

# COUNCIL MINUTES

November 6, 2000

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 1<sup>st</sup> Street, on November 6, 2000, at 5:45 p.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Jim Davidson  
Dennis Kavanaugh  
Pat Pomeroy  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

Bill Jaffa

## OFFICERS PRESENT

Mike Hutchinson  
Neal Beets  
Barbara Jones

Mayor Hawker excused Councilmember Jaffa from the meeting and recognized the members of the Mesa Leadership, Training and Development (LTD) Program present in the audience.

Invocation by Reverend Tom Wick, St. Matthew Unified Methodist Church.

Pledge of Allegiance was led by Brad Gulbrandsero, Boy Scout Troop #155.

### 1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson seconded by Councilmember Kavanaugh, that the minutes of the October 11, 12,16, and 20, 2000 meetings be approved.

Mayor Hawker declared the motion 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 Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Mayor Hawker declared the motion unanimously by those present.

### 3. Consider the following liquor license applications.

\*a. STEPHEN MARK HORTON, AGENT

New Beer and Wine Store License for Chevron, 425 S. Crismon. This is a new business, which is currently under construction. The Beer and Wine Store License previously held at this location by Suheil I. Arbid, Individual, Sam's Chevron will revert back to the State. Previous licensee never began construction.

\*b. FRANCIS J. VOLLARO, INDIVIDUAL

New Restaurant License for Café Roma Ristorante, 2011 N. Recker Rd. This is an existing business. The Restaurant License previously held at this location by Crocifissa G. Pizzurro, Agent, Café Roma Ristorante will revert back to the State.

\*c. ROGER E. MCCONNELL, AGENT

New Restaurant License for Midwestern Restaurant, 4308 E. Main St. This is an existing business. No previous liquor licenses at this location.

\*d. DANIEL L. DAVIS, AGENT

New Restaurant License for Texas Roadhouse, 1605 S. Stapley Dr. This is a new business, which is currently under construction. No previous liquor licenses at this location.

4. Consider the following contracts:

\*a. Deleted.

\*b. Dispatch consoles to be used on fire dispatch consoles in the Public Safety Communications building as requested by the Communications Division.

The Purchasing Division recommends accepting the bid by Dispatch Products Company at \$66,310.75 including installation and applicable use tax.

\*c. Two replacement ten cubic yard dump trucks for the Utilities Department.

The Purchasing Division recommends authorizing an additional purchase option from RFB #2000139 with Freightliner Arizona, LTD at \$156,804.05 including options, sales tax and extended warranties.

\*d. Purchase of additional uniforms for Fire personnel.

The Purchasing Division recommends authorizing additional expenditures on the existing supply contracts for Fire Department uniforms as follows:

An additional \$18,000 be added to the contract held by Surf & Ski, and an additional \$9,000 be added to the contract held by United Fire Equipment, for total additional purchase authorization of \$27,000.

e. Two-year renewal of the supply contract for "Intercom" Newsletter as requested by Printing and Graphics.

The Purchasing Division recommends exercising the two-year renewal option with the original low bidder, Commercial Lithographers, at \$44,059.04 based on estimated annual requirements.

Councilmember Whalen declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

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

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters  
NAYS - None  
ABSTAIN - Whalen  
ABSENT - Jaffa

Mayor Hawker declared the motion carried unanimously by those present and voting.

- \*f. Two-year renewal of the supply contract for large gas meters for Materials & Supply Division warehouse inventory to be used by the Utility Services Division. These meters are used for primarily commercial and industrial accounts.

The Purchasing Division recommends exercising the two-year renewal option with the original lowest bids meeting specification as follows:

Item 1 to Schlumberger RMS at \$6,988.42; Item 2 to Measurement Control Systems at \$8,422.32; Item 3 to DMD/Dresser Measurement (alternate bid #2) at \$141,881.25; and Item 4-10 to Tri-Pacific Supply, Inc. (alternate bid) at \$71,189.37. The combined award is then \$228,481.36 based on estimated annual requirements.

- \*g. Lotus Notes Licenses as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ASAP Software Express, Inc. for Lotus Notes software licenses for a total of \$25,264.68, including applicable use tax.

- \*h. Two-year supply contract for sodium hypochlorite to be used for odor control at the waste water reclamation plants as requested by the Utilities Department.

The Council is requested to reject all bids in order for the Utilities Department to rewrite the bid specification clarifying the formulas used.

- \*i. Two-year renewal of the supply contract for square sign posts and anchor assemblies for the Materials and Supply Division warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid by Western Highway Products, Inc. at \$141,223.17 based on estimated annual requirements.

- \*j. Re-roofing of Gene Autry Clubhouse. City of Mesa Project No. 99-98.

This project will remove and replace the existing clubhouse roof at the Gene Autry Sports Complex located at 4125 East McKellips Road.

Recommend award to low bidder, Classic Roofing, Inc., in the amount of \$72,288.00.

- \*k. Pioneer Park Improvements. City of Mesa Project No. 00-38.

This project will install a large plaza area round two large existing ramadas in Pioneer Park. These improvements will make it possible to accommodate large groups in the park.

