

COUNCIL MINUTES

July 6, 1999

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on July 6, 1999 at 6:03 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Bill Jaffa

POLICE OFFICER
PRESENT

Marc There

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

(Mayor Brown excused Councilmember Jaffa from the meeting.)

The Invocation was given by Reverend Dr. Skip Hughes, First Christian Church (Disciples of Christ).

The Pledge of Allegiance was led by David Mason, Troop # 504.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of June 3, 10, 21 and 28, 1999 be approved.

Upon a tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

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.

Upon a tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

3. Consider the following liquor license applications.

*a. PABLO V. REYNOSO, AGENT

New Restaurant License for Seafood Market & Restaurant, 1910 South Gilbert Road. This is an existing business and building; no previous liquor licenses at this location.

4. Consider the following contracts.

*a. One-year renewal of the annual supply contract for gas meter and service valves for Materials and Supply Division Warehouse inventory as requested by the Utility Services Division. These gas meter valves will be used to install new customer service, repair or modify existing service.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bids as follows:

Items 1, 3 and 4 to A.Y. McDonald Mfg. Company at \$3,150.28 plus 5.0% use tax of \$157.51 for a total of \$3,307.79; and

Items 2, 5 and 6 to DMD Division Dresser Ind., Inc. at \$32,239.50 plus 5.0% use tax of \$1,611.98 for a total of \$33,851.48. The combined award is then \$37,159.27.

*b. One-year renewal of the annual supply contract for Spirit brand telephone equipment as requested by the Management Services Administration.

The Purchasing Division recommends exercising the second and final one-year renewal option as follows:

Items 1 and 2 by Scottsdale Communications MRC at \$26,290.00 plus 7.40% sales tax of \$1,945.46 for a total of \$28,235.46; and

Items 3-6 by Lucent Technologies at \$13,080.00 plus 7.0% sales tax of \$915.60 for a total of \$13,995.60. The combined award is then \$42,231.06 based on estimated requirements.

*c. One additional carbon feeder for the CAP Water Treatment Plant as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid by Blaine Ingram, Inc. at \$11,221.00 plus 7.0% sales tax of \$785.47 for a total of \$12,006.47.

*d. Two-year supply contract for 28 quart plastic recycling containers as requested by the Public Works Department. The initial purchase (for F.Y. 1999-2000) is 6,000 containers.

The Purchasing Division recommends accepting the bid by Sun West Container Company for annual purchases estimated at \$14,820.00 plus 7.0% sales tax of \$1,037.40 for a total of \$15,857.40, based on estimated requirements.

- *e. One-year renewal of the annual supply contract for Class 200 gas meters for Materials & Supply Division Warehouse inventory as requested by the Utility Services Division. These gas meters are used for single family residential accounts.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid by National Meter, Inc. at \$136,500.00 plus 5% use tax of \$6,825.00 for a total award of \$143,325.00 based on estimated requirements.

- *f. Two-year supply contract for softballs and baseballs for Materials & Supply Division Warehouse inventory to be used by the Parks, Recreation & Cultural Division. These softballs will be used in the fiscal year 1999-00 adult sports programs.

The Purchasing Division recommends accepting the low bids as follows:

Items 1 and 2, to Jumbo Sports at \$27,477.32 plus 5.0% use tax of \$1,373.87 for a total of \$28,851.19; and

Item 3 to BSN Sports at \$1,642.16 plus 5.0% use tax of \$82.11 for a total of \$1,724.27. The combined award is then \$30,575.46 based on estimated annual requirements.

- *g. Two-year supply contract for gasoline and diesel fuel for City vehicles as requested by Fleet Support Services. This contract is a cooperative bid with Mesa Unified School District No. 4.

The Purchasing Division recommends accepting the low bid by Phoenix Fuel Company. The City's portion of the total annual purchases is estimated at \$1,035,723.75 (including applicable tax).

- *h. Main Library Exterior Painting. City of Mesa Project No. 99-92.

This project consists of repairs to the exterior stucco and the repainting of the Main Library located at 64 East 1st Street.

Recommend award to low bidder, Femcon, Inc., in the amount of \$44,285.00.

- *i. Construction of a drying bed for the Street Department.

Recommend award to low bidder, Grimm Construction Company, Inc., in the amount of \$57,000.00.

5. Consider the following resolutions.

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the Maricopa County Library District and the City of Mesa - Resolution No. 7396.

