct a gas station if he so chooses.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Ordinance No. 3609 be adopted.

In response to a question from Councilmember Kavanaugh, Mr. Balmer clarified that the current OS zoning does not permit the development of a gas station but added the opinion that the property will be changed from OS to C-2 in the not too distant future.

Councilmember Kavanaugh expressed the opinion that the proposal as presented would have an adverse effect on the existing residential neighborhoods and said that he would not support the motion. Councilmember Kavanaugh also commented on the extensive number of gas stations that exist on corners throughout the City and spoke in opposition to developing an additional one at this location.

Mr. Richardson informed the Council that he has conferred with the owner of the property and he is willing to stipulate that a gas station will not be developed on the corner of that parcel. Mr. Richardson asked that this stipulation be recorded in the minutes of the meeting and said that the applicant agrees to abide by this additional requirement. Mr. Richardson requested that the Council approve the applicant's request for commercial zoning on the entire eight acre parcel.

Carried unanimously.

- *c. **Z99-15** 6239 East Brown Road. Rezone from R1-35 (conceptual O-S) to O-S (2.41 acres). This case involves the development of an office complex. Robert Hershey, owner/applicant - Ordinance No. 3606.

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

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

- d. **Z99-16** The southeast corner of Power Road and Elliot Road. Rezone from R1-43 to R-3, C-2, M-1 and M-2 with a DMP overlay (82± acres). This case involves a land use master plan containing mixed uses. John O'Hara, owner; Robert Kubicek Architects, applicant. Represented by Jamie Coverdale - Ordinance No. 3610

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

1. Compliance with the basic development as described in the project narrative and the zoning districts as shown on the site plan, except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for all components of the master plan.
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. 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. The documented building sizes, numbers, locations, etc. on the land use plan are for illustration only and not guaranteed at build out.

Jamie Coverdale, representing the applicant, addressed the Council regarding this agenda item. Mr. Coverdale stated that the applicant has reviewed staff's report on this case and is willing to agree to all of the stipulations as listed.

In response to a question from Councilmember Jaffa, Mr. Balmer advised that the property is not located in either the 60 or 65 DNL areas. Mr. Balmer added that the proposal was reviewed by the members of the Williams Gateway Airport Authority and that the members did not object to the residential use, provided the City carries out the required notification/ noise attenuation/construction processes. Mr. Balmer said that complaints will most likely be received regarding noise from 'single event noise,' but added that the notification process will advise potential homebuyers of the possibility that the noise will occur.

Mr. Balmer responded to questions from Councilmember Davidson relative to noise contours and stated that staff is in the process of preparing a revised Airport Master Plan which will update the existing contours.

Councilmember Kavanaugh said that he supports the proposal and added that the plan represents a good example of a mixed use that is consistent with the City's General Plan.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Ordinance No. 3610 be adopted.

Councilmember Hawker requested that staff provide recommendations relative to improving the notification process to potential homebuyers regarding noise generated as a result of aircraft overflights. Councilmember Hawker stressed the importance of developing an enhanced notification process that goes beyond the legal responsibility of the City.

Mr. Coverdale pointed out that in accordance with the Williams Regional Planning Study, the applicant will be governed by airport overflight area designation 2 and said that this designation requires the applicant to note aircraft-related noise on both plats and titles.

Mr. Balmer added that stipulation number 5 also addresses this issue.

Mayor Brown recommended that Councilmember Hawker's suggestion regarding possible improvements to the notification process be placed on the agenda of a future meeting for Council discussion.

Carried unanimously.

*e. **Z99-17** 4827 East Southern Avenue. Rezone from R1-15 (Conceptual R-2) to O-S (1± acres). This case involves the development of an office. Sunny Mesa Inc., owner/applicant. Represented by David Killian - Ordinance No. 3607

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
 2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
 3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
 4. Compliance with all requirements of the Design Review Board.
 5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variances outlined in the staff report.
- f. **Z99-18** The 100 block of South 54th Street (west side). Rezone from R-3 to R-4 (5± acres). This case involves development of an R.V. park. MHP Communities Inc., owner/applicant - Ordinance No. 3611.

P & Z Recommendation: Approval with Conditions. (Vote: Passed 6-1; Whalen nay)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, floor plans and elevations submitted, except as noted below.
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variances outlined in the staff report.
5. Compliance with the setbacks as required in the Zoning Ordinance.
6. Provide 10' landscape area along 54th Street, outside the perimeter wall.
7. Reconfigure parking to comply with Code requirements.
8. Administrative review and approval of site amenities prior to application for a building permit.
9. Compliance with the letter dated February 3, 1999.
10. The age of units to be no more than twenty (20) years of age from the date of installation.

Mr. Balmer advised that this case was not placed on the Consent Agenda based on information received by staff that neighbors would present remarks in opposition to this item. Mr. Balmer said that he has not received any requests to speak on this agenda item.

It was moved by Vice Mayor Giles, seconded by Councilmember Hawker, that Ordinance No. 3611 be adopted.

Upon tabulation of votes it showed:

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

NAYS - Kavanaugh

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3611 adopted.

Carried unanimously.