Recommend award to low bidder, Nickle Contracting, in the amount of \$142,977.00.

5. Introduction of the following ordinances and setting November 20, 2000 as the date of public hearing on these ordinances:

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

- \*a. Amending Section 6-4-9 of the Mesa City Code relating to animal control, handling of biting animals, responsibility for reporting animal bites, and authority to destroy animals.
- \*b. Amending Section 6-4-3(A) of the Mesa City Code relating to animal control, license fees for dogs, issuance of dog tags, records, and penalties.
- \*c. Prohibiting parking on Norwalk from McDowell Road to Palm Street, on the south side of Harmony Avenue from a point 100 feet west of Stapley Drive to a point 250 feet west of Hoover Avenue, on the north side of Harmony Avenue from a point 100 feet west of Stapley Drive to a point 180 feet west of Stapley Drive, on the west side of Macdonald from 3rd Avenue to a point 175 feet north of 3rd Avenue, on the north side of Pueblo Avenue from Lindsay Road to Winthrop Circle, on the south side of Pueblo Avenue from Lindsay Road to a point 300 feet west of Lindsay Road, and on Hampton Avenue from a point 330 feet west of Higley Road to a point 440 feet east of Higley Road, as recommended by the Transportation Advisory Board.
- \*d. Relating to modifications of natural gas rates and regulations:
  - \*1. Modifying gas rate schedules.
  - \*2. Amending Chapter 14 of the Mesa City Code regarding natural gas regulations; amending Section 5-14-2 of the Mesa City Code pertaining to definitions and amending Section 5-14-4 pertaining to condition governing extensions of natural gas mains and services.

6. Consider the following resolutions:

- \*a. Approving the Assessment Diagram Map for City of Mesa Scalloped Street Assessment Project #98-80- Resolution No. 7578.

This project installed street improvements along portions of North Old Gilbert Road and East Hermosa Vista Drive.

- \*b. Approving the Assessment Diagram Map for City of Mesa Scalloped Street Assessment Project #99-07 – Resolution No. 7579.

This project installed street improvements along portions of South Norfolk Avenue.

- \*c. Fixing the hearing date on the assessments for Scalloped Street Assessment Project #98-80 – Resolution No. 7580.

This project installed street improvements along portions of North Old Gilbert Road and East Hermosa Vista Drive.

- \*d. Fixing the hearing date on the assessments for Scalloped Street Assessment Project #99-07 – Resolution No. 7581.

This project installed street improvements along portions of South Norfolk Avenue.

- \*e. Authorizing the City Manager to execute an Intergovernmental Agreement between the Maricopa County Department of Transportation and the City of Mesa for roadway improvements to North Ellsworth Road from University Drive to McLellan Road – Resolution No. 7582.

- \*f. Designating certain real property located in the redevelopment Project area of the City of Mesa as property determined to be in need of tax incentives to encourage private investment in the construction of substantial new improvements and eligible for abatement of applicable government property lease excise taxes – Resolution No. 7583.

- \*g. Deleted.

- \*h. Declaring that the City of Mesa Emergency Manager is authorized to execute and file an application for disaster relief funds – Resolution No. 7584.

- \*i. Approving and authorizing the City Manager to execute closing agreements between affected taxpayers and the City of Mesa regarding sales of aviation fuel – Resolution No. 7585.

7. Consider the following ordinances:

- \*a. Establishing a 45 mph speed limit on Recker Road from Adobe Street to Evergreen Street; reducing the speed limit from 45 mph to 35 mph on Stapley Drive from McKellips Road to June Street; prohibiting parking on the north side of Hermosa Vista Drive from 32<sup>nd</sup> Street to a point 715 feet east of 32<sup>nd</sup> Street, on the north side of Hermosa Vista Drive from Val Vista Drive to a point 280 feet west of Val Vista Drive, on the south side of Hermosa Vista Drive from Val Vista Drive to a point 230 feet west of Val Vista Drive, on the east side of Hobson from a point 150 feet south of 3<sup>rd</sup> Street to a point 120 feet north of 3<sup>rd</sup> Street; and prohibiting southbound left turns from the driveway on the north side of Hermosa Vista Drive with the centerline approximately 1,322 feet east of 32<sup>nd</sup> Street; as recommended by the Transportation Advisory Board – Ordinance No. 3816.

\*b. Amending Sections 11-1-6 of the Mesa City Code revising the definition of "school" and amending Sections 11-6-2, 11-6-3, 11-7-3, 11-7-4, 11-8-3, 11-8-4, 11-8-5, 11-8-6, and 11-13-2 of the Mesa City Code regarding a Council Use Permit requirement for schools in the Commercial and Industrial Zoning Districts, and in all Town Center Districts – Ordinance No. 3817.

\*c. Amending Sections 11-18-8, and 9-6-2 of the Mesa City Code to establish a fee for Preliminary Plat approvals by the Planning and Zoning Board – Ordinance No. 3818.

\*8. Discuss City Council evaluations of the performance of City Manager Mike Hutchinson, and consider increasing the City Manager's base salary to \$155,000.00, effective November 20, 2000.

\*9. Consider write-off of utility and miscellaneous accounts in the amount of \$134,196.00.