This agreement renews participation in the County reciprocal borrowing program.

- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District - Resolution No. 7397.

This agreement will continue the sharing of planning staff and resources between the City and School District.

- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Mesa - Resolution No. 7398.

This agreement provides for reconstruction and improvement of the intersection of Baseline and Dobson Roads.

- *d. Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Mesa - Resolution No. 7399.

This agreement provides for the construction of ADA ramps along bus routes at various locations.

- *e. Approving the Assessment Diagram Map for Special Improvement District No. 239. This district installed street improvements along North Brimhall Street from East Lehi Road to East Nance Road - Resolution No. 7400.

- *f. Authorizing the City Manager to execute a contract amendment between the Regional Public Transit Authority and the City of Mesa for transit service - Resolution No. 7401.

- *g. Approving and authorizing the City Manager to execute an agreement between the Flood Control District of Maricopa County and the City of Mesa for cost sharing the design and rights-of-way acquisition, utility relocation, construction, construction management and operation and maintenance of five (5) basins along the Central Arizona Project Canal - Resolution No. 7402.

- *h. Approving and authorizing the City Manager to execute an agreement between the Flood Control District of Maricopa County and the City of Mesa for cost sharing the construction, construction management, and operation and maintenance of a drainage channel along Southern Avenue from 78th Street to Hawes Road - Resolution No. 7403.

- *i. Authorizing the City Attorney the use of eminent domain to acquire properties needed for the redevelopment of Site 8. (The Arts & Entertainment Center) - Resolution No. 7404.

- *j. Authorizing the City Manager to execute an Agreement between the City of Mesa and the Arizona Attorney General to support the direct costs of implementing victims' rights laws pursuant to A.R.S. Title 13, Chapter 40 and Title 8, Chapter 3, Article 7 - Resolution No. 7405.

6. Introduction of the following ordinances and setting July 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. Relating to the Mesa Personnel Rules; amending Section 320 pertaining to salary plan; amending Section 431 pertaining to vacation leave; and repealing conflicting ordinances.

7. Consider the following ordinances.

- a. Relating to public health; amending Section 6-11-2 of the Mesa City Code regarding the mechanical separation of smoking and smokefree areas in bars in restaurants; and providing penalties for the violation thereof - Ordinance No. 3649.

Councilmember Kavanaugh expressed the opinion that the proposed ordinance preserves the original intent of the initiative approved by the voters and contains sufficient safeguards to monitor the new procedure. Councilmember Kavanaugh commented that the ordinance facilitates business and economic development in the community and protects the public health.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Hawker, that Ordinance No. 3649 be adopted.

Councilmember Davidson stated the opinion that the change would detract from Mesa's nationally recognized smoking ordinance. Councilmember Davidson said that he does not support the amendment.

Vice Mayor Giles expressed the opinion that the proposal is inconsistent with the intent of the initiative approved by voters. Vice Mayor Giles said that he does not favor the ordinance.

Councilmember Pomeroy commented that the amendment will assist business interests while protecting the public health. Councilmember Pomeroy stated support for the ordinance.

Councilmember Hawker expressed the opinion that the amendment complies with the intent of the initiative approved by voters.

Councilmember Davidson reiterated his concerns regarding the proposed mechanical separation.

Mayor Brown spoke in favor of the proposal.

Upon a tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote of those present and Ordinance No. 3649 adopted.

- *b. Amending Section 10-3-17 of the Mesa City Code designating Coralbell Avenue from Crismon Road to Cheshire as a through street as recommended by the Transportation Advisory Committee - Ordinance No. 3641.

- *c. **A98-14** Annexing the southeast corner of Elliot and Mountain Roads - Ordinance No. 3642.

*8. Authorizing the City Manager to enter into a contract with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.

8.1. Consider award of a three-year contract to Lockheed Martin to operate the photo safety program.

Councilmember Pomeroy, Chairman of the Police Committee, reported that between 1992 and 1996, Mesa had the second highest number of red-light fatalities in the United States (following Phoenix) of

cities having a population greater than 200,000. Councilmember Pomeroy advised that a two-year research study indicates that the number of accidents in Mesa has been reduced as a result of the photo safety program implemented by the City in 1997 and 1998. Councilmember Pomeroy stated support for continuation of the photo safety program.

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that a three-year contract be awarded to Lockheed Martin to operate the photo safety program.