- g. **Z99-20** The southwest corner of Country Club and Juanita. Site Plan Modification (8.2 acres). This case involves the development of industrial, commercial, retail, office and restaurant uses. Ken Roth, owner; Kurt D. Reed Associates, Inc., applicant.

P & Z Recommendation: Approval for Parcel #2. (Vote: Passed 7-0)

1. Compliance with the basic development (for Parcel 2 only) as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans of industrial uses.
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 at, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirement of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

P & Z Recommendation: Denial for Parcel #4. (Vote: Passed 5-2; Zaharis/Udall nay.)

Mr. Ken Roth, the owner/applicant, addressed the Council regarding this agenda item. Mr. Roth informed the Council that he is requesting that he be allowed to market the property either as: 1) commercial, if a viable use arises, or 2) as back-office industrial should that market demand increase, or 3) as retail development. Mr. Roth stressed the importance of maintaining the ability to be flexible and requested that the Council approve his request.

Councilmember Kavanaugh noted that there are two separate parcels before the Council to be voted upon, Parcel 2 and Parcel 4.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Parcel 2 be approved.

Carried unanimously.

Councilmember Pomeroy stated that Council denial on Parcel 4 would negatively impact the applicant and said that he will vote in support of providing the applicant with the necessary flexibility to successfully market the property.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Parcel 4 be approved.

Mayor Brown commended the applicant on his efforts to date and encouraged Mr. Roth to continue to pursue the development of this and other projects in Mesa.

Councilmember Jaffa indicated support for the project.

Councilmember Davidson advised that he will vote in opposition to the approval of Parcel 4 and explained that his decision is based upon a recommendation from a citizen advisory group that the City be patient and not deter from the office/industrial designation for this parcel rather than retail.

Councilmember Davidson expressed the opinion that this type of long-range planning will benefit the City in the future.

Vice Mayor Giles commented that although his initial reaction was to vote in opposition to the approval of Parcel 4, in his opinion the possibility of developing anything other than retail at this particular location is unrealistic.

Councilmember Hawker concurred with Councilmember Davidson's remarks but stated that his opposition to the approval of Parcel 4 is based on the fact that in his opinion retail in the rear portion of the parcel is not an appropriate use for this parcel.

Councilmember Kavanaugh expressed the opinion that the Council's previous approval of a Fry's store set precedent for this location and added that flexibility is in order in view of the surrounding development.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

Mr. Balmer advised that an ordinance concerning this zoning case will be presented for introduction at the April 19, 1999 Regular Council Meeting.

13. Consider the following subdivision plats:

- *a. "SIGNAL HEIGHTS UNIT II" The 1400 block of North 86th Street (west side) 21 R1-15 single residence lots (12.7 acres) Signal Heights Associates, Inc., developer; Infinity Engineering Services, Ltd., engineer.
- *b. "MAP OF DEDICATION FOR INDIGO SPRINGS APARTMENTS" The 1400 block of South Stapley Drive (west side) Indigo Springs, L.L.C., developer; Evans, Kuhn & Associates, Inc., engineer.
- *c. "GRAYHAWK AT LAS SENDAS" The 3200 - 3600 blocks of North Ridgecrest (west side) 110 R1-9-PAD-DMP single residence lots (47.6 acres) Sonoran Desert Holdings, L.L.C., developer; Wood, Patel and Associates, Inc., engineer.
- *d. "EAGLEFEATHER AT LAS SENDAS" The 3600 - 3900 blocks of North Ridgecrest (west side) 95 R1-9-PAD-DMP single residence lots (44.2 acres) Sonoran Desert holdings, L.L.C., developer; Wood, Patel and Associates, Inc., engineer.
- *e. "MESQUITE CANYON UNIT IV" The 3100 block of South Coyote Canyon Circle (both sides) 13 R1-6-DMP single residence lots (7.4 acres) Chi Construction Company, developer; Coe and Van Loo, engineer.
- *f. "VILLA RICA" The 3800 block of East Huber Street (north side) 13 R1-35 single residence lots (16.1 acres) Huber Groves, L.L.C., developer; Allen Consulting Engineers, Inc., engineer.

- *g. "MAP OF DEDICATION FOR SAFEWAY STORE #1637" The 3600 block of East Southern Avenue (north side) Safeway Inc., developer; Evans, Kuhn & Associates, Inc., engineer.
- *h. "AUGUSTA RANCH PARCEL 8B" The 9700 - 9900 blocks of East Guadalupe Road (north side) 167 R1-9 PAD DMP single residence lots (24.5 acres) A.R. Development, L.L.C., developer; DEI Professional Services, engineer.
- *i. "AUGUSTA RANCH PARCEL 10" The 9300 - 9800 blocks of East Baseline Road (south side) 114 R1-6 PAD DMP single residence lots (27 acres) A.R. Development, L.L.C., developer; DEI Professional Services, engineer.
- *j. "AUGUSTA RANCH PARCEL 11" The 2000 - 2200 blocks of South Crismon Road (west side) 108 R1-6 DMP single residence lots (27.1 ac.) A.R. Development, L.L.C., developer; DEI Professional Services, engineer.

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

Mayor Brown stated that there were no items from citizens present at this time.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:04 p.m.

Carried unanimously.

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 5th day of April 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