\*10. Consider a revision of the Marc Center leases.

11. Consider amendment No. 5 for the Disposition and Development Agreement for the Mesa Verde Sports Club and Resort.

Mayor Hawker stated that he requested that this item remain off the consent agenda to allow the applicant, Malcolm Ross, an opportunity to provide concurrence relative to the fact that approval of this amendment does not in any manner indicate that approval will be granted for any subsequent amendments.

Mr. Ross concurred with Mayor Hawker's comment and said that is his understanding as well.

Mayor Hawker thanked Mr. Ross and noted that unless a specific contract is entered into in the near future, amendment No. 5 will be the final amendment granted by the Council.

Councilmember Kavanaugh wished Mr. Ross good luck in his efforts and discussed difficulties associated with funding projects of this size and scope.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that Amendment No. 5 for the Disposition and Development Agreement for the Mesa Verde Sports Club and Resort be approved.

Mayor Hawker declared the motion carried unanimously by those present.

\*11.1. Consider recommendations pertaining to plan design and premium structures for the City's self-insured health insurance plan; new rates for the City's HMO plans and vision service plans. **THIS ITEM WAS PLACED ON THE CONSENT AGENDA FOR CONTINUANCE TO THE NOVEMBER 16, 2000 COUNCIL MEETING.**

11.2. Consider the following recommendations from the Parks and Recreation Board:

\*a. Recommend the park site located east of Higley Road at Enid Avenue be named Enid Park.

\*b. Recommend the park site located north of Guadalupe Road and east of Ellsworth Road be named Augusta Ranch Park.

11.3. Consider authorizing the City Manager to sign a letter of agreement with the Tourism and Sports Authority relating to the proposed Mesa-Tempe site for the multi-purpose stadium facility.

Mayor Hawker stated that Maricopa County residents will vote tomorrow on whether to approve the construction of a stadium for the Arizona Cardinals. Mayor Hawker added that the Council is considering entering into a Letter of Agreement with the Tourism and Sports Authority relating to the proposed Mesa-Tempe site for the multi-purpose stadium facility. Mayor Hawker noted that City Attorney Neal Beets has drafted a letter for City Manager Mike Hutchinson's signature clarifying the November 2, 2000 agreement between the Tourism and Sports Authority (TSA), the City of Tempe and the City of Mesa and read the contents of that letter into the record. (See Attachment.)

Councilmember Walters concurred that the additional letter should accompany the Letter of Agreement and said that the verbiage in the letter clarifies the issues and protects the City.

It was moved by Vice Mayor Davidson, seconded by Councilmember Whalen, that the City Manager be authorized to sign a Letter of Agreement with the Tourism and Sports Authority relating to the proposed Mesa-Tempe site for the multi-purpose stadium facility and that the November 6, 2000 letter from City Manager Mike Hutchinson to Jim Grogan, Chairman of the Tourism and Sports Authority, clarifying a number of issues, be attached to the signed Letter.

Vice Mayor Davidson commented that the City's role at this point is limited solely to presenting a possible site for the stadium should Proposition 302 be approved by the voters at tomorrow's election.

Councilmember Whalen concurred with Vice Mayor Davidson's comments and said that if Proposition 302 is approved, the City will move quickly in identifying the proposed site but will not be committed to participating in any manner.

Mayor Hawker also clarified that the Council's vote on this item does not indicate support or opposition to the passage of Proposition 302.

Mayor Hawker declared the motion carried unanimously by those present.

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

- a. **Z00-22** The 8000-9100 blocks of East McKellips (both sides - between Hermosa Vista Drive and McLellan Roads). Rezone from R1-35-DMP (conceptual residential, office and commercial) to R1-35 (760± acres). This case involves the modification to conceptual approval of residential densities and land uses. State of Arizona, owner; represented by: Arizona State Land Department; City of Mesa, applicant. **CONTINUED FROM THE MAY 1, 2000, JULY 10, 2000 AND SEPTEMBER 11, 2000 COUNCIL MEETINGS.**

P&Z Recommendation: Approval with conditions (vote: 6-0-1, Boardmember Parker left the meeting prior to this case being heard).

1. Review and approval by the Planning and Zoning Board and City Council of all future development plans.
2. Compliance with all City development codes and regulations.

Bill Puffer, 8330 East Thomas Road, representing the Spook Hill Homeowners' Association, spoke in support of approving this case. Mr. Puffer commented on the Association's interest in preserving the Desert Uplands areas and noted that this area was identified by the City in 1987-88 as one deserving special treatment and preservation. Mr. Puffer noted that at that time, the guidelines adopted by the City was .4 to 1.0 dwelling units per acre and added that the City last year reaffirmed the guidelines and expanded the Desert Uplands Area to approximately twice its size. Mr. Puffer said that this parcel is the last large parcel of land in the original Desert Uplands area and said its development must be critically considered. Mr. Puffer stated the opinion that the existing conceptual DMP, which proposes 1300 units on 400 acres (approximately 4 units per acre) and which would be removed by passage of this ordinance, is no longer appropriate in light of current standards. Mr. Puffer requested that the Council approve the adoption of this ordinance.