Councilmember Pomeroy stated that the proposed photo safety program will include 5 mobile vans, 25 red-light cameras and 5 left-turn cameras, with additional left-turn cameras possible in the future.

Upon a tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

*8.2. Write-off of utility and miscellaneous accounts in the amount of \$133,944.00 (0.21%).

8.3. Consider the following recommendation from the Utility Committee.

- a. Recommend that water service for the property located at 8540 East Oak Street be provided, subject to the following stipulations: (1) owner to dedicate to the City a 20-foot wide, 430 foot long Public Utilities and Facilities Easement (private street) with a 45-foot radius half cul-de-sac at the end in accordance with staff's drawing; (2) owner to design and construct a 6-inch water line in the Public Utilities and Facilities Easement and terminate the water line 130 feet north of Oak with a fire hydrant; (3) owner to pay standard water development fees and meter fees at time of development; (4) owner to agree to future annexation of property by the City at such time as deemed necessary and desirable by the City; and (5) owner to execute a standard Development Agreement.

Councilmember Kavanaugh advised that the recommendation from the Utility Committee represents a compromise that is acceptable under the current City ordinance (as noted by City Attorney), provides for a future easement, and extends the water line for a hydrant consistent with public safety purposes.

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

Councilmember Hawker briefly presented background information concerning previous development agreements and cited an excerpt from a legal opinion from the City Attorney. Councilmember Hawker expressed concern pertaining to the adoption of ordinances with no method of enforcement and commented that standards will not be enhanced if grandfathering provisions continue to be granted. Councilmember Hawker stated that he will vote against the proposal.

Upon a tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote of those present.

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

- a. **Z99-10** The northwest corner of Brown and Ellsworth Roads. Rezone from R1-43 to C-2 (10.0± acres). This case involves the development of a grocery/retail center with three (3) pad uses. E.A. Cardon, owner; W. Alan Turley, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST** - Ordinance No. 3650.

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

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

Jason Morris, 3200 North Central Avenue, Phoenix, representing the applicant, provided the Council with a brief synopsis of the case. Mr. Morris commented that City staff and the Planning and Zoning Board support the application.

Mr. Morris stated that the following changes have been made by the applicant to address neighborhood concerns: 1) the landscaping adjacent to the neighbors on the north has been increased from 10 feet to a maximum of 80 feet, with a 50-foot average; 2) the lot coverage has been reduced to 19.8 percent; 3) the in-line shops have been removed; 4) the northern property line building setback has been increased from 40 to 100 feet; 5) a theme-wall has been incorporated and raised from 6 feet to 8 feet; 6) all free-standing buildings have been relocated to the southernmost portion of the site and the parking has been relocated to the northern portion; 7) the light poles have been reduced from 36 feet to 15 feet; 8) trash receptacles have been moved from the northern boundary line; 9) the grocery store has been reduced to 52,000 square feet, the minimum size for a grocery store; and 10) all substantial vegetation has been inventoried and boxed for reuse within the landscaping itself, including cacti salvageable from the right-of-way.

Mayor Brown questioned the 3/4 vote requirement. City Attorney Neal Beets explained that had Councilmember Jaffa been present, he would have declared a potential conflict of interest, as he has in the past, and because of the potential conflict of interest, five votes are required under State law to approve the request.

Planning Director Frank Mizner stated that staff is recommending approval of the request given the proposed changes, including a reduction of the site, reduction of the square footage of the commercial development, increased landscaping setbacks, design of a theme wall surrounding the property, incorporation of a private art project, and a written commitment to retain/reuse vegetation on the site. Mr. Mizner stated the opinion that the site plan is well designed and appropriate for this location.

Esparanza Marsh, 9030 East Glencove, distributed photographs of the area and outlined concerns relating to arterial roads, the blind curve on Brown Road, water run-off and retention walls.

Harold Daly, 9026 East Glencove, commented that the information provided to him by the developer differs from what is currently proposed, including the square footage of the project. Mr. Daly expressed concern regarding the homes facing a wall, setbacks, location within the vicinity of a 24-hour loading dock and storage of mechanical equipment.

Shirley Wheat, 9040 East Glencove, stated concern pertaining to increased traffic, development in her front yard and the location of a 24-hour business in the neighborhood.

Mr. Morris and Mr. Mizner responded to questions from Council relating to anticipated traffic, the loading dock and proposed landscaping/setbacks. Mr. Mizner noted that the setbacks exceed normal requirements.