J. Seaman, 3714 North Hawes Road, also spoke in support of adopting the proposed ordinance and spoke in support of urging the passage of saving State Trust Lands. Mr. Seaman referred to overhead photos displayed in the Council Chambers and said that despite the City's best efforts, the State is unwilling to consider changes that would limit negative effects on the desert areas. Mr. Seaman said that the City has historically taken an approach to preserve the land and added that the State's plan is inappropriate and will ruin the land. Mr. Seaman requested that the City stand up and be counted among those who want to protect this natural resource that would be irretrievably lost if the State plan is carried out and urged the citizens to vote yes on this issue.

Carol Spangler, 2920 N. 82nd Street, asked the Council to give this area the maximum amount of protection it requires by ensuring low densities, eliminating transfers and prohibiting blading.

Ron Ruziska, representing the Arizona State Land Department, 1616 W. Adams Street, Phoenix, expressed appreciation to the Council and staff for their cooperation and efforts and said that his organization is not adverse to further discussion relative to this issue. Mr. Ruziska said that he agrees with all of the comments expressed at this meeting, particularly that effort must be expended to preserve the desert, and said that is the reason why 26 stipulations have been developed. Mr. Ruziska said that the Department does not believe that the land should be left alone and also does not agree that it should be divided into one-acre lots. Mr. Ruziska stated the opinion that the stipulations ensure a level of development compatibility. Mr. Ruziska reiterated that the State would be amenable to further discussion and suggested that this item be continued to allow more time to develop an acceptable agreement for all concerned parties.

Discussion ensued relative to reimbursement amounts, the fact that the City of Mesa is the applicant in this case and has expended significant effort to protect the Desert Uplands areas, and the importance of laying out ground rules for potential buyers of the property to advise them of the City's intentions regarding this property.

Planning Director Frank Mizner commented that should the Council determine that there is some merit to the proposed agreement, he would recommend a one-month continuance to the December 4, 2000 meeting or even longer if necessary, to allow additional discussion to occur. Mr. Mizner said that the State has been meeting with the neighbors to discuss this matter.

Mr. Mizner also informed the Council that staff's recommendation is to proceed with the zoning request but added the opinion that the proposal currently before the Council represents a significant compromise.

Councilmember Walters said that she supports the continuance of this case to allow additional dialogue between the State and the neighbors to occur. Councilmember Walters added that the State is not the "enemy" in this situation and has tried to work with the City on this issue. Councilmember Walters added that the neighbors who are concerned with the Desert Upland Area should be allowed sufficient time to have their concerns heard and hopefully addressed. Councilmember Walters commented that she would prefer clustering and open space and said that she will vote in support of a continuance.

Vice Mayor Davidson indicated that he does not support continuing this agenda item and stated the opinion that the real issue is not whether to rezone the property to R1-35, but rather to remove the existing DMP and address the remaining issues one at a time. Vice Mayor Davidson said that although more discussion should occur, he does not believe that rezoning the property at this time would jeopardize those discussions. Vice Mayor Davidson recommended that the Council approve the rezoning of the property to R1-35, remove the DMP and proceed with additional discussions.

Councilmember Kavanaugh said that he cannot agree to the terms of the proposed agreement as presently proposed and expressed the opinion that they are not extensive enough to provide the level of protection necessary for that important area of our community. Councilmember Kavanaugh said he agrees more discussion is necessary either as a result of approving the zoning case at this meeting or as the result of a continuance. Councilmember Kavanaugh added that he would not be adverse to approving staff's recommendation to continue the case to work through the issues with the neighbors.

Councilmember Pomeroy also spoke in support of a continuance and additional dialogue and suggested that this item be continued to February rather than December, to allow sufficient time in which to thoroughly address all of the issues.

Mayor Hawker agreed with Councilmember Pomeroy's remarks.

It was moved by Vice Mayor Davidson, seconded by Councilmember Whalen, that Zoning Case Z00-22 be approved.

Councilmember Walters commented that she supports additional discussion and her vote in opposition to the approval of this case is based strictly on that fact.

Councilmember Whalen concurred with Vice Mayor Davidson's comments and stated the opinion that the previous City Council voted in unanimous support of proceeding with this ordinance for a variety of reasons. Councilmember Whalen said that proceeding with the approval of the case at this time will force negotiations between the City, the State and the land neighbors.

Upon tabulation of votes, it showed:

AYES - Davidson-Kavanaugh-Whalen  
NAYS - Hawker-Pomeroy-Walters  
ABSENT - Jaffa

Mayor Hawker declared the motion failed.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that Zoning Case Z00-22 be continued to the February 5, 2001 Regular Council Meeting to allow additional dialogue with the neighbors to occur.

Upon tabulation of votes, it showed:

AYES - Hawker-Kavanaugh-Pomeroy-Walters-Whalen  
NAYS - Davidson  
ABSENT - Jaffa

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

(Mayor Hawker declared a brief recess at 6:50 p.m. and the meeting resumed at 6:53 p.m.)

- b. **Z00-55** The southwest corner of Ellsworth Road and Guadalupe Road. Rezone from R1-43 to R1-6-PAD, R-2, R-3 and C-2 with a DMP overlay (130± acres). This case involves the development of a patio home and single family subdivision with future multi-residence and commercial uses. Kaufmann & Broad, owner; represented by: Todd Skoro, Landmark Engineering, Inc., applicant, represented by: Gary Claybaugh – Ordinance No. 3825.

P&Z Recommendation: Approval with conditions (vote: 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, (without guarantee of lot yield) except as noted below.
2. Compliance with the Residential Development Guidelines for Parcels B and C.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for the R-2, R-3 and C-2 parcels.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. 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 for the entire site.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. 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).
9. Written notice be provided to future residents, and acknowledgment received that the project is within three miles of Williams Gateway Airport.
10. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
11. Written notice be provided to future residents, and acknowledgement received that the future San Tan Freeway is adjacent to the project.
12. An entry feature to be reviewed and approved by the Planning Director for the three locations where the collector street intersects with the arterials.

13. A traffic calming feature(s) be incorporated into the collector street, which will be reviewed and approved by the Transportation Director if such device(s) is deemed necessary.
14. Additional landscaping be incorporated into the Salt River Project easement which will be reviewed and approved by the Planning Director.
15. All of Ellsworth Road shall be improved as part of the initial single residence development.
16. All of Guadalupe Road shall be improved with any development or portion thereof of Parcels A, D or E, or shall be completed in conjunction with the opening of the Guadalupe interchange at the San Tan Freeway.

Todd Lutz, 2255 East Smoketree Road, Gilbert, representing the owners of the Las Palmas Grand manufactured home community, stated that the residents have concerns relative to the proposed zoning and want the record to reflect their request for adequate set backs and height restrictions for this project. Mayor Hawker stated that Mr. Lutz's letter which was previously submitted to the Council will be made part of the record.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that Zoning Case Z00-55 be approved and Ordinance No. 3825 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 3825 adopted.

- c. **Z00-58** South and east of the southeast corner of Crismon Road and Broadway Road. Rezone from R1-9 (conceptual R-3) to R-3 and Site Plan Review (11± acres). This case involves the development of an apartment complex. Communities Southwest, owner, represented by: Matt Montgomery; American West Communities, applicant, represented by: Kelly Wood. **A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE.**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, conceptual landscape plans, wall details and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board with special attention to the landscape area at the north and south sides of the entrance from Crismon Road.
7. Retention basins to be 6:1 slopes maximum.
8. Maximum density allowed for this site shall be 190 dwelling units or approximately 17 dwelling units per acre.

Mayor Hawker noted that a  $\frac{3}{4}$  vote is required for approval of the case which constitutes 6 votes because of Councilmember Jaffa's absence.

The following speakers (in order of appearance) spoke in opposition to the approval of this case and expressed concerns relative to the inclusion of 3-story buildings in the project, traffic safety impacts as a result of widening Broadway, the lack of delineated sidewalks and entrances/exits, school overcrowding, rapid deterioration of apartment complexes in general and decreasing property values, the lack of public transportation in this area to meet the increased population needs, and lack of notification. A large number of the speakers urged the Council to continue the case to allow more discussion to occur relative to the development of patio homes rather than apartments.

Alan Copeland	10108 East Capri
Shannon Sullivan	10104 East Capri
Lyn Egan	10306 East Diamond
George Sullivan	10104 East Capri
Beverly Blackburn	720 North Sabrina
Donnis Plumb	10458 East El Moro
Troy Eagar	10751 East Emerald
Kate Benson	10150 East Calypso

Mayor Hawker thanked the speakers for their input.

Sean Lake, 10 West Main Street, an attorney representing the applicant, addressed the Council and provided background information relative to this case. Mr. Lake noted that approximately four months ago, a proposal was brought before the Planning and Zoning Board for a 60-lot patio home subdivision on this parcel and reported that staff and the Planning and Zoning Board unanimously recommended denial of the project. Mr. Lake added that the project was therefore withdrawn and the current apartment proposal was developed. Mr. Lake noted that the applicant was informed by staff that this is an appropriate location for this type of project and emphasized that the parcel has always been zoned for multi-family apartment use. Mr. Lake said the request before the Council is to change the zoning from R1-9 (Conceptual R-3) to R-3 for an apartment site and discussed the relatively small size of the parcel at 11 acres.

Discussion ensued relative to the fact that the applicant has worked extensively with the Mesa Public School District and the fact that they are dealing with the issue of over-crowding at the schools, the fact that all three story buildings have been relocated to the interior of the project, the fact that the development of patio homes is not an option for this location, the applicant's willingness to construct 6 foot walls and the fact that the project has received the unanimous support of the Planning and Zoning Board and staff.

In response to a request from Mayor Hawker, Mr. Mizner provided information relative to this case and stated that the applicant will be responsible for road widening and the project will not have access to internal Parkwood Ranch streets. Mr. Mizner added that Broadway and Crismon Roads will be widened to accommodate traffic. Mr. Mizner informed the Council that this case has not been before the Design Review Board as yet and said that many of the concerns expressed by the residents will be addressed at that point. Mr. Mizner discussed staff's opinion that the project will be a quality asset to the neighborhood and represent a viable part of the housing stock.