Discussion ensued regarding water retention, placement of mechanical equipment, wall design and trash pickup.

Councilmember Pomeroy noted the significant modifications proposed by the applicant relating to landscaping, acreage and desert preservation.

Councilmember Davidson relayed concerns expressed by Carol Owens pertaining to the vegetation and encouraged preservation efforts. Councilmember Davidson stated support for the issue, commenting that the project will provide diversity and represents appropriate land use planning.

Vice Mayor Giles stated support for the proposal and commented that the applicant has demonstrated a willingness to work with the neighbors. In response to a question from Vice Mayor Giles, Mr. Mizner stated that should Council approve the rezoning request, the case will be presented to the Design Review Board. Mr. Mizner reported that the Mesa City Code provides an option for an aggrieved party to appeal the decision of the Design Review Board to the Council.

Vice Mayor Giles encouraged the neighbors to participate in the Design Review Board process and advised them of the opportunity to return to Council if not satisfied.

In response to a question from Mayor Brown, City Attorney Neal Beets advised that pursuant to State law, developers may apply for commercial zoning without revealing the identity of the applicant or tenant.

Councilmember Kavanaugh expressed the opinion that significant changes to the benefit of the neighborhood have resulted from the citizen participation process. Councilmember Kavanaugh stated support for the project.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3650 be adopted.

Councilmember Hawker said that he will vote in favor of the motion. Councilmember Hawker encouraged the Design Review Board to consider project sight lines.

Mayor Brown urged the neighbors to provide input to the Design Review Board.

Upon a tabulation of votes, it showed:

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

NAYS - None

ABSENT - Jaffa

Mayor Brown declared the motion carried unanimously by those present and Ordinance No. 3650 adopted.

- *b. **Z99-12** Parcel 15 at Red Mountain Ranch. Rezone from C-2 (Conceptual R-2-PAD) to R-2 – PAD (2.69± acres). This case involves the development of a townhouse project. Ray A. Mehan, owner; Ralph Pew, applicant - Ordinance No. 3643.

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

1. Compliance with the basic development with 22 lots as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
7. Written notice be provided to future residents, and acknowledgment received that the project is within three miles of Falcon Field Airport.
8. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
9. Landscaping theme to be compatible with the Red Mountain Ranch DMP landscaping.
10. Private street pavement width to be at least 28 feet.
11. Site amenities not to be in the retention areas.
12. Single-story height only for units 1 through and including 12, 15, 16, 18, 19, and 22.
13. Compliance with letters dated April 26, 1999 from Ray Mehan, and May 11, 1999 from Richard Toepel which are in the project file.

- *c. **Z99-43** The southwest corner of Southern Avenue and Superstition Springs Boulevard. Site Plan Modification (22± acres). This case involves the expansion of the existing Wal-Mart store at Superstition Springs. Benji Frantz, The Westcor Co. II, L.P., owner; Stephen R. Earl, applicant - Ordinance No. 3644.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Compliance with all requirements of the Design Review Board.
5. All pad buildings to be architecturally compatible with the center.
6. The new pad(s) shall not back up to Southern Avenue and must maintain a minimum setback of 20' from the right-of-way line.

- *d. **Z99-45** The 2200 block of North Center (west side). Rezone from AG to R-2-PAD (7.8 ± acres). This case involves the development of a residential subdivision. D.R. Horton, Inc. owner/applicant; Represented by: Mark Allen. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

P & Z Recommendation: Approval with conditions (vote: Passed 5-1, Parker nay).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with the Residential Development Guidelines regarding building elevations, perimeter wall design and entry monumentation.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Written notice be provided to future residents, and acknowledgement received that the project is adjacent to the future freeway, Mesa's police firing range, and existing radio towers.
8. Provide an 8 foot high sound-attenuation wall along the property line shared with the future freeway; design details to be approved by the City of Mesa and the Arizona Department of Transportation prior to construction.
9. Houses adjacent to the freeway to be restricted to one story.
10. Houses on the southern perimeter to be restricted to one story.

This item was included on the consent agenda for the purpose of continuance to the July 19, 1999 Regular Council Meeting.

- *e. **Z99-48** The 7200 block of East Southern Avenue. Site Plan Review (1.5 ± acres. This case involves the development of an office complex. Paul Welker, owner/applicant - Ordinance No. 3645.