In response to a question from Councilmember Pomeroy, relative to which project (single family homes, patio homes or apartments) would provide the fewest number of students, Mr. Mizner reported that single-family homes would generate the most students, followed by patio homes and then apartments.

Councilmember Pomeroy commented on the fact that staff is attempting to achieve a mixed use for the area.

Councilmember Walters noted that school overcrowding, unfortunately, is not a new issue and said that the schools are doing the best they can to accommodate the high level of growth throughout the City.

In response to question from Councilmember Walters, Mr. Lake advised that rents will actually range between \$700 and \$1100 a month and the project will be a gated community.

Councilmember Walters stated that there are areas of the City that contain far too many apartment complexes but expressed concern regarding zoning apartments out of particular areas of the community. Councilmember Walters added that development in the northeast area of Mesa has not resulted in a good housing mix. Councilmember Walters said that the neighbors involved in this project have done an outstanding job in organizing their group and expressing their concerns.

Councilmember Kavanaugh advised that he cannot support this case and stated the opinion that it is a perfect example of growth outracing infrastructure. Councilmember Kavanaugh said that whatever project is developed at this location will be faced with questionable County planning. Councilmember Kavanaugh stated that he thought the prior application for patio homes had some merit and said that issues such as transportation needs in areas of the City such as this and locating approved funding sources for infrastructure must first be addressed. Councilmember Kavanaugh commented that the applicant has done a good job in trying to meet the concerns of the neighbors, but said he will not vote to approve the case.

Vice Mayor Davidson stated support for the case and concurred with Councilmember Walters' comments. Vice Mayor Davidson added that public transit will not occur unless the right densities are in place and noted that this site was designated as multi family. Vice Mayor Davidson said that pockets of density such as this are necessary to bring public transit to the areas.

Mr. Lake requested Council direction relative to proceeding with this case and questioned whether the Council would be receptive to a subsequent patio home proposal consisting of 6 or 7 units to the acre. Mr. Lake added that if the applicant resubmits a patio home project, it is likely that hard zoning will also be requested for the apartment site on the southwest corner of Parkwood. Mr. Lake commented that perhaps a compromise would be to bring back an R-2 PAD or R1-6 PAD on this parcel at six or seven units to the acre and bring back hard zoning on the parcel on the southwest corner to C-2 and R-3 subject to future site plan review.

Mayor Hawker said that he does not oppose apartments and agrees with the importance of developing a mixed use housing stock but spoke in opposition to the development of 3-story height of the units.

Councilmember Pomeroy commented on the difficult position Mr. Lake has been placed in and said that although he would prefer the development of apartments, he would vote in support of patio homes.

Councilmember Whalen said that he likes the scope of the project and the product but said that he too does not approve of the 3-story units within the proposed project. Councilmember Whalen added that he

was prepared to approve this case but since that is apparently not going to occur, he would recommend that this issue be continued to a future meeting when the entire Council will be in attendance.

It was moved by Councilmember Whalen, seconded by Councilmember Pomeroy, that Zoning Case Z00-58 be continued to the November 20, 2000 Regular Council Meeting.

Upon tabulation of votes, it showed:

AYES - Hawker-Pomeroy-Walters-Whalen  
NAYS - Davidson-Kavanaugh  
ABSENT - Jaffa

Mayor Hawker declared the motion carried by majority by those present.

- \*d. **Z00-59** The southeast corner of Southern Avenue and Parkcrest. Rezone from R1-15 conceptual O-S) to O-S and Site Plan Review (2± acres). The case involves the development of an office complex. The Killian Co/C. Max Killian, owner/applicant – Ordinance No. 3819.

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

1. Compliance with the basic development as shown on the site plan, landscape, grading and drainage plans and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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 all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
8. Review and approval of a Special Use Permit by the Board of Adjustment/Zoning Administrator for a comprehensive sign plan.
9. The existing mature citrus trees shall remain on site as proposed. Should they become damaged during construction of the project the trees shall be replaced in size and kind.
10. The proposed retention basins along the street frontage shall be curvilinear in design and shall avoid a rectangular appearance. Retention basins to be 6:1 slopes maximum.

- e. **Z00-60** 2151 East Virginia. Rezone from AG to R1-43 (4± acres). This case involves the development of 4 single residence lots. Mark A. Miku, owner/ applicant – Ordinance No. 3826.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the recommendations of staff be approved and Ordinance No. 3826 be adopted.

Upon tabulation of votes, it showed:

AYES - Davidson-Kavanaugh-Pomeroy-Walters-Whalen  
ABSTAIN - Hawker  
ABSENT - Jaffa

Vice Mayor Davidson declared the motion carried unanimously by those present and voting and Ordinance No. 3826 adopted.

With action on this agenda item being completed, Vice Mayor Davidson yielded the gavel to Mayor Hawker.

- \*f. **Z00-61** 2321 East University Drive. Rezone from O-S to O-S PAD (.7± acres). This case involves the establishment of office condominiums for the two office buildings currently under construction. Anson Ladell Call, owner/applicant - Ordinance No 3820.

P&Z Recommendation: Approval with conditions (vote: 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 Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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 (case DR99-49).

- g. **Z00-62** 731 North Alma School. Rezone from R1-6 to O-S (1.2 acres). This case is to allow an existing residential property to be converted into an office site. Phil R. and Donna Morrow, owner/ applicant – Ordinance No 3827.

P&Z Recommendation: Approval with conditions (vote: 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. The existing entry gate must be removed prior to development for office.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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 all requirements of the Design Review Board if any modifications to the elevations are proposed in the future.

Phil Morrow, 731 North Alma School Road, the applicant in this case, addressed the Council and discussed zoning in the surrounding area. Mr. Morrow said that the neighborhood is no longer appropriate for residential use and discussed the traffic congestion and noise level that exists in this area. Mr. Morrow said that he has not received any negative comments from his neighbors and thanked them for their support.

John Miche, 708 North Alma School, a neighbor of Mr. Morrow's, spoke in support of the requested zoning and said that with the widening of Alma School Road to 7 lanes, the residential atmosphere of the area was destroyed.

Larry Ryerson, 1264 W. Devonshire, also a neighbor of Mr. Morrow's, spoke in opposition to the approval of his case and said that allowing homes such as this to be rezoned will decrease his property values and impact the rest of the neighborhood.

Councilmember Walters stated that she revisited the property and said that the home is no longer located in a neighborhood at all but rather is isolated and represents a unique situation. Councilmember Walters said that cases such as this should be reviewed on a case-by-case basis.

In response to a request from Councilmember Walters, Mr. Mizner outlined the allowed uses for OS designated parcels.

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that Zoning Case Z00-62 be approved and that Ordinance No. 3827 be adopted.

Mayor Hawker declared the motion unanimously by those present and Ordinance No. 3827 adopted.

- \*h. **Z00-64** 425 South Power Road. Rezone from R1-6 and R-4 to C-2 (4± acres). This case involves the expansion of an existing resort conference center. Arizona Golf Resort, owner; Sean Lake, applicant – Ordinance No. 3821.

P&Z Recommendation: Approval with conditions (vote: 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 Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board staff.

- \*i. **Z00-66** The 2600 block of south Ellsworth Road located within the Augusta Ranch Development. Rezone from R-3 DMP to R-3 PAD DMP and Site Plan Review (13± acres). This case involves the development of a townhouse project. Communities Southwest, owner; Trend Homes, applicant, represented by: Reed Porter – Ordinance No. 3822.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, landscape plans and elevations submitted, (without guarantee of lot yield) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. The site plan shall be revised to include:
  - a) Better distribution of guest parking throughout the site.
  - b) The swimming pool shall be better centralized within the project. Additional ramadas (2) with seating areas shall be integrated throughout the site.
9. Compliance with letter dated September 26, 2000 from Reed Porter at Trend Homes to the Planning and Zoning Board, which is included in the zoning case file.
10. 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).
11. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Williams Gateway Airport.

12. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
  13. Retention basins to be 6:1 slopes maximum.
- j. **Z00-68** The southeast corner of Sossaman Road and University Drive. Rezone from R1-9 to R-2 PAD and Site Plan Review (16± acres). This case involves the development of patio homes. Scott Homes, LLC, owner; Sean Lake, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE** – Ordinance No. 3828.

P&Z Recommendation: Approval with conditions (vote: 5-1; Parker voting 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, (without guarantee of lot yield) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, including to meet minimum stacking requirements for a gated entry, Solid Waste and Facilities, 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Significant integration of the open space system and provision of a pedestrian connection with the project to the east, Cecina, Z00-69. Review and approval by the Planning Division staff shall be required prior to submittal of Subdivision Technical Review.
8. Coordination of the perimeter wall design with the project to the east, Z00-69.
9. Retention basins to be 6:1 slopes maximum.
10. Compliance with letter dated September 28, 2000 from Sean Lake.
11. Deletion of lots 30, 31 and 32.
12. No more than three 2-story homes on south perimeter (Lots 46 through 50)
13. South perimeter to include integral color block design.

Councilmember Walters declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

Carol Owens addressed the Council relative to this agenda item and requested that during the months of October through February that the developers take extra care to save the nesting birds and also encouraged them to contact her if she can be of assistance.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that Zoning Case Z00-68 be approved and Ordinance No. 3828 adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Pomeroy-Whalen  
NAYS - Kavanaugh  
ABSTAIN - Walters  
ABSENT - Jaffa

Mayor Hawker declared the motion carried by majority vote of those present and voting and Ordinance No. 3828 adopted.

- k. **Z00-69** East (approximately 660') of the southeast corner of Sossaman Road and University Drive (24± acres). Rezone from R1-43 to R1-6 PAD and Site Plan Review. This case involves the development of single residence homes. Mountain View Memorial Gardens, owner; Cornerstone Homes & Development, applicant; represented by: David L Johnson – Ordinance No. 3829.