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

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

- *f. **Z99-49** 444 West Holmes Avenue. Site Plan Modification (2.4 ± acres). This case involves the development of a Staybridge Suites Motel. John S. Rooze, owner/applicant - Ordinance No. 3646.

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

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

5. Recordation of cross-access easements.
6. Compliance with all requirements of the Design Review Board.
7. Provide enhanced landscaping (same quantity of trees and shrubs as current Code requirements) along the Vineyard frontage and interior property lines.

*g. **Z99-51** Part of the 6000 block of East Southern Avenue (south side) and Lot 4 of the Superstition Springs Auto Park. Rezone from C-2 to C-3 and property boundary adjustment for Lot 4 (3 ± acres). This case involves the development of an auxiliary storage lot for a new car dealership. M.C. Treadwell, owner; Chrysler Realty Corporation, applicant; Represented by: Ralph Pew - Ordinance No. 3647.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
2. Review and approval by the Planning and Zoning Board and City Council for any use other than the one proposed.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with the letter dated May 20, 1999 from Ralph Pew.

h. **Z99-52** The 2900 block of North Norwalk (east side). Rezone from M-1 to M-1-PAD (11 ± acres). This case involves the development of an industrial complex. The Reeb Group, Ltd., owner; Fred Woods, applicant - Ordinance No. 3651.

P & Z Recommendation: Approval with conditions (vote: Passed 5-0-1, Brock abstain).

1. Compliance with the basic development as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Review and approval by the Design Review Board of all individual buildings prior to application for a building permit.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Recordation of cross-access and reciprocal parking easements.
9. Compliance with all requirements of the Design Review Board.
10. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.
11. Written notice be provided to future residents, and acknowledgement received that the project is within one mile of Falcon Field Airport.
12. 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).

Mark Reeb, 148 North Macdonald Street, Mesa, briefly described the proposed industrial complex and indicated concurrence with the stipulations identified. Mr. Reeb encouraged Council support of the proposed rezoning.

Vice Mayor Giles spoke in favor of the project. Vice Mayor Giles noted that staff is continuing to work with adjacent property owners to mediate a resolution pertaining to another portion of the property.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that Ordinance No. 3651 be adopted.

Upon a tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present and Ordinance No. 3651 adopted.

Councilmember Davidson requested an update concerning discussion by the Design Review Board scheduled for Wednesday, July 7, 1999.

- *i. **Z99-54** 1119 East University Drive. Rezone from R-4 to O-S (1± acre). This case involves the conversion of an existing building for a contractor's office. Todor Kitchukov, owner; Gary Eaton, applicant - Ordinance No. 3648.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all 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. Recordation of cross-access easements.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of all necessary variances.

10. Consider the following subdivision plats.

- *a. "APACHE WELLS COMMERCIAL CENTER UNIT 2" - The 5800-5900 blocks of East McKellips Road (north side) 3 C-2 commercial lots (2.78 acres) Reckwell, L.L.C., developer; Wood, Patel and Associates, engineer.
- *b. "GRANDVIEW ESTATES" - The 8600-8700 blocks of East Brown Road (north side) 143 R1-9 single residence lots (60.16 acres) Standard Pacific of Arizona, Inc., developer; Wood, Patel and Associates, engineer.
- *c. "ENTRADA EXECUTIVE PLAZA" - The 1400-1500 blocks of South Higley Road (east side) 12 O-S PAD office lots (6.8 acres) UTAZ Investments, L.L.C., developer; Agra Infrastructure, Inc., engineer.

- *d. "ADOBE HILLS" - The 7600-7800 blocks of East University Drive (north side) 156 R1-7-PAD single residence lots (48.53 acres) Montaire/Adobe Hills, L.L.C., developer; Clouse Engineering, Inc., engineer.
- *e. "ADOBE ESTATES" - The 600-800 blocks of North Signal Butte Road (east side) 123 R1-9-PAD single residence lots (59.87 acres) Sunbelt/Signal Butte, L.L.C., developer; Clouse Engineering, Inc., engineer.

11. Items from citizens present (maximum of three speakers for three minutes per speaker).

Police Officer Bill Everson, representing the Mesa Fraternal Order of Police, expressed appreciation to Council for their assistance to the Police Department and efforts in relation to the budget. Officer Everson encouraged support of the ordinance introduced by Council relating to the Mesa Personnel Rules (see Item 6a on the agenda) and a proposed retirement plan under consideration by the Legislature.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:15 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 6th day of July 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