P&Z Recommendation: Approval with conditions (vote: 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, (without guarantee of lot yield) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, including to meet minimum stacking requirements for a gated entry, Solid Waste and Facilities, 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee to include provisions for safe vehicular access from 77<sup>th</sup> Street and Albany Street and existing alley north of Albany.
7. Significant integration of the open space system and provision of pedestrian connection with the project to the west, Z00-68. Review and approval by the Planning Department staff shall be required prior to submittal of Subdivision Technical Review.
8. Coordination of the perimeter wall design with the project to the west, Z00-68.
9. Retention basins to be 6:1 slopes maximum.
10. Compliance with letter dated September 28<sup>th</sup>, 2000 from David Johnson.

Councilmember Kavanaugh said that this type of design should be encouraged.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that Zoning Case Z00-69 be approved and Ordinance No. 3829 adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh -Pomeroy-Walters-Whalen  
NAYS - Kavanaugh  
ABSENT - Jaffa

Mayor Hawker declared the motion carried by majority vote of those present and Ordinance No. 3829 adopted..

- \*l. **Z00-71** 5005 East McKellips. Site Plan Modification (7± acres). This case involves the development of a restaurant in an existing industrial project. Corey Smith, owner/applicant – Ordinance No. 3823.

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

1. Compliance with the basic development as shown on the site plan submitted, (without guarantee of building coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. The restaurant building to be architecturally compatible with the industrial complex.
6. All rooftop and ground mounted mechanical equipment to be fully screened.
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).

- \*m. **Z00-75** Northwest corner of Greenfield Road and Southern Avenue. Rezone from C-2 to C-1 and O-S PAD and Site Plan Modification (20± acres). This case involves the development of commercial and office uses. Abe Sellards, owner; Kauri Land, LLC, applicant, represented by: Dan Reeb – Ordinance No. 3824.

P&Z Recommendation: Approval with conditions (vote: 5-0-1; Brock abstaining).

1. Compliance with the basic development as described in the project narrative and design guidelines and as shown on the revised site plan, preliminary plat and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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. Review and approval of all buildings by the Design Review Board.
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

8. Compliance with letters dated September 21, 2000 and September 25, 2000 from Reeb Group.
9. Lot R and Lot G to be O-S zoning.
10. Lots O through R (the northern tier of office lots) to have the following restrictions and conditions:
  - a. Construction of an 8-foot decorative wall along the north property line consistent with the perimeter wall of the SRP substation;
  - b. All four lots will be restricted to single story buildings;
  - c. All lots will be developed individually and may not be assembled;
  - d. The trees required by zoning of the rear of the lots will be any of the trees included in the landscaping pallet except date palms and will be at least 24" box trees on 15 foot centers;
  - e. Permitted uses will be those allowed according to City of Mesa Zoning Code, Chapter 6, Section 11-6-2 (A) items 1 through 5 only. This will exclude items 6 through 9 of that Section; and
  - f. Encourage building accent lighting instead of light pole lighting per City of Mesa approval.
11. On Lot F, prohibit auto related uses, and drive through restaurants.
12. Lot G,H,I, and J (the western tier of office lots) to have the following restrictions and conditions:
  - a. Construction of an 8-foot decorative wall along the west property line consistent with the perimeter wall of SRP substation;
  - b. All four lots will be restricted to single story buildings;
  - c. The trees required by zoning of the lots will be any of the trees included in the landscaping pallet except date palms and will be at least 24" box trees on 15 foot centers;
  - d. Permitted uses will be those allowed according to City of Mesa Zoning Code, Chapter 6, Section 11-6-2(a) items 1 through 5, 8 and 9 only. This will exclude items 6 and 9 of that Section; and
  - e. Encourage building accent lighting instead of light pole lighting per City of Mesa approval.

13. Consider the following subdivision plats:

- \*a. "AMADOR" The 1200 - 1300 blocks of South Ellsworth Road (west side) 161 R-2 PAD single residence lots (23.86 ac.) Amador Land Fund, L.L.C., developer; Musser Engineering Consultants, Inc., engineer.

14. Items from citizens present.

There were none.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:27 p.m.

\_\_\_\_\_  
KENO HAWKER, 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 November 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2000

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

Attachment

lgc

November 6, 2000

MR. JIM GROGAN  
Chairman  
Tourism and Sports Authority  
c/o Fennemore Craig, P.C.  
3008 North Central Avenue, Suite 2600  
Phoenix, Arizona 85012-2913  
Attention: Jay Rufner, Esq, General Counsel

Dear Mr. Grogan:

The purpose of this letter is to clarify the November 2, 2000 agreement between the Tourism and Sports Authority (TSA), City of Tempe and the City of Mesa to ensure that it is understood that such document will not incur any fiscal liability upon the City of Mesa should the multipurpose stadium facility not be completed prior to the 2004-2005 National Football League season.

Furthermore, the City of Mesa and City of Tempe have already provided the TSA a signed letter of intent dated October 12, 2000 requesting that careful consideration be given to the joint Mesa/Tempe site. We further wish to clarify that the City of Mesa makes no commitment beyond the letter of intent from October 12, 2000.

Finally, we understand that this letter of clarification may require the other parties to the November 2, 2000 agreement to further consider that agreement to reflect this letter. If you have any questions, please contact me at 480-644-2066. Thank you.

Sincerely,

MIKE HUTCHINSON,  
City Manager

C: Mr. John Greco,  
Interim Manager, City of Tempe

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480.644.2175 Fax